

BIDDING INSTRUCTIONS AND ADMINISTRATIVE REQUIREMENTS

TO : ALL BIDDERS, **except** FIN, FRA, SWE
 REQUEST FOR PROPOSAL (RFP) FOR THE PROVISION OF
DEPLOYABLE ELECTROMAGNETIC PULSE (EMP) PROTECTED COMMUNICATION AND INFORMATION SUPPORT SYSTEMS (CIS), composed of

SUBJECT : - 15 ea. Containerised shelters
 - 15 ea. Power Generating Sub-System
 - 15 ea. Trucks

AND

TWO YEARS CONTRACTOR LOGISTIC SUPPORT (CLS) SERVICES

RFP COLLECTIVE NUMBER : **AHE24001**

Dear Sir/Madam,

The NATO Support and Procurement Agency has a requirement for the establishment of an acquisition and a support contract for the supply of the materiel and CLS services described in the "List of Items and Services" attached to this Request for Proposal (RFP).

You are invited to submit a **firm fixed price** proposal, based on delivery – **FCA (Free Carrier) Contractor's Facilities (Incoterms 2020)**, with contractor logistic support provided at Customer Locations.

TABLE 1 – SOLICITATION TIMELINES (CET Time)

#	RFP Milestone	Date
A.	RFP Issue:	19 April 2024
B.	<ul style="list-style-type: none"> • Manifest interest in RFP and • Request classified documents on CD (see details in §2) • Provide copy of Facility Security Clearance (if required by Bidder's NSA/DSA, see details in §2) • Register for Bidders' Conference 	NLT 05 May 2024 end of day
C.	NSPA to confirm or revise the date of Bidders' Conference:	NLT 14 May 2024 NLT 05 June 2024 end of day
D.	On-site non-mandatory Bidders' Conference:	Tentative 28 May 2024 New date 19 June 2024 Start 14:00
E.	Deadline for submission of RFP questions (Q&A):	08 July 2024 14 August 2024
F.	NSPA Q&A answers no later than:	17 July 2024 27 August 2024
G.	Deadline for submitting claims of unduly restricting competition: (10 calendar days prior to bid closing date)	21 July 2024 02 September 2024
H.	Bid Closing Date (BCD) and Time	31 July 2024

		12 September 2024 12:00 (noon) CET
I.	Offer Validity (180 calendar days from BCD)	27 January 2025 12 March 2025

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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. KEY MILESTONES FOR PARTICIPATING IN THE BIDDING PROCESS

Express interest: Contact ppde@nspa.nato.int by deadline in Table 1, to show your interest in the RFP. Manifesting interest after this deadline is possible; however, it will not qualify you for bid closing date extension.

Clearance: In order to have access to NR classified information, no Personnel Security Clearance (PSC) is required. Individuals shall have need-to-know, be briefed about their responsibilities and acknowledge in writing they fully understand their responsibilities. Bidders to provide the signed copies of the document.

Facility Security Clearance (FSC) is mandatory for bidders and their proposed subcontractors from the following Nations: Canada, Denmark, Estonia, Luxembourg, Netherlands, Slovakia, Slovenia, Turkey and USA.

The National Security Authorities (NSAs) or Designated Security Authorities (DSAs) issue the FSC. Bidders from these countries must provide proof of a valid FSC to access classified RFP documents (NATO RESTRICTED).

Provide copy of **Facility Security Clearance** (if part of above Nations) to expedite eligibility verification of the conference and bidding process. Note: only Bidders that meet the security requirements will be accepted in the bidding process.

Refer to the security reference document AC/35-D/2003-REV5 for further details (see **PO Annex I Contract Security Clause for NR information**).

Request information: Specify if you want to receive the classified documents by contacting procurement at ppde@nspa.nato.int.

The **NATO RESTRICTED RFP documents** are:

03_01_NR_SOW Main Body_DeployEMPProtectedCIS_20240416

03_03_NR_SOW Annex B_TVV Confirmation Matrix_V1

03_07_NR_SOW Annex F_SOW CLS_20240321

Classified documents will be sent on a CD by courier to bidders with a valid FSC (if applicable). Bidders from other Nations than those detailed previously can request the classified documentation in absence of an FSC.

Bidders Conference: The conference will be held approximately one month after NSPA receives your interest and registration. This timeframe allows NSPA to complete security checks and for you to receive and review the CD containing the classified documents before the conference. You will be notified of the **exact date two weeks in advance**, provided that you meet the security requirements.

Register for Bidders' Conference if you wish to attend, by contacting procurement at ppde@nspa.nato.int.

Withdrawal: if you decide not to bid after receiving the CD, inform NSPA via ppde@nspa.nato.int and return the CD with a statement confirming no copies have been made.

Unsuccessful Bid: upon contract award, if your bid was unsuccessful, return the CD with a statement confirming no copies have been made. The classified information shall be returned to NSPA by courier (at no cost for NSPA) within 15 working days of receipt of notification.

3. 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 familiarise 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: Monday to Thursday 09:00-16:00; Friday 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.

4. 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, **for UNCLASSIFIED question(s), the relevant question(s) they** 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.

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

UNCLASSIFIED 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.

The Statement of Work package is classified RESTRICTED as a consequence of the aggregation of data and the inclusion of location data.

The majority of the SOW and its Annexes use UNCLASSIFIED standards or common engineering issues from are open source documents.

**Questions are to be classified RESTRICTED if they reference material included in Standards or STANAGs that are classified RESTRICTED or above.
All locations are to be considered RESTRICTED.**

All other questions are to be considered UNCLASSIFIED.

In case of doubt NSPA Procurement is to be consulted for direction and guidance.

5. 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 may be evaluated as being non-compliant and may be refused consideration for award of a contract.

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

6. 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.

7. 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 an 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.

8. GEOGRAPHICAL LIMITATIONS

Procurement shall be limited to firms whose legal residence or main production facilities place of effective management, and location of the ultimate beneficial owners is/are NATO Countries(s) are located within NATO Member Nations mentioned under **RFP Annex 4 – Participating Nations**. Exclusions: FIN, FRA, SWE.

Firms from countries other than the participating countries listed under **RFP Annex 4 – Participating Nations** are excluded from acting as contractor, sub-contractor or manufacturer. All work shall be carried out in the participating countries.

Companies registered in a NATO Country listed in **RFP Annex 4** but known to be owned or controlled by interests in non-NATO countries may not meet the eligibility criteria of the country of legal residence.

9. ORIGIN OF PRODUCT AND WORK

The Bidder is informed that

- a. None of the work, including project design, labor and services, shall be performed other than by firms from and within the participating NATO countries as listed in **RFP Annex 4 – Participating Nations**.
- b. No materials or items of equipment down to and including identifiable sub-assemblies shall be manufactured or assembled by a firm other than from and within a participating NATO country as listed **RFP Annex 4 – Participating Nations**.

10. LEVEL OF SUBCONTRACTING

The Bidder shall inform NSPA about the residence country of his company and the place and country where any subcontractor is resident.

11. BID EVALUATION

The criteria, which NSPA will use to select the successful bidder are:

- a. Compliance with §8 Geographic Limitations and §9 Origin requirements.
- b. Valid Facility Security Clearance (FSC) for Bidders and their proposed subcontractors from the following Nations: Canada, Denmark, Estonia, Luxembourg, Netherlands, Slovakia, Slovenia, Turkey and USA.
- c. Valid certification by the appropriate National Authority to secure NATO Crypto equipment IAW with references AC/35-D/1030, AC/35-D/2001/-REV3 and AC/35-D/2003-REV5-COR 1.
- d. Responsiveness and compliance with the conditions of the RFP, including the acceptance of NSPA Purchase Order and Outline Agreement Terms and Conditions, and the provision of the required warranty bond, as detailed in **RFP Annex 3 – Commercial and Price Proposal Form**. Omission of any required elements will result in commercial non-compliance.
- e. Comprehensive Technical Proposal that fully meets all requirements outlined in the RFP package, as detailed in **RFP Annex 1 Technical Evaluation Matrix**. Include all mandatory information, documentation and certification in your proposal. Omission of any required elements will result in technical non-compliance.
- f. Most competitive pricing for deliverables in the RFP package. Omission of any required prices will result in commercial non-compliance.

The award will be granted to the lowest-priced proposal that is deemed compliant for meeting all commercial and technical requirements.

Notes: NSPA reserves the right to request additional information (e.g. price breakdown, catalogue prices, copies of contracts with other national and/or international government entities etc.) to assess the fairness and reasonableness of your prices.

NSPA may request clarification to verify your proposal's compliance. This will only occur for minor missing information, unclear explanations, or deviations from requirements. Clarifications must not alter your bid substantially.

12. ALTERNATIVE ITEM(S)

If you desire to submit a proposal for an alternative item(s), you may do so in addition to the proposal submitted in response to this Request for Proposal. If the only offer that you submit is an alternative, you run the risk to be declared technically non-compliant.

Your alternative proposal will **ONLY** be considered if your main proposal submitted in response to this RFP is the lowest priced technically compliant offer. Proposals for alternative items shall be submitted with a complete description of the proposed items, and be accompanied with a certificate stating that the items offered are **fully interchangeable**

with the requested items (same form, fit and function) or an explanation given on how they differ.

13. AUTHORISED SIGNATURE

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.

14. VALIDITY

Your proposal shall be valid until the "Offer Validity" date indicated in Table 1 on the first page of this RFP.

15. 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.

16. CONDITION OF MATERIEL

The condition of the materiel should be **new of current production**.

17. QUALITY ASSURANCE

The detailed Quality Assurance requirements applicable to this RFP are set forth in the attached 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 materiel on time and within cost.

The bidder shall be responsible for complying with:

- (1) Quality Requirements for Materiel
- (2) Quality Requirements for the Bidder.

18. BIDDERS CONFERENCE

A Bidders' conference will be held at NSPA – Luxembourg, on the **date and start time indicated in Table 1 above**. The estimated duration is one to two hours. While it is not mandatory to attend the Bidder's Conference, Bidders are strongly encouraged to do so. Considering the classification of the requirement, no VTC will be set up for this conference.

Prospective bidders are kindly requested to return the registration form provided (**RFP Annex 6 Bidders Conference Registration**) to the given email ppde@nspa.nato.int address by the deadline indicated in Table 1 above.

19. PRICES, CURRENCY AND PAYMENT

Prices will be quoted in the currency of any NATO Nation according to the geographical limitations of the RFP (set forth above at § 8). Companies incorporated in such countries are allowed to participate. 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 calendar 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.

20. 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.

21. 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 Statement of Work as key or mandatory. A pre-award survey is usually performed for higher value contracts.

22. 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 Officer (julia.fratila@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 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 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.

23. 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>

24. 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.

If your proposal results in an award, Contractors/sub-contractors shall notify their respective NSA/DSA about any awarded contract with NR information.

25. NSPO PROCUREMENT REGULATIONS / NSPA PROCUREMENT OPERATING INSTRUCTION

The NSPO Procurement Regulations and the NSPA Procurement Operating Instruction, governing this Request for Proposal, are available on NSPA's website under: <https://www.nspa.nato.int/business/procurement/general-information>.

26. PUBLICATION OF CONTRACT AWARDS

In accordance with NSPO Procurement Regulations, NSPA periodically publishes the contract awards exceeding EUR 80,000, 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>

Content of the Request for Proposal Package

Bidding Instructions and Administrative Requirements

RFP Annex 1_Technical Evaluation Matrix

RFP Annex 2_Pricing Instructions

RFP Annex 3_Commercial and Price Proposal Form

RFP Annex 4_Participating Nations

RFP Annex 5_Bidders' Conference Registration

Contract Ts&Cs and Annexes

Draft Terms and Conditions, Purchase Order (PO)

Draft Terms and Conditions, Outline Agreement (OA)

PO Annex I _Contract Security Clause for NR Information

PO Annex II _Security Aspect Letter (SAL)

PO Annex III _Security Checklist Annex

PO Annex IV _Warranty Bond Template

Statement of Work and Annexes

Statement of Work, Main Body, dated 16 April 2024

SOW Annex A_ Schedule and Documentation

SOW Annex B_ TVV Confirmation Matrix
SOW Annex C1 and C2_LSA Reliability Matrix
SOW Annex D_ Maintenance Plan
SOW Annex E_ DPI
SOW Annex F_ Statement of Work, CLS, dated 21 March 2024
SOW Annex G1, G2 and G3_ Material Data Sheet
SOW Annex H_ Bar Code

TECHNICAL PROPOSAL

RFP Annex 1_Technical Evaluation Matrix, when duly completed and **supplemented with any information as deemed appropriate** will constitute the bidder's Technical Proposal. The Technical Proposal shall contain all **non-pricing details**.

COMMERCIAL and PRICE PROPOSAL

RFP Annex 3_Commercial and Price Proposal Form, when duly completed and **supplemented with any information as deemed appropriate** will constitute the bidder's Commercial and Price Proposal.