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Bidding Instructions and Administrative Requirements

TO : ALL BIDDERS

SUBJECT : REQUEST FOR PROPOSAL (RFP) FOR THE PROVISION OF IT EQUIPMENT

RFP COLLECTIVE NUMBER : **SLI25008**

Dear Sir/Madam,

The NATO Support and Procurement Agency has an URGENT requirement for the establishment of a Contract/Purchase Order for the supply of the materiel described in the "List of Items" and "SLI25005_Commercial and Price Proposal Form" attached to this Request for Proposal (RFP).

You are invited to submit a firm fixed price proposal, based on delivery **DAP NSPA, Capellen Luxembourg (Incoterms 2020)**.

TABLE 1 - SOLICITATION TIMELINES

A	RFP Issue/Publication:	<u>5 March 2025</u>
B	Deadline for submission of questions:	<u>10 March 2025, 12 pm, CET</u>
C	Deadline for submitting claims of unduly restricting competition	<u>10 March 2025</u>
D	Bid Closing time (please refer to time & date on the e-Procurement platform):	<u>12 March 2025 at 4 pm, CET</u>
E	Offer Validity:	<u>At least 3 months from the Bid Closing date.</u>

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IMPORTANT NOTES ON MATERIEL EXPORT**For non-U.S. vendors:**

- For proposals for materiel not originating in the U.S. / not to be shipped from the U.S.:
 - In case of Incoterm “FCA Contractor’s facilities”, the Contractor has to obtain the export license or export under existing licenses, if necessary.
- For proposals for materiel originating in the U.S. with place of delivery “FCA” in the U.S., to be delivered through the NSPA freight forwarder (JAS):
 - The same rules as for U.S. vendors apply (see below).
 - **To be also included in the proposal:**
 - Name, address, POC, phone, and fax number of the U.S. subcontractor.

For U.S. vendors:

- For proposals for materiel with place of delivery “FCA” in the U.S., delivered through the NSPA freight forwarder (JAS):
 - **For defense items:**
 - For Significant Military Equipment (SME) (as defined under ITAR Part [§120.36](#)) the Contractor shall obtain the export license. A copy of the export license must be sent to the NSPA POC and to JAS before the materiel is shipped.

To be included in the proposal:
 - A statement that the item is Significant Military Equipment, and that the vendor possesses an export license or will apply for one.
 - The Schedule B Export Code. For details see <http://www.census.gov/foreign-trade/schedules/b/index.html>
 - For non-SME materiel: NSPA purchases most of the materiel for use in a NATO weapon / defense system. In these cases it is assumed that ITAR ([22 CFR](#)) U.S. Munitions List applies. A copy of the export license must be sent to the NSPA POC and to JAS (iadfms@jas.com) before the materiel is shipped.

To be included in the proposal:
 - The U.S. Munition List ([USML](#)) Category.
 - The Schedule B Export Code. For details see: <http://www.census.gov/foreign-trade/schedules/b/index.html>

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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 this 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 or no 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 as indicated in Table 1 above.

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: MON-THU 09.00-16.00; FRI 09.00-12.00, CET)

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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. INSTRUCTIONS FOR PROPOSAL STRUCTURE

The proposal shall contain 2 (two) folders/files as below:

- a. **First folder/file with the commercial proposal**

Folder/file will be named "**Bidder name** (shorten if necessary)_**COM_NSPA collective no**" (e.g. NAME_COM_SLI25008) and shall contain as a minimum:

- Document "**SLI25008_Commercial and Price Proposal Form**" **attached to this RFP, in excel format**, completed as requested (See 2 Tabs of this excel document)

- b. **Second folder/file with the technical proposal**

Folder/file will be named "**Bidder name TECH_NSPA collective no**" (e.g. NAME_TECH_SLI25008) and shall contain as a minimum:

- Technical details and certifications/evidences requested in this RFP for the proposed item (e.g. Product specific technical data sheet, OEM Certificate of Conformity)
- A technical analysis of the requested specificities per item, notifying the matching points between these specificities and the proposed item; document "**SLI25008_Technical Compliancy Form**" fully completed as requested
- The document "**SLI25008_Commercial and Price Proposal Form**" with the tab 2, columns D, E, L, M, N completed (no prices)

The technical proposal shall be without prices. Prices included in the technical proposal will make the bidder proposal non-compliant.

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, 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 from NSPA 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.

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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.

6. CONTRACTOR'S RESPONSIBILITY

With the submission of a proposal, the bidder guarantees that it has 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, its employees, subsidiary or affiliate entities and subcontractors.

Furthermore, the bidder guarantees that it 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 shall at its 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 this 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 this Contract does not relieve you of Contractor's 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. BID EVALUATION

The criteria, which NSPA will use to select the successful bidder will be by order of importance:

- a. Provision of a complete and compliant technical proposal

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NSPA will evaluate the bidders' submitted technical proposal as required under the para. 3.b above.

An incomplete proposal may be declared technically non-compliant.

- b. **Lowest Price per bundle** in accordance with the document "SLI25008_Commercial and Price Proposal Form" of this RFP.
- c. **Responsiveness and compliance with all the conditions of this RFP**, completing document "SLI25008 "Commercial and Price Proposal Form", tab 1 Commercial Form
- d. **Best delivery term.**
Although the lowest price will be the predominant criteria in the evaluation of the proposals, NSPA is also concerned to receive your best delivery terms.

NSPA reserves the right to reject the lowest price technically compliant proposal if proposed delivery term is more than 30% higher than the one proposed by other bidders.

9. 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. 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.

10. 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.

11. VALIDITY

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

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. CONDITION OF MATERIEL

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

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14. QUALITY ASSURANCE

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.

15. PRICES, CURRENCY AND PAYMENT

Prices will be quoted in the currency of any NATO Nation. All the prices must be quoted in the same currency and this currency will be reflected in the resulting purchase order 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.

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 this 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. 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 (maria.marchidanu@nspace.nato.int) identified in this RFP with a copy to the NSPA Competition Advocate at competition.advocate@nspace.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

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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.

18. 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>

19. INFORMATION ON CONTRACT AWARD

If your proposal did not result in an award, you will be informed in accordance with NSPA OI 4200-01. Your company's name will remain in the NSPA Source File and will be considered for invitation for any future competitions in this field.

20. 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>.

21. 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>