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## **DMW18012R2: Bid Instructions**

Dear Sir/Madam,

The NATO Support and Procurement Agency has a requirement for the supply of an Anti-Aircraft Artillery (AAA) system / Very Short Range Air Defence, for Portugal (PRT), described in the Statement of Work dated 06 December 2023 attached to this Request for Proposal (RFP).

You are invited to submit a firm fixed price proposal, based on delivery DDP (Incoterms 2020).

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### **Attachments to the Bid Instructions**

<b>Attachment A1:</b> AAA Proposal Evaluation Methodology
<b>Attachment A2:</b> AAA Price Proposal Form (otherwise known as "Pricing Matrix")
<b>Attachment A3:</b> Technical Evaluation Matrix
<b>Attachment A4:</b> Technical Compliance Matrix

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**Attachment A5: Payment Plan**

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## **1. TAX EXEMPTION**

Please refer to NSPA General Provisions for Fixed Price Contracts (Materiel) dated 02 November 2023.

## **2. 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 refused consideration for award of a contract.

## **3. CONTRACTOR'S RESPONSIBILITY**

With the submission of his proposal, the bidder guarantees that he is 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 will at his 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 subcontract or to call upon a third party for the performance of any part of the contract does not relieve you of your responsibility.

### **3.1 FORMER NSPA STAFF**

Any bidder who proposes to employ former NSPA staff member(s) in the performance of this 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 his authorized representative.

## **4. BALANCING OF PRODUCTION**

NOT APPLICABLE

## **5. GEOGRAPHICAL LIMITATIONS**

Not Used.

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## 6. EVALUATION CRITERIA

The criteria which NSPA will employ in selecting the successful offerer are indicated in the RFP Evaluation Methodology at Attachment A1 to the Bid Instructions, and Bidders should be aware that proposals will be evaluated using a **Best Value Evaluation** method.

## 7. ALTERNATIVE PROPOSAL(S)

If you desire to submit an alternative proposal or to submit suggestions for the accomplishment of this work, 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 take the risk to be declared technically non-compliant.

## 8. 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.

## 9. VALIDITY

Your proposal shall be valid until the "Offer Validity" date indicated on the first page of this RFP. The proposal must be submitted in the English or French language. If not sent by fax or email, the proposal must be submitted in duplicate.

## 10. CLARIFICATION QUESTIONS

### **Clarification Questions**

NSPA will take clarification questions up to 15 calendar days prior to the bid closing date.

~~You should submit clarification questions **ONLY** to the address below:~~

~~[douglas.wiles@nspa.nato.int](mailto:douglas.wiles@nspa.nato.int)~~

~~All clarification questions should be clearly marked as such in the subject line of the e-mail.~~

~~Bidders shall submit all clarifications on the e-portal and may upload questions individually or in batches until the deadline for asking clarification questions.~~

You may wish to be aware that the clarification questions and answers will be distributed to all bidders, and uploaded on the NSPA website.

## 11. PRICES, CURRENCY AND PAYMENT

Prices may be quoted in the currency of any NSPO member state. 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.

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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 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. NSPA will only accept to make payments on an account in a bank located in a NATO Nation.

## **12. CONDITION OF MATERIEL**

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

## **13. QUALITY ASSURANCE**

The Contractor is responsible for maintaining effective control of the quality of materiel.

In those cases where the Contractor is required to meet the requirement of an AQAP, the Contractor must provide a Certificate of Conformity (CoC). If not the manufacturer, the Contractor shall provide a copy of the CoC received from the original manufacturer.

**Government Quality Assurance (GQA)** services may be required for the items on the list attached to this RFP.

When GQA services are required, the **place of inspection** shall be indicated in the proposal if different from the point of delivery.

Information on NATO Quality Assurance Standards may be found at the following web site: <http://nso.nato.int/nso/nsdd/ListPromulg.html>

## **14. LATE OFFERS**

Proposals received after the **"Offer Closing Date – 24:00 hrs Luxembourg time"** indicated on the first page of this RFP shall, as far as a contract award is concerned, be rejected without consideration. However, proposals posted prior to the Offer Closing Date (valid postal stamp) will be considered as long as they are received before an award is made. If only one compliant offer is received and it is received after the closing date, NSPA reserves the right to consider such offer.

## **15. 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. No payment for costs incurred prior to entering into a contract will be made by NSPA. NSPA reserves the right to award a contract for any or part of the items solicited with this RFP.

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## 16. PRE-AWARD SURVEY

If after the submission of a proposal you are considered for an award of a contract, NSPA reserves the right to conduct a survey of your technical and facility capabilities. A pre-award survey is normally performed for higher value contracts.

## 17. INSTRUCTIONS FOR PROPOSAL FORWARDING

NSPA Procurement Policy regarding bid submission has been to leave the means of transmitting bids to the bidders' discretion. Over the last few years, most of the bids received by NSPA have been received through email and, to a lesser extent, through NSPA eProcurement Portal.

Reasons of cybersecurity, digitalization and adoption of Public Procurement best practices have prompted the review of this policy and resulted in the establishment of the electronic submission (e-Submission) of bids using the e-Procurement portal from an authenticated user as the standard means. Other bid submission options will only be available in exceptional situations and/or when exclusively and explicitly set forth in the Bidding Instructions of the respective RFP.

e-Submission shall provide both industry and NSPA with a more reliable, secure and efficient way to submit and receive bids in response to NSPA solicitations and without the size constraints of email.

e-Submission of bids will be mandatory from **1 January 2024** (i.e. for all solicitations with bid closing on or after 1 January 2024). The e-Submission functionality is available immediately. In order to allow for a swift transition and to allow bidders enough time to get accustomed to the new functionality, NSPA encourages all bidders to start submitting their bids electronically through the e-Procurement portal, using the option "bid" when opening the RFP from your e-Procurement account.

In case of questions or issues, the e-Procurement helpdesk is available by email at [e-procurement.helpdesk@nspa.nato.int](mailto:e-procurement.helpdesk@nspa.nato.int), or by phone at +352 6063 5629 (within NSPA-Capellen business hours).

Bidders are kindly reminded that the system retrieves the latest submission, therefore bidders wishing to modify their bids need to submit a complete package which will override the previous submission. Bidders wishing to withdraw their bids before the closing date need to make a new submission, and attach a bid withdrawal letter.

Until 1 January 2024, for email submissions, bids must be sent to [procurement@nspa.nato.int](mailto:procurement@nspa.nato.int) and make reference to the RFP Collective Number. Please be aware that the maximum capacity for incoming email at NSPA is 10 MB. In case your bid is larger than 10MB it must be compressed to fit the 10 MB limit or sent in several parts through separate emails (each not exceeding the 10MB incoming email limit).

Until 1 January 2024, in case the bid is sent via regular mail or courier to NSPA, it must be sent to the following address and mention the RFP collective number:

NATO SUPPORT AND PROCUREMENT AGENCY (NSPA)  
Procurement Division, Attn.: PP-A  
RFP Collective n°: DMW18012R2  
L-8302 CAPELLEN (Luxembourg)

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A bid that is received "incomplete" when the closing date deadline is reached, cannot be accepted.

## **18. INFORMATION ON BIDDING**

If your company believes that the wording of this Request for Proposal unduly restricts competition, a formal complaint may be submitted not more than 15 days after the release of the RFP. The formal complaint 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. The Agency will evaluate the complaint and, within 14 days of receipt respond by either (1) amending the RFP or (2) rejecting the complaint. The decision of the Agency in such cases shall be final.

If your proposal did not result in an award, you will be informed as soon as the award decision has been made.

Upon receipt of the notification, if the value of your proposal exceeds EUR 320,000, you may request additional general information from the NSPA Point of Contact indicated in this RFP, as to the reasons why your company failed to win the competition. Your company's name will remain in the NSPA Source File and will be considered for invitation for any future competitions in this field.

## **19. BID OPENING**

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

## **20. NSPO PROCUREMENT REGULATIONS / NSPA OPERATING INSTRUCTION**

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

If you do not wish to respond to this RFP, please notify this office and return all documentation received promptly or destroy it.

## **21. PUBLICATION OF CONTRACT AWARDS**

In accordance with the Procurement Operating Instruction, NSPA periodically publishes high value contracts (except classified ones), indicating the contractor's name and country, as well as the purpose, total amount and issue date of the contract.

This information is to be found on the NSPA website under <https://www.nspa.nato.int/business/procurement/bid-awards>

### **Enclosure**

Exhibit: Proposal Form and Instruction/Guidance for Preparation of Proposals

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<b>EXHIBIT: PROPOSAL FORM AND INSTRUCTION / GUIDANCE FOR PREPARATION OF PROPOSALS</b>
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NSPA has prepared this two-part proposal form for the purpose of providing a standard format by which the bidders submit cost data and supporting information suitable for a detailed and accurate analysis and evaluation of their proposals.

It is not essential that this said form be used by the bidders, however the bidders are requested to maintain the sequence and suitably index the proposal to enable rapid analysis by NSPA. This form must be completed and returned not later than the offer closing date.

An electronic copy of this form can be provided upon request.

**Part A - TECHNICAL PROPOSAL / CAPABILITY AND QUALIFICATION FORM**

This part when duly completed and supplemented with any information as deemed appropriate will constitute the bidder's Technical Proposal and contain all non-pricing details.

**Part B - PRICE PROPOSAL**

This part when duly completed and supplemented with any information as deemed appropriate, will constitute the bidder's Price Proposal.

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**PART A - TECHNICAL PROPOSAL/CAPABILITY AND QUALIFICATION FORM**

The information on your firm and capabilities should be submitted along the lines of the format provided below and the Bidder shall comply with the requirements detailed in the Statement of Work dated 06.12.2023 attached to this Request for Proposal.

Voluminous pre-printed brochures are not desired.

**1. EXPERIENCE AND CAPABILITIES OF YOUR COMPANY IN SIMILAR TYPES OF SERVICES**

The bidder shall provide a short description of the company's experience and capabilities in providing a similar scope of work as detailed in the Statement of Work

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The bidder shall identify any former NSPA Staff, which he proposes to employ on this contract as set out in paragraph 3.1.

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**2. TECHNICAL COMPLIANCE MATRIX**

Bidders are requested to fill in the Technical Compliance Matrix at Attachment A4.

**NSPA reserves the right to declare technically non-compliant and exclude from competition proposals which do not include a Technical Compliance Matrix.**

**3. QUALITY**

- a. Please outline the quality procedures in place at your company for the scope of work as detailed in the Statement of Work.
- b. The QUALITY MANAGEMENT PLAN will be delivered by the Contractor to NSPA in accordance with the Statement of Work.
- c. AQAP Compliance  
The bidder's Quality Management System shall meet the requirements of AQAP as detailed in the Statement of Work.

(N.B. Bidder to delete and explain, if this is not so).

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**4. MANAGEMENT PLAN**

- a. General description of company's organizational structure

Bidder to complete:

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- b. Specific description of organizational structure to be used for this project with names and qualification of key personnel

Bidder to complete:

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**5. SECURITY**

- a. Current status of proposed facility and personnel

Bidder to complete:

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- b. A NSPA Security Aspect Letter and a Security Requirements Check List are attached hereto and made a part hereof.

- c. The Contractor undertakes to inform NSPA within 3 weeks following the contract award date of the identities and NATO clearances of the members of his staff who may require access under the contract to NATO classified information and/or facilities.

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**6. SUBCONTRACTS AND PERCENTAGE TO TOTAL PRICE PROPOSAL (NOT ORDERS FOR SUPPLIES)**

Provide names, addresses of sub-contractors and Quality Assurance standards with the reasons why subcontract(s) are necessary.

Bidder to complete:

Name	Address	% of total price proposal	QA standards & Reasons for subcontracting

Maximum sub-contracts expected ..... % (Bidder to indicate)

**7. NSPA/ GOVERNMENT FURNISHED EQUIPMENT**

There is no NSPA Furnished Equipment. The Government Furnished Equipment, provided by Portugal, is detailed in the Statement of Work.

**8. INSTALLATION, STORAGE, OPERATION AND TRANSPORT**

The bid shall clearly indicate the conditions that must be met for the installation, storage and operation, specifically regarding normal and extreme environmental conditions. It shall also highlight the care to be taken during temporary or prolonged storage, preparation for being put into service and transport.

**9. PROVISION OF PMCL AND ICL**

The Bidder should also provide:

Preventive Maintenance Cost List (PMCL) in accordance with the Statement of Work – 10.6.3.

Itemised Cost List (ICL) in accordance with the Statement of Work – 10.6.5.

**10. CONTRACT ADMINISTRATION**

The names of the officials designated by the Contractor to administer this contract are:

**Contractual matters:**

Company name: \_\_\_\_\_

Address: \_\_\_\_\_

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Attn: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

email: \_\_\_\_\_

**Technical matters:**

Company name: \_\_\_\_\_

Address: \_\_\_\_\_

Attn: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

email: \_\_\_\_\_

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<b>Part B - PRICE PROPOSAL</b>
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**PRICES:**

Please indicate your best prices in attached document entitled "Price Proposal Form" at Attachment A2 to the Bid Instructions.

The core requirement (basic system plus enhanced capabilities) shall be submitted on a Fixed Firm Price basis.

Regarding the pricing for the optional requirements, Bidders are permitted to provide an escalation of their prices after the third year using the formula provided given that they must remain valid until Final System Acceptance. Bidders shall identify a suitable index in their response.

**Important: No pricing information shall be included with the Technical Proposal.**

**PAYMENT:**

Bidders are requested to identify clearly in their proposal any Prompt Payment Discount (PPD) as a %.

Payment will be made on acceptance of project deliverables and the Payment Plan at Attachment A5 should be completed and returned.

**DELIVERY, SCHEDULE AND PAYMENT**

The bidder shall provide his own project milestone plan in accordance with the requirements in the Statement of Work, which shall be incorporated into the final contract schedule as a contractually binding requirement. It is against this plan that Liquidated Damages will be considered.

The bidder shall complete all deliveries using DDP (Incoterms 2020) and submit his offer on this basis. Final delivery point shall be Delivery Duty Paid (DDP) (Incoterms 2020) to the location specified in the Statement of Work.

**PROJECT BUDGET**

Bidders should be aware that limited funds have been allocated to the AAA system procurement. **The allocated budget (called project's operational budget ceiling) is 38.8 M EUROS.**

NSPA therefore reserves the right to order different quantities and variations of the requirements outlined in the Statement of Work and List of Items in any resultant contract. The final decision on the actual elements to be ordered will be made by the customer.

**NSPA reserves the right to exclude from evaluation the proposals whose price (excluding the options) is above the allocated project budget (called project's operational budget ceiling), which is: 38.8 M EUROS.**

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## **CONTRACT DURATION**

The contract shall be effective for the period commencing with the effective date indicated on page one of the final Contract.

### **TO NOTE:**

- The financial evaluation will be based on the Attachment A1: AAA Proposal Evaluation Methodology.
- [Essential] requirement type means that the requirement is a mandatory requirement which the product to be delivered must meet; these requirements are usually defined as a clear technical feature or target. Failure to meet the essential requirements would make the system not compliant.
- [Desirable] requirement type means that the requirements represent a “nice to have” feature which the product to be delivered should meet. Such requirements are expected to bring higher performance, additional qualities or capabilities to the system but their implementations would depend on the technical availability and/or involved costs. These requirements will be considered in the best value evaluation.
- [Optional] requirement type means the option(s) will be executed upon Contract award or during the execution of the project subject to Purchase Order issuance.
- No prototype systems will be accepted in the procurement procedure, and the AAA systems proposed should be in-service in NATO armed forces.
- Any items not specifically mentioned or included herein and which are normally required in projects of this nature, should be included by the bidder in their specification and reflected in the quotation as options.
- NSPA reserves the right to conduct Post Tender Negotiations on the basis of the proposals received in response to this RFP

### **VALIDITY:**

This price proposal, when associated with the TECHNICAL PROPOSAL, constitutes the bidder's tender against this RFP and is valid until the specified offer validity date.

NAME OF COMPANY: \_\_\_\_\_

NAME OF REPRESENTATIVE: \_\_\_\_\_

TITLE OF REPRESENTATIVE: \_\_\_\_\_

DATE OF PROPOSAL: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_