



EUROPEAN UNION

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## CONTRACT NOTICE

### SECTION I: CONTRACTING AUTHORITY

#### I.1) NAME, ADDRESSES AND CONTACT POINT(S)

**Official name:** The European Joint Undertaking for Iter and the Development of Fusion for Energy ("Fusion for Energy")

**Postal address:** C/Josep Pla No. 2 - Torres Diagonal Litoral - Edificio B3 - Floor n. 13 - Office n. 24

**Town:** Barcelona

**Postal code:** 08019

**Country:** Spain

**Contact point(s):**

**Telephone:**

**For the attention of:** Stefano Galvan

**Email:** [tenders-operational-MS-IV@f4e.europa.eu](mailto:tenders-operational-MS-IV@f4e.europa.eu)

**Fax:** +34 934897415

**Internet address(es) (if applicable)**

General address of the contracting authority (*URL*): <http://fusionforenergy.europa.eu>

Address of the buyer profile (*URL*):

**Further information can be obtained at:**

- ☒ As in above-mentioned contact point(s)
- ☐ Other: please complete Annex A.I

**Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained at:**

- ☒ As in above-mentioned contact point(s)
- ☐ Other: please complete Annex A.II

**Tenders or requests to participate must be sent to:**

- ☒ As in above-mentioned contact point(s)
- ☐ Other: please complete Annex A.III

### I.2) TYPE OF THE CONTRACTING AUTHORITY AND MAIN ACTIVITY OR ACTIVITIES

- |                                                                                                                            |                                                           |
|----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| <input type="radio"/> Ministry or any other national or federal authority, including their regional or local sub-divisions | <input type="checkbox"/> General public services          |
| <input type="radio"/> National or federal agency/office                                                                    | <input type="checkbox"/> Defence                          |
| <input type="radio"/> Regional or local authority                                                                          | <input type="checkbox"/> Public order and safety          |
| <input type="radio"/> Regional or local agency/office                                                                      | <input type="checkbox"/> Environment                      |
| <input type="radio"/> Body governed by public law                                                                          | <input type="checkbox"/> Economic and financial affairs   |
| <input type="radio"/> European institution/agency or international organisation                                            | <input type="checkbox"/> Health                           |
| <input checked="" type="radio"/> Other                                                                                     | <input type="checkbox"/> Housing and community amenities  |
|                                                                                                                            | <input type="checkbox"/> Social protection                |
|                                                                                                                            | <input type="checkbox"/> Recreation, culture and religion |
|                                                                                                                            | <input type="checkbox"/> Education                        |
|                                                                                                                            | <input checked="" type="checkbox"/> Other                 |

*(please specify):* Joint Undertaking, within the meaning of Articles 54 and 55 of the Euratom Treaty, established by the Council Decision of March, 27th 2007/198/Euratom establishing the European Joint Undertaking for ITER and the Development of Fusion for Energy

*(please specify):* Energy Research

The contracting authority is purchasing on behalf of other contracting authorities

- |                           |                                     |
|---------------------------|-------------------------------------|
| <input type="radio"/> yes | <input checked="" type="radio"/> no |
|---------------------------|-------------------------------------|

## SECTION II: OBJECT OF THE CONTRACT

### II.1) DESCRIPTION

#### II.1.1) Title attributed to the contract by the contracting authority

High heat flux testing of divertor components

#### II.1.2) Type of contract and location of works, place of delivery or of performance

(Choose one category only - works, supplies or services - which corresponds most to the specific object of your contract or purchase(s))

##### (a) Works ☐

- ☐ Execution
- ☐ Design and execution
- ☐ Realisation, by whatever means of work, corresponding to the requirements specified by the contracting authorities

##### (b) Supplies ☐

- ☐ Purchase
- ☐ Lease
- ☐ Rental
- ☐ Hire purchase
- ☐ A combination of these

##### (c) Services ☒

Service category: No12  
(For service categories 1-27, please see Annex II of Directive 2004/18/EC)

Main site or location of works

Main place of delivery

Main place of performance

Contractor's premises

NUTS code

#### II.1.3) The notice involves

☒ A public contract

☐

The setting up of a dynamic purchasing system (DPS)

☐

The establishment of a framework agreement

#### II.1.4) Information on framework agreement (if applicable)

Framework agreement with several operators ☐

Framework agreement with a single operator ☐

Number , OR, if applicable, maximum number of participants to the framework agreement envisaged

#### Duration of the framework agreement:

Duration in year(s):

or month(s):

Justification for a framework agreement, the duration of which exceeds four years:

**Estimated total value of purchases for the entire duration of the framework agreement (if applicable; give figures only):**

Estimated value excluding VAT:

Currency:

OR Range: between and

Currency:

Frequency and value of the contracts to be awarded: (if known) :

### II.1.5) Short description of the contract or purchase(s)

The subject matter of the contract is the high heat flux (HHF) thermal fatigue testing of the Plasma Facing Components mock ups of the ITER Divertor.

### II.1.6) Common procurement vocabulary (CPV)

	Main vocabulary	Supplementary vocabulary (if applicable)
Main object	71336000	
Additional object(s)	38970000	
	71600000	
	71632000	

### II.1.7) Contract covered by the Government Procurement Agreement (GPA)

☐ yes ☒ no

### II.1.8) Division into lots (for information about lots, use Annex B as many times as there are lots)

☐ yes ☒ no

If yes, tenders should be submitted for (tick one box only)

☐ one lot only ☐ one or more lots ☐ all lots

### II.1.9) Variants will be accepted

☐ yes ☒ no

## II.2) QUANTITY OR SCOPE OF THE CONTRACT

### II.2.1) Total quantity or scope (including all lots and options, if applicable)

The scope of the contract consists of the thermal fatigue testing of the following list of components:

A) 18 carbon fibre composite (CFC) monoblocks with different CFC grades;

B) 8 tungsten monoblock mock ups with standard and repaired monoblocks, to investigate the reliability of monoblock repair technologies;

C) 8 CFC monoblock mock ups with standard and repaired monoblocks, to investigate the reliability of monoblock repair technologies;

D) One vertical target (VT) prototypical component with CFC and W armour, "repaired" in the CFC monoblock part;

E) One VT prototypical component with CFC and W armour, "repaired" in the W monoblock part;

F) One VT prototypical component with CFC and W armour, "repaired" in both the CFC and W monoblock part.

If applicable, estimated value excluding VAT (give figures only): 1000000.00

Currency: EUR

OR Range: between and

Currency:

### II.2.2) Options (if applicable)

☐ yes ☒ no

If yes, description of these options:

If known, provisional timetable for recourse to these options:

in months: or days: (from the award of the contract)

Number of possible renewals (if any): or Range: between and

## High heat flux testing of divertor components

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*If known*, in the case of renewable supplies or service contracts, estimated timeframe for subsequent contracts:

in months:                                      or days:                      (from the award of the contract)

### II.3) DURATION OF THE CONTRACT OR TIME-LIMIT FOR COMPLETION

Duration in months: 18                                      or days:                      (from the award of the contract)

OR Starting                                      (dd/mm/yyyy)

Completion                                      (dd/mm/yyyy)

## SECTION III: LEGAL, ECONOMIC, FINANCIAL AND TECHNICAL INFORMATION

### III.1) CONDITIONS RELATING TO THE CONTRACT

#### III.1.1) Deposits and guarantees required (if applicable)

As specified in the tender documents.

#### III.1.2) Main financing conditions and payment arrangements and/or reference to the relevant provisions regulating them

As specified in the tender documents.

#### III.1.3) Legal form to be taken by the group of economic operators to whom the contract is to be awarded (if applicable)

Tenders can be submitted by a grouping of economic operators, who will not be required to adopt a particular legal form prior to the contract being awarded. However, a grouping of firms must nominate 1 party to be responsible for the receipt and processing of payments for members of the grouping, for administrative management of the service, and for coordination and safety. Consortia, as provided for under point III.1.3, must furnish the documents and information listed in points III.2.1 for each member thereof. The criteria in points III.2.2 and III.2.3 apply to the grouping as a whole.

Members of the grouping shall be jointly and severally liable.

#### III.1.4) Other particular conditions to which the performance of the contract is subject (if applicable)

☐ yes

☒ no

If yes, description of particular conditions

### III.2) CONDITIONS FOR PARTICIPATION

#### III.2.1) Personal situation of economic operators, including requirements relating to enrolment on professional or trade registers

Information and formalities necessary for evaluating if requirements are met:

This procurement procedure shall be open on equal terms to economic operators that are nationals of a member of Fusion for Energy or are established in the territory of a member of Fusion for Energy (i.e. Member States of the European Union and Switzerland).

(a) Full name of the entity, legal status, VAT status and registration number, address, telephone and fax numbers, the name of the contact person responsible for the tender as well as the name of the legal representative of the entity.

The information to be provided under letter (a) shall be accompanied with a transcript or a certificate, issued by the competent body - namely the commercial register - in the country of provenance or the country of the main office of the candidate.

Non-commercial undertakings may provide a copy of their act of incorporation, if, under the law of their country of provenance or the country of their main office, they are not subject to public registry.

Non-commercial physical persons must provide a copy of their passport or other equivalent identification document.

b) To be eligible for participation in this contract award procedure, tenderers must not be in any of the exclusion situations referred to in Articles 83 and 84 of Financial Regulation of Fusion for Energy adopted by the Decision of the Governing Board of 22 October 2007 as last amended on 18 December 2007.

In particular, tenderers shall be excluded from participation in a procurement procedure if:

i) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;

ii) they have been convicted of an offence concerning their professional conduct by a judgement which has the force of res judicata;

iii) they have been guilty of grave professional misconduct proven by any means which the Joint Undertaking can justify;

iv) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the Joint Undertaking or those of the country where the contract is to be performed;

v) they have been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Joint Undertaking's or the Communities financial interests;

vi) they are currently subject to an administrative penalty imposed by the Community institutions as referred to in the Financial Regulation applicable to the budget of the European communities.

Moreover, tenderer shall be excluded from the award of the contract if during the present procurement procedure:

(vii) they are subject to a conflict of interest;

viii) they are guilty of misrepresentation in supplying the information required by the Joint Undertaking as a condition of participation in the contract procedure or fail to supply this information.

For each of these points (from (i) to (viii)), candidates shall submit a declaration on honour duly signed and dated by its legal representative attesting that they are not in any of such situation (Declaration on honour with respect to the exclusion criteria).

The tenderer to whom the contract is to be awarded, shall provide, within a time limit defined by the contracting authority and preceding the signature of the contract, the relevant documentary evidence, as detailed in the tender document.

### III.2.2) Economic and financial capacity

Information and formalities necessary for evaluating if requirements are met:

(a) a statement of the candidate's overall turnover for the last 3 previous financial years.

(b) A list of the principal services that the candidate has effected over the past 5 years, having a similar function to the services defined in the above § II.2.1, the sums, dates and recipients, public or private, involved.

Minimum level(s) of standards possibly required  
(if applicable):

The yearly overall turnover average, over the period of 3 years, shall be higher than EUR 3 000 000. In case of consortia, this number has to be intended as being the average overall turnover consolidated by the members constituting the consortium.

### III.2.3) Technical capacity

Information and formalities necessary for evaluating if requirements are met:

a) Evidence of proven experience on high heat flux thermal fatigue and critical heat flux testing of plasma facing components of fusion reactors, including testing preparation and elaboration of results.

b) Evidence of the availability of an electron beam high heat flux facility equipped with infrared thermography and pyrometry for thermal fatigue testing up to 20 MW/m<sup>2</sup> of the mocks up mentioned in Section II.2.1 and prototypes actively cooled by pressurized water.

Minimum level(s) of standards possibly required  
(if applicable):



### III.2.4) Reserved contracts *(if applicable)*

☐ yes ☒ no

The contract is restricted to sheltered workshops ☐

The execution of the contract is restricted to the framework of sheltered employment programmes ☐

### III.3) CONDITIONS SPECIFIC TO SERVICES CONTRACTS

#### III.3.1) Execution of the service is reserved to a particular profession

☐ yes ☒ no

If **yes**, reference to the relevant law, regulation or administrative provision:

#### III.3.2) Legal entities should indicate the names and professional qualifications of the staff responsible for the execution of the service

☒ yes ☐ no

## SECTION IV: PROCEDURE

### IV.1) TYPE OF PROCEDURE

#### IV.1.1) Type of procedure

- ☒ Open
- ☐ Restricted
- ☐ Accelerated restricted
- ☐ Negotiated

Justification for the choice of accelerated procedure:

Candidates have already been selected

- ☐ yes
- ☐ no

**If yes, provide names and addresses of economic operators already selected under Section VI.3)**  
*Additional information*

- ☐ Accelerated negotiated
- ☐ Competitive dialogue

Justification for the choice of accelerated procedure:

#### IV.1.2) Limitations on the number of operators who will be invited to tender or to participate (restricted and negotiated procedures, competitive dialogue)

Envisaged number of operators

OR Envisaged minimum number      and , *if applicable*, maximum number

Objective criteria for choosing the limited number of candidates:

#### IV.1.3) Reduction of the number of operators during the negotiation or dialogue(*negotiated procedure, competitive dialogue*)

Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated

- ☐ yes
- ☐ no

### IV.2) AWARD CRITERIA

#### IV.2.1) Award criteria (please tick the relevant box(es))

Lowest price ☐

OR

The most economically advantageous tender in terms of ☒

☐ the criteria stated below (the award criteria should be given with their weighting or in descending order of importance where weighting is not possible for demonstrable reasons)

☒ the criteria stated in the specifications, in the invitation to tender or to negotiate or in the descriptive document

Criteria	Weighting	Criteria	Weighting
1.		6.	
2.		7.	
3.		8.	
4.		9.	
5.		10.	

#### IV.2.2) An electronic auction will be used

☐ yes ☒ no

If yes, additional information about electronic auction (if appropriate)

### IV.3) ADMINISTRATIVE INFORMATION

#### IV.3.1) File reference number attributed by the contracting authority (if applicable)

F4E-2008-PRO-12 (MS-IV)

#### IV.3.2) Previous publication(s) concerning the same contract

☐ yes ☒ no

If yes,

☐ Prior information notice ☐ Notice on a buyer profile

Notice number in OJ: **IS** - of (dd/mm/yyyy)

Other previous publications (if applicable) ☐

#### IV.3.3) Conditions for obtaining specifications and additional documents (except for a DPS) or descriptive document (in the case of a competitive dialogue)

Time limit for receipt of requests for documents or for accessing documents

Date: 19/03/2009 (dd/mm/yyyy)

Time: 12:00

Payable documents

☐ yes ☒ no

If yes, price (give figures only):

Currency:

Terms and method of payment:

### IV.3.4) Time-limit for receipt of tenders or requests to participate

Date: 06/04/2009 (dd/mm/yyyy)

Time: 12:00

### IV.3.5) Date of dispatch of invitations to tender or to participate to selected candidates (if known) (in the case of restricted and negotiated procedures, and competitive dialogue)

Date: (dd/mm/yyyy)

### IV.3.6) Language(s) in which tenders or requests to participate may be drawn up

ES	CS	DA	DE	ET	EL	EN	FR	IT	LV	LT	HU	MT	NL	PL	PT	SK	SL	FI	SV
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other:

### IV.3.7) Minimum time frame during which the tenderer must maintain the tender (open procedure)

Until: (dd/mm/yyyy)

OR Duration in month(s): 9

or days: (from the date stated for receipt of tender)

### IV.3.8) Conditions for opening tenders

Date: (dd/mm/yyyy) Time:

Place (if applicable):

Persons authorised to be present at the opening of tenders (if applicable)

☐ yes

☒ no

## SECTION VI: COMPLEMENTARY INFORMATION

### VI.1) THIS IS A RECURRENT PROCUREMENT *(if applicable)*

☐ yes ☒ no

If **yes**, estimated timing for further notices to be published:

### VI.2) CONTRACT RELATED TO A PROJECT AND/OR PROGRAMME FINANCED BY EU FUNDS

☐ yes ☒ no

If **yes**, reference to project(s) and/or programme(s):

### VI.3) ADDITIONAL INFORMATION *(if applicable)*

This contract notice has been published on the Joint Undertaking website on 10.02.2009, the same date of its dispatch to the Supplement of the Official Journal of the European Communities. Please note that only the contract notice published on the Joint undertaking's official internet website ([http://www.fusionforenergy.europa.eu/Procurement\\_operational.htm](http://www.fusionforenergy.europa.eu/Procurement_operational.htm)) is authentic.

It should be noted that the present procurement procedure is governed by the rules laid down in the Financial Regulation of Fusion for Energy adopted by the Decision of the Governing Board of 22 October 2007 as last amended on 18 December 2007 and the Implementing Rules of the Financial Regulation adopted by the Decision of the Governing Board of 22 October 2007 as last amended on 08 July 2008.

The official language of Fusion for Energy is English. Documentation provided under Section III.2 shall be in English or accompanied by a translation of the relevant parts. Failure to comply with this requirement, may lead to the exclusion of the candidate from the tender procedure.

### VI.4) PROCEDURES FOR APPEAL

#### VI.4.1) Body responsible for appeal procedures

Official name: Court of First Instance of the European Communities  
Postal address: Boulevard Konrad Adenauer, L-2925 Luxembourg.  
Town: Luxembourg Postal code: 2925  
Country: Luxembourg  
Email: CFI.registry@curia.europa.eu Telephone: (352) 43 03-1  
Fax: (352) 43 37 66  
Internet address <http://curia.europa.eu>  
(URL):

#### Body responsible for mediation procedures *(if applicable)*

Official name: The European Ombudsman  
Postal address: 1, avenue du Président Robert Schuman BP 403, F-67001 Strasbourg Cedex  
Town: Strasbourg Postal code: 67001  
Country: France

Email: euro-ombudsman@europarl.europa.eu

Telephone: (33) 388 17 23 13

Fax: (33) 388 17 90 62

Internet address <http://www.euro-ombudsman.europa.eu>  
(URL):

### **VI.4.2) Lodging of appeals** *(please fill heading VI.4.2 OR if need be, heading VI.4.3)*

Precise information on deadline(s) for lodging appeals:

Within 2 months of the plaintiff being notified or, failing this, of the day on which it came to his knowledge. A complaint to the European Ombudsman will neither suspend this period nor open a new period for lodging appeals.

### VI.4.3) Service from which information about the lodging of appeals may be obtained

Official name: Court of First Instance of the European Communities  
Postal address: Boulevard Konrad Adenauer, L-2925 Luxembourg  
Town: Luxembourg Postal code: 2925  
Country: Luxembourg  
Email: CFI.registry@curia.europa.eu Telephone: (352) 43 03-1  
Fax: (352) 43 37 66  
Internet address http://curia.europa.eu  
(URL):

### VI.5) DATE OF DISPATCH OF THIS NOTICE:

10/02/2009 (dd/mm/yyyy)

### **ANNEX A**

#### **ADDITIONAL ADDRESSES AND CONTACT POINTS**

##### **I) ADDRESSES AND CONTACT POINTS FROM WHICH FURTHER INFORMATION CAN BE OBTAINED**

Official name:

Postal address:

Town:

Postal code:

Country:

Contact point(s):

Telephone:

For the attention of:

Email:

Fax:

Internet address (URL):

##### **II) ADDRESSES AND CONTACT POINTS FROM WHICH SPECIFICATIONS AND ADDITIONAL DOCUMENTS (INCLUDING DOCUMENTS FOR COMPETITIVE DIALOGUE AS WELL AS A DYNAMIC PURCHASING SYSTEM) CAN BE OBTAINED**

Official name:

Postal address:

Town:

Postal code:

Country:

Contact point(s):

Telephone:

For the attention of:

Email:

Fax:

Internet address (URL):

##### **III) ADDRESSES AND CONTACT POINTS TO WHICH TENDERS/REQUESTS TO PARTICIPATE MUST BE SENT**

Official name:

Postal address:

Town:

Postal code:

Country:

Contact point(s):

Telephone:

For the attention of:

Email:

Fax:

Internet address (URL):



### ANNEX B (1)

#### INFORMATION ABOUT LOTS

**LOT NO      TITLE**

#### **1) SHORT DESCRIPTION**

#### **2) COMMON PROCUREMENT VOCABULARY (CPV)**

#### **3) QUANTITY OR SCOPE**

*If known, estimated cost excluding VAT (give figures only)*

Currency:

OR Range: between                      and

Currency:

#### **4) INDICATION ABOUT DIFFERENT DATE FOR DURATION OF CONTRACT OR STARTING/COMPLETION** *(if applicable)*

Duration in months:                      or days:                      (from the award of the contract)

OR Starting                      (dd/mm/yyyy)

Completion                      (dd/mm/yyyy)

#### **5) ADDITIONAL INFORMATION ABOUT LOTS**