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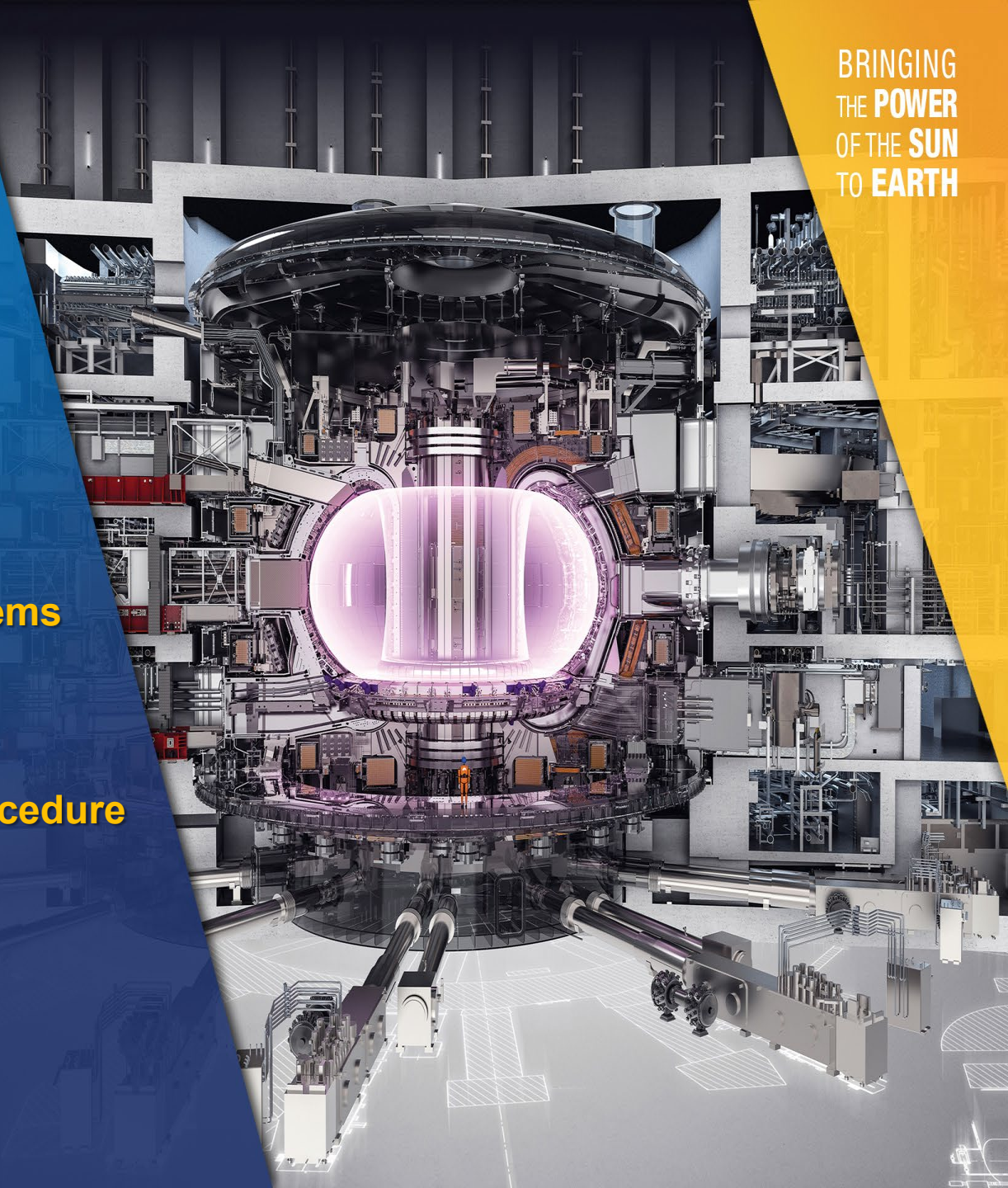
F4E-OMF-1609

**Design & Manufacturing of
RH Assembly Tools and Systems**

**Information Day:
Overview of Procurement Procedure
and Contractual Aspects**

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November 04, 2024



General information on the legal basis :

- ❑ Procurement procedure for F4E-OMF-1609 is governed by:
 - Title VII of the *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 and its Annex I (General Financial Regulation)*,

as modified by F4E Financial Regulation (Articles 89a – 89f and 90)
- ❑ Multiple Framework Contract (FWC) to be awarded in a competitive procedure with negotiations (2-step procedure)

Type of Procurement Procedure : Competitive Procedure with Negotiation

- Step 1 = Selection of candidates invited to submit a tender (**tenderer's capacity**)
- Step 2 = Tendering phase and, if needed, negotiation (**technical & financial offers**)

Award :

Multiple FWC = Max. of 5 successful tenderers if enough compliant tenders

Tentative schedule :

Publication of call = 28 October 2024

Completion of Step 1 (Selection Phase) = 31 January 2025

Completion of Step 2 (Call for Tender) = July 2025

Award = October 2025

Type of contract :

- Framework contract with reopening of competition and cascade

Key submission dates:

Step 1 deadline for Request to Participate (RtP): 06 December 2024
Information to selected candidates: Late January 2025

Submissions via F4E E-Procurement Tool (EU Supply):

Step 1 – Request to Participate

- Exclusion criteria
- Selection criteria

Step 2 - Technical Offer

- Technical compliance
- Technical award criteria

Step 2 - Financial Offer

- Financial award criteria



Step 1 (Selection of Candidates) – Administrative documents – Key items:

- Declaration on Honour – Exclusion and Selection Criteria
- Exclusion evidences – proofs that tenderers are not in any exclusion situations (e.g., bankruptcy, etc.)
- Selection evidences – 1. Past Projects, 2. Access to required facilities, 3. CVs, 4. QA, 5. Financial Capacity
- ITT Annex 15 (Technical Capacity Assessment Form for above 1 & 2) - **Take care when completing this template**

Step 2 (Call for Tender) - Technical Offer – Key items:

- Technical proposal for the Business Case (see next slide)
- Quality documentation (PQMP, Risk Register, Supply Chain Acceptance Register)
- Statement of Compliance Matrix to requirements in Annex A (Management Specification) and Declarations of Compliance to requirements in 1/ Annex B and 2/Business case

Step 2 (Call for Tender) - Financial Offer – Key items:

- ITT Annex 02 - FWC Staff Profile Rates excel
- ITT Annex 22 - Business Case PBS Price Offer Excel

See ITT for complete list of required information/documents for Step 1 (Selection Phase)

Important: Tenders are ENCOURAGED to ask questions, seek clarifications if needed – via EU SUPPLY

About the Business Case (ITT Annex 21):

- ii. A **technical proposal** indicating how the tenderer intends to implement the activities outlined in the Business Case (Annex 21) as specified below:
- **D1** – Business case work package 1 for FOAK Lift Units Manufacturing and Testing. Please refer to section 2.5 of Annex 21 (Business Case).
 - **D2** – Business case work package 2 for Final CTM Cable Guide Prototyping and Testing. Please refer to section 3.5 of Annex 21 (Business Case).
 - **D3** – Business case work package 3 for F4E Control System Hand-Over. Please refer to section 4.3 of Annex 21 (Business Case).
 - **D4** – Business case work package 4 for Equatorial Port Plug Handling System Manufacturing. Please refer to section 5.6 of Annex 21 (Business Case).
- Work packages 1, 2 and 4 are real work packages that will be implemented in the respective task orders.
 - Financial offer for these work packages (ITT Annex 22) will be maximum prices when incorporated in their respective task orders – i.e., for future re-openings of competition.

See ITT for complete list of required information/documents for Step 2 (Call for Tender)
Information Day (for selected candidates) is also planned to be organized for Step 2

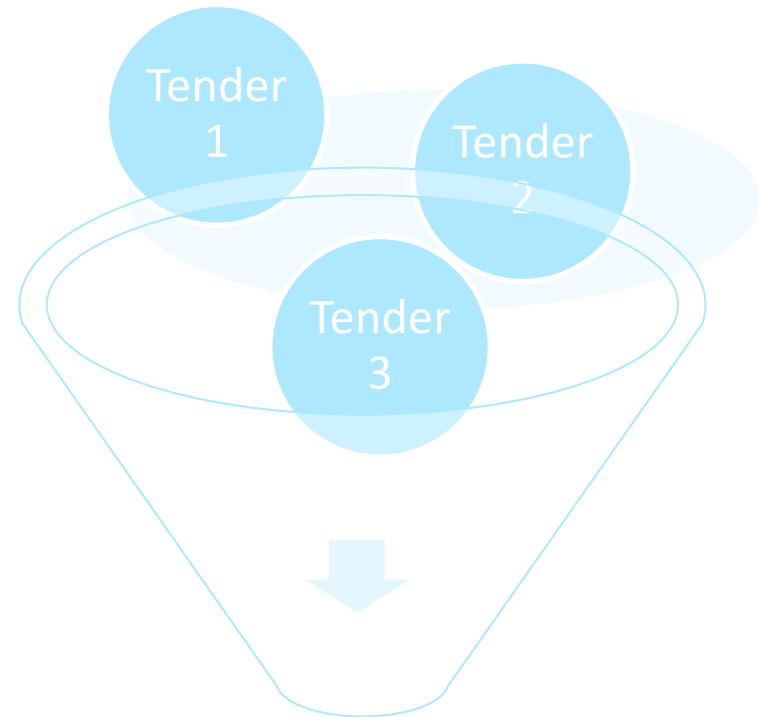
Signature of Framework Contract and its Implementation:

- ❑ Multiple Framework Contract for provision of design and supply to be signed with up to 5 contractors – scope to be implemented only via Specific Contracts (template for a Specific Contract in Annex I to the Framework Contract)
- ❑ No commitment to place Specific Contracts
- ❑ In conformity with Article I.4 of published OMF-1609 Draft Contract, Specific Contracts awarded through re-opening of competition and establishing a cascade mechanism:
 - Award of Specific Contracts shall be done through a **re-opening of competition** between the Contractors (successful tenderers);
 - A **cascade mechanism** shall be the basis for award of any following Specific Contract related to the scope of the re-opening of competition to which is relates.
- ❑ Award criteria for future re-opening of competition defined in OMF-1609 Draft Contract Annex L.

- ❑ **Duration of the Framework Contract:** 60 months with up to 4 automatic renewals by 1 year (maximum 9 years) (*Article 1.3*)
- ❑ **Indexation** – with Eurostat producers prices index. Applied at the level of Framework Contract, for unit prices (Article 1.7) and Specific Contracts, for overall contracts' price (e.g. Clause 4 of Specific Contract 01) from the second anniversary of the Commencement Date
- ❑ **Payment scheme:**
 - pre financing foreseen to be between 10-30% for Specific Contracts (*Article 1.8*)
 - Interim Payments up to 60% for Specific Contracts
- ❑ **Key Performance Indicators – applied at the Specific Contract's level** (Article 1.24 and Annex K)
 - Only applicable if included in the Specific Contract (e.g: Schedule Adherence Index and Document Review Reaction Index)

- ❑ **Liquidated damages:** for delay up to 10% of the Total Specific Contract Price. Varied LDs rates (Article I.15)
- ❑ **Software expenses:** proposal containing an estimated amount to be reimbursed in the Task Order (I.27)
- ❑ **Contingency:** if included in the Specific Contract, implemented by means of Service Orders (Article I.28 and Annex O)
- ❑ Contract with an EU (Euratom) body specificity:
 - Applicable law: **EU law complemented by Spanish law** (Article I.22)
 - Dispute resolution: **Court of Justice of the EU** as the competent court, mediation possible (Article II.26)

- ❑ To adjust the draft Contract best for the project, taking into account inputs from all tenderers in the negotiation stage
- ❑ After negotiation, an updated draft Contract will be sent to *all tenderers* and has to be accepted with the final tender submission



Final draft Contract

6.2 Negotiation of the Draft Contract (Invitation to Participate)

Tenderers may propose deviations regarding the following aspects of the Draft Contract, which will then be discussed during the relevant meeting(s):

- Contract Prices, including submitted rates for Framework Contract execution (staff rates, profit margin)
- Performance guarantee
- Key Performance Indicators
- Liquidated damages
- Indexation

The other provisions, and in particular the ***general conditions*** of the draft Contract ***are not subject to negotiation.***

Nonetheless, if some provisions of the draft contract are deemed critical as to the performance of the contract by a tenderer, it may submit a request for clarification, or propose modifications/deviations regarding that provision which can be discussed with Fusion for Energy.



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