INVITATION TO TENDER

IT-4763/EP – Bidders’ conference 18 September 2023
IT-4763/TE
Commercial documents
Key dates

- Invitation to Tender issued: 25 August 2023
- Compulsory bidders’ conference: today
- Bids to be returned to CERN by 29 September 2023
- Finance Committee: December 2023
- Contract negotiation and notification
- Start of the contract: 1st April 2024
IT documents

- Tender form
- Technical specification + annexes
- Evaluation questionnaire
- Working on the CERN site
- Letter from Swiss OCIRFT
- General Conditions of CERN Invitations to Tender CERN/FC/6674/I
- General Conditions of CERN Contracts CERN/FC/6674/II
- ...

European Organization for Nuclear Research
Organisation européenne pour la recherche nucléaire
Clarification Process

All questions shall be addressed in writing to

Charles.Carayon@cern.ch with cc to procurement.service@cern.ch and Burkhard.schmidt@cern.ch

Requests for clarification should be received earlier than 19 September 2023
Clarification Process

- CERN’s response will be sent to all bidders, including the request for clarification but without identifying its source
- Bidders shall acknowledge receipt of the email
- Cover letter with bid shall acknowledge each individual CERN clarification correspondence received
Basis of Award

The contract shall be awarded on «Best Value for Money» basis to the bidder submitting the most economically advantageous bid.
Selection & Adjudication Criteria

The following criteria and weights will be applied by CERN to evaluate the bids:

<table>
<thead>
<tr>
<th>CRITERION</th>
<th>WEIGHT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Price (including all relevant costs)</td>
<td>70%</td>
</tr>
<tr>
<td>Quality:</td>
<td>30%</td>
</tr>
<tr>
<td>• Contractual organisation</td>
<td></td>
</tr>
<tr>
<td>• Qualification and experience of the key personnel</td>
<td></td>
</tr>
<tr>
<td>• Performance of the Contract</td>
<td></td>
</tr>
<tr>
<td>• Quality assurance, control and Safety</td>
<td></td>
</tr>
<tr>
<td>• Field tests</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>100%</td>
</tr>
</tbody>
</table>

Table 3 : Adjudication basis
Scoring

Total weighted score = (weighted quality score) + (weighted price score)

Where:

\[
\text{Weighted Quality Score} = \frac{\text{Quality weight}}{\text{Highest possible quality score}} \times \text{Quality score for bid } X
\]

Accordingly, the maximum price score is awarded to the lowest compliant bid

\[
\text{Weighted Price Score} = \text{Price weight} - 50 \times \left( \frac{\text{Price for bid } X}{\text{Price of the lowest bid}} - 1 \right)
\]

Most economically advantageous bid shall be the one with the highest Total weighted score
Quality assessment

- Will be based on the Evaluation questionnaire
- Bear in mind that: “The questionnaire duly signed constitutes the bidder’s technical offer, which terms shall become binding in case of award of contract.”
Price Basis

All prices shall be quoted in CHF, free of taxes, not subject to revision until 31 March 2025.
Price basis for adjudication

5.1 Prices shall be based on the Services volume estimations indicated below, which are indicative for adjudication purposes only and do not commit CERN in any way.

5.2 The Bidder shall stipulate below the currency in which it intends to quote the prices of Table 4 and in which it wishes to be paid, either the Swiss franc. The currency proposed by the Bidder shall correspond to the currency in which it will incur most of its expenses under the Contract. For adjudication purposes, where prices are quoted in a currency other than the Swiss franc, CERN will convert those prices into Swiss francs using the European Central Bank reference rate applicable on the Closing Date of the Invitation to Tender.
<table>
<thead>
<tr>
<th>Tasks/Services</th>
<th>Estimated nb of hours/year (a)</th>
<th>Hourly rate in CHF (b)</th>
<th>Total year 1 (c) = (a)x(b)</th>
<th>Total over the initial 3-year Contract period (d) = (c)*3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technical manager</td>
<td>600</td>
<td>.....</td>
<td>.....</td>
<td>.....</td>
</tr>
<tr>
<td>Controls engineer</td>
<td>1200</td>
<td>.....</td>
<td>.....</td>
<td>.....</td>
</tr>
<tr>
<td>Electromechanical high-level technician</td>
<td>12600</td>
<td>.....</td>
<td>.....</td>
<td>.....</td>
</tr>
<tr>
<td>Mechanical high-level technician</td>
<td>18000</td>
<td>.....</td>
<td>.....</td>
<td>.....</td>
</tr>
<tr>
<td>Experienced thin sheet-metal welder</td>
<td>5400</td>
<td>.....</td>
<td>.....</td>
<td>.....</td>
</tr>
<tr>
<td>High-level mechanical designer of cryostats for liquefied gases</td>
<td>3600</td>
<td>.....</td>
<td>.....</td>
<td>.....</td>
</tr>
</tbody>
</table>

**TOTAL PRICE FOR ADJUDICATION in CHF**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>........................</td>
</tr>
</tbody>
</table>

Table 4
Abnormally low bids

CERN reserves the right to reject abnormally low bids after having given the bidder the opportunity to explain the basis on which its bid was made.

The bidder will have to prove that its bid:

- is compliant with all tender requirements and applicable law
- is economically viable, and
- has taken into account any substantial risk.

If the explanations provided by the bidder are insufficient or inconclusive, CERN reserves the right to reject the bid.
7.1 The Services carried out every month shall be paid monthly in arrears. The monthly price for the services (R) shall be calculated according to the following formula:

\[ R = Hr - P \]

Where:
- \( R \) = Monthly remuneration;
- \( Hr \) = Services remunerated on time spent = Monthly SUM (Number of worked hours approved by CERN * hourly rate per profile);
- \( P \) = Penalties. Please refer to section 7 of the Technical Specification.

Only executed Services will be remunerated. A Service is considered as executed from the moment it has been formally accepted by CERN.
Remuneration

The first invoice shall be accompanied by a bank guarantee from a bank approved by CERN (BBB+ at least) of 10% of 1st year contract price and valid until six months after the contract end.
Price revision

The prices quoted in Table 4 shall remain firm and not subject to revision for the first year ending 31 March 2025. After this date, prices may be revised using the following formula:

\[ H = H_0 \times (0.20 + 0.80 \frac{I}{I_0}) \]

Wherein:

- \(H\) = revised prices
- \(H_0\) = prices applicable the previous year
- \(I_0, I\) = “indice Genevois des prix à la consommation - OCSTAT” and for the months defined in the table below:

<table>
<thead>
<tr>
<th>REVISION</th>
<th>I_0</th>
<th>I</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st April 2025</td>
<td>January 2024</td>
<td>January 2025</td>
</tr>
<tr>
<td>1st April 2026</td>
<td>January 2025</td>
<td>January 2026</td>
</tr>
<tr>
<td>1st April 2027</td>
<td>January 2026</td>
<td>January 2027</td>
</tr>
<tr>
<td>1st April 2028</td>
<td>January 2027</td>
<td>January 2028</td>
</tr>
<tr>
<td>1st April 2029</td>
<td>January 2028</td>
<td>January 2029</td>
</tr>
<tr>
<td>1st April 2030</td>
<td>January 2029</td>
<td>January 2030</td>
</tr>
</tbody>
</table>

Table 6
VAT

- Prices shall take into account CERN’s exoneration from VAT and import duties

- VAT shall be subject to the rules and invoicing instructions as defined under the following link:

Instructions for submission

CERN will apply a double-envelope procedure for the opening of the bids

Bidders shall establish a commercial and a technical bid to be submitted in two separate links bearing the reference of the invitation to tender:

- http://cds.cern.ch/record/2868283 (IT-4763/EP/COMMERCIAL);
Instructions for submission

CERN will apply a double-envelope procedure for the opening of the bids.

11. DOCUMENTS TO BE ATTACHED TO THE BID

The Bidder shall upload the following documents into CERN’s e-tendering interface as part of its Bid:

- Commercial Bid⁷:
  - A cover letter summarising the Bidders’ proposal and confirming compliance with the Invitation to Tender documents, including CERN’s clarifications;
  - The present Tender Form duly electronically completed, signed, stamped and dated;
  - A copy of the applicable collective agreement.

- Technical Bid⁷:
  - Evaluation Questionnaire duly electronically completed, signed, stamped and dated, as well as all supporting documents requested therein;
  - Any other relevant technical document.
e-tendering instructions

- Bids shall in no event be sent by post, e-mail or fax
- All documents comprising the bid have to be uploaded on the CERN e-tendering application by using the button [Submit Bid] in the CERN e-tendering application
- The uploading may take time so we advise you to start at least one hour before the time limit
- In case you do not intend to submit a bid, please inform us, by using the button [Decline] in the CERN e-tendering application
- If you have any problems or enquiries regarding the registration of your firm, the upload of your bid please consult the [FAQ] in the CERN e-tendering application or contact procurement.service@cern.ch
Return Date

Bids shall be RECEIVED by CERN on 29 September 2023, 4 P.M. at the latest.
Law Applicable to Contractor’s Personnel
Reminder

According to its status CERN has the right to establish its own rules (i.e. SRR, safety rules, CPR) which are applicable to all

HOWEVER: Contractors shall comply with common law as well as CERN rules
According to the **principle of territoriality** established under the Swiss-French agreement of 1965, contractors must comply with the law of their country of origin as well as with a number of provisions concerning the working conditions of their staff applicable in the country where services are executed.

2 territories where services are executed
= 2 applicable laws in addition to the one in their country of origin

**Note:** territoriality applies to the current “FSU” contracts.
The application of the principle of territoriality creates practical and legal problems for contractors and their staff. The two host countries, with CERN, have therefore defined a new system:

<table>
<thead>
<tr>
<th>2 territories where services are executed</th>
</tr>
</thead>
<tbody>
<tr>
<td>=</td>
</tr>
<tr>
<td>only 1 applicable law in addition to the</td>
</tr>
<tr>
<td>one in their country of origin</td>
</tr>
</tbody>
</table>
Areas Concerned

- rest time & leave
- the minimum wage
- hygiene, safety and health at work
- protection for young workers and pregnant women or have just given birth
- equal treatment
- temporary work

The other areas such as hiring, contract termination and personnel representation are not concerned by this new regime
The applicable law is determined on the basis of the “Part Prépondérante Prévisible de la Prestation” = 4P

The 4P for this contract is located on the Swiss part of the CERN domain. The applicable law is thus Swiss law

This rule applies to the entire contract, including subcontractors unless subcontracting concerns only one territory
OCIRT has informed CERN that the collective agreement applicable for the provision of services is Mécatronique (see OCIRT letter).
Relations with Host States

Switzerland / Suisse:
Office cantonal de l'inspection et des relations du travail (OCIRT)
Rue David-Dufour 5
CH-1211 Genève 8
T. +41 22 388 29 29
F. +41 22 388 29 69
reception.ocirt@etat.ge.ch
The present Evaluation Questionnaire shall be duly completed and uploaded to CERN at the same time as the Tender Form and all other documents requested therein. The information provided in the Evaluation Questionnaire will be taken into account in the technical evaluation of the bid in accordance with the criteria defined by CERN.

The Evaluation Questionnaire duly signed and the related documents requested in this document constitutes the Bidder’s technical bid, which terms shall become binding in case of award of Contract. Please also refer to section 7 / annex E of the Technical Specification concerning the definition of penalties.

Failure to complete the Evaluation Questionnaire will result in the rejection of the Bidder’s bid by CERN.