

Guidelines for Limited Tendering:

In order to improve the return coefficient to CERN's Member States and Associate Member States with a low industrial return coefficient, CERN may, in cases where it is believed there is sufficient competition, launch a Limited Tendering procedure.

1. Which are the firms that could be contacted from 1st July 2024 until 28th February 2025?

CERN may contact firms proposing supplies and/or services, as applicable, originating in one of the 12 countries having the lowest industrial return coefficient during the relevant period.

As a consequence, from 1st July 2024 until 28th February 2025, eligible firms would therefore be in a position to propose supplies and services originated in one of the following countries:

Member State	Return coefficient 2020-23
Brazil	-
Ukraine	0.27
Israel	0.31
Romania	0.35
Sweden	0.36
Cyprus	0.41
Belgium	0.42
Denmark	0.42
Norway	0.44
Greece	0.47
United Kingdom	0.50
India	0.53
Serbia	0.53

Among the list of eligible countries, in case two countries, from the bottom of the list, have the same coefficient, and only one of them can be included to establish the list of 12 Member States, priority will be given to the Member State over the Associated Member State. In case both countries are in the same category, CERN will add decimals to determine the country with the lowest industrial return.

This list will be updated if one the following events occur:

- Adhesion of one new Associate Member State during the period
- Once an Associate Member State reaches its “ceiling” according to article 4.2 of the Procurement Rules

In the first case, the new Associate Member State will be added to the existing list and in the second case, the Associate Member State will be removed from the list and the next least balanced Member State will be added to the list. The up to date list of Member States entitled to participate to Limited Tendering procedures will be updated under the following link: <https://procurement.web.cern.ch/home/industrial-returns-cern-member-states> and in the Selection and Adjudication Criteria.

If the list changes during the course of a DO/IT, the Selection and Adjudication Criteria sent with the DO/IT will remain applicable for that DO/IT.

2. When will the Limited Tendering be announced?

For Price Enquiries, the email sent to ILOs upon publication will clearly indicate that procedure is a Limited Tendering one and the reference will be DO-XXXXX/DEPT/LT. Additionally, the tender form will refer to the link <https://procurement.web.cern.ch/home/industrial-returns-cern-member-states> .

In case of Invitations to Tender, the Market Survey will not normally make reference to any restrictions concerning Member States. However, the Invitation to Tender documents will follow the same approach as the Price Enquiries.

3. How many firms will be contacted?

As a guideline a Limited Tendering procedure could be performed if at least:

- four firms are identified as potential bidders in case of a Price Enquiries or
- six firms are identified as potential bidders in case of an Invitation to Tender.

4. How many Limited Tendering procedures will be carried out annually?

In 2023, eight out of 133 Price Enquiries were performed on a Limited Tendering procedure with five Member States having an industrial return below 0.4. Therefore, in principle, CERN does not expect to send more than 25% of the future tendering procedures as limited to the 12 least balanced Member States for a value below 15% of the total annual procedures.

5. In which cases will a tendering procedure open to supplies and/or services, as applicable, originating in all Member States be carried out in parallel of a Limited Tendering one?

In principle, if the future contract can be split into at least two contracts, the Procurement Service will carry out two procedures in parallel: a tendering procedure open to all Member States and Limited Tendering one. Each procedure will request pricing, as an option, for the quantities requested in the other procedure in order to cover the total needs of the user and to mitigate the risk of one of the procedures being significantly higher than the other one.

Each procedure will have a different Invitation to Tender reference following a single Market Survey.

The firms invited to the Limited Tendering procedure will also be invited to the one that is open to supplies and/or services, as applicable, originating in all Member States.

CERN does not expect Limited Tendering for industrial services contracts.

6. How will ILOs be informed?

As today, all ILOs representing the Member States listed in point 1 above will be informed that a new procedure (Price Enquiry or Invitation to Tender) has been sent as a Limited Tendering one.

On the other hand, all ILOs will be informed by email if CERN publishes an open tendering procedure in parallel with a Limited Tendering procedure as foreseen in question 5.

All ILOs will receive notifications of Market Survey publications.

7. When will a contract not be awarded following a Limited Tendering procedure?

CERN will not award the contract to the best placed bidder of the most expensive procedure if:

- the price difference compared to the best placed bidder of the parallel tendering procedure is more than 20% for a contract up to 500kCHF.
- the price difference compared to the best placed bidder of the parallel tendering procedure is more than 15% for a contract between 500kCHF and 1MCHF.
- the price difference compared to the best placed bidder of the parallel tendering procedure is more than 10% for a contract above 1MCHF.