



HNSciCloud Tender – Legal Issues

HNSciCloud Phase 1 Tender Information Day

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Participation & R&D Work Performance



☛ Participation in the PCP tendering procedure

The PCP tendering procedure is open on equal terms to

- all types of economic operators,
- from any country in the world,

regardless of their geographic location, size or governance structure.

Note: Buyers Group members are excluded from participation.

☛ Location of the R&D work performance

The R&D work can be undertaken for up to 50% anywhere in the world, but at least 50% of the work must be carried out in an EU Member State or in a country that is associated to the Horizon 2020 Framework Programme.

Note: Switzerland is not an EU Member State, nor a H2020-associated country for this PCP.

Examples:

- A company from Portugal may submit a tender and be awarded a contract and perform all R&D work in Portugal.
- A company from India may submit a tender and be awarded a contract, on the condition that this company carries out at least 50% of the R&D work in an EU Member State or in an H2020-associated country.

Framework Agreement and SLAs

- ☛ The Framework Agreement covers Phases 1, 2 and 3
 - ☛ Additionally, a Service Level Agreement consistent with the ISO/IEC 19086 series of standards (e.g. the SLALOM* example) for the pilot use of the Hybrid Cloud Platform (Phase 3) should be submitted as part of the Tender and be concluded between the contractor and every Buyers Group member once the Work Order for Phase 3 is awarded.
- ➔ where the provisions of the Framework Agreement and the SLA deal with the same matter, the provisions of the Framework Agreement prevail.

* SLALOM: <http://slalom-project.eu/>

Handling of Personal Data

- ☛ In the performance of the R&D work, including during the pilot use phase, the contractors must comply with the **European legislation on data protection**.

- ➔ Whereas the Buyers Group members are responsible for ensuring that the data they wish to have stored on the Hybrid Cloud Platform is sufficiently protected from their end, the contractors as the providers must ensure that these data remain protected while stored on the cloud services operated and controlled by them.

Payments

- ☛ CERN will make payments to the contractors at the end of the Design Phase, the Prototype Phase and the Pilot Phase after the satisfactory evaluation of the “End of Phase Report”, including the deliverables and the achievement of the milestones.
- ☛ Additionally, CERN will make interim payments during the Prototype Phase and Pilot Phase.
- ☛ In the event of a consortium, CERN will make payments only to the lead contractor based on a single invoice from that contractor. The lead contractor is responsible for distributing the money to the other consortium members.

Ownership of the Results

- ☛ The procured cloud services will be owned by the contractors as “Results” of the project.
- ☛ The contractors shall establish services on the Hybrid Cloud Platform and shall sell these services to any interested customer with the objective to commercialise the Results.