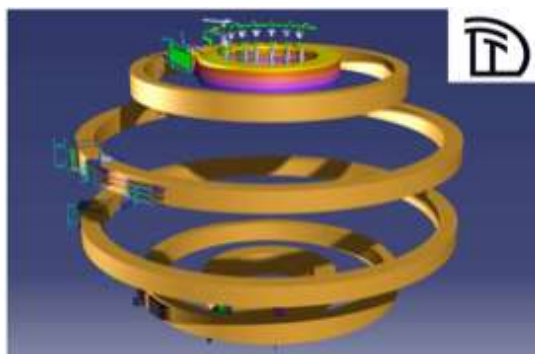




# PFC tender: administrative and regulatory issues



The material and information contained in this presentation are provided for information purposes only, and should not be construed as basis for technical specifications of the call for tender

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# Procedure



Subject: Procurement of 6 poloidal field coils

Estimated time of launch: by end of June

Type of procedure: Open

Estimated value  $\approx 16$  M € - single lot

Delivery to Frascati DDP.

Applicable law: Italian law on Public procurement (Code of contracts D.lgs 50/2016)

Any interested economic operator, as a single tenderer or joint submission, can apply to the procedure.

The conditions of the GPA (Government Procurement Agreement) stipulated in the framework of the WTO (World Trade Organization) apply to the procedures.

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## Condition for participation



1. Suitability to pursue the professional activity (enrolling in one of the professional or trade registers kept in their Member State of establishment)
  2. Absence of any grounds of exclusion (art. 80 Code of contracts)
  3. Adequate financial and technical capability.
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# Exclusion criteria



A tenderer, Group Member in case of a Joint Submission, Third party, Subcontractor , shall provide a **declaration on honour (DGUE or ESPD), stating that it is not in one of the exclusion situations (art. 80 Code of contracts).**

**A single tenderer shall be excluded** from the procurement procedure if:

- it is in any of the situations for exclusion or
- a declaration on honour (DGUE/ESPD) is not submitted.

**In case of joint tendering, the group shall be excluded if:**

- a group member is in any of the situations for exclusion or
  - a group member has not submitted a declaration on honour (DGUE/ESPD)
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# Selection criteria 1



## Economic and financial Capability

Demonstration to be in possession of the following noteworthy value:

Total turnover of last 3 financial years for which the accounts have been closed > 5 M € per year

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## Selection criteria 2



**Technical Capability – applicable as a whole:** demonstration of adequate capability in designing and manufacturing of similar superconducting coils

**Minimum requirements:**

Having performed at least two supply of similar superconducting coils within the last ten years for a minimum amount of 1.5 M€ each

**Quality criteria – applicable at individual entity level:**

Demonstration of a working management system appropriate for the technical scope of the contract resulting from this procurement procedure (ISO 9001 certification or equivalent).

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## Third Parties



A tenderer may, where appropriate, rely on the capacity of a third party to prove technical and/or financial capacity.

In this case, tenderer shall provide during tender phase:

- Declaration on honour of third party (DGUE/ESPD)
  - Declaration of third party undertaking
  - Contract between tenderer and third party - **signed before submission deadline** - with explicit mention of all resources at disposal of tenderer for contract performing
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# Subcontracting



It is permitted, prior authorization of the DTT, within the limit of 40% of contract amount.

Tenderer must indicate in the offer which part of the contract it intends to subcontract.

Subcontracting is allowed subject to:

- the declaration of the Contractor that the Subcontractor meets the requirements required by the Contract or the applicable legislation;
- Submission of Declaration on honour by subcontractor - DGUE/ESPD - before commencement subcontractor's activities for prior authorization by DTT)
- the verification by DTT during the performance that the above requirements are met by the Subcontractor.

If the Subcontractor no longer meets the requirements above mentioned and/or if the same fails to fulfil the obligations set out, the subcontract authorization will be revoked.

The Contractor is liable to DTT for complete fulfilment by the Subcontractor of all the obligations and duties deriving from the Contract. The Contractor is liable to DTT for any non-compliance/irregularity by the Subcontractor

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## Award Criteria



Economically most advantageous offer:

📄 Quality ratio: 70%

📄 Price ratio: 30%

Evaluation sub-criteria will be detailed in tender documentation

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# Administrative documentation – Envelope A



- ④ Application form / Domanda di partecipazione
- ④ Supplementary Declarations/ Dichiarazioni integrative
- ④ ESPD/DGUE
- ④ Subscription of Ethic code « Patto d'integrità»
- ④ **Receipt of ANAC**<sup>\*1</sup> contribution (amount will be detailed in tender documentation)
- ④ Authority virtual company passport (**AVC pass**)/ **Pass OE**<sup>\*2</sup> (for tenderer, group member and third parties)
- ④ “Provisional Guarantee” (surety or guarantee) in amount equal to 2% auction base and commitment to provide a final guarantee in case of awarding

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<sup>1</sup>Italian Authority for Anti-Corruption

<sup>2</sup>To get AVC pass is necessary register to the ANAC portal ([www.anticorruzione.it/servizi](http://www.anticorruzione.it/servizi)) and follow the instructions to create Pass OE.

## Technical offer envelope – Envelope B



Documents prescribed by the tender disciplinary on which the scores will be assigned:

- Technical offer
- Quality documentation (quality plan, time schedule, risk register and etc)

**! No reference to price shall be included into technical envelope. Technical offers containing price elements will be rejected.**

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## Economic offer envelope – Envelope C



Offer shall contain single percentage discount applied on the total auction base amount net of VAT and/or other statutory taxes and contributions, as well as safety charges.

**! Economic offer exceeding the auction base will be excluded. Partial, multiple, conditional, alternative and irregular bids will also be excluded.**

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# Contract provisions



**Duration of the Contract:** 181 weeks

**Final guarantee:** Before stipulation, awarded contractor shall provide a surety or guarantee equal to 10% contract amount.

**Payment scheme:** 30 days from the receipt of the invoice

**Pre - Payment = 20%** of contract amount (DTT will only pay, if it has received a duly constituted guarantee for equal amount).

**Insurance:** At stipulation the contractor must provide a liability policy, which expressly provides for insurance for direct or indirect damage arising from the performance of the contract, with a minimum ceiling € 5 M.

**Transfer of contract:** not admitted

**Liquidated damages in case of delays:** to be fixed. Max 1‰ (one permil) of Milestone value per day of delay, up to a maximum of 10% of the contract amount

**Dispute resolution:** Court of Rome

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