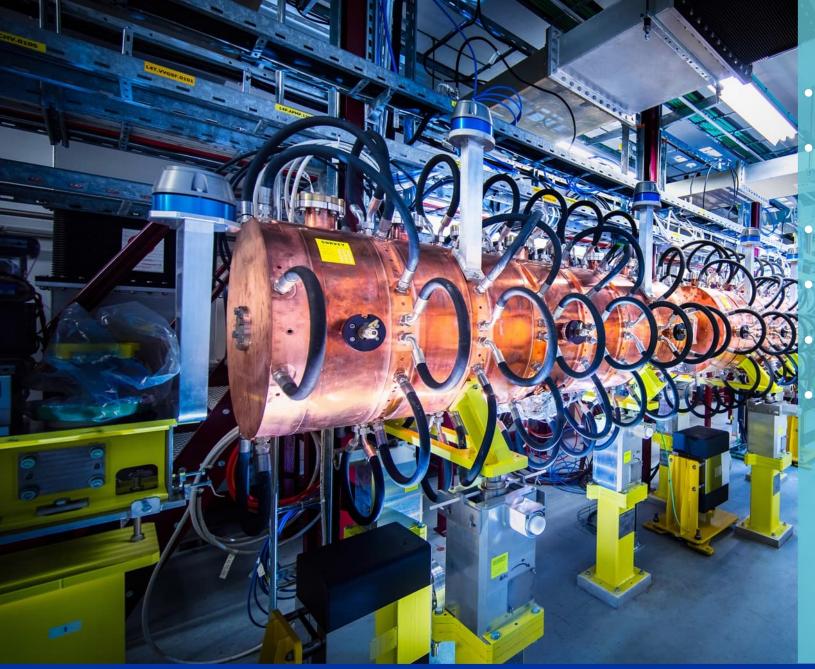


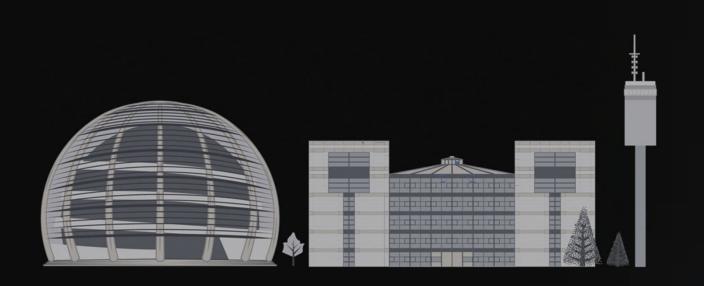
Group meeting (March 2024) Procurement Service



Agenda:

- 9h Welcome and Introduction
- 9h-9h30: Changes in Procurement Rules (Cristina)
- 9h30 10h00 : Annual Report (Lisa)
 - 10h00 10h15 : CERP Update (Lisa)
- 10h15 10h30: BCO
- AOB



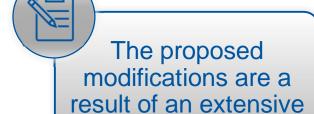


Changes in Procurement Rules



Process Followed

activity





Analysis of similar organisations rules, including via the EIROForum



Expert scrutiny and improvements from Legal Service



Alignment with FAP



Excellent collaboration with the ILO Forum (5 rounds of discussion)



Proposed objectives for the revisions

Adapt existing tools to better balance industrial returns amongst MS/AMS

Consider quality and environmental aspects in CERN adjudications in line with applicable rules in Big Science organisations

Increase CERN attractivity and competition to obtain highest overall value for CERN

Optimize resources and time usage of CERN resources, whilst ensuring reporting and visibility for ILOs



Supplies and services were not defined in the current rules

Definitions

Supplies: goods, equipment and material

Services: all services or works

Civil engineering woks

Industrial services: services performed on the CERN site for a multi-year period

Any other service

Return coef

Return coefficient for Supplies: Supplies + Services (except IS) Return coefficient for Industrial Services: only Industrial Services (as today)

Sountry of origin

Where the supplies are manufactured or of the last major modification (as today)

Services that are not carried out on the CERN site: where the services are performed

Services on the CERN site: the country in which the firm is established (as today for IS)







Thresholds in CHF

Benchmark with other organisations (for the purpose of this exercise, 1CHF = 1EUR)

	ESA	CERN	ESO	SKAO	ITER	ESRF	F4E	ILL	EMBL	ESS
Competitive tenders subject to FC approval (or equivalent) (a)	2M*	750k	500k	500k	2.5/ 5M**	500k	20M	500k	1M	NA
Single source subject to FC approval (or equivalent)	2M*	200k	250k	250k	1M	500k	20M	500k	1M	NA
MS/IT required as from	As needed	200k	150k	200k	As needed	50k	2M	25k	As needed	As needed
3 bids required as from	10k	5k	5k	10k	10k	8k	17k	10k	12.5k	25k
Average annual expenditure (b)	2.5B	500M	120M	115M	350M	50M	200 M	50M	78M	130M
% of (a) wrt (b)	0.08%	0.15%	0.41%	0.43%	0.71%	1%	1%	1%	1.28%	

^{* 4} different thresholds depending on the supply (studies, technological programmes, non-MS, other contracts). The thresholds mentioned here refer to 'other contracts'.



^{**} Construction contracts

Thresholds (Summary)

	Current thresholds in CHF	Proposed change in CHF
Competitive tender subject to FC approval	750 000	1 500 000
Market Survey/Invitation to Tender required as from	200 000	400 000
Single source subject to FC approval	200 000	200 000 No change
Three bids required as from	5 000	10 000
Price enquiry (DO) handled by the Procurement Service as from	5 000	10 000
Users can make their own orders No need to sign OSVC/DL up to 5kCHF	< 1 000	< 2 000

Increase CERN
attractivity and
competition to obtain
best conditions for CERN

Optimize resources and time usage or CERN resources, whilst ensuring reporting and visibility for ILOs

No impact on industrial return







Status of a MS

Current

MS is well balanced if avg of industrial return coef for the 4 preceding years>1

Proposal

nsal Rationale

... for AMS in case the "ceiling" has been reached

Impossibility of placing any order



Limited Tendering

New conditions

Current text

"contact only firms from MS with a return coefficient below 0.4" If an AMS has reached its "ceiling", it

CERN may conduct a Tendering
Procedure open to all MS and a LT one.
If the winning bid from the LT is
significantly higher than the open one,
the contract on LT may not be awarded.

a cirritou tonucring.

Adapt existing tools to better balance industrial returns amongst MS/AMS

Rationale

- Obtain a balanced/reasonable IR for all MS
- Avoid the yo-yo effect In 2023 the LT was only used for 8/133 DOs and 3/126 ITs
 - Avoid over costs by doing LT



Use of BVFM for supplies

Situation

- ✓ BVFM can be applied for service contracts w/o prior approval from FC.
 - ✓ Reminder: CERN definition of services: pluri-annual service on the CERN site.
- ✓ CERN is the only entity that cannot opt for BVFM for supplies w/o prior approval from FC;
- ✓ BVFM rarely used at CERN, although potentially relevant for consultants, services performed outside CERN site, artistic projects, software (all currently considered as supply contracts)

Rationale:

- increase CERN attractivity
 - take into consideration environmental aspects
 - increase competition/ response rate



- ✓ Lowest compliant basis (alignment rule applicable)
- ✓ BVFM (no alignment possible)

Consider quality and environmental aspects in CERN adjudications in line with applicable rules in Big Science organisations









Section 7: Procurement rules for Requirements funded wholly or partially by External Funds

Case A

Cases which do not involve MS contributions and where contracting parties intend to act independently of CERN

Case C

Cases where MS contribute to the financing but excluding case D (mixed funding cases: external + MS contributions)

Case B

Cases which do not involve MS contributions but where CERN is requested to be the contracting party

Case D:

Cases funded by an approved or recognized experiment on a Collaboration account (and to which CERN may contribute)

Rationale:

Establish the rules for placing contracts non funded by MS contributions



Case B: cases which do not involve MS contributions but where CERN is requested to be the contracting party

(e.g.: procurements financed through donations or funds coming from external parties or on behalf of external institutes)

The Procurement Rules and GCCC shall be applicable except

In case CERN carries out the tendering procedure:

• The alignment shall not be applicable as no taken into account for the calculation of IR

For approved or recognised experiments only:

- The external institute may select the contractor if the collaboration certifies that the applicable laws have been complied with;
- No FC approval is necessary in case a transfer of risk and liability or an MOU (transferring the risk to the contributor) is signed by CERN and the contributor;
- The collaboration may mention at least 50% COO coming from the same country that the contributor.

No change to current PR



Case C: cases where MS contribute to the financing but excluding case D

No exceptions to the Procurement Rules:

- Only MS Firms can be invited to tender;
- FC shall be sought if CERN contribution to the Contract value exceeds the defined thresholds.



Case D: cases funded by an approved or recognised experiment on a Collaboration account

The Procurement Rules and GCCC shall be applicable except:

No change to current PR

• CERN can contact firm outside MS during the tendering procedure in case those firms producing from the contributor's country.

Alignment rule is not applicable

 FC shall be sought if CERN contribution to the Contract value exceeds the defined thresholds.



Proposed changes to the Procurement Rules

by Cristina Lara Arnaud (CERN)

Praise for the IPT team on:

- the extensive effort to improve the procurement rules and
- involving the ILO-forum in the discussions about the major changes;
- especially given the high workload and personnel changes within the group

However:

- The received document does differ significantly from the former document and has many small changes that are not easy to identify, some of which have an impact on how things work
- ➤ Also discussing the wording of some parts with a group of ILO's in the informal meeting it became clear that interpretations varied, triggering quite a lot of discussions.



Proposed changes to the Procurement Rules

by Cristina Lara Arnaud (CERN)

Conclusion drawn in the ILO-forum:

- The extensive discussions during the meeting clarified many items
- The document needs to be updated to reflect those clarifications
- The ILO-forum is committed to make an effort with the IPT team towards a definitive document for voting in the June FC.

Outline of the plan:

- ILO-forum members and delegates to provide comments before 1pm on April 4th.
- IPT will reply to those comments and discuss them with the ILO-forum in the week of April 8
- A new version of the document will be made available by IPT asap aiming for June approval



Feedback from FC

Appreciated the work: AT, FR, IT, BE

Questions: implementation of Limited Tendering, why not increase more the thresholds?, use of EU procurement rules, objectives (keep overall costs for CERN as low as possible)

Next steps

Produce guidelines by 8th April on:

- Limited tendering
- BVFM adjudications
- reply in written to the ILOs comments

Meetings with ILOs will take place between 8th to 10th April.

Finalise the document with translation and legal services.

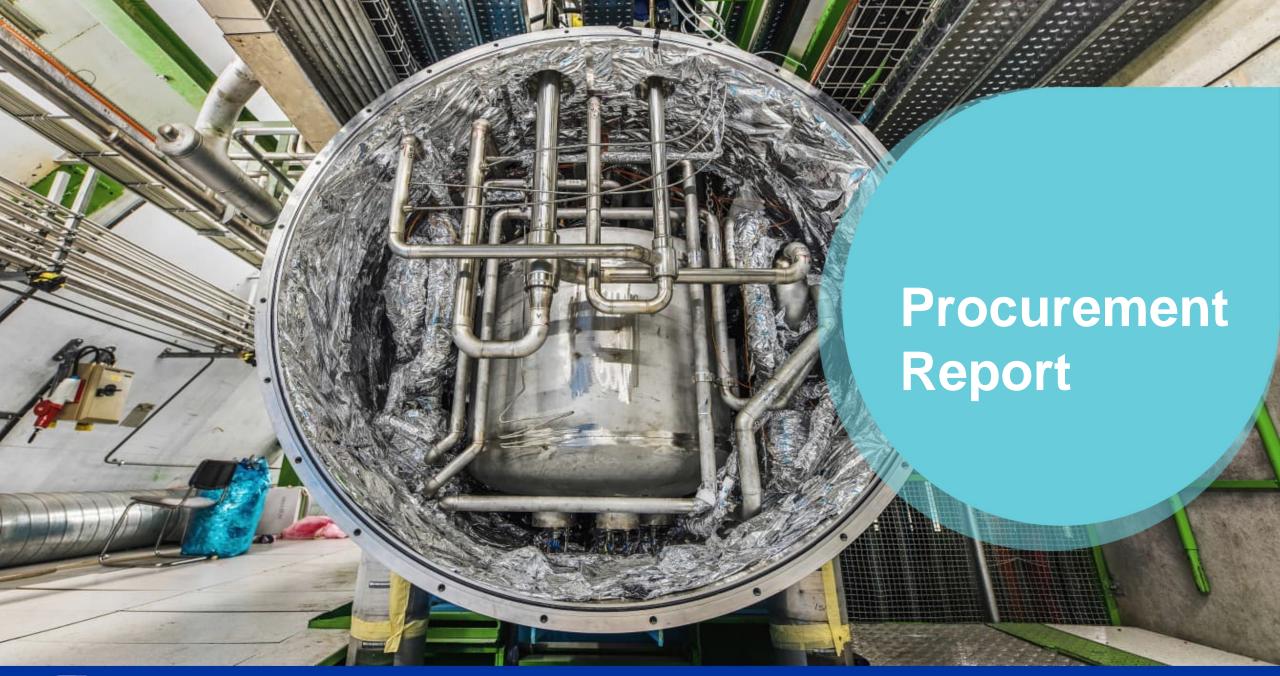


Developments that need to take place before all changes are approved in June

- Digital changes:
 - Automatic orders up to 2kCHF
 - No signature for orders OV and DL under 5kCHF
 - change forthcoming page in webpage to include DO up to 400kCHF
 - change currency exchange (SNB instead of ECB) for some currencies
- Update RACIs (PPM and orders >50kCHF)
- Update lifecycle
- Update templates and correspondence (email btw 750k and 1.5MCHF)
- procedure for Limited Tendering (when, how, dual or single procedure, ILOs to contact, adjudication done or not)
- procedure on BVFM for supplies
- Update standard presentation and existing trainings
- Update report on Industrial Returns



Cristina Lara





2023 Annual procurement report

Summary in paper Format

Full report presented through 13 tables in the web page available <u>here</u>



Detailed information about:

- payments for Supplies and Services and per contract range
- payments funded by non-MS contributions
- status of MS from 1st March
- overall return coef(supplies+services+utilities)
- orders <1kCHF
- list of utilities
- alignment cases
- BVFM adjudications
- list of B and X contracts
- list of orders >50kCHF (commitments)



19/03/2024

QUALITY of data in the report is PARAMOUNT



FOR YOUR DAILY VIGILANCE AND EFFORTS IN ENSURING THE BEST QUALITY OF PROCESSES AND SERVICE



Key messages, Lessons learnt and key reminders



NEW:

Origins of the funds: report only on funding originating from Member States contributions only

Excluding:

payments funded by External Funds (all funds from sources other than Member State contributions: visiting teams and collaborations, donations, etc)

Country of Origin:

To be thoroughly checked in DAI and minutes of contracts (transferred in Qualiac)

Country(ies) of origin for DL: can be different from one DL to the other as long as the COO of DL are chosen from the declared COO of the contract (Table 11: List of B contracts and Table 13)

Procurement Codes:

To be thoroughly checked in DR, DAI, minutes of contracts... (transferred in Qualiac)

The distinction between Materials (M) and Services (S) is important and is used for Logistics/reception purposes not for Reporting purposes.

Utilities: when not a U contract, inform the reporting team that the order or contract shall be registered as a utility (NB: Insurance contracts are now Utilities)

ALIGNMENT: MEMO to send to Group Leader (Template available from Templates Section of the Website: IPT-PI\Common\Alignement)

BVFM: data collection method may be different in the future if adjudications on BVFM are not submitted to FC approval (below 1,5MCHF), to be discussed



From Quality Sessions Report on the Procurement Group Website:





'Order Lines' (2/3)

- 1. Budget code Defined by the
- 2. Check the procurement code against the established list on

Budget Codes *:	73311 - Open Access Fees			
	73311 Open Access Fees			
Procurement Code *	Author processing charges (Open access publishin			
	○ Material ● Service ②			
Countries of Origin:	NETHERLANDS (NL)			

- 3. N.B. Select 'Material' for supplies that will physically be delivered to the Reception Service and will therefore need to be goods receipted. Select 'Service' for any other supplies which are not transported (such as software, electronic documentation and maintenance) and for services.
- 4. Countries of Origin Always verify that the distribution is correct and that assumptions have not been made. You may also allow for multiple countries of origin within one line my using the following example format 'GB (90%): IT



Industrial return coefficient for supplique

Based on payments

Industrial return coefficient

For Supply contracts and for a 12-month period starting on 1st March, defined as:

"The **ratio** between a Member State's percentage share of the value of all Supply contracts during the preceding 4 years and that Member State's percentage contribution to the CERN Budget over the same period".

Excluding:

- Purchases funded by non-Member States (i.e. non CERN money)
- Purchases originated in non-MemberStates (US, CN, etc)

Status definition

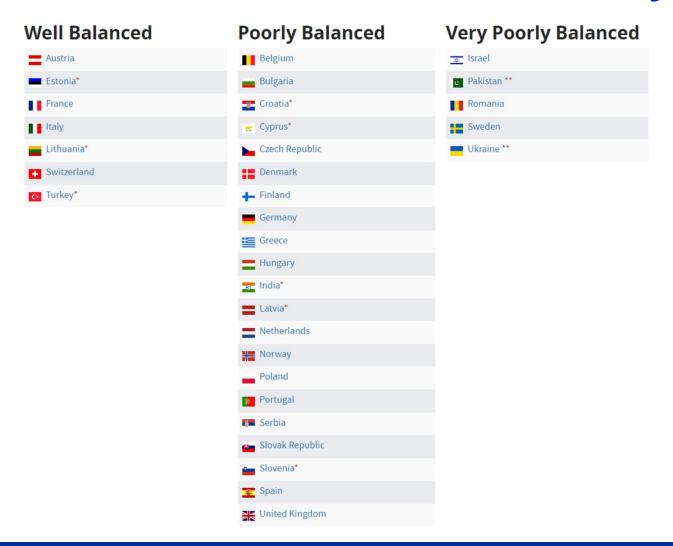
Over a 4-year period:

- Very poorly balanced: < 0.40 (not defined in PR as such)
- Poorly balanced (PB) : $0.40 \ge x < 1$
- Well balanced (WB): ≥ 1



19/03/2024

Industrial Return to Member States, supplies Status from 1 March 2024 – 28 February 2025





19/03/2024





Focus Area #2 Supplier Engagement

<u>Objective</u>: Collaborate with suppliers to understand/help them on their environmental responsibility journey and identify opportunities to improve the environmental responsibility of current and future procurement contracts.

Actions taken:

- Working Group set up to engage with the top suppliers from CERN's 3 most emitting Procurement Families,
- 01 Civil engineering, building and technical services (Sandrine, Adam, Aneta)
- 05 Mechanical engineering and raw materials (Alvaro)
- 13 Permanent services on the CERN site (Sebastien, Charles)
- First feedbacks received from services contractors who are advanced and eager to share their experience, reporting methodology and calculations

Next Steps:

- Meetings with services contractors
- Send info and data requests to CE suppliers to better understand their maturity and practice
- Identify key suppliers and best approach for family 5



Focus Area #3 Pilot Projects: Status of ongoing pilot projects

	Type of contract	Description	Cost range (CHF)	Status	Next step	PF	Contacts	Status
	Supply	Supply of 330 lead sandwiches - MS4916/EP/CMS	200k - 750k	Market Survey	Market Survey 09/2023	5	Technically: H. Gerwig Commercially: A. Lecinana Soldevilla	Seems to be a relatively simple product (I may be wrong though). There is some good information about the environmental impacts of Lead here - https://link.springer.com/article/10.1007/s11367-015-1021-5 which could be used as a basis for defining environmentally responsible procurement criteria
	Supply	Supply of steel bars 316LN-MS-4954	200k - 750k	Market Survey	Market Survey	5	Technically: Commercially:	Market Survey document updated with questions around sustainability for information.
	Supply	Supply of isostatic graphite blocks and low density CFC plates for the HiLumi beam dump project-MS4857/4858	200k - 750k	Market Survey	Market Survey	5	Technically: Th. Banks Commercially: F. Bonthond	Market Survey document updated with questions around sustainability for information.
	Supply	Provision and support of public cloud services	750k - 5M	Market Survey	MS closes 31.01.2024	4	Technically: Joao Fernandes Commercially: Josh Davidson	We have been asked by Josh to support this following earlier discussion around embedding environmental responsibility into purchases for the CERN on site data centre
	Supply	Supply of the roof renovation work of building 167 on the Swiss part of CERN	200k - 750k	Announcement	Invitation to Tender 06/2024	1	Technically: A. Dodard Commercially: S. Magnan	Environmentally responsible roof insulation was discussed during the Procurement Family 1 decarbonization strategy meetings so some ideas could be applied to this procurement. Our influence may be limited if these suppliers have already been qualified in a pervious Market Survey
	Supply	Extension and upgrade of two 66/18 kV substations.	750k - 5M	Announcement	Invitation to Tender 04/2025	2	Technically: D. Katsanikos Commercially: A. Musso	Potentially related to pilot project focused on Power Transformers, however, I am not 100% sure of this. Our influence may again be limited if these suppliers have already been qualified in a pervious Market Survey
	Services	Provision of services for the transport of persons for CERN-MS4950	750k - 5M	Announcement	Market Survey 03/2024		Technically: S. Blanchard Commercially: S. Sonnerat	Based on the description there already seems to be interest in embedding environmental responsibility into this procurement. After discussion adjudication moved to BVFM instead of Lowest bid.
	Supply	Supply of UPS from 20 to 200 kVA	200k - 750k	Announcement	Market Survey 02/2024	2	Technically: J. Lahaye	Environmentally responsible procurement of UPS systems was discussed during the Procurement Family 2 decarbonization strategy meetings so some ideas could be applied to this procurement.
	Supply	Supply of Inspection Systems for the LHC Beam Screen - IT4866	200k - 750k	Invitation to Tender	Invitation to Tender	5	Technically: G. Bregliozzi Commercially: J. Davidson	Suppliers maturity assessed (1st round). Weighting criteria proposed for a BVFM adjudication on sustainability and environmental impact proposed. It has been also suggested a criteria on Total Cost of Ownership.
	Supply	Supply of Servers and Storage for Physics Data Processing, Acquisition and Control systems	750k - 5M	Market Survey	Market Survey	4	Technically: E. Bonfilou, L. Aztori Commercially: J. Davidson	Market Survey document updated with questions around sustainability for information.





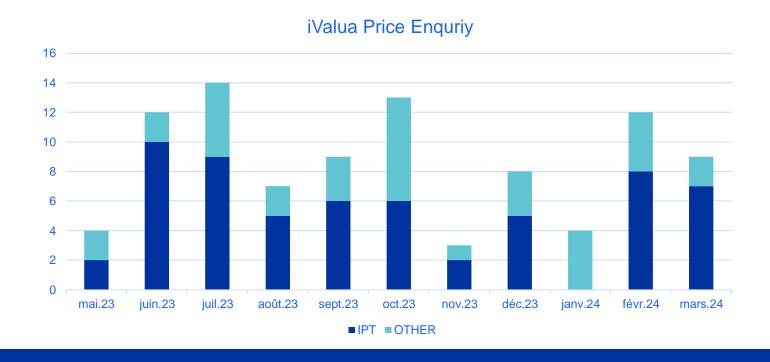


• Contract S: implementation of SUPPLY or SERVICE parameter per amendment allowing to charge each spend to the correct Industrial Return; Supply or Service? SUP

• DAI modification : Numéro de référence:* Single source: Approuvé par le FC CERN/FC/6772/RA

• "Dépot" correction: Meyrin vs Prevessin Dépot: ___ Calculate Depot

- DAI routing update (for April)
- iValua trend:





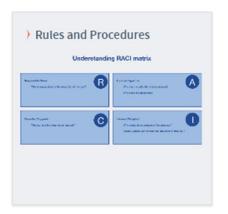




New on the Procurement Website













						20
		January 2024		February 2024		March 2024
Mon	1					
ue	2					
Ved	3					
hu	4		1			
ri	5		2		1	
at	6		3		2	
un	7		4		3	
/lon	8		5	QS Eenergy MEMO (Andrea)	4	
ue	9		6		5	
Ved	10		7		6	
hu	11		8	Peers review FC adjudications	7	
ri	12		9		8	
at	13		10		9	
un	14		11		10	
1on	15		12		11	QS Forthcoming needs (Josh)
ue	16		13	Group Meeting/ QS MS Memo (Floris, Lisa)	12	
Ved	17		14		13	
hu	18	QS CERNbox (Floris)	15	Peers review FC adjudications	14	
ri	19		16		15	
at	20		17		16	
un	21		18		17	
/lon	22		19		18	
ue	23	Group Meeting	20		19	ILO Forum
Ved	24		21		20	Finance Committee
hu	25		22		21	
ri	26		23		22	
at	27		24		23	
un	28		25		24	
/lon	29		26		25	QS AMS Expenditure and ceiling (Josh)
ue	30		27		26	
Ved	31	IPT Annual Meeting	28		27	
hu			29		28	
ri	П				29	
at					30	
un					31	

