



**FUSION
FOR
ENERGY**

14th ILO meeting

ILOs' questions transmitted before meeting

30th November 2011 – Barcelona

Reminder: Requests for information relating to ongoing procurement procedures by ILO shall not be treated by F4E

ILO question (D ILO): (radial plates?) Abnormal volume of work is often requested to bidders; is there any F4E management action on this subject?

F4E answer: the amount of work requested to fill in the tender is considerable but in line with other CFTs. For some tenders such as RH, a prize is granted. In general, the amount of work is on both side given the specificity of this first of a kind (both at IO and F4E side).

ILO question (It ILO): In a CFOI, will the ranking of participants established at the selection of candidate stage be retained, or somehow influence the Competitive Dialogue phase?

Which body will determine the ranking of participants?

F4E answer: In any CFOI, the ranking is related to selection only (not for award); in any F4E CFOI, the body determining the ranking is F4E evaluation committee.

- **ILO question (It ILO):** if F4E enters into a contract with a third party for Research & Development activities, and considered that the results of this activities are property of F4E, will F4E disclose this information to the participants to the Tender to which the mentioned R&D activities are related?
- **F4E answer:** F4E has full access to the outcomes of previous R&D activities and it will disclose the relating *unprotected* information to all participants to subsequent tendering procedures up to the extent that this is considered needed.

ILO question (It ILO): In case of Competitive Dialogue procedure, the selected candidates will disclose, during the Competitive Dialogue Phase, to F4E confidential information related to the know - how, process and procedures of the project, object of the tender. Which kind of procedure will be used by F4E in order to maintain the confidentiality of such information?

F4E answer: According to F4E rules all ideas and solutions provided by bidders in the framework of a competitive dialogue are protected unless the parties agree to disclosure. In order to keep such information confidential the dialogue is conducted with each of the participants individually. A record of the dialogue shall be drawn up and signed by all the parties involved. The members of the board are bound to confidentiality according to F4E staff regulation.

ILO question (ILOs): When will the Portal training day take place? What about the feedback from ILOs remarks?

F4E answer: Internal F4E tests are planned during week 50 (from 12th December); an ILO training day will be then organised in early 2012. BI will ask ILOs to consider the best date if Portal available (e.g. the 15th ILO meeting afternoon, if February)

ILO question (D ILO): what is the status of the Industrial Policy?

F4E answer: at 21st meeting (24-25/11/11) the Governing Board established a new Working Group which is invited to present a proposal for adoption at the next GB meeting.

ILO question (D ILO): For the radial plates tender, there is a financial criteria of min. 150 M€ turnover. Quid of SMES and what was requested before (harmonization)?

F4E answer: The Turnover threshold is defined at each CFT, taking into consideration cash-flow needs during the duration of the contract. The value of that specific contract imposes a certain amount of Turnover over the SMEs threshold.

ILO question (D ILO): what about the summary table on main steps of the RH requested at 13th ILO meeting?

F4E answer: See presentation 2.

ILO question (D ILO): What about the radial plates (questions from previous meeting)?

F4E answer: For the procedure, competitive dialogue chosen; for the acceptance tests yes, and it will be available for the selected candidates; for the machine, one is already available (it belongs to F4E).

ILO question (D ILO): What about a third prototype for divertor?

F4E answer: it is not planned to have a third prototype for the divertor.

Contractual issues



- **ILO question (NL ILO):** contractual issues are coming back. The way we tackle these issues up to now is not very efficient: We talk about all the issues at every meeting, we discuss and agree every time better wordings to improve the contracts. Then a long silence starts before we, ILO's, discover (either by studying the contracts by ourselves, or after complaints from industries) that the wordings in the contracts are different from the ones discussed and agreed by F4E and the ILO's.
- **F4E answer:** the understood topics are Liability, choice of procedure (mainly Open), Liquidity Damages, Suspension and Termination of Contracts, and Nuclear Liability. An answer will be given after discussion with Hans Jahreiss.