NATO MILITARY POLICE CENTRE OF EXCELLENCE
Potockiego 14 Street
85-915 Bydgoszcz
Poland

IFFB - NATO MP COE 22-2023

INVITATION FOR FORMAL BIDDING (IFFB)
for "Purchase of information technology equipment"
FOR NATO MILITARY POLICE CENTRE OF EXCELLENCE
split into two parts:

Part No 1.
- "Firewall", 1 piece.

Part No 2.
- "Server infrastructure", 1 set.

Ordering Party	The NATO Military Centre of Excellence (hereinafter referred to as NATO MP COE).
Bid Closing Date:	**15th of November 2023**
Target Contract Award Date:	not later than **22nd of November 2023**
Date of delivery	not later than **30 working days** after signing the contract.
Bidding Procedure:	Formal Bidding
Basis of Contract Award:	The NATO MP COE shall award the contract to the Bidder whose proposal represents the technically compliant lowest priced offer.
Classification:	UNCLASSIFIED
Eligibility:	This Invitation for formal bidding is opened to governmental or commercial entities that:

a) Originate and are chartered/incorporated within NATO member nations,

b) **Contractor personnel performing services under the contract must:**

- be citizens of a NATO nation, having appropriate professional training and experience in related field(s), and meet the criteria as defined in the Statement of Work (Enclosures No. 1a, 1b).

Required content of Proposal: The proposal must be delivered in the duly sealed envelope or parcel carrying the bidders name and other information as presented in Point 10. The envelope or parcel must be delivered via the regular mail, courier or hand carried. Electronic submission will not be accepted.

The proposal shall consist of the following documents:

- Price proposal and compliance statement form (Enclosure No. 3a, 3b);
- Certificate of legal name of Bidder and statement of absence of conflict of interest (Enclosure No 4);
- Technical offered parameters (Enclosure No. 5a, 5b).

All correspondence shall be forwarded to NATO MP COE Point of Contact:

Maj Jarosław WALICKI
NATO MP COE Security Support and Administration Branch
Admin Section Chief
Potockiego 14 Street
85-915 Bydgoszcz, Poland
email: Jaroslaw.Walicki@mp.coe.nato.int
phone number: 571 271 521
from Monday to Thursday 7:30 - 14.00
on Fridays 8:00 - 12:00

The NATO MP COE point of Contact in terms of technical parameters of the subject of the bidding process

WO Adam BŁAŻEJEWSKI
NATO MP COE Security Support and Administration Branch
Potockiego 14 Street
85-915 Bydgoszcz, Poland
email: Adam.Blazejewski@mp.coe.nato.int
phone number: 571 271 544
from Monday to Thursday 7:30 - 14.00
on Fridays 8:00 - 12:00

BIDDING INSTRUCTIONS

1. **General**
   The purpose of this Invitation for formal Bidding (IFFB) is the competitive selection of the lowest priced compliant bid offering services for NATO Military Centre of Excellence in line with the attached Statement of Work. The intended result of this bidding is a contract between NATO MP COE and the selected bidder. Contract award is contingent upon funds availability.

2. **Classification**
   This Invitation for Formal Bidding is an UNCLASSIFIED document.

3. **Definitions**
   a) The term **"NATO MP COE"** shall refer to the NATO Military Centre of Excellence.
   b) The term **"Bidder"**, shall refer to the bidding entity that has submitted a bid in response to this IFFB.

c) The term **"Compliance"** as used herein means strict conformity to the requirements and standards specified in this IFFB.

d) The term **"Contractor"** shall refer to the bidding entity to which the contract is awarded.

e) The term **"Statement of Work"** (hereinafter referred to as SOW) refers to the technical requirements defined by NATO MP COE.

f) The term **"IFFB"** shall refer to the Invitation for formal Bidding.

g) The term **"SSA Branch"** means Security Support and Administration Branch who is the requirement owner for this IFFB within NATO MPCOE.

h) The term **"CAC"** refers to the Contract Award Committee established within NATO MP COE for the selection of the successful bidder and contract award on behalf of the NATO MP COE.

i) The term **"days"** as used in this IFFB shall, unless otherwise stated, be interpreted as meaning calendar days.

4. Terms and Conditions of the Bid

All the terms and conditions as reflected in the intended contract are deemed to be accepted by the Bidder and incorporated into the Bidder's proposal submission. It is the NATO MP COE's intention that the draft contract attached to this IFFB will form the actual contract between the NATO MP COE and the successful Bidder.

5. Amendment or cancellation

a) The NATO MP COE reserves the right to amend or delete any one or more of the requirements, terms, conditions or provisions of the IFFB prior to bid closing. Any amendment or deletion to this IFFB will be formally published on the NATO MP COE website. Additionally, all the Bidders who already submitted their bids will be notified via direct email communication.

b) The NATO MP COE reserves the right to cancel, suspend or withdraw for re-issue at a later date, at any time, this IFFB either partially or in its entirety. No legal liability on the part of the NATO MP COE shall be considered for recovery of costs in connection to bid preparation. All efforts undertaken by any Bidder shall be done considering and accepting, that no costs shall be recovered from the NATO MP COE.

6. Clarifications to the Solicitation

a) Potential Bidders should seek clarification at their earliest convenience. Any explanations regarding the meaning or interpretation of terms, clause, provision or specifications of this IFFB shall be requested exclusively by email sent to NATO MP COE Point of Contact.

Such requests for clarification must be received by NATO MP COE Point of Contact not later than 4 calendar days before bid closing date. NATO MP COE is under no obligation to answer questions submitted after this time.

b) **Information in response** to a request for clarification to a bidder shall be furnished to all potential Bidders through the publication on the NATO MP COE website (except for the identity of the inquiry originator) **not later than 2 calendar days before the closing date for bids.**

c) The answers issued by the NATO MP COE shall be regarded as the authoritative interpretation of the IFFB. Oral interpretations shall not be binding.

d) All such questions and answers referring to this IFFB shall be published on the NATO MP COE website (except for the identity of the inquiry originator) as part of this bidding. Additionally, all the Bidders who submitted **request for clarification** will be notified via direct email communication.

7. Bid Closing Date

a) Bids shall be received by the NATO MP COE Point of Contact, no later than **15th of November 2023, 12:00 hours**, Central European Time. No bids shall be accepted after this time and date.

b) **Duly justified requests for extensions of the bid closing date** shall be submitted directly (via email) to the NATO MP COE Point of Contact and may be granted at his discretion. Such requests must reach the NATO MP COE Point of Contact **not later than 3 calendar days prior bid closing date**. When extensions of the bid closing date are granted, the NATO MP COE Point of Contact will immediately announce this decision on the NATO MP COE website and will inform all the invited bidders via direct email notification. Additionally, all the Bidders who submitted **request for extensions of the bid closing date** will be notified via direct email communication.

8. Bid Validity

a) Bids shall be irrevocable for a period of ninety days (90) from the applicable closing date set forth within this IFFB.

b) The NATO MP COE will endeavor to complete the evaluation and make an award within the period referred to above. However, should that period of time prove insufficient to render an award, the NATO MP COE Point of Contact reserves the right to request an extension of the period of validity.

c) Upon notification by the NATO MP COE Point of Contact regarding such a request for a time extension, the bidders shall have the right to:

- accept this extension of time in which case bidders shall be bound by the terms of their offer for the extended period of time, or
- refuse this extension of time and withdraw the Bid.

d) Bidders shall not have the right to modify their Bids due to NATO MP COE Point of Contact's request for extension of the Bid validity unless expressly stated in such request.

9. Exemption of taxes

a) In accordance with Article VIII of the Paris Protocol dated 28 August 1952 and Art. 17 of the Supplementary Agreement between the Government of the Republic of Poland and Headquarters, Supreme Allied Commander Transformation and the Supreme Headquarters Allied Powers Europe to the Protocol on the status of International Military Headquarters set up pursuant to the North Atlantic Treaty, dated 9 July 2016, goods and services under this Contract are exempt from taxes, duties and similar charges.

b) NATO MP COE will pay for the goods and services provided by the suppliers registered in Poland (Host Nation for NATO MP COE) the gross price and will claim the reimbursement of the tax paid from the Polish tax authorities within the established regime, as the technical implementation of the above tax exemption arrangement.

c) NATO MP COE accepts to pay the net price only (tax free) for the goods and services provided by the suppliers registered outside of Poland, as provided by the tax exemption above. It is the obligation of foreign suppliers willing to cooperate with the NATO MP COE to issue the tax free invoices to NATO MP COE in adherence with the respective national legislation. NATO MP COE will not liaise with the foreign tax authorities to claim tax reimbursements.

10. Proposal Submission

a) The proposal shall be made in **both English and Polish languages**. For foreign bidders the sole English version of proposal is acceptable.

b) The proposals must be submitted **in non-electronic form by sending the envelope or parcel via the regular mail, courier or hand carried. The envelope** or parcel **should be duly sealed, identified (including bidder name) and carry the following information as presented (Template of the label below is to be completed by the bidder and affixed to the envelope or package delivered to NATO MP COE):**

SEALED BID TO FORMAL BIDDING
IFFB-NATO MP COE 22-2023
FOR INDIVIDUAL PARTS:

Part No 1: .....
Part No 2: .....

(to be opened by Contract Award Committee only)

Sender:
.....
.....

NATO Military Centre of Excellence (NATO MP COE)
Potockiego Street 14
85-915 Bydgoszcz
POLAND

c) The NATO MP COE shall certify the delivery of each proposal envelope or package with a date and time on the envelope or package. The time of receipt by the NATO MP COE Central Registry is considered binding for the bids sent via regular mail. The time of receipt by the NATO MP COE's eligible representative from Pass Office (Potockiego Street 14, Bydgoszcz) is considered binding for the bids delivered by the courier service or hand carried. Only the bids received by NATO MP COE within the bidding closing date will be considered valid.

d) **The required documents** constituting the proposal (bid) must be **signed by the authorized representative/s according to company registration document (i.e. extract from the National Court Register or Economic Activity Register for entities registered in Poland) or by a proxy, in which case the power of attorney must be attached do the Bid.**

e) It is strictly required that bids are presented in the correct format and include all documents necessary to enable the NATO MP COE CAC to assess them. Failure to respect these requirements will constitute a formal error and may

result in the rejection of the tender based on administrative compliance criterion.

f) Quotations shall be made as net and gross price expressed in PLN (by potential Bidders registered in Poland) or as net price expressed in national currency other than PLN (by potential bidders registered outside of Poland).

g) For the purpose of the price comparison all quoted prices will be converted by the NATO MP COE CAC into PLN on the basis of the National Central Bank (NBP) selling exchange rates at close of business of the last working day preceding the Bid Closing Day.

h) It is the sole responsibility of the interested company to review any Question & Answers that may be issued in support of this solicitation, prior to bid submission.

i) No oral bids or oral modifications or telephonic bids shall be considered.

j) It is the ultimate responsibility prior to submission to ensure that the bid meets the technical and administrative specifications as defined in the Bidding.

11. Late Proposals

a) It is solely the bidder`s responsibility to ensure that the proposal reaches the NATO MP COE prior to the established closing date and time. None of the late bids shall be accepted.

b) The date and time of proposal envelope or package delivery to NATO MP COE, as specified in point 10c above, will be taken into account for the formal determination of the delivery time.

12. Bid Withdrawal

A bidder may withdraw their bid up until the date and time specified for bid closing. Such withdrawal must be completed via email addressed to the NATO MP COE Point of Contact.

13. Bid Evaluation

a) The evaluation of bids and determination as to technical compliance of the products or services requested, shall be the responsibility of the NATO MP COE CAC. The selection of the successful bidder will be made on the basis of the lowest priced technically compliant offer. Such determination shall be consistent with the evaluation criteria specified in the IFFB and detailed requirements specified in the Statement of Work. The NATO MP COE will not

consider any unclear or implied pieces of information within the submitted proposal package. Only clear and unambiguous information will be considered.

b) Prior to the commencement of the technical compliance assessment, the proposals will be reviewed by NATO MP COE CAC for administrative compliance with the Bid Submission Requirements of this IFFB. These are as follows:
   - The Bid was received via the established means of communication and by the Bid Closing Date and Time.
   - The basic eligibility criteria are met by the Bidder.
   - The Bid is complete, i.e. contains all the required Enclosures properly filled with data and originally signed where required.
   - The Bid is made in both English and Polish languages. Any documents supporting the bid that are not translated into English language (self-translation will be accepted) shall not be considered eligible. For foreign bidders the sole English version of the submitted bid is sufficient.
   - The Technical Proposal is complete and meets the purpose of this IFFB.

c) A Bid that fails to conform to one or more of the above requirements will be declared non- compliant and shall not be evaluated further by NATO MP COE (selection criteria: administrative pass or fail).

d) The administratively compliant bids will be reviewed by the NATO MP COE CAC for the compliance against the technical criteria established for the subject requirement, as defined in the Statement of Work. Only the bids recognized as technically compliant will be assessed in terms of the proposed prices

e) The NATO MP COE CAC will compare price proposals of the administratively and technically compliant offers. No deviation from the proposed pricing is authorized.

14. Clarifications of Proposals

a) During the entire evaluation process the NATO MP COE reserves the right to discuss any bid to clarify what is offered and interpretation of language within the bid, to resolve in potential areas of noncompliance.

b) Clarifications should not cause prices to change or technical offering to materially change. **Following receipt of bids/proposals, clarification requests should be limited to resolving likely administrative errors (e.g.,**

obvious misprints, clerical mistakes, as in the obvious misplacement of a decimal point or mathematical errors).

c) If a Bidder failed to submit the required power of attorney mentioned in Point 10d or submitted deficient power of attorney, the NATO MP COE shall call him to submit it within the time limit specified by the NATO MP COE, unless despite submission, the Bidder's offer would be rejected or if it would be necessary to cancel the procedure.

15. Selection of the successful Bidder

a) Selection of the successful Bidder will be executed separately or each of the formally distinct parts of the bidding defined in the Statement of Work.

b) All bids submitted will be assessed by the Contract Award Committee put in force within the NATO MP COE in two phases:
   - Assessment of administrative and technical compliance,
   - Assessment of the price proposal

c) Only administratively and technically compliant bids will be considered for the selection of successful bidder.

d) The lowest priced bid among those confirmed as administratively and technically compliant will be selected for contract award.

e) In the unlikely scenario of having two or more compliant bids priced at the same level, the selection of the successful bid will be conducted based on the bid submission dates (the bid submitted first will be selected).

f) NATO MP COE shall immediately inform all the Bidders about the bidding conclusion via email.

16. Contract Award

a) The NATO MP COE reserves the right not to award the contract to the successful bidder(s) if:
   - in the opinion of the NATO MP COE the successful Bidder is unable or unwilling to enter into a form of contract satisfactory to the NATO MP COE.
   - NATO MP COE does not have sufficient available resources to meet the lowest priced compliant offer.

b) The NATO MP COE shall be entitled not to award the contract without any liability being incurred by the NATO MP COE to the Bidder.

c) If the NATO MP COE chooses not to award the contract to the selected successful bidder, the contract may be awarded to the supplier whose bid was determined as administratively and technically compliant and ranked next in order in terms of price. The contract should be then awarded subject to the same prerequisites as applied to the successful Bidder.

17. Communications

a) All communication related to this IFFB, between a potential bidder and the NATO MP COE shall be executed only through the NATO MP COE Point of Contact.

b) There shall be no contact with other NATO MP COE personnel in regard to this IFFB. Such adherence shall ensure Fair and Open Competition with equal consideration and competitive footing leverage to all interested parties.

c) Any attempt by a bidder to obtain confidential information, enter into unlawful agreements with competitors or influence the Contract Award Committee or NATO MP COE during the process of examining, clarifying, evaluating and comparing bids will lead to the rejection of its bid

ENCLOSURES:

1.Statement of Work (for each part of the bidding):
- (Enclosure No. 1a, 1b).

2. Draft of the Contract:
(Enclosure No. 2a, 2b).

3. Compliance Statement and Price Proposal Form:
- (Enclosure No. 3a, 3b).

4. Certificate of Legal Name of Bidder and Statement of Absence of Conflict of Interest:
- (Enclosure No. 4).

5. Technical parameters of the offered equipment:
- (Enclosure No 5a, 5b).

DIRECTOR
NATO MILITARY POLICE
CENTRE OF EXCELLENCE

Mirosław ŁABĘCKI
Colonel, POLAND
Director

Col Mirosław ŁABĘCKI