



NATO SUPPORT AND PROCUREMENT AGENCY

AGENCE OTAN DE SOUTIEN ET D'ACQUISITION

Bidding Instructions and Administrative Requirements

TO : ALL BIDDERS

SUBJECT : Request for Proposal (RFP) for the provision of Portuguese Navy FFGH MLU & OPV SEWACO Acquisition, Installation, Integration & ILS

RFP COLLECTIVE NUMBER : JTH24003

Dear Sir/Madam,

The NATO Support and Procurement Agency has a requirement for the acquisition, installation, integration and Integrated Logistics support (ILS) of **S**ensor **W**ea**pon** and **C**ommand and Control (SEWACO) systems for two (2) Vasco de Gama class Frigates and six (6) to be constructed Ocean Patrol Vessels (OPV).

You are invited to submit a proposal to provide to NSPA the services listed in this Request for Proposal (RFP) and more specifically detailed in the statement of work (SOW) attached to the RFP. A firm fixed price contract as a result of this RFP is required.

TABLE 1 - SOLICITATION TIMELINES

A	RFP Issue:	<u>18 April 2024</u>
B	Bidders' Conference Registration:	<u>30 April 2024</u>
C	Bidders' Conference:	<u>Week 20, 2024</u>
D	Deadline for submission of questions:	<u>2 June 2024</u>
E	Bid Closing (please refer to time & date on the e-Procurement platform):	<u>30 June 2024</u>
F	Offer Validity:	<u>180 Days from Bid Closing</u>

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1. REGISTRATION IN NSPA SOURCE FILE AND e-PROCUREMENT PLATFORM

Companies shall be registered in the NSPA Source File to participate in NSPA solicitations and to be considered for contract award. Furthermore, registration in the NSPA Source File is necessary in order to have a supplier account for the users indicated to access NSPA's e-Procurement platform. Questions related to the RFP and your proposal can only be submitted electronically through the e-Procurement platform.

Companies interested in participating in an NSPA solicitation and not yet registered in NSPA's Source File or, if registered, do not have an e-Procurement account, are encouraged to register online via the NSPA [website](#) at the earliest opportunity, as the vendor registration needs to be evaluated and validated before the company can receive its e-Procurement account. This latter process typically takes between one to three working days.

For information or assistance with Source File registration, please contact: source-file@nspa.nato.int

2. BID SUBMISSION

Bids must be submitted through the e-Procurement platform by selecting "Bid on RFP" within the Request for Proposal (RFP) prior to the indicated Bid Closing date and time. This e-submission functionality is accessible exclusively from the supplier e-Procurement account, consequently, bidders will need to login and access the RFP page in order to be able to submit their bid.

Once the bid is submitted using the e-Procurement platform, it is automatically encrypted and transferred to an electronic vault, where it will be safeguarded until the Bid Closing date and time.

Upon RFP closure, the system retrieves the **last version of the bid submitted** for decryption, and subsequent release for evaluation by NSPA. Therefore, bidders wishing to modify their bids **before** the Bid Closing date and time **must submit their bid in its entirety, as this submission will override their previous ones.**

Bids submitted to NSPA through channels other than the e-Procurement platform will be disregarded and will not be evaluated. In the event that exceptional circumstances, as deemed by NSPA, justify the acceptance of a bid submitted outside the e-Procurement platform, the bid closing date and time must be respected.

Prospective bidders are expected to familiarize themselves with the functionalities and operational modalities of the e-Procurement platform. They are also advised to submit their bids sufficiently in advance so that any technical issue(s) may be resolved before the Bid Closing date and time.

In case of questions or issues when using the e-Procurement platform, the e-Procurement helpdesk is available by email at: e-procurement.helpdesk@nspa.nato.int, or by phone at: +352 3063 5629 (during NSPA-Capellen business hours: MON-THU 09.00-16.00; FRI 09.00-12.00, CET)

NSPA does not accept any responsibility for technical difficulties or issues accessing the eProcurement platform, particularly related to last minute bid submission or access to RFPs.

3. RFP QUESTIONS AND ANSWERS

Bidders are encouraged to read all the RFP documentation and seek clarifications on any unclear point(s) at the earliest opportunity. Consequently, the relevant question(s) shall be submitted via the e-Procurement platform, by accessing the RFP from the supplier account. The timeline for submission of questions is set forth in Table 1 above.

Bidders' questions and the respective answers will be published on the appropriate section of the RFP page with no identification of the originator.

Questions on the RFP content and terms shall be submitted exclusively through the e-Procurement platform. Bidders contacting NSPA staff directly in relation to an on-going RFP, other than for technical issues using the platform or registering in Source File, may be considered in breach of these Bidding Instructions and ultimately excluded from the solicitation.

4. CONSIDERATION OF ALL INFORMATION

Your proposal must be prepared after careful consideration of all information provided in this RFP. In order for your proposal to receive an accurate evaluation it must conform to the terms of this RFP. Non-conforming or incomplete proposals will be refused consideration for award of a contract. In addition to a Technical Proposal and Outline Quality Plan, all blank and/or yellow-shaded spaces/cells in the attached Proposal Form and Instructions / Guidance for Preparation of Proposals, Price Matrix and Technical Compliance-Proposal Cross Reference Matrix must be completed and returned with the proposal before the bid closing date.

The following documents are available on the Internet under:

<https://www.nspa.nato.int/business/procurement/general-information>

- NSPA General Provisions for Fixed-Price Contracts (Services)
- Termination for Convenience of NSPA
- NSPA Supplier Code of Conduct
- NSPA Materiel Inspection and Shipping Report (MISR) NSPA Form 194 with relevant distribution instructions.

5. CONTRACTOR'S RESPONSIBILITY

With the submission of a proposal, the bidder guarantees that they have read the [NSPA Supplier Code of Conduct](#) and acknowledges that this Code of Conduct provides the minimum standards expected to be adhered to by the bidder, their employees, subsidiary or affiliate entities and subcontractors.

Furthermore, the bidder guarantees that they are in possession of all the necessary intellectual property rights in force in the countries where the items will be manufactured and / or services will be performed, under the resulting contract and in other countries where the intellectual property rights are in force. It is the sole responsibility of the bidder to obtain any licenses necessary for the performance of this contract and for making any other arrangements required to protect NSPA from any liability for intellectual property

rights infringement in said countries. The bidder shall at their own expense hold NSPA harmless and fully indemnify NSPA against all damages, costs, charges, expenses and the like arising from or incurred by any reason of any infringement or alleged infringement of intellectual property rights in consequence of the provision of the service and / or materiel.

You will be solely responsible for the performance of the contract resulting from this RFP. The fact that NSPA allows to you subcontract or to call upon a third party for the performance of any part of the contract does not relieve you of your responsibility.

6. EMPLOYMENT OF FORMER NSPA STAFF

Any bidder who proposes to employ former NSPA staff member(s) in the performance of the resulting contract shall specifically identify the individual(s) and the position for which they will be hired. If NSPA determines that the former NSPA staff members will be employed in supporting a requirement for which they were personally and substantially involved while a NSPA employee, the bidder's proposal may be removed from further consideration for award. Failure to disclose such employment shall result in the immediate removal of the bidder's proposal from further consideration for award. This restriction shall be in effect for a period of two years after the former NSPA employee concludes their employment with the Agency, unless authorized in writing by the NSPA General Manager or their authorized representative.

7. GEOGRAPHICAL LIMITATIONS

In general, only firms registered and with primary operations in a NATO country are eligible to participate in this RFP; however, NSPA reserves the right, pursuant to NSPO Regulations, to solicit non-NATO vendor participation. Non-NATO vendors that have not been specifically invited to participate are not eligible for this tender.

8. BID EVALUATION

Evaluation of proposals will be conducted using a Best Value methodology as defined in Annex A of these Bidding Instructions.

9. ALTERNATIVE PROPOSAL(S)

Alternative proposals will NOT be considered for contract award.

10. AUTHORISED SIGNATURE

Your proposal must be signed by an official authorized to bind your firm to a contract. If your proposal is submitted electronically, the authorized signature should be scanned. Proposals submitted in response to this RFP are binding offers and, on acceptance by NSPA, constitutes a binding contract.

11. VALIDITY

Your proposal must be signed by an official authorized to bind your firm to a contract. Proposals submitted in response to this RFP are binding offers and, on acceptance by NSPA, constitutes a binding contract. The bid validity period must be at least for the duration indicated in Table 1 above.

12. LANGUAGE

The proposal must be submitted in English, as this is the language of this RFP and the resulting contract. Any document or information in the bid in a language other than English shall be accompanied by a courtesy translation. At the request of NSPA, the bidder shall provide at its cost sworn translation(s) of any document identified as having special relevance or with legal implications.

13. QUALITY ASSURANCE

The detailed Quality Assurance requirements applicable to this RFP are set forth in Annex F of the Statement of Work.

Throughout the performance of the resulting contract, the bidder shall provide objective evidence in order to demonstrate compliance with the contractual requirements specified and to provide confidence to NSPA that the bidder's processes are capable to consistently provide conforming services on time and within cost.

14. BIDDERS CONFERENCE

A Bidders' Conference will be held at Lisbon Naval Base in Lisbon, Portugal in Week 20, 2024 (May 13 -16). The exact dates as well as general coordination instructions will be communicated to all registered Bidders once a final attendance count can be determined.

Participation in this Conference is not mandatory.

All participants must register using the Bidders' Conference Registration Form (Annex C of these Bidding Instructions) by close of business (Central European Time) **30 April 2024**. The format of the Bidders' Conference will be a general presentation, Q&A session and one-on-one sessions with those vendors electing to participate. Two business days are foreseen to conduct the Conference. A maximum of 4 participants per Bidder are permitted. Further details and instructions will be provided to registrants once details are finalized.

15. PRICES, CURRENCY AND PAYMENT

Prices will be quoted in the currency of any NATO Nation. However, all the prices must be quoted in the same currency and this currency will be reflected in the resulting contract and used for payments made thereunder.

Comparison of the price quotations will be made in Euro; the exchange rates to be used for the purposes of such price comparison will be the rates that are published by the ECB – European Central Bank – and updated every first working day (Following ECB Calendar) of the week of the bid closing date.

NSPA payment terms are 30 days net upon receipt of Contractor's invoices duly documented as contractually provided for. Discount for early payment shall be indicated in your proposal.

NSPA payments will be made to the bank account provided by the Contractor at time of registration to the NSPA Source File or to the bank account identified by the Contractor at time of contract award. For companies incorporated in a NATO Nation, NSPA will only accept to make payments on an account in a bank located in a NATO Nation.

In case the contract is awarded to a company incorporated in a non-NATO nation (in accordance with the geographical limitations of the RFP set forth above in Paragraph 7) NSPA will accept to make payments on an account in a bank located in the country of the bidder.

16. NO NSPA COMMITMENT

This RFP is not a commitment that an award of contract will be made. NSPA reserves the right to reject any or all proposals partially or completely, stop the bidding procedure, postpone it to a later date or award a contract for any or part of the items solicited. NSPA shall bear no liability for costs or losses incurred by bidders in relation to their participation in the RFP process. Any claim from bidders against NSPA for a refund of expenditure or charges resulting from preparation and submission of the bid will not be accepted.

17. PRE-AWARD SURVEY

If after the submission of a proposal you are considered for award of a contract, NSPA reserves the right to conduct a survey of your firm's capabilities, to include (not limited to) personnel, equipment, technical documentation and facilities identified in the proposal and/or RFP Statement of Work (SOW) as key or mandatory.

18. ALLEGATIONS OF UNDULY RESTRICTIVE SPECIFICATIONS

If your company believes that the wording of this Request for Proposal (RFP) unduly restricts competition, a formal complaint may be submitted by the deadline indicated in Table 1 above.

The formal complaint must be submitted in writing to the cognizant Senior Procurement / Contracting Officer (procurement120@nspa.nato.int) identified in the RFP with a copy to the NSPA Competition Advocate at competition.advocate@nspa.nato.int, must detail the specific areas in which it is believed that the requirements of this RFP unduly restrict competition and must request that NSPA suspend the procurement process. If the Senior Procurement / Contracting Officer is unable to resolve the complaint satisfactorily, the bidder shall be so informed and the complaint shall be forwarded thereafter – by the Senior Procurement / Contracting Officer – to the Competition Advocate for resolution. The Competition Advocate will convene an independent Complaints Committee to evaluate the complaint and will endeavour to advise the complainant of the outcome, within 15 working days after the Committee has met. The decision of the Complaints Committee in such cases shall be final.

19. BID OPENING

The Monday following the bid closing date of this RFP, NSPA will post on its portal the names of the companies that have submitted an offer within the bidding period of this RFP, at the following link: <https://www.nspa.nato.int/business/procurement/bid-awards>

20. INFORMATION ON CONTRACT AWARD

If your proposal did not result in an award, you will be informed of the reasons why your proposal was not accepted and the price of the winning bid. Your company's name will remain in the NSPA Source File and will be considered for invitation for any future competitions in this field.

21. NSPO PROCUREMENT REGULATIONS / NSPA PROCUREMENT OPERATING INSTRUCTION

The NSPO Procurement Regulations and the NSPA Procurement Operating Instruction are available on NSPA's website under:

<https://www.nspa.nato.int/business/procurement/general-information>

22. PUBLICATION OF CONTRACT AWARDS

In accordance with NSPO Procurement Regulations, NSPA periodically publishes the contract awards exceeding 80,000 EUR, indicating the contractor's name and country, as well as the purpose and total amount of the contract. This procedure will not apply to classified contracts or when the customer has stipulated that publication is not wanted.

This information is to be found on the NSPA website under:

<https://www.nspa.nato.int/business/procurement/bid-awards>

Annexes:

1. Annex A – Proposal Evaluation Methodology
2. Annex B – Proposal Form and Instruction/Guidance for Preparation of Proposals
3. Annex C – Bidders' Conference Registration Form