



SJÖFARTSVERKET

**INVITATION TO APPLY
TO**

**PARTICIPATE IN A
PROCUREMENT**

REGARDING

**CONSTRUCTION OF NEW
ICEBREAKERS**

DNR: 22-00928

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1 INVITATION TO APPLY TO TENDER

1.1 General

The Swedish Maritime Administration (SMA) hereby invite suppliers hereafter referred to as shipyards to apply to participate in the procurement regarding construction of two new identical icebreakers with an option for an additional one. See the design over-view in appendix 2.

1.2 About the Swedish Maritime Administration

The Swedish Maritime Administration offers efficient sea routes, modern services and maritime partnerships to support growth, competitiveness and sustainable development. Our core activities boost the competitiveness of shipping. We provide and develop safe, environmentally sound and efficient sea routes with a 24-hour service. In addition, we offer services that make a difference for businesses, individuals and society at large. Shipping is our largest customer. In order to safeguard efficient maritime traffic to and from Sweden's 50 or so ports, we offer services that meet modern efficiency, safety and environmental standards. Sweden has a long and varied coastline. A key part of SMA's mission is helping to keep recreational boating safe. Our most important tools are safe sea routes, effective aids to navigation, ice-breaking and maritime and aeronautical search and rescue.

SMA, headquartered in Norrköping, has about 1200 employees and operates all over Sweden. The regional organisation is concentrated on the Swedish coast and the major lakes.

For more information see our website: www.sjofartsverket.se

1.3 Background to the procurement

Sweden's icebreaker fleet consists of SMA's five government-owned icebreakers – four large vessels (Atle, Ymer, Frej and Oden) and one small vessel (Ale).

The large icebreakers are designed to assist ships in the Baltic Sea but can also operate in the Polar Regions to a varying extent.

All icebreakers in the icebreaker fleet gradually need to be renewed and replaced with new icebreakers as a result of age and wear. In this procurement, SMA intend to procure construction of two vessels based on a new design made by the Finnish design company Aker Arctic Technology Inc. The new design was finalized 2022-03-29 and the two new vessels are supposed to replace the icebreakers Atle and Frej.

The optional icebreaker (if ordered by SMA) is supposed to replace the icebreaker Ymer.

1.4 Preliminary time schedule

SMA's goal is to sign an agreement with a shipyard during Q3 2023 and the two new icebreakers are preliminary scheduled to be delivered according to schedule below:

- Icebreaker 1: Q2 2026
- Icebreaker 2: Q1 2027
- Icebreaker 3 (option): Q3 2027

1.5 Representative of the Swedish Maritime Administration

SMA's representative is:

Swedish Maritime Administration, national registration number 202100-0654

Anders Holmgren

Procurement Unit

601 78 Norrköping

Sweden

Tel: + 46 (0)10 - 478 64 63.

E-mail address: inkop@sjofartsverket.se

1.6 Procurement procedure

The procurement will be conducted as a 'negotiated procedure with prior publication' as described in the Swedish Public Procurement Act (LOU) 2016:1145.

LOU strictly lays down how procurements are to be carried out. It is therefore very important for the applications to be correct and complete at the time of submission.

This invitation to apply to tender, including appendices, contains a number of mandatory submission requirements.

1.7 Form of contract

The contract to supply the construction and delivery of new icebreakers will be signed with only one (1) shipyard.

1.8 Application to participate

The application to participate in the procurement must be made on the application form, see appendix 1.

1.9 Negotiated procedure

The negotiated procedure with prior publication is carried out in two stages. The purpose of the first stage (this stage) is solely to pre-qualify those shipyards who will have the opportunity to tender at a later stage.

Shipyards who meet the qualification requirements will after signing of a security agreement have access to the procurement documentation. This means that in this first stage no prices need to be submitted with appendix 1.

1.10 Content of invitation to apply to tender

- Invitation, construction of new icebreakers, this document (PDF).
- Appendix 1 - Application form, construction of new icebreakers (Word).
- Appendix 2 - Design overview of the new icebreakers (PDF)

1.11 Submission of application

Note that all application documents must be submitted in electronic form in TendSign, and the deadline for application is **2022-11-28**.

Only shipyards registered with Merzell TendSign can submit an application.

1.12 Language

The application must be in English. Certificates, verifications, confirmations and other attached documents may be in another language provided that a translation is provided free of charge if requested by SMA. If the shipyard does not provide translated documents within ten calendar days from SMA's request, SMA will disqualify the application.

1.13 Signature

The application form, appendix 1, must be completed in all the relevant places and signed by the shipyard's authorised representative.

1.14 Questions about the procurement system

Any questions about the TendSign system should be asked by e-mail to tendsignsupport@mercell.com, or by phone to +46 771 440 200.

1.15 Questions and additions to the invitation to apply to tender

Any questions about the invitation to apply to tender should be asked during the application period in TendSign, www.tendsign.com.

The deadline for asking questions is **2022-11-16**. The deadline for publication of the questions received and the answers is at least **6** calendar days before the end of the application period.

Any additions made by SMA and answers to questions received will be distributed to all organisations that registered to receive the application documentation.

Shipyards are themselves responsible for finding out about questions and answers and any additions to the invitation to apply to tender, which are published in Merzell TendSign.

Only clarifications and additions published in writing from Merzell TendSign during the application period are valid. All correspondence in this procurement shall be in English.

1.16 Opening of applications

Received applications will be opened at SMA's office in Norrköping and in accordance with LOU.

1.17 Incomplete information

Applications containing incomplete information will be rejected. Incomplete applications are applications that do not meet all the mandatory requirements, for example if no reply/proof/certificate/approval is provided for the points requested in the documentation.

Additional information and clarifications will be handled in accordance with LOU.

However, the shipyard is not entitled to request to clarify or add information. For this reason, it is essential for the application to be complete when it is submitted.

1.18 Reservations

If the shipyard in any way states reservations regarding the conditions of the invitation to apply to tender, the application may be rejected and considered to be incorrect.

1.19 Public access to information and secrecy

Information in a procurement process is subject to secrecy under the Swedish Public Access to Information and Secrecy Act (2009:400) until the procurement is made public, a decision has been made, or the procurement has otherwise been completed. After the procurement has been made public, all documents in the procurement normally become public documents. However, the Swedish Public Access to Information and Secrecy Act may grant protection for information, e.g. for information relating to individuals entering into an agreement with an authority (chapter 31 section 16). Such protection is granted if there are special

reasons to fear that publication may cause loss or damage to the shipyard. To allow SMA to keep the application/tender/part of the tender secret, the shipyard must:

- (a) state which information is to be protected; and
- (b) state the loss or damage that could occur if the information were disclosed.

The request is considered by SMA if a request is received to access the documents after the contract award decision is made. The request to keep information secret cannot be considered in advance. The request to keep information secret is not considered until a request to access the information is received. If SMA approves the request to keep information secret, the decision can be appealed and heard in court. It is therefore never possible to guarantee that the information will not be disclosed. The legal possibilities for keeping tenders and/or other documents secret are very limited after the procurement is completed.

1.20 Cancellation

SMA reserves the right to cancel the procurement if political decisions are made or if organisational changes occur that affect or alter the presumptions of the procurement.

The procurement may also be cancelled for other reasons in accordance with procurement legislation. If the procurement is cancelled, all shipyards will be notified.

1.21 Acceptance

The shipyard is encouraged to request clarifications of any ambiguities in the invitation to apply to tender before submitting the application so that the application can be submitted in accordance with the documentation.

1.22 Preliminary time schedule

- Signing of a security agreement (level 3) and a non-disclosure agreement NDA with the qualified shipyards: **2022-12-06**
- Estimated dispatch date for sending the preliminary procurement documentation to the shipyards qualified to submit tenders: **2022-12-12**
- Individual review of the procurement documentation with all qualified shipyards is expected to take place between **2023-02-01** and **2023-02-10**. Place for the review to be defined later.
- The estimated dispatch date for sending the invitation to tender is **2023-03-10**
- The estimated submission date for priced tenders is **2023-08-15**

Please note that the time schedule is preliminary.

2 GENERAL DESCRIPTION OF THE NEW ICEBREAKERS

2.1 General

The icebreakers are mainly intended to operate in the Baltic Sea and the main task of a Baltic icebreaker is to assist other vessels in all possible ice conditions. In the icebreaker design, greater emphasis has been placed on the assistance capability than solely on the icebreaking capability. The assistance capability depends on manoeuvrability and the ability to clear a sufficiently wide and ice-free channel that can easily be followed by the assisted vessel. The assistance capability has therefore been a high-priority principal function in the design. See also the design over-view in appendix 2.

3 GENERAL DESCRIPTION OF THE ASSIGNMENT

3.1 General

The shipyard's task is to construct and deliver the icebreakers according to the tender design and otherwise in accordance with the descriptions in the procurement documents which will be communicated to the shipyards who meet the qualification requirements.

SMA and its representatives intend to be active during the construction of the icebreakers and will spend a lot of time at the shipyard.

3.2 Language skills

To allow the work to be done, the staff selected by the shipyard for this assignment must be able to communicate with SMAs' staff. It will therefore be a condition in the contract that at least the executives with disciplinary responsibility who do the work must be able to speak, write and understand English or Swedish to a good standard.

3.3 High strength steel

The icebreakers shall be constructed in high strength steel (up to yield strength 500 MPa) which means that the shipyard must have the full competence regarding welding and handling in respect of such kind of steel. This will be a binding requirement in the final ship building contract.

3.4 **Controlled environment**

The shipyard shall build the icebreakers in a controllable and correct environment with regards to temperature, humidity and dust/air pollutions in accordance with the tender specification, manuals and instructions from manufacturers and suppliers of equipment used, and applicable rules and regulations. Special consideration must be given to the shipyards premises with regards to welding methods, surface treatment and painting procedures to avoid hidden errors and deficiencies.

3.5 **Stainless steel / Ice belt**

The shell plating in the ice belt region shall have stainless steel cladding which means that the shipyard must have approved procedures and processes in place for welding, handling and treatment of clad/compound steel, for shipside plating. This will be a binding requirement in the final ship building contract.

4 **SECURITY**

4.1 **General Security Arrangement (GSA) with Sweden**

The shipyard that finally is awarded the contract shall have the ability to fulfill the security requirements during the whole contract. This means that SMA has to take into account future security requirements regarding the Swedish Protective Security Act (SFS 2018:585).

A prerequisite will therefore be that the shipyard is registered and is acting in a country with a valid GSA in the area of information exchange with Sweden.

4.2 **Protective security agreement level three (3)**

All qualified shipyards need to sign a protective security agreement level **three (3)** with SMA before they will have access to the procurement documents.

4.3 **Non-disclosure agreement (NDA)**

All qualified shipyards also need to sign an NDA with SMA before they will have access to the procurement documents.

4.4 **Protective security agreement level one (1)**

The shipyard which is awarded contract shall sign a protective security agreement level **one (1)** with SMA. The protective security agreement level one is a prerequisite for the main contract to be signed.

4.5 Facility security clearance certificate (FSCC)

A Facility Security Clearance Certificate (FSCC), issued by the competent security authority in the country where the shipyard is registered and acting, is required for the shipyard which is awarded contract.

4.6 Exclusion of shipyards

The shipyard and any companies whose capacity the shipyard relies upon must not be covered by any of the grounds for exclusion set out in chapter 13 sections 1-3 of LOU.

This procurement is open to shipyards from the EU, the European Economic Area (EEA) and from third countries the EU has committed itself, by international agreement/s, to grant access to the EU public procurement market. At the request from SMA, the shipyard must be able to provide documents supporting such authorization to tender. Shipyards other than the aforementioned are not authorized to submit a tender and will be excluded.

The shipyard, sub-suppliers and any companies whose capacity the shipyard relies upon must not be covered by any of the grounds for exclusion regarding the sanctions against Russia according to: (EU) regulation 2022/576 dated 8 april 2022 regarding amending regulation (EU) number 833/2014.

5 SUPPLIER REQUIREMENTS

5.1 Technical and professional capacity

A general requirement is that the shipyard must have the technical and professional capacity to meet its contractual obligations and must have experience in construction and delivery of vessels.

5.2 Reference project A

The shipyard must have experience in the construction and delivery of a vessel in Polar Class 1 to 6 or equivalent. The requirements are that the vessel has been delivered in year **2012** or later and has a length overall (LOA) \geq **80 meters**.

The following information about the reference project A must be provided:

- Name of ship and/or construction number.
- Year of delivery.

- Length (LOA) in meters.
- Polar Class or equivalent.
- Brief description of the supply commitment.

The shipyard must be able to demonstrate at least **one (1)** relevant project in the area. Information about reference projects is set out in appendix 1 and SMA reserves the right to follow up reference projects.

5.3 Reference project B

The shipyard must have experience in the construction and delivery of a vessel equipped with AC or DC or a combination of AC/DC diesel-electric propulsion system. The requirement is that the vessel has been delivered in year **2012** or later.

The following information about the reference project B must be provided:

- Name of ship and/or construction number.
- Year of delivery.
- Brief description of the supply commitment.

The shipyard must be able to demonstrate at least **one (1)** relevant project in the area. Information about reference projects is set out in appendix 1 and SMA reserves the right to follow up reference projects.

5.4 Reference project C

The shipyard must have experience in the construction and delivery of a vessel equipped with energy storage system (ESS-system) used for propulsion. The requirement is that the vessel has been delivered in **2012** or later.

The following information about the reference project C must be provided:

- Name of ship and/or construction number.
- Year of delivery.
- Brief description of the supply commitment.

The shipyard must be able to demonstrate at least **one (1)** relevant project in the area. Information about reference projects is set out in appendix 1 and SMA reserves the right to follow up reference projects.

5.5 Reference project D

The shipyard must have experience in the construction and delivery of a vessel with a fuel system customized with low flash-point in accordance with the IGF-code. The requirement is that the vessel has been delivered in **2012** or later.

The following information about the reference project D must be provided:

- Name of ship and/or construction number.
- Year of delivery.
- Brief description of the supply commitment.

The shipyard must be able to demonstrate at least **one (1)** relevant project in the area. Information about reference projects is set out in appendix 1 and SMA reserves the right to follow up reference projects.

5.6 F-tax and registrations

The shipyard must hold a valid F-tax form and registration certificate from the Swedish Companies Registration Office or equivalent.

For Swedish shipyards, SMA collects information from the Swedish Tax Agency, which means that Swedish shipyards do not need to attach supporting documents. Foreign shipyards must meet equivalent conditions in their home country, and this must be confirmed by a certificate from the relevant authority within ten calendar days at SMA's request. Certificates from foreign shipyards must be dated no more than three months before the application is submitted. If a certificate is available at the time of submission of the application, it can be attached to the application.

5.7 Social contributions and taxes

The shipyard must have met its obligations in respect of social security contributions and taxes. For Swedish shipyards, SMA collects information from the Swedish Tax Agency, which means that Swedish shipyards do not need to attach supporting documents.

Foreign shipyards must meet equivalent conditions in their home country, and this must be confirmed by a certificate from the relevant authority within ten calendar days at SMA's request. Certificates from foreign shipyards must be dated no more than three months before the application is submitted. If a certificate is available at the time of submission of the application, it can be attached to the application.

5.8 Financial situation

At the time of tender submission, the shipyard must have at least the creditworthiness equivalent to the "**low risk**" level (**B**) in the rating model of Creditsafe, the credit reporting agency. SMA will obtain a Creditsafe certificate to verify that the shipyard meets the requirement.

In the unlikely event that Creditsafe has not performed a credit check of the particular shipyard or the shipyard does not meet the requirements, SMA reserves the right to obtain credit information about the shipyard in question from another

credit reporting agency and/or make its own evaluation whether the shipyard meets SMA's creditworthiness requirement.

5.9 The shipyard's turnover

The shipyard's average turnover in the last two reported financial years must be at least **50 million EUR** or the equivalent amount in another currency. Within ten calendar days of a request from SMA, the shipyard must be able to provide supporting documents.

5.10 Other companies capacity

A shipyard may rely on the capacity from other companies to satisfy requirements relating to economic and financial standing and/or technical and professional capacity.

If the shipyard relies on other companies to fulfill the requirements according to sections 5.8 and 5.9 above those companies must in such case undertake joint liability for the shipyard's contract performance during the entire contract period. Note: It is the supplier that must show that it will have access to the resources necessary when the contract is to be performed.

The shipyard shall within ten calendar days from a request from SMA be able to provide supporting documents.

5.11 Quality management system

The shipyard must hold certificates relating to the quality management system in accordance with ISO 9001 or other equivalent system.

Within ten calendar days of a request from SMA, the shipyard must be able to provide proof of certification. The certificate can also be attached to the application.

5.12 Environmental management system

The shipyard must hold certificates relating to the environmental management system in accordance with ISO 14001 or other equivalent system.

Within ten calendar days of a request from SMA, the shipyard must be able to provide proof of certification. The certificate can also be attached to the application.

5.13 Company description

Within ten calendar days of a request from SMA, the shipyard must be able to provide a written description of its activities and technical capacity. If such a description exists when the application is submitted, the description may be attached to the application.

6 APPLICATION SUBMISSION

6.1 Application

Shipyards that think that they meet the qualification requirements set out in section 5 and are interested in receiving more information about the assignment are asked to do the following:

1. Fill in the application form (appendix 1).
2. Print out and sign appendix 1.
3. Scan appendix 1.
4. Submit appendix 1 and any other appendices as described in this documentation within the deadline set out under section 1.11.