



**FUSION
FOR
ENERGY**

10th ILO meeting

ILOs' questions transmitted before meeting

25th January 2011 - Barcelona

Contracts (1/3)



Status of integration by F4E of the discussion points on model contracts:

- exceptions are OK, how about remaining points?
- see these other points in document OPE68 appended hereafter
- can we go through them to make a check?
 - Minutes of ILO meeting on liability, LDs, Governing Law
 - Comments in document relating to the VV (OPE-068) very helpful
 - VV call for tender was specific:
 - Specific requirements
 - Negotiations
 - Limited competition (2 consortia)
 - Reflected the constraints and priorities of the MADE consortium
 - A number of points are relevant for the majority of calls and are being analysed

Contracts (2/3)



- 1) Nuclear Indemnity – Is F4E likely to provide a nuclear indemnity? If not who?
⇒ IO Declaration annexed to contracts: waiver of responsibility by IO in the event of a nuclear incident
- 2) Indemnities - There are a number of indemnities in the contracts which are too open such as the Articles relating to third party actions. Is there anyway the contractors liability can be limited to negligent acts only?
⇒ Discussed in ILO meeting of June 2010
- 3) Termination – The client termination and recovery rights are onerous and should be modified to allow for re-performance before termination. Many of the reasons for termination are subjective (in the opinion of the client). F4E can as a consequence of termination claim compensation and recover any damages suffered. Is there anyway F4E can qualify so that it does not apply where the contractor is not at fault?
⇒ 2 types of termination (fault based/for convenience)
⇒ Reduction of subjectivity under examination by F4E

- 4) "Export Licence – In recent contracts F4E & also ITER have explicitly made the contractor responsible for the provision of any required export licences. As you know this is not within the control of the contractor as it is a government decision as to the timing and whether or not to grant a licence. Please would F4E comment on their position?"

⇒ Part of the contractor's obligations in recent contracts (in line with DDU Incoterms)

⇒ Impossibility to obtain relevant licences within original schedule despite contractor's best efforts ⇒ force majeure and extension of time



- How to guarantee same delays of publication for IO calls on all domestic agencies websites? Is it not possible to have:
 - either centralized IO calls on IO website?
 - either simultaneous publication of IO calls on all DA's websites?What is F4E policy and suggestion on this towards IO?

All the CFN as well as Call for Expertise are being published on IO procurement public site. You can view them here: <http://www.iter.org/org/team/adm/proc/callsfortender> or <http://www.iter.org/org/team/adm/proc/expert>

- How can ILO's get information from IO on IO pre-qualified companies?

As agreed in July 2010 at Cadarache (8th ILO meeting), ILOs contact Martha Labreuvor



Ref. 076/ ITER/C4N/10/132/RTS "Concept Design-Fast Deployment Device for ITER"
Above questions applied to this bid:

- is the call closed? Is the winner chosen? Have non-winners been informed? Can non-winners get information on their "failure"? Is there/will there be a SPOC for the IO bids: in direct or via F4E?

- IO answer: CFN finished in mid-December last year. Following the receipt of the signed contract from the successful Tenderer, letters of notification were issued to other Tenderers about the outcome of the procurement procedure during the second week of January 2011.
- In accordance with the ITER Organization's procurement rules, should an unsuccessful Tenderer want to obtain further information about its proposal, upon such a request we [IO] would organize a debriefing conference call or meeting at ITER HQ to discuss questions about the features of that specific proposal.

Industry proposals for simplifications of ITER baseline design

When IO tech. specifications are build to print, few margin.

When they are functional, depending on procedure (NP, CD) and/or contract (ex: framework), proposals are taken into account.

How about further needs and contracting method for engineering support?

See the appropriate line in the WP 2011

- How could F4E updating on future CFT's still be improved (in terms of frequency, reliability, quantity) ?
 - which improvements are still to be expected in the tools?
 - which systematic updating policy will be followed by F4E? (e.g. fixed frequency? Announcement of recent changes with marks or...?)
- Looking at the information we have, the frequency reliability and quality of the updates on future CFT is very good.
- F4E considers enough the level of publicity given to forthcoming CFTs. In 2011, same tools will be used.
- WP 2011 is published online - BI updates online Excel table when necessary; Information meeting are set-up; Prior Information notices are published.
- Improvements: strict deadlines might apply to mappings; ad hoc updates are more appropriate than systematic.

Forthcoming CFTs (2)



Port plug integration: procurement status (if there is any news), and on the timing of diagnostic FPAs planned for this year? (in time, delayed?)

See presentation number 2.

TF Coil winding pack: ** Toroidal field coil case closure welding F4E-2009-OPE-049-01 (MS-MG) (this procurement was awarded 11.11.2009)

- ** Qualification (including mock-ups) and Assembly of TF Winding Pack into coil cases (this is from Workprogramme 2011)
- The delivery time of the OPE-049 contract was 12 months. Is it possible to get the Final Report? It would be important for the preparation for the next tender: Qualification and Assembly of TF Winding Pack.

F4E will enclose within the tender documentation all necessary information that F4E has in its possession, allowing the bidders to place a good offer. The assessment of what is relevant and necessary to place an offer is done by F4E. The transmission of the documentation will be done to all bidders at the same time in order to respect the principle of equality of treatment.

Forthcoming CFTs (3)



Blankets:

- 1) Please confirm if the timescale presented at the F4E information Day for the Blanket are still valid?

Today, it is still valid.

- 2) Will F4E make any information available regarding the manufacturing routes used for qualification of mock ups for Tungsten Plasma facing components to other companies?

There are no Tungsten coated PFCs in the Blanket FW. If the question refers to Beryllium coated PFCs, then if necessary, yes, in respect with the Principles of Equal treatment and Non discrimination.

Forthcoming CFTs (4)



Blankets (2):

- 3) Would there be any scope for new companies to qualify using this information, and at time of notification of procurement will all technical manufacturing information be made available to industrialise the process?

As the graph distributed on Blanket Information Days' presentation shows, given the very tight schedule, and overlapping activities, some essential information will be available (in order to respect fair competition) and some complementary will be given to the awarded company.