

Invitation to Participate

(TENDER CONDITIONS)

MANUFACTURE OF THE TORUS AND CRYOSTAT CRYOPUMPING SYSTEM (TCCS)

COMPETITIVE PROCEDURE WITH NEGOTIATION FIRST STEP F4E-OPE-0966

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1. Introduction

This Invitation to Tender contains the tender conditions applicable to this call for tender based on competitive procedure with negotiations.

The Contract Notice published in the Official Journal of the European Union (OJEU), together with the Invitation to Tender (including Annexes), make up the documentation, referred to as *Procurement Documents* in the rest of this document enabling an economic operator to prepare and submit a tender.

Following the publication of the Contract Notice in the OJEU, the *Procurement Documents* can be downloaded from the Fusion for Energy (F4E) <u>Industry and Associations Portal</u>.

If you have created an account you will be informed about any modification to a published call for tender (e.g. extension of the submission deadline) and answers to submitted questions, published on the F4E Industry and Associations Portal is free of charge and does not involve any commitment to submit a tender.

The rules applicable to this procurement procedure are available on the official F4E website

- Procedure type: Competitive procedure with negotiation.
- Contract type: **Direct contract (OPE)** (see Annex 01).
- Contract notice Reference: 2019/S 002-001530
- Applicable Step of the Procedure: Selection of candidates (1st Step)
- Submission deadline:
 - o Request to Participate: 04/02/2019
- <u>Submission modalities</u>: E-submission Further details can be found in section 8 - Submission modalities.
- Contracts & Procurement Officer: Eva García Torres
- Information related to the procedure:

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This contract will be awarded in two steps (i) <u>Selection of candidates</u> and (ii) <u>Tender Submission/negotiation.</u> As a first step Selection of candidates, any interested economic operator can submit a request to participate. The outcome of this first step is a selection of a maximum number of candidates. In a second step, only selected candidates will be invited to submit a tender. The outcome of this second step is the award of the contract. Any tender received from a legal or natural person not invited to tender will be rejected.

The number of candidates to be invited to tender is 3, as per Section 5.3.

The contracting authority may negotiate with tenderers the tenders they have submitted, in order to adapt them to the procurement documents and in order to find the most economically advantageous tender. The minimum requirements defined in the procurement documents are not subject to negotiation. During negotiations equal treatment of all tenderers will be ensured.

As part of the negotiation F4E may request a new *Submission*, an amendment or a complement to a previous *Submission*. The content of the *Submission* is defined by F4E.

F4E has the right, but not the obligation:

- to award a contract without negotiation on the basis of the tenders initially received.
- to re-open the negotiation with the tenderers if it considers its needs not being appropriately satisfied.

• <u>Tentative Schedule of the Procedure</u>:

- Step 1 Invitation to Participate
 - Submission of Requests to Participate: 04/02/2019
 - Information to candidates of the results of the selection step: 20/02/2019
- Step 2 Invitation to Tender
 - o Invitation to submit tender: 20/02/2019
 - Submission of tenders: 19/04/2019
 - Individual negotiation meetings: 07-11/05/2019 (if applicable and as many as necessary according to F4E)
 - Invitation to submit the final tender: 15/06/2019 (if applicable)
 - Submission of final tender: 15/07/2019 (if applicable)
 - Award Decision: Estimated 30/10/2019

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2. DESCRIPTION OF SUPPLIES

2.1 Scope

The subject of the contract is the provision of supplies and associated services as set out in the Technical Specification (Annex B) and in conformity with the terms provided in the *Procurement Documents*.

The scope of the resulting contract is the Manufacture of the Torus and Cryostat Cryopumping System (TCCS), which includes the supply of the following:

- 6 Torus Cryopumps (TCP)
- 6 Helium Inerting Systems (HINS)
- 2 Cryostat Cryopumps (CCP)
- 8 Actuator Control Systems (ACS)
- Vacuum Instrumentation of the TCCS
- Auxiliary parts of the TCCS

2.1.1 Options

Not applicable.

2.1.2 Lots

Not applicable.

2.2 Estimated contract value

As indicated in the Contract Notice.

2.3 Duration

The expected duration of the tasks to be implemented under the Direct Contract is **39 months**.

2.4 Place of delivery / execution

The place of execution of the contract is the contractor's premises.

The equipment and material are to be delivered at ITER Site in Cadarache, France.

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2.5 Participation

Participation in F4E procurement procedures as a tenderer is open on equal terms to economic operators ¹ that are nationals of or are legally established in the territory of a F4E Member ² (i.e. Member States of the EU and Switzerland).

Establishment means the actual pursuit of a genuine economic activity by an economic operator formed in accordance with the law of a F4E Member and having its registered office, central administration or principle place of business within the territory of a F4E Member.

For tenderers from the United Kingdom: Be aware that after the United Kingdom's withdrawal from the EU and Euratom, a tenderer from the United Kingdom will only have access to F4E's procurement procedures if this will be provided by legal provisions in force at that time (e.g. subject to the outcome of the negotiations between the EU and the United Kingdom, a cooperation agreement between Euratom and the United Kingdom). In case such access is not provided, a tenderer from the United Kingdom will be rejected from this procurement procedure.

2.6 Validity of the tender (applicable to invitation to tender -2nd Step)

The Tenderer shall be bound by its tender for 9 months from the applicable submission deadline. In exceptional cases and prior to the expiry of the original tender validity period, F4E may ask tenderers to extend this period.

2.7 Variant solutions

A tender shall not include variant solutions.

2.8 Stages

Not applicable.

2.9 Transportation

F4E has retained the services of Daher Technologies, hereinafter DAHER, for the management of certain transportation, logistics, insurance and related services for the loads transported to the ITER Site or a location in the proximity of the ITER Site.

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Further information on the different roles can be found in section 12 - Roles.

Further information can be found on http://www.fusionforenergy.europa.eu/aboutfusion/orgstructure.aspx.

Detailed instructions in relation to transportation services and related insurance can be found in Annex 15.

2.8 Acknowledgement of Confidentiality and Non-Disclosure Undertaking (applicable to the 2nd step)

Applicable Documents 5 and 6 Technical Specification 4 of Annex B include commercially sensitive information, as they are Strategic Agreements between the ITER Organisations and suppliers of certain pregualified components, on which contractor will be able to rely directly for purchase of such components.

During the procurement procedure can only be made available to the tenderer in a form of relevant extracts (including information necessary for tendering process) and only after receipt of a duly signed Acknowledgement of Confidentiality and Non-Disclosure Undertaking (Annex 21).

The documents (in electronic form) may be thus made available to the Tenderer:

- Who has been invited to submit a tender, in the 2nd step of the procurement procedure, and
- Who submitted a request for access to those documents along with a signed Acknowledgement of Confidentiality and Non-Disclosure Undertaking.

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3. Assessment of candidates and evaluation of tenders

3.1 Assessment of candidates

The assessment of the candidates is the first step of this procedure and ends with the selection and invitation of candidates to tender.

The assessment of the candidates will take place in three stages:

- 1. Condition for participation (section 2.5) and compliance with General Tender Requirements (section 12)
- 2. Exclusion of candidates (section 4)
- 3. Selection of candidates (section 5)

Order of the assessment and evaluation of the above stages: F4E will evaluate the stages in no particular order.

3.2 Evaluation of tenders

The evaluation of the tenders is the second step of this procedure and ends with the award of the contract to the successful tenderer.

The evaluation of tenders will take place in the following stages:

- Condition for participation and compliance with requirements (General Tender Conditions)
- Technical evaluation
- Financial evaluation

Order of the assessment and evaluation of the above stages: F4E will evaluate the stages in no particular order. A successful tender must pass all stages and satisfy all criteria to be awarded the contract.

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4. EXCLUSION CRITERIA (STEP 1)

The exclusion criteria are listed in the General Financial Regulation (GFR). A tenderer, *Group Member*³ in case of a *Joint Submission*, *Other Entity*, and *Subcontractor* whose share of the contract is above 20%, shall provide a declaration on honour (Annex 04), duly signed and dated by an authorised representative, stating that it is not in one of the exclusion situations.

A tenderer shall be rejected from a procurement procedure if it is in an exclusion situation or if it has not submitted a declaration on honour.

In case of a *Joint Submission*, a *Group Member* shall be rejected if it is in an exclusion situation or if it has not submitted a declaration on honour and the *Joint Submission* shall be assessed without the rejected *Group Member*.

An *Other Entity* or *Subcontractor* whose share of the contract is above 20%, shall be rejected if it is in an exclusion situation or if it has not submitted a declaration on honour and the economic operator shall be replaced by the tenderer.

Tenderers shall provide <u>evidences</u> related to the exclusion criteria confirming the submitted declaration on the honour at the first step of the procedure.

The obligation to provide evidence does <u>not</u> apply to *Subcontractors and Other Entities*, unless otherwise indicated by F4E.

In case the evidence has already been submitted for the purpose of another procurement procedure, provided that the issuing date of the documents does not exceed one year and that they are still valid, the economic operator shall confirm that no changes in its situation have occurred.

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 $^{^{3}}$ Further information on the different roles can be found in section 12 - Roles.

5. SELECTION CRITERIA (STEP 1)

A tenderer may, where appropriate, rely on the capacity of a third party, regardless of the legal nature of the links between them. In such case, this third party shall be considered an *Other Entity* (if providing economic and financial capacity) or a *Subcontractor* (if providing technical and professional capacity) for this procurement procedure. Further information can be found in section 12 - Roles.

For selection criteria applicable on individual entity level, a tenderer, *Group Member* in case of a *Joint Submission* and third party whose capacity is necessary to fulfil the selection criterion, shall individually provide a declaration on honour (Annex 04), signed and dated by an authorised representative, stating that it fulfils the relevant selection criterion.

Tenderers shall provide <u>evidences</u> related to the selection criteria confirming the submitted declaration on the honour at the first step of the procedure.

For selection criteria applicable to a tenderer <u>as a whole</u> and for which a consolidated assessment will be carried out, a tenderer or group leader in case of a *Joint Submission* shall provide a declaration on honour (Annex 04), signed and dated by an authorised representative, stating that the tenderer together with *Group Members* in case of a *Joint Submission* and third parties necessary to fulfil the selection criterion, fulfil the relevant selection criterion.

In case the supporting documentation has already been submitted for the purposes of another procedure, the economic operator shall confirm that the documents are still up-to-date.

Tenders will only be further evaluated if the tenderer meets all selection criteria.

A *Subcontractor* or third Party shall individually achieve the defined thresholds in relation to the viability standards (section 5.2.B - Economic and financial capacity).

5.1 Technical and professional capacity

A tenderer shall have the adequate technical and professional capacity to implement the contract.

A tenderer may be rejected if Fusion for Energy establishes that the economic operator has conflicting interests which may negatively affect the performance of the contract.

A Tenderer relying on the capacity of a third party shall demonstrate to F4E that they will have at its disposal the technical resources necessary for the performance of the contract via submission of a duly signed Technical Third Party Undertaking Form (see Annex 09). A tenderer may only rely on the capacity of a third party where the latter will perform the works or services for which this capacity is required.

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5.1.1 Criterion 1: Tenderer's staff technical proficiency and knowledge (applied to the tenderer as a whole)

Minimum requirements:

The Tenderer shall have staff (or access to staff) with the following experience and education:

Profile 1: Manufacturing engineers

Number of staff	At least 2			
Experience	Minimum level: At least 5 years of professional experience in manufacturing of cryogenic or vacuum components, and			
	 Experience in manufacturing of pressure equipment according to relevant codes and standards (EN 13445 or similar). 			

Profile 2: Project manager

Number of staff	At least 1
Experience	Minimum level: At least 5 years of professional experience in project management involving manufacturing activities.
Language	English skills – Minimum level Independent user B2 in the Common European Framework of Reference for Languages or equivalent.

Profile 3: Welding and weld inspectors

Number of staff	At least 2 (TIG welder) and at least 1 (helium leak tests inspector)
	Minimum level: At least 5 years of experience in welding of stainless steel or leak testing respectively.
Education	 Qualification for TIG welding Qualification for leak tests in accordance with EN ISO 9712 level 2 or equivalent.

Supporting evidence to be provided: Annex 12 providing a list of team members with relevant information about education and professional experience and attached CVs, including at least two (2) CVs for Profile 1, one (1) CV for profile 2, and three (3) CVs for profile 3, <u>including</u> a copy of the corresponding qualification certificates.

5.1.2 Criterion 2: Tenderer's experience in the provision of supplies of similar nature (applied to the tenderer as a whole)

Minimum requirements:

The Tenderer shall have completed (components delivered) before the closing date of the submission of the Request to Participate:

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- a. At least two (2) projects completed within the last five (5) years in which the tenderer has performed manufacturing of cryogenic or vacuum components.
- b. At least two (2) projects completed within the last five (5) years in which the tenderer has performed manufacturing of pressure equipment according to codes and standards in compliance with the Pressure Equipment Directive (directive 2014/68/EU or the preceding directive 97/23/EC), as implemented through relevant national laws, regulations and administrative provisions.
- c. At least three (3) projects completed within the last five (5) years in which the tenderer has performed both TIG welding of stainless steel components and helium leak testing.
- d. At least one (1) project completed within the last five (5) years involving coating or surface treatments of stainless steel.

All of the above listed activities must be covered.

Supporting evidence to be provided: Annex 12 providing a list of project references demonstrating competence in the areas above, containing the following information:

- A concise description demonstrating that areas of competence (a) to (d) have been covered.
- Value, date of delivery and recipient/customer of each project.
- Evidence proving that the relevant supplies have been delivered and accepted (e.g. pictures, letter, certificate from recipient/customer...).

5.1.3 Criterion 3: Tenderer's facilities, equipment and tools (applied to the tenderer as a whole)

Minimum requirements:

Tenderer shall have access to the following facilities, technical equipment and tools:

- a. Welding shop for stainless steel with capacity for the segregation of stainless steel.
- b. Equipment for helium leak testing with a sensitivity suitable for leak testing with an acceptance criteria of $10^{-10} \, \text{Pa} \cdot \text{m}^3 / \text{s}$.
- c. Equipment for metrological testing.
- d. Machining facility for stainless steel with capacity for the segregation of stainless steel.
- e. Clean manufacturing and assembly areas that allow avoiding any risk of contamination of ferrite materials and carbon steels.

Supporting evidence to be provided: Annex 12 providing a list of the relevant facilities, technical equipment and tools and proof of availability (e.g. pictures, descriptions, internal procedures).

In case of entities on which the candidate relies to pass these technical selection criteria, information on the whole supply production chain, including subcontractors, facilities and/or equipment, shall be provided.

5.1.4 Criterion 4: Quality Criteria (applied per individual entity level)

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To demonstrate compliance with F4E's project management and quality requirements, a tenderer shall provide a declaration on honour (Annex 04), duly signed and dated by an authorised representative, stating that the tenderer, together with the *Group Members* in case of a *Joint Submission* and third parties necessary to fulfil this selection criterion, meets the minimum levels of capacity defined in the <u>F4E-QA-115 – Supplier Quality</u> Requirements.

Minimum level of capacity: A working management system appropriate for the technical scope of the contract resulting from this procurement procedure.

Supporting documentation:

Annex 12 providing a valid management system certificate(s) if the management system has been certified (ISO 9001 or equivalent).

If the management system has not been certified, documentation (e.g. flow charts and/or process descriptions) demonstrating the compliance with the quality related requirements as defined in the table below.

Requirements per section	Manufacturing activities
Organisation chart and description of responsibilities of key persons	Yes
Project Management	Yes
Competencies and training	Yes
Quality audits	Yes
Documentation and records management	Yes
Non Conformity management	Yes
Requirements and deviations management	Yes
Design management	No
Procurement and subcontractor management	Yes
Qualification of special processes	Yes
Control of manufacturing, assembly and integration processes	Yes
Handling, storage and preservation	Yes
Testing and inspection	Yes
Control of measuring and test equipment	Yes
Acceptance and delivery	Yes

5.1.5 Selection criterion 5: Nuclear Safety Criteria (applied to the tenderer as a whole)

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Minimum requirements:

The Tenderer shall have implemented before the closing date of the submission of the tender at least two (2) projects completed within the last ten (10) years for the nuclear industry or nuclear applications.

Supporting evidence to be provided: a list of project references included in Annex 12 demonstrating competence in the nuclear industry or nuclear applications, containing the following information:

- A concise description demonstrating that areas of competence have been covered.
- Value, date of delivery and recipient of each project.
- Evidence proving that the relevant supplies have been delivered and accepted (e.g. pictures, letter, certificate from recipient...).

5.2 Economic and financial capacity

A tenderer shall have the adequate economic and financial capacity to implement the contract.

A tenderer relying on the capacity of an *Other Entity* shall demonstrate to F4E that it will have at its disposal the financial resources necessary for performance of the contract via submission of a duly signed Financial Third Party Undertaking Form (Annex 10).

If an Other Entity provides the whole or a large part of the financial capacity, F4E may demand that the tenderer and the Other Entity be jointly liable for the performance of the contract.

In order to prove its economic and financial capacity, a tenderer must meet the below financial selection criteria.

5.2.1 Selection criterion: Noteworthy values and viability standards

Minimum level of capacity:

For the assessment of the economic and financial capacity, the following noteworthy values and viability standards (calculated as average over the last two financial years for which the accounts have been closed) will be considered:

A. Noteworthy values – applicable to a tenderer as a whole (a consolidated assessment will be carried out)

The total score related to the noteworthy values (CT1+CT2) must be greater than or equal to 1.

CRITERION	DEFINITION	0	1	Score
Turnover		i < EUR 12,000,000	i ≥ EUR 12,000,000	CT1
Simplified Cash Flow	(Net Profit) + (depreciation & amortization)	i < EUR 10,000,000	i ≥ EUR 10,000,000	CT2
			Must be ≥ 1	CT1+CT2

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B. <u>Viability standards – applicable on individual entity level</u>

The total score related to the viability standards (ST3+ST4+ST5) must be greater than or equal to 4.

CRITERION	DEFINITION	0	1	2	3	Score
Liquid Ratio	(Current Assets) - (Inventories)] / (Current Liabilities) x 100	i < 40	40≤i<90	90≤i<130	i≥130	ST3
Gross Margin	(Gross Profit) / (Turnover) x 100	i<0	0≤i≤25	25≤i<40	i≥40	ST4
Solvency Ratio (Asset based)	(Total Equity) / (Total Assets) x 100	i<5	5≤i≤24	24≤i<40	i≥40	ST5
					Must be ≥ 4	ST3+ST4 +ST5

Supporting documentation:

A Financial Capacity Assessment Form (Annex 11) shall be provided by:

- the tenderer, including each Group Member in case of a Joint Submission; and
- each Other Entity.

This documentation shall be accompanied by balance sheets and profit & loss accounts (or extracts) for the last two years for which accounts have been closed, where publication of the balance sheet is required under the company law of the country in which the economic operator is established.

If, for some exceptional reason which F4E considers justified, an economic operator is unable to provide the references requested above, its economic and financial capacity may be proved by any other means which F4E considers appropriate.

5.3 Limitation of the number of operators who will be invited to negotiate/tender

F4E will first exclude the candidates who are non-compliant with the exclusion and selection criteria requirements as defined in sections 4, 5.1 and 5.2.

If the number of candidates that remain non-excluded is above the maximum number of operators to be invited to tender, F4E shall then rank the candidates according to the following criteria:

A. <u>Envisaged minimum and/or maximum number of economic operators:</u> **the number** of economic operators which will be invited to negotiate **is 3**, provided that a sufficient number of candidates satisfy the exclusion and selection criteria.

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B. <u>Criteria for choosing the limited number of candidates: the ranking on the preselected companies which will</u> be qualified for the evaluation stage and subsequent round of negotiations, if any, is based on the criteria below:

Evaluation of the Tenderer's experience in the provision of services of similar nature:

A total of 3 reference projects will be evaluated, considering the project references provided in Annex 12. The tenderer shall indicate in which order of preference its reference projects shall be taken into account for the ranking purposes. Only reference projects compliant with the relevant selection criterion will be taken into account.

For each of the three reference projects referred to above, the following points will be granted for each of the following categories:

	Criteria	Points
a.	Projects completed (components delivered) within the last two (2) years before the closing date for the submission of Request to Participate	1
b.	Manufacturing of cryogenic and/or vacuum components	1
C.	For applications using Helium at ~4K as cryogenic fluid	1
d.	For applications with a level of vacuum < 10 ⁻⁷ Pa	1
e.	Including custom made/manufactured moving parts	1
f.	With an overall dimension of a single component of more than 1 m	1
g.	Including integration of instrumentation and control components	1
h.	Of components with a value above EUR 1,000,000 (for one single component)	1
i.	Manufacturing of pressure equipment according to codes and standards in compliance with the Pressure Equipment Directive (directive 2014/68/EU or the preceding directive 97/23/EC), as implemented through relevant national laws, regulations and administrative provisions.	1
j.	Including/incorporating hydroformed components	1
k.	Use of EN 13445 as applicable code	1
l.	TIG welding of stainless steel components and helium leak testing	1
m.	Leak testing of complex systems (with a required leak rate below 10 ⁻¹⁰ Pa·m³/s)	1
n.	Cold leak testing (after cold cycling at 80 K)	1
Ο.	Coating or surface treatments of stainless steel	1
p.	Charcoal coating	1
q.	Projects for the nuclear industry or nuclear applications	1
r.	Including Protection Important Components or (radioactive) confinement barriers	1

The three top ranked tenderers (with the highest total number of points for all 3 identified reference projects) will be invited to submit a tender (Step 2).

6. Scope of the Negotiation (If Needed) (Step 2 – only applicable to candidates invited to submit a tender)

6.1 Technical Negotiation

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Tenderers may propose deviations regarding following aspects of Annex B which will be discussed during the meetings:

- Scheduling: The tenderers may propose alternative schedules that may alter the dates of intermediate milestones as long as the milestones for the delivery of the first cryopump and of the last delivery are not exceeded.

Nonetheless, if other requirements of Annex B are deemed critical as to the performance of the contract by a tenderer, it may submit a request for clarification or propose duly justified deviations regarding that requirement, which will then be discussed with F4E.

F4E reserves the right to accept or reject the deviations proposed by tenderers.

6.2 Negotiation of the Model Contract

As part of the initial tender, the tenderer may propose deviations, as indicated below, to the Draft Model Contract part of the tender documents which will be discussed during the relevant meeting(s).

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

- Contract Prices
- Pre-financing Payment
- Interim Payments
- Review Period

The other provisions, and in particular the general conditions of the model contract are not subject to negotiations. Nonetheless, if some provisions of the Specific Conditions of the model 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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7. EVALUATION OF TENDERS AND CONTRACT AWARD (STEP 2 - ONLY APPLICABLE TO CANDIDATES INVITED TO SUBMIT A TENDER)

A tender shall be considered as <u>technically compliant</u> when it is compliant with all the requirements set out in the Management Specification and Technical Specification.

For that purpose, the tenderer is requested to submit of a duly signed compliance matrix (Annex 20).

Technical compliance includes, where applicable and specifically mentioned in the Technical Specification, compliance with the required standards and/or functional environmental requirements / label requirements or "equivalent".

Tenders that are not technically compliant shall be rejected.

7.1 Award method

This contract is subject to the **Best Value for Money** award Method (**Best price-quality ratio**): the contract is awarded to the compliant tender with the best price-quality ratio, taking into account criteria justified by the subject of the contract.

AWARD FORMULA

Total score	=	Technical	Х	Technical weight	+	Financial	Х	Financial weight
for tender		score		40%		score		60%
(out of 100)		(out of 100)				(out of 100)		

The tender obtaining the highest total score out of a maximum of 100 points will be awarded the contract.

7.2 Technical score

Technical proposals (section 9.1) will be evaluated in accordance with the technical award criteria and their respective weights as specified in the technical evaluation grid below. If one minimum threshold is not reached, the tender shall be automatically rejected.

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		Technical evaluation grid	Minimum	Maximum technical
Tec	nnical award criteria	Sub-criteria	threshold	points
		Level of detail and adequacy of the implementation strategy to deliver the scope of work		15 points
		Feasibility and justification of the proposed solutions		5 points
1)	Merit of the implementation strategy foreseen to manage the manufacturing design, manufacturing and testing activities	Level of detail and adequacy of the technical information provided regarding the assembly, welding and testing, including the measures adopted to comply with the specified tolerances	15 points	5 points
		Adequacy of specific technologies proposed to perform the scope		5 points
		Detailed schedule including manufacturing design, manufacturing and testing activities	12 points	10 points
2)	Merit of the work plan and schedule presented in the technical proposal	Adequacy of the estimated man-hours assigned to each task		10 points
		Completeness of the manufacturing and inspection plan(s) covering all different aspects and level of detail of the relevant works		5 points
3)	Merit of the planned project team structure, supply chain and means to keep control in all the chain of subcontractors.	Adequacy of the proposed project team structure for the execution of the contract including subcontractors	10 points	10 points
		Adequacy of the proposed method to assure the propagation of defined requirements within the supply chain		10 points
		Completeness of the preliminary Quality Plan		5 points
		Adequacy of the proposed risk plan		5 points
4)	Level of detail, completeness and fitness for purpose of the preliminary	Completeness of the documentation schedule	12 points	5 points
4)	quality plan	Exhaustiveness of the WBS, including the definition of each activity		5 points
		Adequacy of the system to manage nuclear safety and defined requirements		5 points
Ove	rall number of technical points (out of	100)	60 points	100

If one minimum threshold is not reached, a tender is automatically rejected.

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Out of the tenders reaching the minimum threshold(s), the overall number of technical points given to a tender is used to determine its technical score. The tender with the highest overall number of technical points is awarded a technical score of 100. The other tenders receive a technical score calculated using the following formula:

Technical score (out of 100) = T/TMAX x 100

T = Overall number of technical points for a given tender

TMAX = Highest overall number of technical points among technically compliant tenders that have reached the minimum thresholds.

7.3 Financial score

A financial proposal (section 9.2) of a tender that is technically compliant and that has reached the minimum thresholds as indicated in the previous section will be evaluated as follows:

Financial score (out of 100) = PMIN / P x 100

PMIN = Lowest submitted Price among technically compliant tenders that have reached the minimum thresholds.

P = "**PRICE**" submitted in a given tender, using the template provided in Annex 02, and consistent with the requirements and instructions therein and in section 9.2.

The value quoted by the tenderer for P shall be greater than (>) zero (0).

F4E may only reject the tender where the evidence supplied does not satisfactorily account for the low level of price or costs proposed. F4E shall reject the tender, where it has established that the tender is abnormally low because it does not comply with applicable obligations in the fields of environmental, social and labour law.

8. CONTENT OF THE REQUEST TO PARTICIPATE (STEP 1)

The list of administrative, exclusion and selection related documents that a Request to Participate shall include depends on the tenderer's organisation. Economic operators can submit as a single entity (Single tender) or can submit as a group (*Joint Submission*).

Supporting evidence and documentation related to the exclusion and selection criteria shall be provided by all the tenderers.

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Documents to be provided		Single tender			Joint Submission			
	Annex	Tenderer	Subcontractor	Other Entity	Group leader	Group Member	Subcontractor	Other Entity
Declaration on Acceptance of Contractual Conditions	03	V	-	-	V	-	-	-
Declaration on Honour for Exclusion and Selection criteria Together with evidences	04	V	$\sqrt{}$	V	\checkmark	V	√6	V
Identification Form	05	\checkmark	-	-	$\sqrt{}$	-	-	-
Legal Entity Form with supporting documents	06	√	-	-	\checkmark	\checkmark	-	-
Financial Identification Form with supporting documents	07	√		-	V	-	-	-
Agreement and Power of Attorney (if applicable)	08	-	-	-	√ ⁵		-	-
Technical Third Party Undertaking Form (if applicable)	09	-	V	-	-	-	√	
Financial Third Party Undertaking Form	10	-	-	√	-	-	-	√
Financial Capacity Assessment Form	11	V	V	V	V	√	√	V
Technical capacity Assessment Form	12	V	V	-	V	V	V	-

9. CONTENT OF THE TENDER (STEP 2)

9.1 Technical proposal

The tender shall include, as a minimum, the following information:

i. Cover letter duly signed by an authorised representative and shall clearly state:

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⁴ Only applicable for *Subcontractors* whose share of the contract is above 20%.

 $^{^{5}}$ A (one) power of attorney to be provided (and signed) by the Group Leader and all Group Members.

- the economic operator's commitment to deliver the supplies to F4E in accordance with this Invitation to Tender and all related annexes:
- the confirmation of availability of nominated resources from entry into force of the contract; and
- the validity of the tender (in months).
- ii. A technical proposal indicating how the tenderer intends to implement the activities, including the necessary information and detail to allow F4E to evaluate the proposal according to the criteria listed in section 7.2.
- iii. Mark-up of the Model Contract and a synthetic table of the deviations to the Model Contract (if applicable).
- iv. Declaration on Acceptance of Contractual Conditions (Annex 03)
- v. A meaningful preliminary <u>quality plan</u>, describing in detail the tenderer's quality management system and how the implementation of the work is foreseen. The preliminary quality plan shall comply with the requirements (including structure) as set out in the <u>Supplier Quality Requirements (F4E-QA-115)</u> and in the Management Specification and shall specify, as a minimum and as detailed as possible at this stage, the proposed:
 - applicable management processes;
 - work breakdown structure (WBS) and the tenderer's plan for maintaining control over the project activity (project controls), describing how the tenderer envisages breaking down and organising the work;
 - control plans (covering the different aspects of the works, with phases, milestones, deliverables and activities), time schedule and documentation schedule;
 - risk plan; and
 - as appropriate, a subcontracting schedule and provisions to control, monitor and inspect each aspect
 of the production including qualification and verification of special processes.
- vi. A <u>compliance matrix</u> (Annex 20) related to the requirements defined in the Management Specification and Technical Specification.

A duly completed and signed declaration of intellectual property background (Annex 13) shall only be provided before contract signature by the tenderer to whom the contract is awarded.

9.2 Financial proposal

The tender shall include a duly completed and signed financial proposal form (Annex 02), completed in line with the instructions and requirements therein.

Submitted prices:

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- o shall be in EURO and free from duties and taxes⁶;
- o shall be independent of exchange rates;
- shall be inclusive of all costs, charges and expenses directly and indirectly connected with goods and/or services to be supplied/provided;
- shall be fixed and not subject to revision, except if otherwise stated in the draft contract (see Annex 01).

Failure to submit a financial proposal or submission of an incomplete or ambiguous financial proposal shall lead to rejection of the tender.

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⁶ F4E is exempt from taxes and duties, including Value Added Tax (VAT), in accordance with Article 1(4) and 7 of the Council Decision (Euratom) No 2007/198 of 27 March 2007 establishing the European Joint Undertaking for ITER, the Development of Fusion Energy and conferring advantages upon it and pursuant to the provisions of Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union annexed to the Treaty establishing a the European Atomic Energy Community.

GENERAL TENDER CONDITIOS

10. SUBMISSION MODALITIES

A *Submission* is the complete documentation package submitted by an economic operator. Depending on the procedure type and phase within a procurement procedure, a *Submission* is defined as:

- request to participate (selection phase);
- submission (competitive dialogue);
- tender.

10.1 E-submission

The *Submission* must be loaded into the F4E e-submission tool no later than 23:59 on the specified date of the submission deadline. Proof of compliance with the submission deadline will be constituted by the F4E e-submission tool.

A. Tenderer registration

Registration of a tenderer in the F4E e-submission tool shall take place at least 48 hours before the submission deadline, via the following link:

https://edu.eu-supply.com/ctm/Company/CompanyRegistration/RegisterCompany

E-submission will be possible 24 hours after validation by F4E of the tenderer's registration.

Registration shall only be done once and remains valid for other procurement procedures.

After registration, e-submission can be done immediately after log-in.

B. <u>E-submission</u>

Documentation⁷ shall be uploaded in the F4E e-submission tool by clicking on the 'SUBMIT' button on the F4E Industry and Associations Portal.

A Submission shall consist of three parts:

- Administrative documents
- Technical proposal
- Financial proposal

The content of the documentation to be included in each part is indicated in section 7 – Content of the tender.

Instructions for e- submission can also be found on the F4E Industry and Associations Portal.

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Pdf, Word, Excel or zip format is accepted.

10.2 Dispatch by e-mail – Not applicable for this procedure

The *Submission* must be sent to the specified e-mail address no later than 23:59 on the specified date of the submission deadline. The economic operator must be able to provide evidence of the dispatch within the deadline.

10.3 Dispatch by post or courier service – Not applicable for this procedure

The *Submission* must be dispatched no later than 23:59 on the specified date of the submission deadline. Proof of compliance with the submission deadline will be constituted by the postmark or the date of the deposit slip.

10.4 Delivery by hand to the premises of F4E – Not applicable for this procedure

The *Submission* must be delivered at the F4E reception no later than on the specified date of the submission deadline and during F4E working hours. An acknowledgement of receipt, signed and dated, including the exact time of delivery, must be obtained from F4E as proof of compliance with the submission deadline.

The address for dispatch by post or courier service (section 8.3) and hand-delivery (section 8.4) is:

Fusion for Energy

To the attention of [Contracts & Procurement Officer]

C/ Josep Pla 2

Torres Diagonal Litoral Edificio B3

ES-08019 Barcelona

SPAIN

F4E working hours are from 09:00 to 17:00, Monday to Friday. F4E is closed on Saturdays, Sundays and F4E holidays.

The Submission, dispatched by post or courier service (section 8.3) or hand-delivered (section 8.4) must include:

- 1 signed hard copy marked "original", and
- 1 electronic copy (identical to the original) on separate hard support

The Submission shall be placed inside an outer sealed envelope (or box), labelled as follows,

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Name and address of the economic operator Procurement Procedure F4E-XXX-XXX LOT XXX (if applicable)

NOT TO BE OPENED BY THE MESSENGER/COURIER SERVICE NO ABRIR POR EL SERVICIO DE MENSAJERIA O DE CORREO

and shall contain three inner envelope(s)8:

- Administrative documents
- Technical proposal
- Financial proposal

The content of the documentation to be included in each envelope is indicated in section 7 – Content of the tender.

10.5 Alteration and withdrawal before the specified deadline

A *Submission* may be altered prior to the specified submission deadline, provided that the altered *Submission* is dispatched in the same way as the original *Submission*. The economic operator must clearly and unambiguously indicate which *Submission* is final and valid.

Withdrawals shall be notified in the same way as the original Submission and are irrevocable.

10.6 Costs related to a Submission

All costs incurred in preparing and dispatching a *Submission* shall be borne by the economic operator.

Failure to dispatch a *Submission* (containing all required information and documents) within the specified submission deadline shall lead to rejection of the *Submission*.

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In a two step procedure, the envelope containing the administrative documents shall be submitted during the first step of the procedure and the two other envelopes (technical proposal and financial proposal) as part of the second step (when the economic operator is invited to submit a tender).

11. CONTACTS WITH F4E

The F4E contact point for all procurement procedures is the Contracts & Procurement Officer.

Contacts between a tenderer and F4E are prohibited throughout the procurement procedure save in the circumstances defined below.

11.1 Before the submission deadline

Requests for additional information, general questions, clarifications and any other request shall be submitted via the F4E <u>Industry and Associations Portal</u> in the 'Questions and Answers' tab, by clicking the 'Create a question' button of the call for tender.

F4E is not bound to reply to requests for additional information made less than six working days before the specified deadline. Nevertheless, if a request for additional information was issued in good time and F4E did not provide the additional information within six days before the submission deadline, the submission deadline will be extended. In urgent cases, the additional information can be provided no later than four days before the submission deadline.

Additional information, provided on F4E's own initiative, will be communicated simultaneously to all participating economic operators via the F4E <u>Industry and Associations Portal</u>. It is the economic operator's responsibility to monitor for updates and modifications during the submission period.

An information meeting may be held to answer submitted questions regarding an ongoing procurement procedure. In such case, meeting minutes will be communicated simultaneously to all economic operators.

11.2 After the submission deadline

After a *Submission* has been opened, clarifications may be required by F4E in connection with the *Submission* to correct obvious clerical errors or to request missing documentation. In such cases, F4E may contact the economic operator, however such contact may not lead to alteration of the terms of the final tender. An economic operator shall refrain from contacting F4E on their own initiative.

Contact with economic operators at this stage is by electronic means. If deemed necessary, F4E may seek technical clarification through on-site visit(s). In these cases, access by F4E to their site/offices/facilities shall be granted.

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12. GENERAL TENDER REQUIREMENTS

Dispatching a Submission implies that:

- the economic operator accepts all requirements as stipulated in the Procurement documents;
- the economic operator undertakes to comply with the applicable environmental, social and labour law obligations established by European Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X of Directive 2014/24/EU.

Failure to accept or comply with the General Tender Requirements shall lead to the rejection of a tender.

12.1 Validity of a Submission

An economic operator shall be bound by its *Submission* for the validity period indicated in the *Submission*. In exceptional cases and prior to the expiry of the original validity period, F4E may ask an economic operator to extend this period.

12.2 Completeness and clarity

A *Submission* must be signed by an authorised representative of the economic operator, include all requested administrative, technical and financial documentation, and must be clear (without ambiguous statements), concise and perfectly understandable so that there can be no doubt as to the words and figures.

12.3 Acceptance of contractual conditions (only applicable to Step 2, final tender submission)

An economic operator shall accept the draft contract without any modification or reservation and waive its own contractual terms. Total or partial disagreement with the contract, imposition of or negotiation on own contractual terms shall lead to rejection of the *Submission*.

12.4 Language and communication

Procurement documents will be, by default, available in English. Any communication associated with a procurement procedure shall be in English, the working language of the ITER project.

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13. GENERAL PROVISIONS

13.1 Cancellation of procedure

F4E may at any time, before the contract is signed, cancel the procurement procedure without an economic operator being entitled to claim any compensation. The cancellation decision will be substantiated and be brought to the attention of the economic operators.

13.2 Ownership

F4E retains physical ownership of a *Submission* received under a procurement procedure. Consequently, a *Submission* is, in principle, not returned to an economic operator. Only a *Submission* that has not been opened (of which the economic operator was duly notified) is returned, if requested in writing.

13.3 Confidential information

Subject to the rules applicable to this procurement procedure, F4E undertakes to protect an economic operator's commercial interests by treating all the information contained in its *Submission* as confidential.

13.4 Personal data protection

1. In certain cases, a *Submission* may include personal data (for example, names, addresses or other data included in CVs of natural persons). Such data will be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

Data subjects concerned may, upon request, access their personal data and rectify any inaccurate or incomplete data or request that their personal data is erased or their processing blocked. Should data subjects have any queries concerning the processing of their personal data, they should address them to the F4E Data Controller (Commercial.Controller@f4e.europa.eu). As regards the processing of personal data, data subjects concerned have a right to recourse at any time to the European Data Protection Supervisor.

2. Your personal data may be registered in the Early Detection and Exclusion System (EDES) if you are in one of the exclusion situations. For more information, see the Privacy Statement on

http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm

3. Your personal data will be treated in line with the Specific Privacy Notice related to procurements and grants procedures. See the Specific Privacy Notice on http://www.fusionforenergy.europa.eu/downloads/procurements/Specific Privacy Notice.pdf

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13.5 Access to ITER site (contract implementation)

For contracts which require access to the ITER site for the implementation of the tasks, the contractor, after contract signature, shall follow a registration process of the company before being granted access. After the validation of the company, personnel needing access to the ITER Site should request individual access (further details on the procedure for registration can be found in the annexes to the contract).

14. ROLES

14.1 Economic operator

An economic operator is any legal or natural person, including a public entity, or group thereof that offers to supplies, services, or works.

14.2 Candidate

A candidate is an economic operator that has submitted a request to participate in response to an invitation to participate.

A selected candidate is an economic operator that has satisfied the exclusion and selection criteria of an invitation to participate and is invited to participate in a tender, dialogue or negotiation.

14.3 Tenderer

A tenderer is an economic operator that has submitted a tender in reply to a call for tender.

14.4 Joint Submission

A *Joint Submission* is submitted by a group of natural or legal persons (*Group Members*), regardless of the link they may have between them.

A *Group Member* shall assume joint and several liability towards F4E for the performance of the contract as a whole in the event that it is awarded the contract. The contract is signed by all or one of them (*Group Leader*) if duly authorised by the other *Group Members*.

A *Group Leader* will have full authority to commit a group and each of its *Group Members*, and will be responsible for the administrative management of the contract (invoicing, receiving payments, etc.) on behalf of all other *Group Members*.

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Any change in the composition of a group after the submission deadline may lead to the rejection of a *Submission*. Any change in the composition of a group after the signature of a contract may lead to termination of the contract.

F4E may identify in the *Procurement documents* critical tasks that are required to be performed directly by the tenderer itself or by a *Group Member* in case of a *Joint Submission*.

14.5 Contractor

A contractor is an economic operator that is a party to a contract with F4E.

14.6 Other Entities and Subcontractors (roles linked to the selection criteria)

An economic operator may, where appropriate, rely on the capacity of a third party, regardless of the legal nature of the links between them. In such case, this third party shall be considered an *Other Entity* (if providing economic and financial capacity) or a *Subcontractor* (if providing technical and professional capacity).

An economic operator may rely on the capacity of a third party to meet the selection criteria, provided that it proves that it will have at its disposal the resources necessary for the performance of the contract by submitting a Third Party Undertaking Form.

14.7 Other Entities (Financial selection criteria)

Where an economic operator relies on the capacity of an *Other Entity*, F4E may require that the economic operator and the *Other Entity* be jointly liable for the performance of the contract.

14.7.1 Subcontractors (Technical selection criteria)

Where an economic operator relies on the capacity of a third party for technical selection criteria, the third party must perform the works or services for which this capacity is required and becomes a *Subcontractor*.

A *Subcontractor* enters into a legal commitment with the contractor. F4E has no legal commitment with a *Subcontractor* and a contractor remains the sole party contractually liable towards F4E for performance of a contract. As a consequence, F4E deals solely with a contractor for all contractual matters (e.g. payments).

A tenderer may be requested to identify any part of a contract that a tenderer intends to subcontract and the identity of any subcontractor.

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For works or services provided at a facility directly under the oversight of F4E, a contractor shall indicate the names, contacts and authorised representatives of subcontractors involved in the performance of a contract, including any changes of subcontractors.

The below table summarizes how the rules and criteria are applied depending on an economic operator's role:

	Tenderer (Single or Joint Submission)	Subcontractor	Other Entity
Participation rule	Yes	No	No ⁹
Exclusion criteria	Yes	Only applicable for Subcontractors whose share of the contract is above the threshold identified in the Procurement documents	Yes
Technical selection criteria	Yes	Yes	No
Financial selection criteria	Yes	Only financial viability standards are assessed on individual entity level.	Yes

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⁹ The participation rule only applies to *Other Entities* when the third party is requested to sign the contract and therefore becomes jointly liable with the tenderer for the performance of the contract.

15. ANNEXES

Annex A	Management Specification						
Annex B	Technical Specification						
Annex 01	Draft contract and associated annexes						
Annex 02	Financial Proposal Form						
Annex 03	Declaration on Acceptance of Contractual Conditions						
Annex 04	Declaration on Honour on Exclusion and Selection criteria						
Annex 05	Identification Form						
Annex 06	Legal Entity Form (to be retrieved						
from http://ec.eu	uropa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm)						
Annex 07	Financial Identification Form (to be retrieved from						
http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm)							
Annex 08	Agreement and Power of Attorney						
Annex 09	Technical Third Party Undertaking Form						
Annex 10	Financial Third Party Undertaking Form						
Annex 11	Financial Capacity Assessment form						
Annex 12	Technical capacity assessment form						
Annex 13	Declaration of background						
Annex 14	not applicable						
Annex 15	Transportation						
Annex 16	Model Transportation Contract						
Annex 17	Compliance Matrix for the Preferred Carrier						
Annex 18	F4E CL Direct Costs Table						
Annex 19	Payable Services Direct Costs						
Annex 20	Compliance Matrix with Management Requirements & Technical Requirements						
Annex 21	Non-Disclosure Agreement						

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