



Guidelines for Tenderers

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Fusion for Energy

The European Joint Undertaking for ITER

and the Development of Fusion Energy

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| Disclaimer |
| This "Guidelines for Tenderers" document has been prepared use by Fusion for Energy (F4E). Its aim is to provide valuable information and guidance to external parties regarding our organization, business opportunities, and concepts related to tender preparation.  It is important to understand that this document is not intended to serve as legislation or a normative document. It serves as an informative guide to further understanding, and it is advisable to refer to relevant regulations for comprehensive information. Due to the wide range and complexity of contracts involved, specific questions may arise that cannot be addressed in this general guide. Nevertheless, the document aims to provide advice and to help answering common queries.  It is crucial to recognize that while the "Guidelines for Tenderers" document adheres strictly to the rules and regulations in force, it should not be regarded as legal advice or a substitute for professional legal interpretation. In cases of discrepancy, the rules, regulations, and clarifications provided by the Court hold precedence.  If you have any further inquiries or require specific clarifications, please do not hesitate to reach out: [GuidelinesforTenderers@f4e.europa.eu](mailto:GuidelinesforTenderers@f4e.europa.eu) |

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# How to do Business with F4E

## Who are we?

Fusion for Energy (**F4E**) is the European Union's joint undertaking for ITER and the development of fusion energy. Our members include the 27 European Union (**EU**) Member States.

Our role is to provide Europe's in-kind and in-cash contribution to ITER, the world's largest scientific installation that aims to demonstrate fusion as a viable and sustainable source of energy. The seven parties of the project, including the EU, Russia, Japan, China, India, South Korea and the United States, represent half of the world's population and 80% of the global GDP.

F4E also supports international fusion research and development initiatives through the Broader Approach (**BA**) Agreement signed with Japan and in cooperation with the European fusion research community (**EUROfusion**), with the goal to reach the commercial exploitation of fusion energy.

To achieve our goals, we work closely with industry and R&D organizations across Europe to design, manufacture, and test technical components for fusion installations. We also collaborate with external contractors for commodities, materials, equipment, and other items required for the support, management, and administration of the institution.

## Business Opportunities

F4E publishes various procedures on its website and industry portal, which cater to different types of entities based on the nature of the process.

Here is a brief description of the different collaboration and business opportunities that your institution or company may be interested in:

### Experts

F4E may require external highly specialized experts to assist in technical activities. For this purpose, F4E publishes Calls for Expression of Interest (**CEI**) on a regular basis to select experts. Every CEI contains the selection criteria, required expertise, and model contract containing the conditions of remuneration.

Only natural persons can apply for the CEI, in order to be included in a prospective list of individual experts who may be called upon to perform tasks for which their expertise is suited. This list, containing the selected experts, is valid for 5 years. When required**, F4E will select an expert from the validated expert list.**

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Experts are not F4E members of staff, they do not have an employment contract with F4E and are not a replacement for F4E staff members in any circumstance. Their tasks related to their appointment will be strictly defined in the expert contract. They might be of any nationality and not only EU citizenship.

**How to apply?**

A CEI is published in the Official Journal of the European Union (OJEU) and on F4E website. The CEI provides all the necessary information about the required expertise, profiles, scope of tasks to be performed, selection and award criteria, and general rules for selecting and appointing experts. If you wish to apply, you need to register via the link and fill out the form.

Only experts with at least 5 years of relevant specific work experience (after obtaining a university degree) and meeting the minimum level of capacities requested should submit an application. CEIs are open for a maximum period of five years; therefore, applications may be submitted up to 3 months before the end of its validity.

Exceptionally, specific CEI are published on a particular domain (E.g. Adjudicators)

Applications for CEI shall be completed and submitted online. [Apply here](https://fusionforenergy.europa.eu/working-as-an-expert/).

For any queries or doubts, please contact [f4e-experts@f4e.europa.eu](mailto:f4e-experts@f4e.europa.eu).

### ITER Business Opportunities

ITER Business Opportunities refers to opportunities that arise within the ITER Organization, open to the participation of companies from F4E member states who can provide the required goods or services for the ITER project.

These are opportunities for companies that meet certain requirements and possess a high level of expertise and capabilities to collaborate directly with the ITER Organization. These calls aim to address the specific needs of ITER, allowing companies to contribute their knowledge and support in various areas, engaging directly with the ITER Organization and assist in fulfilling its objectives.

The ITER Organization is regularly publishing announcements for their business opportunities. There are different types of publications:

#### ITER IO Call for Tenders

A Call for Tenders (**CfT**) is a process through which ITER solicits bids or proposals from interests suppliers or contractors within the territory of its Domestic Agencies to provide goods, services or works.

The candidates proposed by F4E must be established in the territory of an F4E Member (EU Member States) and have work experience, expertise, competence, and references suitable for the nature of the procedure of a particular Call for Tender (**CfT**). The ITER Organization will then invite them to prequalify for the respective CfT.

Suitable candidates shall express their interest by duly filling-in the attached [Company Info Template](https://industryportal.f4e.europa.eu/IP_PROCUREMENT_INFO/893/List_-_Nominating_DA_3LUGT2_v1_2.xlsx) for each of the published CfT they may be interested in applying for and sending it to [ITER-Calls@f4e.europa.eu](mailto:ITER-Calls@f4e.europa.eu). F4E will then prepare a list with the companies eligible, which will be invited to prequalify by the ITER Organization. You may find the latest CfN published, as well as all the information needed for application, here in our industry portal - [ITER IO Call for Tenders.](https://www.iter.org/proc/cft)

#### ITER IO Call for Expertise

A Call for Expertise (**CfE**) is a process through which ITER seeks to engage directly with external experts or organizations to provide specialized knowledge or advice in a specific area. It is typically used when ITER requires expert input, consultation, or review of technical, scientific, or operational matters.

The CfE aims to identify and select individuals or organizations with relevant expertise and experience to contribute to the specific needs of ITER. The candidates shall send the application directly to the IO Procurement Officer in charge of the call indicated in the Expression of Interest form which can be found in the [dedicated website](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.iter.org%2Fproc%2Fcfe&data=05%7C01%7CVictor.SAEZ%40f4e.europa.eu%7Cd3625acf50d74064a4be08db55edcd19%7C687a8c5c348a4796ab753246db849e8b%7C0%7C0%7C638198252419887169%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=%2Bl4%2BAcpxE9EH8ktvMP5OgPzGbyvr4fEPbclpukyqywA%3D&reserved=0).

#### ITER IO Market Survey

A Market Survey is a survey published by ITER to evaluate the market situation and to identify candidate suppliers having the interest, knowledge and capacity related to the supply of specific products or services. The details for the participation in a ITER Market Survey are published in the [dedicated website](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.iter.org%2Fproc%2Fms&data=05%7C01%7CVictor.SAEZ%40f4e.europa.eu%7Cd3625acf50d74064a4be08db55edcd19%7C687a8c5c348a4796ab753246db849e8b%7C0%7C0%7C638198252419887169%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=yCcx2klOi2Oa1JwYTFhJWWmefuQVZmo0ZGJ7Krj7tw8%3D&reserved=0)

### Pre-procurement activities

Pre-procurement activities are important in any procurement process, and F4E engages in several activities to gather information about the market and establish its procurement strategy. These activities include market surveys, information days, contacts with the Industry Liaison Officer (**ILO**) network, direct contacts with companies, registered companies databases, and prior information CfT announcements.

**Market surveys** are the most frequently performed activity and have more weight in the preparatory activities of a procurement process. Market surveys enable F4E to establish the parameters of a procurement action from a quantitative and qualitative point of view. Market surveys help to acquire more detailed information about European industries operating in a given market, identify potential commercial and technical risks associated with a specific procurement strategy, check technical and/or commercial assumptions, facilitate the setting up of consortia agreements among potential bidders, provide input in relation to potential selection criteria, and publish the incoming procurement opportunity to relevant market actors.

**How to apply?**

Market surveys are carried out using online dedicated tools such as SurveyMonkey or EU Survey, that are made accessible through the F4E Industry Portal. The selection of candidates for external sourcing is performed under the principles of equal treatment, non-discrimination, and transparency. These activities help F4E take an informed decision about the existing market conditions and F4E’s supply chain and available technologies when establishing its procurement strategy.

Ongoing and past market surveys can be found at the following [link](https://industryportal.f4e.europa.eu/IP_PAGES/ANNOUCEMENTS.aspx).

### Procurement procedures (Call for Tenders)

Procurement is the purchase of goods, services or works by public bodies (such as F4E).

It involves contracts for pecuniary interest, concluded between economic operators and F4E intended to obtain the supply of assets, the execution of works or the provision of services: in the case of a contract, F4E obtains a product or service it needs in return for payment of an agreed price.

Depending on the scope of the contract we can distinguish between:

**Administrative Contracts:**

Administrative Contracts are awarded to obtain the supply of assets, the execution of works or the provision of services to support the **administrative set up and functioning of F4E**. For instance: contracts for IT equipment, office furniture, information and communication campaigns, training courses, legal support, publications, accessing databases, organising conferences, etc.

**Operational Contracts:**

Operational Contracts are awarded to obtain the supply of assets, the execution of works or the provision of services **for the implementation of the F4E's international tasks related to the construction of ITER and the implementation of the Broader Approach and Demo**. For instance: design, manufacturing, testing, assembling, etc.

F4E follows the principles and procedures established in the EU Public Procurement, which requires fair, transparent, and non-discriminatory treatment of all tenderers and the use of objective and measurable criteria for the award of contracts

You may check open CfTs and submit your tender at the following [link.](https://etendering.ted.europa.eu/general/page.html?name=home)

F4E's procurement processes are announced via ex ante publicity of CfT on the F4E industry portal, F4E website and Official Journal of the European Union (**OJEU**). The call for tenders will include general information about the needs to be supplied, requirements, deadlines, and documentation. Tenders must be submitted via the e-tendering tool. After the evaluation of offers and a decision on the winning offer has been made through the corresponding evaluation process, the award notice will be published. Any contract amendments or significant changes will also be published. Additionally, an annual report of the contracts signed throughout the period will be published, available at the following [link](https://industryportal.f4e.europa.eu/IP_PAGES/keyreference.aspx), under the section “**List of Contracts**”.

Contracts are awarded according to [EU regulations](https://single-market-economy.ec.europa.eu/single-market/public-procurement/legal-rules-and-implementation_en)[[1]](#footnote-1). F4E public tender procedures can take one of the following forms: open procedure, restricted procedure, negotiated procedure, competitive dialogue, competitive procedure with negotiation and innovation partnership.

#### Open Procedure

The open procedure is the most widely used at F4E and is open to any interested economic operator who can prove their capacity to fulfil the requirements set for each specific CfT. Tenders are evaluated on the basis of the criteria published upfront (publication of a contract notice in the [EU Official Journal](https://eur-lex.europa.eu/oj/direct-access.html), [F4E Industry Portal](https://industryportal.f4e.europa.eu/IP_PAGES/ehome.aspx) and [EU Supply](https://eu.eu-supply.com/login.asp?B=)).

*Negotiations are not allowed under this procedure*



Figure 1: Open Procedure - Timeline

#### Restricted Procedure

The restricted procedure is a two-step process:

In the first step, interested economic operators are invited to express their interest in the contract (Requests to Participate – **RtP**) and, based on technical and financial capabilities published upfront (via publication of a contract notice in the [EU Official Journal](https://eur-lex.europa.eu/oj/direct-access.html), [F4E Industry Portal](https://industryportal.f4e.europa.eu/IP_PAGES/ehome.aspx) and [EU Supply](https://eu.eu-supply.com/login.asp?B=)), a number of companies are selected and invited to participate in the following step.

In the second step, a restricted number of candidates are invited to submit tenders. Tenders are then evaluated based on the criteria published upfront in the contract notice.

*Negotiations are not allowed under this procedure. Minimum 5 companies should be invited.*



Figure 2: Restricted Procedure - Timeline

#### Negotiated Procedure

The negotiated procedure is a one-step process where F4E directly invites companies to submit their tenders. The purpose of the negotiation is to improve the content of the tender or to adapt it to the requirements set out in the procurement documents. However, it's important to note that the minimum requirements and evaluation criteria specified in the procurement documents cannot be modified during the negotiation process. **Only the aspects that are not defined as minimum requirements in the tender specifications may be negotiated.**

For middle to low-value contracts below the directive thresholds (€140k in 2023), a simplified negotiated procedure in one step may be used. In this case, F4E publishes a short prior information notice on the industry portal, inviting companies to submit their interests. The number of candidates invited to submit their tender will depend on the estimated value of the contract, with a minimum of one candidate for very low-value contracts (€1k-15k), three candidates for low-value contracts (€15k-60k), and five candidates for middle-value contracts (€60k-140k).

For contracts with a value above the directive threshold, a negotiated procedure can also be used in exceptional circumstances defined under point 11 of Annex I of the General Financial Regulation (**GFR**). This procedure allows F4E to invite economic operators of its choice (generally only one) to submit tenders without prior publication, for specific types of purchases or circumstances such as monopolistic situations, IP protection conditions, or absence of market availability. However, the selected economic operators must meet the exclusion and selection criteria and negotiate the terms of the contract with F4E.



Figure 3: Negotiated Procedure - Timeline

#### Competitive Procedure with Negotiation

This procedure may be used only in specific cases defined in point 12 of Annex I of the GFR.[[2]](#footnote-2)

The competitive procedure with negotiation is a procurement procedure that is used in specific cases where negotiations are allowed. The procedure involves two steps:

In the first step, a contract notice is published in the OJEU, and economic operators are selected based on their technical and financial capabilities. In the second step, only the selected candidates are invited to submit their tender and, if necessary, engage in further negotiations. The tenders are then evaluated based on the criteria published upfront.

#### Competitive Dialogue

Figure 4: Competitive Procedure - Timeline

The competitive dialogue procedure is a multi-stage process that allows F4E to conduct a dialogue with economic operators to identify and define the best possible solution for its needs. It is used when F4E is unable to determine the means of meeting its needs or assess what the market can offer in terms of technical, financial, or legal solutions. This procedure can only be used in specific cases defined in point 12 of Annex I of the GFR. The competitive dialogue procedure consists of three stages:

1. Selection of candidates
2. Dialogue with the candidates to select the best possible solution
3. Choosing the best offer for the selected solution amongst all participants.

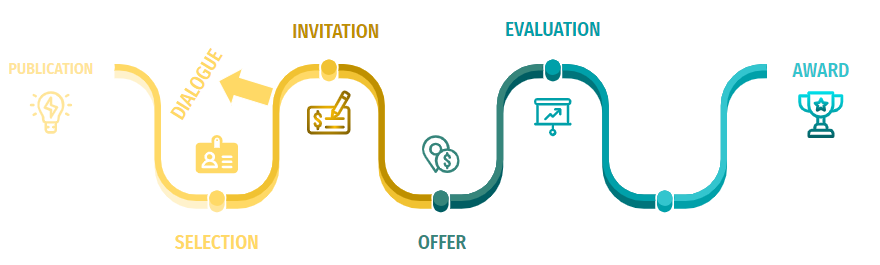


Figure 5: Competitive Dialogue - Timeline

#### Innovation Partnership

The innovation partnership procedure is used for highly complex and innovative contracts where economic operators will be involved in developing new products, services, or works that F4E will subsequently purchase under certain conditions. It is imperative that the product is not currently available in the market or near commercialization phase.

This two-step procedure involves signing a framework agreement with at least three partners, followed by structured phases that correspond to the various steps of the research and innovation process**. As the product development advances, the number of partners is reduced**.



Figure 6: Innovation Partnership - Timeline

### Grants (Call for Proposals)

Grants are a form of direct financial contribution from F4E to external collaborators for the purpose of achieving scientific and technological research and development activities related to ITER construction, Broader Approach, DEMO, and other facilities that support F4E's objectives. These grants are given under the principles of non-profit and cooperation for a shared interest.

Grants are used to support R&D activities at shared costs with the beneficiaries, and ownership and use of results remain with the beneficiaries with free access for F4E. Intellectual property ownership remains with the beneficiary, as do ownership of procured items, and reciprocal liability is waived.

F4E launches a Call for Proposals (**CfP**) to search for suitable candidates who can perform the specified tasks. These CfP are published on F4E's Industry Portal, and any European-based entity that meets the minimum requirements can apply and be evaluated. Each published CfP contains general information and minimum requirements that entities must comply with.

There are two types of grant procedures: open call for proposals and unique beneficiary.

In an **open call for proposals**, any individual may submit an application.

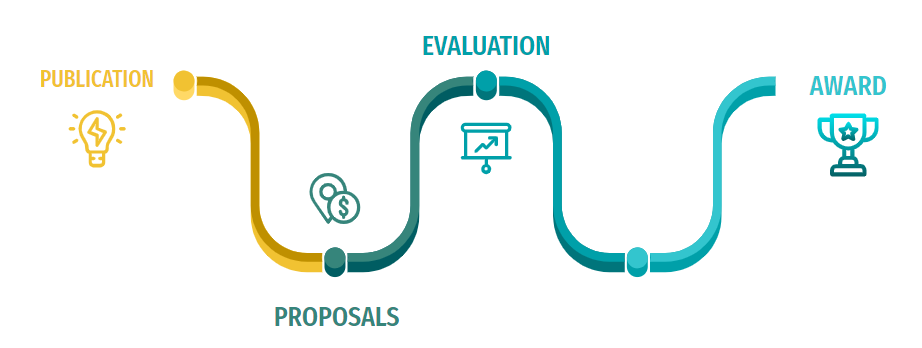


Figure 7: Open Call for Proposals - Timeline

In a **unique beneficiary procedure**, only a preselected candidate with specific capabilities and requirements for the procedure will be invited to submit a proposal.

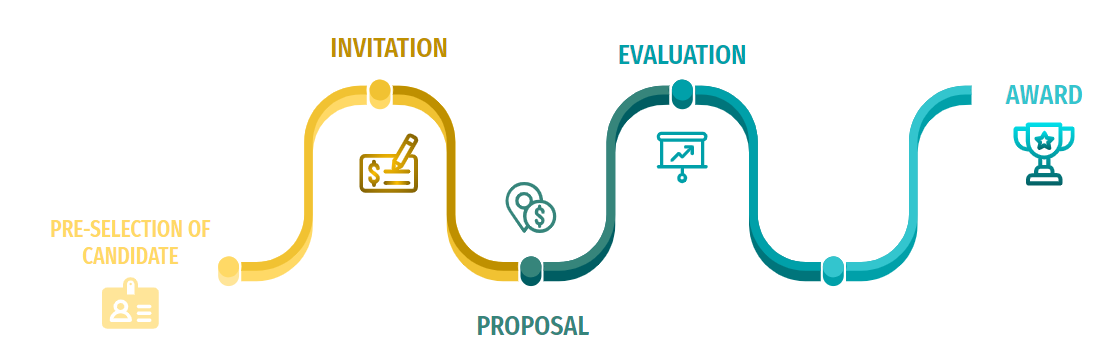


Figure 8: Unique Beneficiary Grans - Timeline

**How to apply?**

F4E announces grant processes via ex ante publicity of CfP on its Industry Portal. These announcements contain general information about the needs to be supplied, requirements, deadlines, and documentation.

# What you need to know before applying

## 2.1 Documents: Preparing your Call for Tender

#### Understanding the Contract Notice

Before submitting a tender, it's important to know the key details of the procurement process. In particular, you should familiarize yourself with the **Contract Notice**, which is the publication that informs potential suppliers of a new procurement opportunity (Cft).

All CfT above the Directive thresholds, organised by F4E, are published in the S series of the Official Journal of the European Union and on the Industry Portal or on F4E website. They can be accessed via TED (Tenders Electronic Daily) or our industry porta. If your company is registered in F4E Database or in TED for a particular activity domain, you will be automatically informed of such publications.

In the Contract Notice, you'll find essential details about the procurement, such as:

* Estimated contract value
* Type of contract (direct or framework)
* Contract duration
* Whether the contract is made up of lots, and a brief description of each lot
* Whether there will be a public opening of bids
* Selection criteria for taking part in the tender
* Criteria for awarding the contract
* Location where you may find the better tender documentation and submission modalities

The Contract Notice is an important document, as it sets out the basic requirements and expectations for potential suppliers. It's essential to read the notice carefully to ensure that you meet all the requirements and understand the full scope of the procurement. The specific requirements for the CfT will be published in the rest of the documentation.

Note that you must comply with the deadline given in the Contract Notice for submitting your tender. Failure to do so will result in your application or tender being deemed inadmissible. In some cases, F4E may grant an extension of the deadline upon request or by its own initiative. If this happens, an addendum will be published.

#### Invitation to Tender

An Invitation to Tender (**ITT**) is the initial step in the procurement process, where economic operators or potential contractors are invited to submit tenders for supply or service contracts. The ITT document outlines all the requirements of the procedure, including deliverables, services, and timelines, as well as the evaluation process that will be followed. It also details the rules for participation, documents to be submitted, minimum requirements for selection, and the evaluation and negotiation processes.

The specific requirements in relation to the offer and its contract implementation are described in the annexes.

1. **Annex 01: Draft Contract**: It contains the model for the general scope of the contract, including specific and general conditions as adapted for the particular CfT, Annexes A and B, and any other amendments.

Depending on the type of contract there would be different general conditions:

* Model contracts for operational procedures:
* Model general conditions for [**Purchase Order**](file:///D:\data\cerezjo\AppData\Roaming\Microsoft\Word\Model_General_Conditions_for_Purchase_Order_2JT9XD_v1_1.docx)
* Model [**Direct Services Contract**](file:///D:\data\cerezjo\AppData\Roaming\Microsoft\Word\Model%20Direct%20Service%20Contract.docx)
* Model [**Direct Supply Contract**](file:///D:\data\cerezjo\AppData\Roaming\Microsoft\Word\Model%20Direct%20Supply%20Contract.docx)
* Model [**Framework Contract for Services**](file:///D:\data\cerezjo\AppData\Roaming\Microsoft\Word\Model%20Framework%20Contract%20for%20Services.docx)
* Model [**Low Value Contract**](file:///D:\data\cerezjo\AppData\Roaming\Microsoft\Word\Model%20Low%20Value%20Contract%20(Supply).docx) (supply)
* Model contracts for administrative procedures:
* General Conditions [**Framework Service Supply**](file:///D:\data\cerezjo\AppData\Roaming\Microsoft\Word\ADM_General%20Conditions%20Framework%20Service%20Contracts.docx)
* General Conditions **[Framework Supply Contracts](D:\\data\\cerezjo\\AppData\\Roaming\\Microsoft\\Word\\ADM_General Conditions Framework Supply Contracts.docx)**
* General Conditions [**Direct Service Contracts**](file:///D:\data\cerezjo\AppData\Roaming\Microsoft\Word\ADM_General%20Conditions%20Direct%20Service%20Contract.docx)
* General Conditions [**Direct Supply Contracts**](file:///D:\data\cerezjo\AppData\Roaming\Microsoft\Word\ADM_General%20Conditions%20Direct%20Supply%20Contract.docx)
* General Conditions [**Low Value Contracts**](file:///D:\data\cerezjo\AppData\Roaming\Microsoft\Word\ADM_General%20Conditons%20for%20Low%20Value%20Contract.docx)

The model contract will contain the Intellectual Property conditions applicable to the implementation of the contract. There are three possible applicable regimes and you may find below the general conditions or **IP provisions** applicable to each one of them.

1. [Joint ownership](file:///D:\data\cerezjo\AppData\Roaming\Microsoft\Word\IP_provisions_for_model_contract_(joint_ownership)_27ZZ6A_v2_0.docx)
2. [Contractor’s ownership](file:///D:\data\cerezjo\AppData\Roaming\Microsoft\Word\IP_provisions_for_model_contract_(ownership_contractor)_27VPTN_v1_1.docx)
3. [F4E ownership](file:///D:\data\cerezjo\AppData\Roaming\Microsoft\Word\IP%20provisions%20for%20model%20contract%20(F4Es%20ownership).docx)

For further information in relation to IP provisions and F4E’s approach in relation to Intellectual Property, please see the following [link](https://industryportal.f4e.europa.eu/IP_PAGES/IntellectualProperty.aspx). You will find there also important information on how to fill in the IP documentation needed in a Cft (guidelines, FAQ, definitions, etc).

1. **Annex A – Management Specifications**: In Annex A, you will find the minimum quality requirements that the contractor must satisfy to qualify for the tender procedure, particularly with regard to compliance with nuclear safety and quality assurance requirements, internal documentation processes, etc. The general requirements on the Quality Management System of the suppliers is defined [in QA-115 document](https://industryportal.f4e.europa.eu/IP_PAGES/QA115_5_5.aspx) (see more in further section Quality Assurance) from where F4E will extract the correspondent management specifications for each CfT

1. **Annex B – Technical Specifications**: This annex contains information regarding the scope of work. It defines the required work or needs to be met or provided, and includes project milestones, deliverables, reports, deadlines, requirements, options and other relevant details. In most of the CfT, Annex 13 [Technical Capacity Safety Criterion (Template)](https://industryportal.f4e.europa.eu/IP_PROCUREMENT_INFO/Annexes/Annex_13_-_Safety_Technical_Capacity_Criteria.docx) is required to be completed in order to comply with the requirements contained in the Annex B.
2. **Other annexes:** Depending on the type of procurement procedure and its specific requirements, there may be other annexes that need to be completed. These may include the Financial Information Form, Legal Entity Form or Identification Form, among others. You can find all of the standard documents for tender preparation on this [link](https://industryportal.f4e.europa.eu/IP_PAGES/keyreference.aspx), under the section “Standard Documents for Tender Preparation” (\*please note that not all of these documents need to be completed for every single procurement procedure. The required annexes may vary depending on the specific tender requirements. It is important to consult the Invitation to Tender to see which annexes are needed in each particular case).

## 2.2 Contract Types

Depending on the scope of the procurement needs, different types of contracts may be chosen by F4E when launching the procedure. F4E uses several contract types to support the procurement of assets, services or works, and each type of contract has its own advantages and disadvantages, and the choice depends on factors such as the complexity of the requirement, the duration and frequency of the need, and the degree of flexibility required. It is important for tenderers to carefully review the type of contract that F4E intends to use and to understand its implications before submitting a tender.

### 2.2.1 Supply or Service Contract

F4E typically enters supply or service contracts with economic operators/external companies to meet its needs. The main difference between these two types of contracts lies in the nature of the obligation undertaken by the contractor. In a supply contract, the contractor agrees to deliver goods, while in a service contract, the contractor undertakes to perform a specific service.

Supply contracts can include the delivery of raw materials, manufacturing components, or equipment needed for the construction or operation of the ITER project; also supply of goods such as IT equipment or furniture to guarantee the implementation of the tasks of the Joint Undertaking. Service contracts can cover various services, such as maintenance, repair, transportation, consulting, or training.

The choice between a supply or service contract depends on the specific needs of each procurement procedure. In cases where both supplies and services are required, such as in mixed contracts, the model contract type will be determined based on the scope of the contract that holds the highest value. This includes incorporating clauses that cover the dispositions of the other contract type.

F4E is also launching CfTs for the construction of buildings and other works within the site, which fall under work contracts. Considering the specific legislation and applicable national rules, the model contracts for this scope are tailored accordingly and are based on FIDIC models.

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### 2.2.2 Direct Contract vs Framework Contract

When conducting a procurement process with F4E, it is important to understand the different types of contracts that may be used. In the previous section, we explained the different types of contracts based on the nature of the object of the contract: supply or service contracts and works, depending on what is being acquired through the procurement procedure. The characteristics and implementation mode of these needs also influence the selection of the appropriate contract type:

Direct contracts and framework contracts are two primary types of contracts that F4E may use in their procurement processes (public contracts are always documented in written form)

**Direct contracts** are definitive and self-sufficient contracts that can be used for all types of purchases, including services, supplies, and works. These contracts stipulate the subject matter, remuneration, and duration of performance at the outset, along with all necessary legal conditions. They can be implemented without further formalities.

On the other hand, **framework contracts** stipulate the subject matter of the purchase, the price list, the parties, the legal setup, the duration, and the method of making purchases. However, the other necessary elements of the contractual relationship are defined at a later stage in **a specific contract or an order form**, which indicates the ultimate aspects of the contract such as the quantities and date of delivery. Framework contracts do not give rise to a direct obligation for F4E, and only the specific contracts concluded under a framework contract constitute a direct binding commitment to purchase from F4E’s side.

In addition, F4E may use **purchase orders** for simple, low-value purchases that do not exceed €15k. Purchase orders typically include details such as the item or service to be purchased, the price, delivery date, and terms of payment.

In summary, it is important to understand the different types of contracts that may be used in F4E's procurement processes, as well as the specific requirements for written contracts and purchase orders. These guidelines, will help tenderers understand the implementation modalities of the contracts and the risks and flexibility associated in each case.

### 2.2.3 Types of Framework Contracts

As indicated on the previous section, a framework contract is an agreement between F4E and an economic operator(s) that sets out the terms and conditions governing contracts to be awarded during a specific period. The details of the contractual relationship are later defined in a specific contract. They can take the following forms:

Single Framework Contracts

A single framework contract is established with one contractor to provide the required service or supply. The contract is valid for a fixed period, and the contractor is expected to supply the required service or supply whenever requested by F4E.The same contractor will cover all the scope of the contract.

#### Cascade Framework Contracts

F4E establishes a framework agreement with several economic operators, who are ranked based on the result of the evaluation of the CfT as announced in the award criteria. When F4E needs to procure a specific service or supply, it first contacts the highest-ranked economic operator on the list. If that economic operator is unable or unwilling to provide the required service or supply, the contracting authority moves on to the next economic operator on the list, and so on, until conditions are met to sign the specific contract. Generally, two or three contractors in cascade are foreseen.

**Unavailability** of an economic operator is given under the scenarios of the correspondent framework: when the economic operator does not send a task offer, without justification or not within the deadline specified; when no agreement is reached between F4E and the economic operator; when a of conflict of interest arises or when there are consecutive failures to perform during the previous implementation.

This type of framework contract provides a **back-up** in situations where security of supply is endangered.

#### Framework Contracts with Re-opening of Competition

A framework contract with reopening of competition is a type of framework contract in which the contracting authority periodically reopens the competition for certain purchases or tasks covered by the framework. This means that after the framework contract signature, F4E will invite all successful tenderers that signed the multiple framework contract to submit tenders for the tasks orders, in view of the signature of the specific contract. The purpose of this is to ensure a certain degree of competition. This ensures that F4E gets the best value for money and encourages competition among contractors, increasing the business opportunities available for the successful contractors.

Specific contracts are awarded based on the award criteria specified in the framework.

It is used for non-standard purchases, when the technical specifications of the framework contract **are not precise or complete enough** to cover its assignments or when the evolution of the market is such that it is economically beneficial to update the prices and reopen competition. Also when the previous tasks are not interconnected to the new ones..

#### Mixed Framework Contract

Both cascade and re-opening of competition can happen within the same framework contract.

A mixed framework contract is a type of FWC in which some of the terms are precisely defined, while others may not be clearly defined. This means that some aspects of the contract may be subject to reopening of competition, while others will follow the cascade system.

It is important to note that this possibility must be explicitly stipulated by F4E in the procurement documents. This includes specifying which purchases will be subject to reopening and which will be automatically ordered through the cascade system. This ensures transparency and fairness in the procurement process and allows all parties involved to be aware of the terms and conditions of the FWC.

## 2.3 Main concepts to be aware of in a Call for Tender

To increase the chances of success in a CfT, it is important to have a clear understanding of the main concepts explained in its documents. This will help in becoming familiar with the key notions and requirements and enable better preparation your tenders.

#### Exclusion Criteria

The exclusion criteria are a set of conditions outlined in a CfT that, if met, would disqualify an economic operator from participating in the process. The purpose of these criteria is to ensure a fair and transparent process, without any conflict of interest or distortion of competition. These criteria apply to all types of CfT, and their main objective is to protect the financial interests of the EU budget.

The exclusion criteria help to prevent potential economic operators who may have engaged in fraudulent activities, or who have been found guilty of violating certain laws, from participating in the tendering process. By doing so, the exclusion criteria ensure that only qualified and reputable economic operators are eligible to participate in the process.

To check whether your company meets exclusion criteria please refer to [article 136 of the Financial Regulation](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32018R1046&rid=6#d1e11640-1-1). [[3]](#footnote-3)The Guidelines for Tenderers document has been prepared to assist you in identifying the exclusion criteria and the evidence accepted to prove that your company does not fall under any of them. In each procurement procedure, a [Declaration on Honour on Exclusion and Selection criteria](https://industryportal.f4e.europa.eu/IP_PROCUREMENT_INFO/Annexes/Annex_04_-_Declaration_on_Honour_-_Exclusion_and_Selection_Criteria.docx) should be signed and submitted to confirm compliance with these criteria.

#### Selection Criteria

Selection criteria are a set of requirements that economic operators must meet to ensure they have the capacity to provide the necessary goods or services that are the subject of the correspondent CfT. These criteria are defined in a way that allows for an absolute judgement of whether the company meets the requirements or not, with no discretion involved. They are not negotiable, and they cannot be changed throughout the procurement procedure. Compliance with these criteria is mandatory during the whole duration of the contract.

The aim of the selection criteria is to demonstrate the minimum technical and financial capacity of the tenderer, which are necessary to implement the contract (CV requirements, certifications, technologies, project past experience, etc) and they must be met before the submission deadline.

To meet these criteria, the economic operator can tender together with other companies (Joint Tender) or rely on third parties through a subcontracting relationship.

#### Award Criteria

The award criteria in a CfT allow F4E to assess and compare the tenders received based on predetermined and transparent criteria related to the subject matter of the contract. These criteria may be based solely on price or on a combination of price and quality. Unlike the selection criteria, the award criteria are not intended to evaluate the overall merit of the tenderer or the company, but rather to assess the value and relevance of the specific offer they have proposed for the ongoing CfT.

The evaluation process for the award criteria includes two methods: the automatic award based solely on price and the best value for money method based on a combination of price and quality.

The **automatic award** evaluates compliance with the requirement, specifically with Annex A, B, and draft contract requirements, without considering the merit of the offer. This evaluation method is a simple yes or no judgment.

The **best value for money** method involves a relative judgment by an F4E staff committee who will award points to the criteria announced in advance and rank the tenders received to select the most advantageous tender in the interest of F4E. This method considers both the price and quality of the offer.

The CfT specifies the required documentation to support the tender, which is necessary for the evaluation of each award criterion. The documentation cannot be provided after the deadline nor supplemented, except for clarifications if requested by F4E. Therefore, it is important for economic operators to carefully review the required documentation (absence of a certain document might not allow to proceed to the evaluation of certain criteria, which will lead to a disqualification of the offer.

Moreover, economic operators should pay attention to the weighting of the award criteria, as this will help you tailor your tender to better meet F4E's priorities and interests. It is important to note that the evaluation process is solely based on the submitted documentation and will not take into account any prior experience or contractual relation that F4E might have had with a particular tenderer.

#### Nuclear Safety

Safety is a key element for F4E when assessing the procurement documentation.

ITER is a nuclear facility which will use nuclear materials such as tritium and produce high energy neutrons. The **objective of nuclear safety is to achieve proper operating conditions and to prevent or mitigate accident consequences**, resulting in protection of workers, the public and the environment from undue radiation hazards.

**Nuclear safety** is the discipline to predict and control hazards against the public and the environment, in and around a nuclear facility, in order to predict, prevent and control any harmful effect. It comprises the set of all technical and organisational dispositions taken to achieve the objectives, and the corresponding demonstration and evidences.

(Nuclear) Safety has to be taken into account throughout the whole project lifecycle from design, manufacturing, testing, assembly, commissioning, operating to decommissioning phases.

F4E has set up a **Nuclear Safety Management Policy** that defines basic principles and rules related to nuclear safety, environmental protection and protection of public health; this policy applies to F4E's staff and contractors who design and manufacture systems, equipment, buildings or carry out activities that play a role in the protection of these interests.

For certain call for tenders, where nuclear safety is particularly a sensitive factor, tenderers will be required to comply with certain nuclear safety requirements.

The purpose of this [policy](chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https:/industryportal.f4e.europa.eu/IP_PROCUREMENT_INFO/qa/5_5/P-01.07_Supplier_Nuclear_Safety_Management_Requirements_(F4E-QA-113)__22JRQY_v2_1.pdf) is then to define the specific (nuclear) safety requirements to be considered by tenderers and implemented by F4E Suppliers and their Subcontractors involved in tasks concerning **Protection-Important Components** or **Protection-Important Activities**. (PIC & PIA activities, where is especially critical to comply with the requirements and specifications involving such a safety sensitive activity).

As an overview, these requirements consist of:

1. Propagation of F4Es (nuclear) safety policy to all of the company`s (and subcontractors if applicable) staff
2. Understand and comply with the requirements & responsibilities, both for the company and any externals involved in the process. Evidence of all of this shall be provided.
3. Develop a Nuclear Safety Management system to promote and ensure an environment of nuclear safety culture, attitudes and behaviors in the workplace.
4. Be subject to systematic technical control.
5. Develop a Manufacturing & Inspection Control plan, encompassing the main activities of the

Depending on the scope of the CfT tenderers should satisfy the requirements by themselves or may rely on a third party to comply with the whole of the Nuclear Safety policy.

#### Quality Assurance

Quality assurance **(QA)**comprises all planned and systematic actions that are necessary to provide adequate confidence that a structure, system, or component will perform satisfactorily in service. It refers to the expansion throughout the organization of a culture of good practices, of their implementation within the processes of the management systems of nuclear facilities and describes how they are managed through interfaces with suppliers and subcontractors.

F4E will require certain QA requirements are met by companies in order to be considered with the required minimum capacity (**selection criteria**).

In addition, QA considerations (**Award criteria**) are weighted and taken into account during the evaluation of the offers.

Almost every Cft will include at least one QA selection criteria and one QA award criteria, and the tenderer as a whole/or individually (depending on each contract) will have to comply with those. For most of the operational Cft, Annex A will include the QA requirements (technical requirements are included in Annex B)

In the following [link](https://industryportal.f4e.europa.eu/IP_PAGES/QA115_4_4.aspx), you can check the supplier quality requirements that will be taken into account and further developed in the CfT documentation and correspondent evaluation process, with the guidelines, handbook, forms to fill out and instructions on how to satisfactorily comply with the established quality requirements. Some of them are part of the Selection criteria (the absence of them automatically eliminates the possibility of the tender being considered) and others of the award criteria via the evaluation of the merit of the proposed PQMP (Project Quality Management Plan). Compliance of offers is always mandatory and thus compliance matrix documentation might be required in relation to quality assurance systems.

#### Intellectual Property

F4E requires the management of Intellectual Property (IP) in their contracts and grants.

As a potential candidate, you may find useful the definition of background, that you will see repeated in several parts of the contract:

The term "background" is defined as any information or IP that is necessary to carry out the contract or to use the goods or services supplied under the contract, which is held by the contractor or developed outside the scope of the contract and not funded by F4E.

This definition covers IP rights that the contractor holds, including patents and copyrights, as well as rights acquired through a license or other agreement. Additionally, Know-How can also be considered as background.

For more information related to management of IP at F4E please see the following [link](https://industryportal.f4e.europa.eu/IP_PAGES/IntellectualProperty.aspx).

# 3.How to Apply

1. Get informed: this is a key moment for your company to be able to prepare and decide. During the pre-procurement phase you may get information on upcoming calls via the announcements posted on the Industry Portal (Market Surveys, Information days, ITER Business forum, BSBFS or other conferences), as well as via your National [Industry Liaison Officer](https://industryportal.f4e.europa.eu/Others/ContactPage.aspx). You may also search for a specific procedure via this [link.](https://industryportal.f4e.europa.eu/Calls/SearchPublicCall.aspx)

At the **account management/partners database** section, you are able to fill out a form and register to enter our pool of companies and be notified of upcoming business events and opportunities (market surveys, Information Days, business forums, etc.), to search potential associates for creating a consortium, and to guarantee your visibility when F4E is looking for potential candidates. All you need to do is register by filling out basic information about your institution at the [following link.](https://industryportal.f4e.europa.eu/UserRegistration/AccountManagement.aspx)

1. Register at EU Supply: To check all of the Call documentation and decide whether you are interested or not, you [may register at EU Supply](https://eu.eu-supply.com/ctm/Company/CompanyRegistration/RegisterCompany) and there access the documentation regarding the call
2. Register in view of Call For Tender: Once you decide you are interested in a specific Call for Tender, and you want to apply, you must register your company in the [E-submission tool](https://eu.eu-supply.com/ctm/Company/CompanyRegistration/RegisterCompany?OID=56&B=F4E) at least 48 hours before the submission deadline of the tender. For further information, please consult the following tutorials [Supplier registration](https://industryportal.f4e.europa.eu/IP_EXT_REFERENCE_DOCUMENTS/How%20to%20register%20your%20company_on_E-Submission_Tool.mp4).

If you are interested and believe you can comply with all of the requirements, you may go ahead and register and prepare your tender.

1. Prepare your tender: Please carefully watch the following tutorial to better understand **how to prepare and correctly submit your tender and meet the requirements**, consents and information prepared above. Before clicking the submit button, ensure you have provided all of the documentation required. \*check tutorials such as [How to submit a tender?](https://industryportal.f4e.europa.eu/IP_EXT_REFERENCE_DOCUMENTS/How_to_submit_a_tender_on_E-Submission.mp4) and [How to prepare a tender for F4E?](https://www.youtube.com/watch?v=FAnBXegukMY).
2. Stay updated: Regularly check the link where the call you are interested in is located. Clarifications, extensions and responses to questions asked by other potential tenderers are communicated to all of the companies registered for that call.

Important information regarding upcoming procedures is published during the info days in F4E website.

For further information or any doubts you may have, please do not hesitate to ask questions via EU Supply – Q&A Section.

Good luck! We are looking forward to doing business with you in the future and having you on board in our ITER project.

If you have any feedback or questions regarding this Guidelines for Tenderers document, please do not hesitate to send them to the following email address: [GuidelinesforTenderers@f4e.europa.eu](mailto:GuidelinesforTenderers@f4e.europa.eu)

## Definitions

The glossary below contains definitions of key terms related to F4E procurement and the ITER project. Understanding these terms is important for companies interested in tendering for F4E contracts or participating in the ITER project. The glossary is intended to serve as a helpful reference tool for those new to the field, as well as for those who are familiar with the terminology but need a quick reminder and better understanding the terms you may have seen over this page.

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| **Award Criteria** | The predetermined standards or criteria used to evaluate and select a winning tender or proposal in a public procurement process. These criteria are used to determine which tender or proposal offers the best value for money/lowest price, taking into consideration various factors such as price, quality, technical merit, sustainability, and other relevant considerations. |
| **Background** | In the context of F4E contracts and grants, background refers to any information or intellectual property that is held by the contractor or developed outside the scope of the contract, which is necessary to carry out the contract or for using the services or goods supplied under the contract. |
| **Broader Approach (BA)** | A cooperation framework established between Europe and Japan for advancing fusion energy research and development. |
| **Call for Expression of Interest (CEI)** | A notice published by a contracting authority inviting potential bidders to express their interest in a future procurement procedure. |
| **Call for Nominations (CfN)** | A procedure used to select candidates for a specific position or task, typically in a public sector organization or program. |
| **Call for Proposals (CfP)** | A process in which an organization invites interested parties to submit a proposal for a particular project or initiative, typically funded by the organization. |
| **Candidate** | An individual or organization (company) that has applied or been nominated for a position or task. |
| **Contracting Authority** | An organization or entity responsible for awarding contracts, typically in the public sector. (**F4E**) |
| **DEMO** | A fusion power plant that is designed to produce electricity from fusion reactions, with the goal of demonstrating the commercial viability of fusion power. |
| **Economic Operator** | A company or individual that is engaged in economic activity, such as buying, selling, or providing services. (**Your company**) |
| **EU Supply** | An e-procurement platform that F4E uses to manage its procurement processes. |
| **EUROfusion** | A consortium of European fusion research institutions that coordinates fusion research activities in Europe. |
| **E-submission tool** | The E-submission tool is a web-based tool that vendors/economic operators use to submit their bids electronically. |
| **Exclusion Criteria** | The specific conditions or grounds that disqualify a potential tenderer from participating in a public procurement process within. These criteria are set by F4E and may include factors such as past convictions for corruption or fraud, failure to pay taxes or social security contributions, bankruptcy, conflicts of interest, or other legal or financial reasons that may indicate a lack of integrity, reliability, or suitability to participate in the procurement process. |
| **Fusion for Energy (F4E)** | An European Union organization responsible for providing Europe's contribution to ITER, the international nuclear fusion project. |
| **Intellectual Property (IP)** | Refers to creations of the mind, such as inventions, literary and artistic works, and symbols, names and images used in commerce, for which exclusive rights are recognized. |
| **Invitation to Tender (ITT)** | A document that is issued by a contracting authority to invite bids for a particular contract or project. |
| **International Thermonuclear Experimental Reactor (ITER)** | A major international project to build a large-scale experimental nuclear fusion reactor. |
| **Know-How** | It refers to knowledge, expertise, and skills that are not necessarily protected by intellectual property rights, but are still valuable and can be used to achieve a particular objective. |
| **National Industry Liaison Officer (ILO)** | A representative in each EU Member State who promotes participation in F4E projects by companies and organizations in that state. |
| **Nuclear Safety** | The set of measures and regulations that are designed to ensure the safe operation of nuclear facilities and the protection of the public and the environment from nuclear hazards. |
| **Official Journal of the European Union (OJEU)** | The official journal of the European Union, which publishes information related to EU legislation, tenders, and public procurement. |
| **Protection-Important Components (PIC)** | The measures taken to protect the most important components of a nuclear facility from damage or failure. |
| **Protection-Important Activities (PIA)** | The measures taken to protect the most important activities of a nuclear facility from disruption or failure. |
| **Quality Assurance (QA)** | The set of activities and processes that are designed to ensure that products or services meet certain quality standards. |
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| **Selection Criteria** | The criteria that are used to evaluate the suitability of tenderers for a particular contract or project. |
| **Tender Electronic Daily (TED)** | An online database that provides information on public procurement notices and tender opportunities in the European Union. |
| **Threshold** | A limit beyond which certain rules or regulations apply, such as the minimum value of a contract that must be advertised in the Official Journal of the European Union. |

1. Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, 2018 [↑](#footnote-ref-1)
2. General Financial Regulation of the European Union, Annex I, point 12 [↑](#footnote-ref-2)
3. Article 136, General Financial Regulation of the European Union [↑](#footnote-ref-3)