


RACI MATRIX FOR TECHNICAL OFFICERS IN CHARGE OF PROCUREMENT PROCEDURES >50kCHF

Objective

 The purpose of this RACI is to provide guidance to CERN technical officers ensuring standardisation and best practice in procurement procedures. The RACI reflects the implementation of the CERN Procurement Rules, the Code of Professional Ethics and best practices. References to the applicable documents and useful links are made wherever possible in the RACI.

For the present RACI:

- the “Technical Officer” comprises the technical manager identified in the contract as well as any person helping him/her to supervise the performance of the contract;
- the “Procurement Officer” means the procurement person in charge of conducting the tendering procedure with the technical officer as well as the legal, procurement support and administration teams.

Understanding RACI matrix





Letter	Definition	Symbol
R	Responsible / Driver: <ul style="list-style-type: none">Who is responsible for the execution of the task?	
A	Approval / Signature: <ul style="list-style-type: none">Who has the authority to take decision?Who signs the document?	
C	Consulted / Supports: <ul style="list-style-type: none">Who can provide expertise or support?	
I	Informed / Recipient: <ul style="list-style-type: none">Who needs to be updated of the progress?Anyone whose work and/or task depends on this task?	





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LIST OF ACRONYMS AND DEFINITIONS

Acronym / Defined Term	Definition
4P	'Part Prépondérante Prévisible de la Prestation' or the foreseeable preponderant share of the Services. The 4P is used to determine which law shall apply to a Contractor's personnel performing Services for a Contract on both the French and Swiss sides of the CERN site.
CDS	CERN Document Server, a web-based application hosting a range of CERN documents. CDS is used to i) communicate DO, MS and IT documents to Firms, ii) receive market survey responses and bids from Firms (excluding for DOs with a value of less than 50 kCHF) and iii) archive Contracts and Contract Amendments.
CFU	Contract Follow Up, a web-based application for accessing key documents (including Invitation to Tender, contract documents, and Finance Committee documents) that are archived in AIS Media, CERN's web document management server.
DAI	<i>Demande d'achat interne</i> or internal purchase requisition, a document prepared by a technical officer in EDH for all purchases excluding those made through supply contracts.
DH	Department Head
DO	<i>Demande d'offres</i> or price enquiry
DPO	Departmental Planning Officer
DSO	Department Safety Officer
DTO	Department Training Officer
DR	Departmental Request, a document prepared by a technical officer in EDH to start the procurement process for any purchases exceeding 50 kCHF.
EDH	CERN's Electronic Document Handling software facility, which allows for the creation, routing, authorisation and processing of CERN's administrative documents.
EDMS	Electronic Data Management System
EP	Experimental Physics
FAP	Finance and Administration Processes
FDR	Final Design Review
GL	Group Leader
IP	Intellectual Property
IT	Invitation to Tender
MS	Market Survey









MTP	Medium-Term Plan
MoU	Memorandum of Understanding
OSVC	An EDH document for the commitment for service, temporary labour, license and civil work contracts. It is converted into an OV. See OSVC section
PBMS	Poorly balanced Member State
PCTS	<i>Plan de Coordination des Travaux et de la Sécurité</i> . See WSCP.
PDR	Preliminary Design Review
PO	A purchase order generated following a DAI
PP	Prevention Plan
PPSPS	<i>Plan Particulier de Sécurité et de Protection de la Santé</i>
PRR	Production Readiness Review
Resources Coordinator	Manage and plan the financial resources of the experiment in coordination with EP DPO for CERN Budget codes, and with HR and FAP departments with regard to Team accounts.
SL	Section Leader
VIC	Visite d'Inspection Commune
VPBMS	Very Poorly Balanced Member State
WBMS	Well Balanced Member State
WSCP	Work Safety and Coordination Plan. See PCTS.
WSS	Work and Services Supervisor



1 BEFORE STARTING A PROCUREMENT PROCEDURE





1.1 Getting started

1.1.1 Get trained








Action	Roles		
	Tech. officer	Proc. officer	Contractor
Follow the e-learning course: procurement of supplies <200kCHF ;			
<p>Follow the 'à la carte' procurement training courses in accordance with the technical officer's needs:</p> <ul style="list-style-type: none"> Procurement of supplies >200kCHF – Module 1: Procurement Rules, Strategy and Market Survey Procurement of supplies >200kCHF – Module 2: Invitations to Tender Procurement of supplies >200kCHF – Module 3: Contract Management Price enquiries for supplies >50kCHF Industrial service contracts <div>  Tip: <ul style="list-style-type: none"> All procurement trainings are accessible here: https://procurement.web.cern.ch/cern-personnel/training-courses Training modules for supplies >200kCHF are organised on a quarterly basis, giving technical officers the opportunity to register to each module according to their needs and as close as possible to their project schedule. Upon request, ad-hoc training courses may be organized for dedicated project teams. For further information, please contact: Procurement.Service@cern.ch </div> <p>In addition, optional only if needed: check the Learning Hub and where applicable, attend project-related courses involving procurement activities such as:</p> <ul style="list-style-type: none"> Project management: "Project Management", "Project risk management", "Project controls and follow-up", "PMI project management", "Agile project management". The series of trainings related to "Quality for manufacturing" and in particular, the module "Preparing specifications" given by CERN's HL-LHC team. <p>The Technical officer may also ask advice to his/her DTO. In particular, the HERMES / OpenSE approaches, as covered in aforementioned trainings, provide a set of tools and methodology on project management.</p>			



1.1.2 Prepare for the procurement

Action	Roles		
	Tech. officer	Proc. officer	Contractor
<p>Define the resources:</p> <ul style="list-style-type: none"> Get the budget approved by the management, including the DPO (or Resources Coordinator for the experiments); Set up the team, roles and responsibilities for those in charge of drafting the IT documents, contract follow-up and acceptance tests, if any; Anticipate material resources needed, if any (test benches, availability of test beam, early procurement of long-lead items, etc.). <p> <i>Tip: Even before defining the resources, it may be advisable to draw up a Make-or-Buy plan to confirm that procurement is the right option. In doing so, ask yourself: who is in the best position to do the job?</i></p> <p><i>Key questions to establish a "Make or Buy" plan:</i></p> <ul style="list-style-type: none"> Preliminary technical requirements Does the technology exist? Are there potential alternatives (ideally with off-the-shelf products) Is the industry mature enough? Did we make some prior consultation? Time constraints? Make at CERN (eg. via existing contracts)? How do I organise the various procurements within the project? Why? Which services will I need within these contracts, and where can they be performed? ... <p><i>Advantages of making: time flexibility, technical issues management, possibility to address unique characteristics, etc.</i></p> <p><i>Risks of buying: loss of control, delegation of power to a third party that has diverging interests, etc.</i></p> <p><i>Link: set of templates related to project management</i></p> <p><i>The Technical Officer may contact the Procurement Service to enquire about previous tenders or orders. The Procurement Service can retrieve a list of firms from its supplier database, provide examples of previous tenders as well as the firms that were consulted or a record of suppliers' evaluation by other technical officers, etc.</i></p>			
<p>Where applicable, consult stakeholders to anticipate potential issues:</p> <ul style="list-style-type: none"> Colleagues having already conducted similar tendering procedures in the past; The technical coordinator in charge of the CERN facility concerned, in particular for schedule feasibility purposes; The relevant infrastructure (electrical, cooling and ventilation, transport, etc.) teams; HSE; Other potential users who could be interested in joining the procurement procedure; Potential suppliers; Procurement Service; Etc. 			



<p>Prepare for the procurement start-up meeting:</p> <ul style="list-style-type: none"> • Define the need (scope, quantities, etc.); • Get a good understanding of the market (number of potential vendors, country of origin, industrial set-up, barriers to entry (existing patent, etc.), activities that are usually subcontracted, etc.); • List documents needed to conduct the procurement procedure; • List potential risks. <div style="background-color: #e6f2ff; padding: 10px; margin-top: 10px;"> <p> Tip:</p> <p><i>Checklist (reconsider the situation in case of 'NO' to at least one of the following questions):</i></p> <ul style="list-style-type: none"> - <i>Am I able to define requirements?</i> - <i>Are the corresponding inputs and outputs clear for the industry to make a price?</i> - <i>Do I need to modify the existing infrastructure to install or use the supply?</i> - <i>Is the standard or specific equipment CERN already has enough to use the supply?</i> - <i>Is my price estimate consistent?</i> - <i>Are there vendors to fulfil my needs?</i> - <i>Is CERN key staff available?</i> - <i>Is the management in line with the approach?</i> </div>			
<p>For the Experiments only, in light of the Memorandum of Understanding, make sure that:</p> <ul style="list-style-type: none"> • the procurement procedure for which CERN is requested to place the contract is in line with the Procurement Guidelines for Experiments at CERN as well as the General Conditions for Experiments at CERN; • CERN has already received the funds necessary to place the order*. <div style="background-color: #ffe6e6; padding: 10px; margin-top: 10px;"> <p> Warning: the procurement rules vary according to the origin of the funding and the value of the request being made. In case of doubt, please consult the Procurement service as soon as possible.</p> <p>For cases where CERN does not contribute to the financing of the project, if the requesting institute(s) in question has(-ve) not signed a Memorandum of Understanding, the Procurement Service will request it/them to sign a specific "Transfer of Risks and Liability Agreement" transferring contractual risks and liabilities from CERN to the institute as a condition for access to CERN's purchasing service.</p> <p>*For cases where CERN has not yet received the funds necessary to place the contract, the Procurement service may request that the Resources Coordinator commits on behalf of the requesting institute(s) or that such requesting institute(s) provide a "Funding Pledge".</p> </div> <div style="background-color: #fff9c4; padding: 10px; margin-top: 10px;"> <p> Templates for cases where CERN does not contribute to the financing of the project:</p> <ul style="list-style-type: none"> - Transfer of risks and liability agreement - Proof of correctness, where applicable - Funding pledge, where applicable. </div>			










2 CONDUCTING A PROCUREMENT PROCEDURE

2.1 DO with an estimated value of more than 50 kCHF and less than 200kCHF

2.1.1 Preparation of a DO

2.1.1.1 Strategy

Action	Roles		
	Tech. officer	Proc. officer	Contractor
Submit a Departmental Request (DR) through EDH. The Departmental Request will be circulated to the SL, GL, DH as well as the DPO (or the Resources Coordinator for the Experiments, if any) and the procurement officer for approval.			
After the DR has been received, organize a start-up meeting with the Technical Officer and any other stakeholders deemed necessary.			
<p>During the start-up meeting, agree on the strategy for the procurement and cover specifically:</p> <ul style="list-style-type: none"> - The scope of the future contract including quantities, duration, estimated value, location on the CERN site (in the case of activities on the CERN site) and any specific technical requirements; - The basis of adjudication including total cost of ownership, where relevant, in particular for supplies; - The intended budget and its planned allocation in the MTP; - Experiments only - funding sources (Project, Team account, amount of CERN contribution, etc); - The intended use and environment of the supply, in particular in case of specific usage needs, co-activity or limited access; - The kind of firms that would qualify to supply the goods or services, in terms of competencies, experience, certifications, size, origin and other relevant criteria; - Key safety, legal, commercial and other risks; - Sustainability considerations (electrical consumption, maintainability, etc.); - Future maintenance needs; - Whether any IP is expected to be generated under the future contract; - Whether the future contract is expected to be split; - Whether a 4P will need to be established; - Whether the firm performing services on site need to be formally certified by French or Swiss authorities; - Provisional timescales for the project including dates of key milestones such as the provision of technical documents, the release date of the DO, the closing date of the IT and the date for the opening of the bids; - Whether Groups of Firms are allowed and any elements of the contract firms are not permitted to subcontract, such as contract management, testing etc. - Preliminary acceptance process(es) (intermediate steps or not, location of acceptance tests, etc); - Transport workflow if any. 			
 Warning: Identify or report during the start-up meeting any possible conflicts of interests and discuss how to manage them throughout the procurement process.			









Following the start-up meeting, prepare a start-up meeting report based on the latest [template](#), circulate it to attendees and upload it in the DR workflow for approval by the Technical Officer's DL.



Templates:

- Start-up meeting report

2.1.1.2 [List of firms](#)

Action	Roles		
	Tech. officer	Proc. officer	Contractor
<p>Prepare a preliminary list of firms to contact for the DO, including firm names and addresses, contact person names and email addresses.</p> <p>Tip: In case of CERN only funding (budget code starting with a digit) or Experiment purchase case 'C', ensure that there is a fair distribution of countries and that firms whose services or supplies originate in PBMS and VPBMS are sought in preference to those whose services or supplies originate in WBMS where possible. For services or supplies paid by CERN, the DO shall only be sent to firms whose services or supplies originate in CERN Member States or Associate Member States.</p> <p>Warning: If three or more firms from VPBMS are identified as potential Contractors and in order to improve the industrial return for VPBMS, consider the option to perform 'limited tendering' in accordance with CERN Procurement Rules. Limited tendering consists in consulting firms based in only VPBMS. The decision for limited tendering should be subject to the Procurement Officer's GL approval.</p>			
After the preliminary list of firms is received from the Technical Officer, complete the proposed list of firms using the supplier database and set the final list of vendors to be contacted in collaboration with the Technical Officer.			
If three or more firms from VPBMS are identified as potential Contractors and in order to improve the industrial return for VPBMS , study again the possibility to perform limited tendering in accordance with CERN Procurement Rules.			



: Responsible / Driver



: Consulted / Supports

















: Approval / Signature


















: Informed / Recipient




2.1.1.3 DO documents (technical specification and annexes, technical annex, tender form, 4P memo)

Action	Roles		
	Tech. officer	Proc. officer	Contractor
<p>Prepare the first draft of the technical specification and any other documents of a technical nature for the supplies and/or services to be provided, based on the latest CERN template, including, if deemed necessary, a technical annex with questions to assess whether the bids are compliant with the technical and delivery requirements (optional).</p> <div>  Tips: <ul style="list-style-type: none"> - Drawings and other technical documents may be annexed to the technical specification, as required. - The Working on the CERN Site document must be annexed to the technical specification for any contract involving any intervention (even if it is short) by the Contractor on the CERN site. In addition, should the DO involve Category 1 operations, the Technical Officer shall also attach a PCTS (WSCP) to the technical specification. - The writing style must be based on the CERN English Language Style Guide. </div> <div>  Templates: <ul style="list-style-type: none"> - Supplies – Technical Specification - Supplies – Technical Specification – Electronics </div>			
<p>If the contract includes services to be performed on both the French and Swiss sides of the CERN site, establish statistics showing the main location of activities to be performed on the CERN site, the foreseeable and the corresponding preponderant share of activities between France and Switzerland in view of establishing a 4P memorandum defining the law that will apply to the working conditions of the Contractor's personnel intervening on the CERN site.</p> <div>  Tip: Further information about the 4P principles and implementations are available here. </div>			
Draft the 4P memorandum in accordance with the statistics presented by the Technical Officer.			
Circulate the 4P memorandum for signature by the Technical Officer's GL as well as Procurement Service's management.			
Review the tender form prepared by the Procurement Officer as well as the updated technical specification and submit the final version.			
Send out the final version of the Invitation to Tender to bidders and ILOs.			

2.1.2 After Dispatch of a DO











Action	Roles		
	Tech. officer	Proc. officer	Contractor
<p>If the Contract involves work to be carried out on the CERN site, or if required by the complexity of the procurement, optionally hold a bidders' conference one or two weeks after the release date of the DO. At the bidders' conference:</p> <ul style="list-style-type: none"> - the Technical Officer shall present the technical specification; - the Procurement Officer shall present the adjudication rules (if applicable), the 4P (if applicable) and the commercial requirements; - firms shall be allowed to ask questions about the DO. <p> <i>Warning: If a bidders' conference is held, attendance is mandatory for all firms intending to submit a bid. Failure by a firm to attend the full bidders' conference will result in the firm being disqualified from the DO.</i></p>			 (bidder)
<p>If a bidders' conference will be held, organize the logistics of the day including food and coffee, room bookings, buses and transfers, if any, etc.</p> <p> <i>Tip: Ask advice and support from the department's secretaries, as they are often used to organising conferences.</i> <i>For videoconferencing with specific requirements, ask support from CERN's IT CDA group.</i></p>			
<p>If technical questions are received from bidders while the DO is open either during a bidders' conference or otherwise, write up the questions and answers in a Q&A document based on the template provided by the Procurement Service.</p> <p> <i>Tip: Contractors shall submit questions no later than one week before the submission date of the DO. CERN has no obligation to respond to questions received after this point.</i></p>			
<p>If commercial questions are received from bidders while the DO is open either during a bidders' conference or otherwise, write up the questions and responses in a Q&A document.</p>			
<p>Verify that the Q&A document containing technical and/or commercial questions is accurately and correctly drafted.</p> <p> <i>Tips:</i></p> <ul style="list-style-type: none"> - Effort should be made to group questions into a single Q&A document to minimise the number of clarifications being sent to bidders; - Consideration should be given as to whether an extension of time should be granted in light of clarifications or new information provided, especially if the DO response date is within one week. 			






Upload clarification documents to the eTendering interface (CDS) and inform all bidders via email.			
Upload the bid on the eTendering interface (CDS).			 (bidder)









2.1.3 After Closing Date of a DO

2.1.3.1 Opening, clarification, negotiations and adjudication

Action	Roles		
	Tech. officer	Proc. officer	Contractor
<p>Organize the opening of bids. Once the opening is made, the Procurement Officer will give the Technical Officer access to the bids and the opening table in CDS. It may take up to one hour for access to be granted.</p> <div>  Warnings: <ul style="list-style-type: none"> Only the Procurement Officer is permitted to communicate with bidders until the contract has been placed. The contents of the bids shall be kept strictly confidential, even after order placement. In case of doubt, the Technical Officer should ask advice to the Procurement Officer. If non-CERN personnel require access to the bids (e.g. members of institutions collaborating in Experiments taking place on the CERN site) they should first sign a <u>Declaration of confidentiality and of absence of conflict of interests</u>. </div>			
After the opening of the bids, review the bids to ensure they are compliant with <u>the technical specification</u> including the delivery schedule. Inform the Procurement Officer of any sections of the bid that require further clarification.			
After the opening of the bids, review the bids to ensure they are compliant with <u>the commercial and contractual requirements</u> . Inform the Technical Officer of any sections of the bid that require further clarification.			
<p>After all bids have been reviewed by the Technical Officer and the Procurement Officer, contact bidders to request technical and commercial clarifications if necessary and to negotiate the price.</p> <div>  Warning: Once the bids have been opened, no bid sent after the closing date coming from a bidder other than the lowest compliant bidder can be taken into account. </div>			

Following all clarifications, adjudicate between the bids in accordance with CERN Procurement Rules.			
<p> Tips: Bids that are not in Swiss francs shall be converted into Swiss francs according to the ECB exchange rates applying on the closing date of the IT, in accordance with CERN Procurement Rules.</p>			













2.1.3.2 Preparation of a DAI

Action	Roles		
	Tech. officer	Proc. officer	Contractor
<p>Raise a DAI for the purchase with the selected bidder, with the DR number filled in. Attach to the DAI a justification for rejecting any of the bids for technical or delivery reasons.</p> <p> Tips: Guidelines on how to complete a DAI can be found in the e-learning for the procurement of supplies < 200kCHF.</p>			
Acceptance of the order in CERN's e-Procurement platform .			
<p>In case the acknowledgement of receipt differs from the date indicated in the purchase order, contact the Procurement Officer and, together, decide whether to maintain the existing delivery date or accept the change and amend the order.</p> <p> Tips: Acknowledging a delay does not mean that it is accepted as contractual penalties may still apply as of the original delivery date. In this respect, if necessary, the Technical Officer should consider maintaining the initial delivery date to maintain pressure on the Contractor and be delivered as soon as possible. The Technical Officer should not accept a new delivery date without having priority discussed with the Procurement Officer.</p>			





2.2 MS/IT with an estimated value of more than 200 kCHF

2.2.1 Preparation of a MS







2.2.1.1 Strategy






Action	Roles		
	Tech. officer	Proc. officer	Contractor
Submit a Departmental Request (DR) through EDH. The Departmental Request will be circulated to the SL, GL, DH as well as the DPO (or the Resources Coordinator for the Experiments, if any) and the procurement officer for approval.			
Before signing the DR, organize a start-up meeting with the Technical Officer and any other stakeholders deemed necessary.  <i>Tip:</i> <i>For requirements with a value > 200 kCHF, the Technical Officer's GL should attend the start-up meeting.</i> <i>For requirements with a value > 750 kCHF, the Technical Officer's DL should attend the start-up meeting.</i>			
For the start-up meeting, prepare a few slides describing briefly the scope of supply, project requirements as well as the risks identified.			
During the start-up meeting, establish whether an MS is needed it being understood that: <ul style="list-style-type: none"> - For requirements with a total value of less than 200 kCHF, an MS is not needed; - For requirements with a total value of 200 kCHF or more, in principle, an MS is required; If no MS is required, follow the procedures for a DO (for values of < 200 kCHF) or an IT (for values of > 200 kCHF).  <i>Tip: The need to run an MS for requirements over 200 kCHF may be waived by the Head of Procurement Service under the following special circumstances:</i> <ul style="list-style-type: none"> - The requirements are the same as or similar to (in terms of scope, value and technical aspects) requirements for which an MS has been run in the last 12 months (18 months for prototype work) (or longer, if approved by the Head of Procurement Service), such that the results of the previous MS can be reused; - The requirements are for catalogue parts and only official distributors of the parts can be contacted. 			
During the start-up meeting, agree on the strategy for the procurement including specifically: <ul style="list-style-type: none"> - The basis of adjudication and total cost of ownership; - The intended budget and its allocation in the MTP; - The scope of the future contract including quantities, duration, estimated value, location on the CERN site (in the case of services) and any specific technical requirements; - The kind of firms that would qualify to supply the goods or services, in terms of competencies, experience, certifications, size, origin, and other relevant criteria; - The intended use and environment of the supply, in particular in case of specific usage needs, co-activity or limited access; - Key safety, legal, commercial and other risks; 			






<ul style="list-style-type: none"> - Future maintenance needs; - Sustainability considerations (electrical consumption, maintainability, etc.); - Whether any IP is expected to be generated under the future contract; - Whether the future contract is expected to be split; - Whether a 4P will need to be established; - Provisional timescales for the project including dates of key milestones such as the provision of technical documents, the release date of the MS and IT, the closing date of the IT and the date for the opening of the bids; - Whether groups of firms are allowed and any elements of the contract firms are not permitted to subcontract, such as contract management, testing etc. <p> Warning: Identify or report during the start-up meeting any possible conflicts of interest and discuss how to manage them throughout the procurement process.</p>			
<p>Following the start-up meeting, prepare a start-up meeting report based on the latest template, circulate it to attendees and upload it in the DR workflow for approval by the Technical Officer's DH.</p> <p> Templates:</p> <ul style="list-style-type: none"> - Start-up meeting report 			




2.2.1.2 [Proposed list of firms](#)

Action	Roles		
	Tech. officer	Proc. officer	Contractor
<p>Prepare a preliminary list of firms to contact for the MS, including firm names and addresses, contact person names and email addresses.</p> <p> Tip: In case of CERN only funding (budget code starting with a digit) or Experiment purchase case 'C', ensure that there is a fair distribution of countries and that firms whose services or supplies originate in PBMS and VPBMS are sought in preference to those whose services or supplies originate in WBMS where possible. For services or supplies paid by CERN, the DO shall only be sent to firms whose services or supplies originate in CERN Member States or Associate Member States.</p> <p> Warning: If three or more firms from VPBMS are identified as potential Contractors and in order to improve the industrial return for VPBMS, consider the option to perform 'limited tendering' in accordance with CERN Procurement Rules. Limited tendering consists in consulting firms based in only VPBMS.</p>			
<p>After the preliminary list of firms is received from the Technical Officer, complete the proposed list of firms using the supplier database and set the final list of vendors to be contacted in collaboration with the Technical officer.</p>			












<p>Once a draft of the MS documents is close to being agreed with the Technical Officer, prepare the final list of firms to be contacted with the MS. The list of firms to be contacted shall take into account:</p> <ul style="list-style-type: none"> - the firms proposed by the Technical and Procurement Officers; - the firms having shown interest in the MS; - firms registered in the Procurement Service's supplier's database for the concerned procurement codes; - the country of origin of the supplies and/or services; - the technical competency and experience of the firm; <div style="background-color: #e6f2ff; padding: 10px; margin-top: 10px;"> <p> Tip: The criteria in the qualification questionnaire are objective and reasonable and will enable CERN to select an acceptable number of firms for the IT (as a guideline, between three and 10 for requirements up to 750 kCHF and between three and 15 for requirements above 750 kCHF).</p> </div>			
<p>If three or more firms from VPBMS are identified as potential Contractors and in order to improve the industrial return for VPBMS, study again the possibility to perform limited tendering in accordance with CERN Procurement Rules.</p>			

2.2.1.3 Preparing MS documents













Action	Roles		
	Tech. officer	Proc. officer	Contractor
<p>After the start-up meeting, prepare the first draft of the technical description of the supplies and/or services, the qualification questionnaire that will be used to qualify firms and, when requested, a risks matrix, based on the latest CERN templates. If deemed necessary, the Procurement Service may also require that the Technical Officer prepares a Risks Matrix (for procurements with a value > 750 kCHF), also based on the latest CERN templates.</p> <div style="background-color: #e6f2ff; padding: 10px; margin-top: 10px;"> <p> Tips:</p> <ul style="list-style-type: none"> - As a guideline, the technical description should not be more than three to four pages long. - The writing style should be based on the CERN English Language Style Guide. - The criteria must assess the suitability of the bidding firms and not the supplies and services, which will be assessed at the IT stage. - The ratio between the annual expected expenditure under the future contract and the annual turnover of the firm should not exceed 1:3. - As a general rule, is expected that both firms and groups of firms are eligible to qualify for the IT. - It is recommended to contact potential MS respondents before the MS is released to gauge the suitability and restrictiveness of criteria, as well as to generate interest in the project. </div>			

<p> Templates:</p> <ul style="list-style-type: none"> - MS – Supplies – Technical Description - MS – Supplies – Qualification Questionnaire for Single Firms - MS – Supplies – Qualification Questionnaire for Single Firms or Groups - MS – Services – Technical Description - MS – Services – Qualification Questionnaire for Single Firms - MS – Services – Qualification Questionnaire for Single Firms or Groups 			
<p>Once the first drafts of the technical description and the qualification questionnaire (as well as the risks matrix, if applicable) are received from the Technical Officer, review the MS documents to verify the overall consistency of the documents and that the CERN Procurement Rules are complied with.</p>			

2.2.1.4 Simplified technical auditing



Action	Roles		
	Tech. officer	Proc. officer	Procurement
<p>For all contract types: once a draft of the MS documents is agreed with the Technical Officer, send the draft MS documents by email, together with the list of firms and the start-up meeting report, to the technical auditing.</p> <p> Warning: For the Accelerators sector, EN/ACE is in charge of the circulation and will chair the simplified technical auditing process. The detailed circulation process can be found here: https://edms.cern.ch/ui/file/1460860/1.1/Technical_auditing_phase.pdf</p> <p> Tips: The technical auditing committee will be composed of the Technical Officer, his or her management including the DH, HSE, an external technical expert with proven competence in the field as well as any other representative, as necessary.</p>			
<p>For the start-up meeting, prepare a few slides describing briefly the scope of supply, project requirements as well as the risks identified.</p>			
<p>Update the MS technical documents taking into consideration the comments received during the technical auditing procedure and send the final documents to the Procurement Officer as well as EN/ACE team, where applicable.</p>			
<p>Dispatch the MS, notify ILOs as well as technical managers.</p> <p> Tips: The publication process usually takes two to four working days.</p>			

2.2.2 After Dispatch of an MS






Action	Roles		
	Tech. officer	Proc. officer	Contractor
<p>As responses are received from firms or groups of firms or following the planning established for the procurement process, create and update an MS results file based on this template to show the responses to each question by each of the firms or groups of firms. In doing so, identify any missing information or clarifications that need to be made.</p> <p> <i>Templates:</i></p> <ul style="list-style-type: none"> - MS Results 			
Following agreement with the Technical Officer, request missing information and clarify unclear responses with firms or groups of firms as required.			 (bidder)
Save clarifications received by email.			
<p>Once it is deemed that all or most responses have been received, prepare a memorandum based on this template stating the firms or groups of firms that responded to the MS, the firms or groups of firms that did not qualify for the IT and the reasons why.</p> <p> <i>Templates:</i></p> <ul style="list-style-type: none"> - MS Memo on Rejected Firms <p> <i>Tip: The Technical Officer and the Procurement Officer are responsible for ensuring that firms and groups of firms are assessed consistently and that their qualification or rejection is based on the objective assessment criteria in the MS.</i></p>			

2.2.3 Preparation of an IT >200kCHF











2.2.3.1 IT documents (risks matrix, technical specification and annexes, technical annex, evaluation questionnaire, tender form, 4P memo)

Action	Roles		
	Tech. officer	Proc. Officer	Contractor
<p>At any point after dispatch of the MS (or after the start-up meeting, if the requirement to run a MS has been waived) prepare the first draft of the IT technical documents for the supplies and/or services to be provided, based on the latest CERN templates. The technical documents consist of:</p> <ul style="list-style-type: none"> - The technical specification and its annexes; - The technical annex to the tender form (optional); - An evaluation questionnaire and scoring memo (for BVFM adjudications only); - The updated risks matrix (for procurements with a value > 750 kCHF). 			














<div data-bbox="99 323 131 365"></div> <p>Tips:</p> <ul style="list-style-type: none"> - Drawings and other technical documents may be annexed to the technical specification, as required. - The Working on the CERN Site document must be annexed to the technical specification for any contract involving any intervention (even if it is short) by the Contractor on the CERN site. - The writing style should be based on the CERN English Language Style Guide. <p>The technical documents must ensure that:</p> <ul style="list-style-type: none"> - The CERN Procurement Rules are complied with; - The technical documents are written in such a way that it guarantees fair competition; - The technical documents are clear and does not lead to misunderstandings; - There are no contradictions between the documents; - The quantities or volumes for which the bidder will bid are as close as possible to the quantities or volumes to be finally purchased by CERN; - The supplies or services for which CERN reserves the right to order or not at the price bid by the Contractor until a certain date are put under the heading "Options" and therefore not taken into account for the adjudication; <div data-bbox="99 1094 131 1136"></div> <p>Warning: The scoring memo, used for BVFM adjudications, must be kept strictly confidential.</p> <div data-bbox="99 1230 131 1272"></div> <p>Templates:</p> <ul style="list-style-type: none"> - Supplies – Technical Specification - Supplies – Technical Specification – Electronics - Supplies – Technical Annex to Tender Form - Services – Technical Specification - Services – Evaluation Questionnaire and Scoring Memo - Risk Matrix 			
<p>Once the first draft of the technical documents are received from the Technical Officer, review the technical documents.</p>			










<p>If the contract includes activities to be performed on both the French and Swiss sides of the CERN site, establish statistics showing the foreseeable preponderant share of activities between France and Switzerland in view of establishing a 4P memorandum defining the law that will apply to the working conditions of the Contractor's personnel intervening on the CERN site.</p> <p> <i>Tip: Further information about the 4P principles and implementations are available here.</i></p> <p><i>In accordance with 4P principles, note that the laws applying to the working conditions of the Contractor's personnel will be either Swiss or French laws, except for Safety matters on first category worksites (as defined in § 3.1 of the document "Working on the CERN site"), which shall be subject to the laws of the territory concerned.</i></p>			
Enquire about the updated price estimate with regard to the original amount indicated in the DR.			
In case the updated price estimate differs from the original amount indicated in the DR, seek approval from the DPO (or the resources coordinator for the experiments).			
Draft the 4P memorandum in accordance with the statistics presented by the Technical Officer.			
Circulate the 4P memorandum for signature by the Technical Officer's GL and DH as well as Procurement Service's management.			
Once a draft of the IT documents is agreed with the Technical Officer, update the MS Results and the MS memorandum on rejected firms to reflect any responses received from firms since it was originally drafted (see After Dispatch of an MS).			

2.2.3.2 Technical Auditing
















Action	Roles		
	Tech. officer	Proc. officer	Contractor
<p>For all contracts types: once a draft of the IT documents is agreed with the Technical Officer, send the draft IT documents by email, together with the list of firms and the start-up meeting report, to the technical auditing committee.</p> <p> <i>Warning: For the Accelerators sector, EN/ACE is in charge of the circulation and will chair the technical auditing process. The detailed circulation process can be found here: https://edms.cern.ch/ui/file/1460860/1.1/Technical_auditing_phase.pdf</i></p> <p><i>The scoring memo, used for BVFM adjudications, is not circulated for comments.</i></p> <p> <i>Tips:</i></p> <p><i>The technical auditing committee will be composed of the Technical Officer, his or her management including the DL, HSE, an external technical expert with proven competence in the field as well as any other representative, as necessary.</i></p>			

Update the IT technical documents taking into consideration the comments received during the technical auditing procedure.			
Update the IT commercial and contractual documents taking into consideration the comments received during the technical auditing procedure.			
Upload the IT documents on the e-Tendering platform and launch the IT to the list of qualified firms. Notify the ILOs as well as technical managers.			 (bidder)
<p> Tips:</p> <ul style="list-style-type: none"> - The IT shall remain open for at least four weeks* from the date the IT documents are sent out. If a shorter period of time is desired, seek approval from the Head of Procurement Service in accordance with CERN Procurement Rules. - The MS thank you letters for firms which responded to the MS but did not qualify for the IT will be sent automatically. <p>* the two-week CERN end-of-year holiday and the period from 15 July to 15 August shall be excluded when calculating the closing date for submitting bids.</p>			

2.2.4 After Dispatch of an IT












Action	Roles		
	Tech. officer	Proc. officer	Contractor
<p>If the IT involves work that will be carried out on the CERN site, or if the complexity of the procurement requires it, optionally hold a bidders' conference about two weeks after the release date of the IT. At the bidders' conference:</p> <ul style="list-style-type: none"> - the Technical Officer shall present the technical specification; - the Procurement Officer shall present the adjudication rules (if applicable), the 4P (if applicable) and the commercial requirements; - firms shall be allowed to ask questions about the IT. <p> Warning: If a bidders' conference is held, attendance is mandatory for all firms intending to submit a bid. Failure by a firm to attend the full bidders' conference will result in the firm being disqualified from the DO.</p>			 (bidder)
<p>If a bidders' conference will be held, organize the logistics of the day including food and coffee, room bookings, buses and transfers, if any, etc.</p> <p> Tip: Ask advice and support from the department's secretaries, as they are often used to organising conferences. For videoconferencing with specific requirements, ask support from CERN's IT CDA group.</p>			



<p>If technical questions are received from bidders while the IT is open, either during a bidders' conference or otherwise, write up the questions and answers in a Q&A document based on a template provided by the Procurement Officer.</p> <p> <i>Tip: Contractors shall submit questions no later than one week before the submission date of the IT. CERN has no obligation to respond to questions received after this point.</i></p>			
<p>If commercial questions are received from bidders while the IT is open, either during a bidders' conference or otherwise, write up the questions and responses in a Q&A document based on the existing template.</p>			
<p>Verify that the Q&A document containing technical and/or commercial questions is accurately and correctly drafted.</p> <p> <i>Tips:</i></p> <ul style="list-style-type: none"> - Effort should be made to group questions into a single Q&A document to minimise the number of clarifications being sent to bidders; - Consideration should be given as to whether an extension of time should be granted in light of clarifications or new information provided, especially if the DO response date is within one week. 			
<p>Upload clarification documents to the eTendering platform (CDS) and inform all bidders via email.</p>			
<p>Upload the bid on the eTendering platform (CDS).</p>			 (bidder)
<p>If tests form part of the technical bid, hold tests at the CERN site for bidders after bidders have submitted their offers and before the commercial opening of the bids.</p> <p> <i>Warnings:</i></p> <ul style="list-style-type: none"> - If tests are held, attendance is mandatory for all firms submitting a bid. Failure by a firm to attend the tests will result in the firm being disqualified from the IT. 			




2.2.5 After Closing Date of an IT

2.2.5.1 Opening, clarification, negotiations and adjudication






Action	Roles		
	Tech. officer	Proc. officer	Contractor
<p>Organize the opening of bids. Once the opening is made, the Procurement Officer will give the Technical Officer access to the bids and the opening table in CDS. It may take up to one hour for access to be granted.</p> <div>  Warnings: <ul style="list-style-type: none"> Only the Procurement Officer is permitted to communicate with bidders until the contract has been placed. The contents of the bids shall be kept strictly confidential, even after order placement. In case of doubt, the Technical Officer should ask advice to the Procurement Officer. If non-CERN personnel require access to the bids (e.g. members of institutions collaborating in Experiments taking place on the CERN site) they should first sign a Declaration of confidentiality and of absence of conflict of interests. </div>			
After the opening of the bids (or the technical opening in case of a BVFM adjudication), review the (technical) bids to ensure they are compliant <u>to the technical specification</u> including the delivery schedule. Inform the Procurement Officer of any sections of the bid that require further clarification.			
After the opening of the bids, review the bids to ensure they are compliant with <u>the commercial and contractual requirements</u> . Inform the Technical Officer of any sections of the bid that require further clarification.			
<p>Contact bidders to make any technical and commercial clarifications necessary to determine if the bids are technically compliant and to negotiate the price.</p> <div>  Warning: Once the bids have been opened, no bid sent after the closing date coming from a bidder other than the lowest compliant bidder can be taken into account. If, following clarifications, a bidder submits a bid with a higher price, that bidder is automatically disqualified from the IT. </div>			 (bidder)















2.2.5.2 Adjudication

Action	Roles		
	Tech. officer	Proc. officer	Contractor
Following all clarifications, adjudicate the contract(s) in accordance with CERN Procurement Rules.			
<p> Tips:</p> <ul style="list-style-type: none"> - Bids that are not in Swiss francs shall be converted into Swiss francs according to the ECB exchange rates applying on the closing date of the IT, in accordance with CERN Procurement Rules. - All information related to adjudication, including but not limited to the number and name of bidders as well as prices, shall remain strictly confidential. The Procurement Officer shall handle all communication with vendors until contract signing. 			

2.2.5.3 Contracting and Finance Committee approval

Action	Roles		
	Tech. officer	Proc. officer	Contractor
Complete the negotiation of the price and any outstanding commercial and technical aspects related to the bid with the selected bidder.			
If Finance Committee approval is required, draft the Finance Committee adjudication proposal document and submit it for approval by IPT's DH.			
<p> Tips:</p> <ul style="list-style-type: none"> - Finance Committee steers four times a year (March, June, September, December). Its approval is required in the following circumstances: <ul style="list-style-type: none"> o For a purchase funded entirely by CERN, when the total value of the purchase exceeds 750 kCHF (or 200 kCHF in the case of a single tender); o For a purchase funded partially by CERN, when the total value of the CERN contribution to the purchase exceeds 750 kCHF (or 200 kCHF in the case of a single tender); o For a purchase to which CERN does not contribute any funding, when the total value of the purchase exceeds 750 kCHF (or 200 kCHF in the case of a single tender) and any of the funding Institute has not signed a Memorandum of Understanding and no Transfer of Risk and Liability has been provided by an Institute. 			






<p>Prepare a short presentation describing the proposed adjudication and attend the relevant Peers review meeting and present the proposed adjudication.</p> <p> <i>Tips: The technical Officer, his or her GL (and possibly DL) are invited to the Peers review meeting.</i></p>			
Prepare a draft of the contract			
<p>Review the contract drafted by the Procurement Officer and provide comments.</p> <p> <i>Tips: The Procurement Officer will submit the draft in pdf format to the Contractor for review only once the preliminary draft has been reviewed and agreed with the Technical Officer.</i></p>			
<p>Upon agreement on the contract draft, start the EDH circulation.</p> <p> <i>Warning: The EDH contract minute is automatically approved and sent to the next stakeholder for approval if it is not signed within three days. Therefore, if more than three days are needed for its approval, the signatory should block the minute.</i></p>			
Sign the contract using CERN's Docusign platform.			





3 ORDER / CONTRACT FOLLOW-UP

3.1 Before contract start
















3.1.1 Organize contract follow-up

Action	Roles		
	Tech. officer	Proc. officer	Contractor
Present the contract to CERN technical team supporting the Technical Officer and make sure that any person helping to supervise the performance of the contract is aware of the contractual obligations of the Contractor and CERN.			
Set up internal rules, including communication channels (in accordance with CERN procurement rules), for contract follow-up (including RACI matrix, where necessary), and communicate accordingly to the CERN team following-up the contract.			


















3.1.2 Kick-off meeting

Action	Roles		
	Tech. officer	Proc. officer	Contractor
<p>Hold the kick-off meeting:</p> <div style="background-color: #e6f2ff; padding: 10px; margin: 10px 0;"> <p> Tip:</p> <ul style="list-style-type: none"> - The Technical Officer leads discussions related to technical and safety aspects. The procurement officer leads discussions related to commercial, administrative, legal and contractual aspects, including 4P. Make sure that CERN speaks with one voice. - A kick-off meeting may not be necessary for standard supplies. </div> <p>Participants shall include at least:</p> <ul style="list-style-type: none"> • CERN's technical and procurement officers, • The Contractor's technical and commercial representatives in charge of the contract, including the contract manager, accounting officer if necessary, Safety manager in case of activities on the CERN site. <p>The Contractor is requested to present the proposed design, production and delivery plan (and all related contractual aspects) that are going to be performed, covering all aspects stated in the technical specification. These include in particular:</p> <ul style="list-style-type: none"> • Roles and responsibilities • Communication • Schedule (deliverables dates etc.) • Etc. 			



<p> Tip:</p> <p><i>Make sure the Contractor understands that all communication related to the technical management of the contract must be directed to and come from the Technical Officer, and that the latter is identified by the whole team as the only point of contact authorised to handle such matters.</i></p>			
<p>Follow the agenda previously communicated, in particular:</p> <ul style="list-style-type: none"> Nominate CERN's and the Contractor's contact persons; <p> Tip: Please refer to section “Organize contract follow-up” above for further details.</p>			
<ul style="list-style-type: none"> Review the main aspects of the contract and technical specification, and make sure that all aspects are understood by the Contractor; <p> Tip: Read the contract and stick to it. Do not enter into any further negotiations or arrangements from the Contractor.</p>			
<ul style="list-style-type: none"> Cover financial aspects related to the contract: VAT, ordering procedure, invoicing, bank guarantee etc.; <p> Tip: The Contractor can be reminded of the “VAT and invoicing guide” or be put in contact with CERN's VAT expert (SCE SSC team (Tom Wegelius or Laurence Planque)).</p>			
<ul style="list-style-type: none"> In case the contract foresees activities on the CERN site: <ul style="list-style-type: none"> cover all administrative aspects such as registration of the Contractor's personnel, access needs, declaration of subcontractors; present the procedure and planned provision of CERN property, if any (keys, tooling, etc.) 			



<ul style="list-style-type: none"> cover Safety aspects, including the prevention plan (PP) or any Safety document to be prepared by the technical officer, completed and re-submitted by the Contractor one month before the start of activities <p> <i>Tips: Ask the Contractor to anticipate registration and access as much as possible.</i></p> <p>The instructions for registration of the Contractor's personnel can be found in the following link "https://admin-equide.web.cern.ch/en/procedure/registration-Contractors-personnel"</p> <p>In addition, for access to CERN buildings requiring specific access authorisations, if known at the time of the kick-off meeting, the technical officer shall provide the list of such buildings in order for the Contractor to identify the training courses necessary, performs them and requests accesses via EDH. More information of access authorisations can be found in section "Registration and access authorizations" below.</p> <p>The PP shall be signed before the start of any work. The one-month deadline is not a legal obligation but should be taken as best practice</p> <p>Link: "Working on the CERN site"</p>			
<ul style="list-style-type: none"> In case remote only access to the CERN computing infrastructure is required (update of inventories, data recording, etc), appropriate computer security training must be followed by the Contractor's personnel, and the guidelines set forth in OC2 must be complied with. 			
<ul style="list-style-type: none"> Recall the actions decided, deadlines and action owners; 			
<ul style="list-style-type: none"> Set the date of the next meetings before contract start (recommended frequency: weekly or bi-monthly). <p> <i>Tip: Suggest that the Contractor refers to the web link detailing general aspects to be considered when signing a contract with CERN: "Running a contract with CERN"</i></p>			
<ul style="list-style-type: none"> Draft the minutes of the kick-off meeting, submit them to the procurement officer. <p> <i>Tip: a template "Contract kick-off meeting report" can be provided by the Procurement officer (procurement templates).</i></p>			
<ul style="list-style-type: none"> Review the minutes of the kick-off meeting and submit commented version to the technical officer. 			
<ul style="list-style-type: none"> Finalise and submit the minutes of the kick-off meeting to the Contractor, with copy to the technical officer. 			

- File the minutes of the kick-off meeting in the document management system (EDMS if applicable).



*Tips: Use of **EDMS** (applicable for all contracts requiring strict document management).*

*The overall goal and purpose of the **EDMS** is to provide CERN with leading-edge engineering and equipment data management capabilities. This implies providing a set of advanced information systems but also the development and the formalization of methodologies and procedures for the engineering and equipment data management processes of CERN.*

The EDMS ensures that engineering, equipment data as well as documentation for projects and installations are safeguarded, organized, verified and remain retrievable on a long-term basis. For CERN with project lifecycles of the order of 25-40 years it is essential to maintain controlled quality documentation since in many projects one generation of engineers and scientists builds the machine while the succeeding generation operates and maintains it.

Here, the CERN EDMS plays a key role as a tool enabling engineering knowledge transfer between generations - a knowledge transfer that is possible only by imposing standards and common methods of managing engineering and equipment information.

Further information can be found [here](#).



: Responsible / Driver



: Consulted / Supports












: Approval / Signature












: Informed / Recipient













3.2 Contract execution

3.2.1 Placement of release orders (framework contracts only)







Action	Roles		
	Tech. officer	Proc. officer	Contractor
Raise a DAI for the purchase with the Contractor, in accordance with the contractual prices and budget ceiling. In particular, add DR number in the appropriate field and the framework contract reference in the field "contract". <i>Tips: Guidelines on how to complete a DAI can be found in the e-learning for the procurement of supplies < 200kCHF.</i>			
Process the DAI in EDH and release the order.			
Acceptance of the order in CERN's e-Procurement platform. Submit comments if any.			
Amend the order in case Contractor's comments are valid. <i>Tips: Acknowledging a delay does not mean that it is accepted as contractual penalties may still apply as of the original delivery date. In this respect, if necessary, the Technical Officer should consider maintaining the initial delivery date to maintain pressure on the Contractor and be delivered as soon as possible. The Technical Officer should not accept a new delivery date without having priorly discussed with the Procurement Officer.</i>			


3.2.2 Follow-up

Action	Roles		
	Tech. officer	Proc. officer	Contractor
Submit documentation deliverables and report on the progress of contract performance in accordance with the contractual provisions.			
Organise periodic follow-up meetings in accordance with the contractual provisions. <i>Tips: A close monitoring of the contract is absolutely necessary to ensure a timely and compliant delivery, the Technical Officer must not wait for the last minute to ask the Contractor whether the supply will be delivered on time. Refer to section 'Behavioral tips'.</i>			
During periodic follow-up meetings, set actions, action owners, deadlines and draft the minutes of meeting			









Handle day-to-day issues with the Contractor.			
 <i>Tips: Acknowledging a delay does not mean that it is accepted as contractual penalties may still apply as of the original delivery date. In this respect, if necessary, the Technical Officer should consider maintaining the initial delivery date to maintain pressure on the Contractor and be delivered as soon as possible. The Technical Officer should not accept a new delivery date without having priority discussed with the Procurement Officer.</i>			
Attend validation milestone meetings, if foreseen under the contract			
Inform the Procurement officer as soon as the contract performance is threatened.			
 <i>Tips: Refer to section 2.3.5 'Dispute settlement' below.</i>			
In case the contract includes activities on the CERN site, provide guidelines on administrative requirements.			
 <i>Tips: Refer to section 7.2.7.2 '</i>			










3.2.3 Correspondence

Action	Roles		
	Tech. officer	Proc. officer	Contractor
Use formal correspondence means (eg. signed letter with CERN's letterhead) for every communication concerning milestones being formally reached or contractual obligations, defining clearly CERN's instructions, identified non-conformities, requested deadlines, safety aspects, etc.			
 Warning: <i>Keep all records in writing. Document non-conformities via a NC registry. This will help settle future dispute. In the frame of contractual disputes, communication must be handled by the procurement Officer. Please refer to section 3.2.5 'Dispute settlement' below.</i> <i>Link: CERN's Letterhad template.</i>			
Acknowledge receipt of the letter and submit an answer within the requested deadline.			



<p> Warning:</p> <p>Should CERN's letter only require an acknowledgement of receipt from the Contractor, CERN's letter should include a provision such as: "You are kindly requested to return to CERN a signed copy of the present letter within five working days of its reception. Without any response from you within this deadline, the letter will be considered accepted." Beware, a confirmation in writing shall be requested for any matters related to Safety.</p>			
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3.2.4 Acceptance and Evaluation

Action	Roles		
	Tech. officer	Proc. officer	Contractor
<p>Upon delivery, perform a visual inspection of the supply. Inform the Contractor in case of issue.</p> <p> Tips:</p> <p>The supply must be in good shape. In case of issue:</p> <ul style="list-style-type: none"> Take pictures; Inform the Contractor and make reservations forthwith, with Procurement and Reception service in copy. 			
<p>Perform acceptance tests of the supply and, where applicable, check the corresponding documentation, in accordance with the contract requirements.</p> <p> Tips:</p> <p>Acceptance tests take up to 3 months as foreseen in the General Conditions of CERN Contracts. Beyond that date, if no action is taken, the supply will be deemed accepted. Should the acceptance tests take more than three months, the technical specification should already warn bidders so that there is no surprise nor claims afterwards.</p> <p>If the supply is not in conformity with the Contract, the Technical officer shall notify the Contractor thereof in writing, with the Procurement officer in copy. In that event, the Contractor shall forthwith, and at its own expense, take remedial measures, including replacement if necessary, as required to ensure the conformity of the supply.</p> <p>In case the supply involves some installation and commissioning at CERN, the Technical officer should involve the relevant stakeholders to confirm, that the supply</p>			






<p> Warning:</p> <p>Acceptance triggers payment. The Technical officer should accept and pay the supply only in case the supply is 100% compliant, in accordance with the contract requirements.</p>			
<p>In case activities are performed on the CERN site, clean the area and remove waste from the work site, in accordance with the document “Working on the CERN site”.</p>			
<p>Check the EDH acceptance workflow and in particular that the invoice matches the contractual prices.</p> <p> Warning:</p> <p>Acceptance triggers payment. The Technical officer should accept the supply only in case the supply is 100% compliant, in accordance with the contract requirements.</p> <p> Tips:</p> <p>In case the Technical officer receives the EDH acceptance workflow before completion of acceptance tests, he/she should postpone the workflow until such acceptance tests are completed.</p> <p>In case of delay, consider applying contractual penalties. The decision must be made in collaboration with the Procurement Officer.</p>			
<p>Evaluate the performance of the Contractor in the EDH workflow.</p> <p> Tips:</p> <p>Evaluations are consolidated by the Procurement office to assess the performance of Contractors. When initiating a procurement procedure, the Technical officer may ask the Procurement officer to provide an evaluation report of the firms concerned.</p>			
<p>Check the conformity of contractual penalties, and approve the EDH workflow, where applicable.</p>			



















3.2.5 Follow-up of the performance of the supply or service


Action	Roles		
	Tech. officer	Proc. officer	Contractor
<p>Following the acceptance of the supply, where applicable, monitor its performance using Key Performance Indicators (eg. availability, flow rate, electric consumption, gas tightness, etc.) or other means to monitor the performance requirements set forth in the technical specification.</p> <p> <i>Tips: Make sure that monitoring tools are developed and ready-to-use by the time the supply starts being operated.</i></p> <p><i>Contact the Procurement Officer in case the supply does not perform in accordance with the requirements set forth in the technical specification (see Dispute settlement below).</i></p> <p><i>For service contracts or contracts including services performed on the CERN site, refer to the RACI matrix for the management of service contracts.</i></p>			

3.2.6 Dispute settlement

 A dispute is a disagreement between CERN and the Contractor and/or a non-compliance that may have serious consequences on the contract. The technical officer shall inform the procurement officer as soon as the dispute raises, and shall avoid negotiating on his own. Both technical and procurement officers shall seek an amicable settlement and make sure that CERN speaks “with one voice” in front of the Contractor.















Action	Roles		
	Tech. officer	Proc. officer	Contractor
<p>Inform the Procurement Officer as soon as possible.</p> <p> <i>Warning:</i> <i>Document all non-conformities (pictures, reserves in acceptance reports).</i> <i>Keep all records in writing (emails, correspondence, history of facts, minutes of meetings, etc.).</i></p>			
<p>Assess the situation and set an action plan:</p> <ul style="list-style-type: none"> • Collect documentation, the history of exchanges and discuss, • Identify options (penalties, withdrawal of bank guarantee, plan B, if any, performance of the work by a third party at the expense of the Contractor, partial termination, etc.), • Prepare negotiations, if needed, • Review termination terms of the contract, • Consult hierarchy, 			

<ul style="list-style-type: none"> Etc. <p> <i>Tips: Stick to the contract. Inform the Contractor on a need-to-know basis in due time.</i></p> <p><i>Use the contractual tools to settle disputes (penalties, withdrawal of bank guarantee, letter of notice etc.)</i></p>			
<p>Hold meeting(s) with the Contractor, as appropriate.</p> <p> <i>Tips: Roles and responsibilities between technical and procurement officers shall be decided beforehand. Prepare meetings as appropriate and ensure that CERN “speaks with one voice”.</i></p>			
<p>Assess the situation again, adapt the action plan, make every effort to have the situation back on track.</p> <p> <i>Tips: This requires a very close and transparent collaboration between the Technical and Procurement officers. The Technical officer shall make sure that the Procurement officer is involved in all important meetings and at the time when next steps are decided.</i></p>			
<p>If the situation does not improve, as a last recourse and in agreement with both hierarchy, prepare a letter of notice ensuring that it:</p> <ul style="list-style-type: none"> Includes a description of facts, non-conformities, defaults, Requests the implementation of the remedial measures etc., Defines clear and reasonable deadlines, Informs the Contractor of the contractual consequences in case of failure to remedy the situation. 			
<p>Send the notice to the Contractor by registered letter, with the Technical and Procurement Officers' GLs in copy.</p>			
<p>File the letter of notice (both paper and electronic format).</p>			
<p>After the deadline is reached (usually not less than four weeks), assess the situation again. Take a decision:</p> <ul style="list-style-type: none"> Continue the contract; Consider asking a third party to perform the work at the expense of the Contractor, as foreseen under the Contract; Draw the bank guarantee, where applicable; Partially terminate the Contract (reduction of scope); Amend the contract with new conditions or deliverables; 			



















<ul style="list-style-type: none"> Terminate the contract (refer to section "Error! Reference source not found."). <p> <i>Tips: Beware: notify the Contractor of the decision as soon as the deadline has elapsed, failure to do so may be interpreted by Courts as a decision to continue the contract.</i></p>			
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3.2.7 Amendments

3.2.7.1 Contract extension (framework contracts only)

Action	Roles		
	Tech. officer	Proc. officer	Contractor
Confirm whether the contract needs to be extended in agreement with hierarchy. <p> <i>Tip: Should the technical officer decide not to renew the contract, the procurement officer shall be informed as soon as possible -12 months in advance- to prepare the re-tendering of the contract, if necessary.</i></p>			
Request of formal authorisation of extension to the Finance Committee (FC).			
Prepare the contract amendment in accordance with the contractual notice period.			
Send the signed amendment to the Contractor for signature.			
File the contract amendment. <p> <i>Tips: Both the Technical and Procurement Officers should use their own filing system.</i></p>			








3.2.7.2 Change of contract terms

Action	Roles		
	Tech. officer	Proc. officer	Contractor
<p>In case of need or request of modification of contract terms (name of the Contractor, change of scope etc.), inform the procurement officer in any case.</p> <p> Warning: Keep all records in writing. The technical officer shall not enter into negotiations with the Contractor without informing the procurement officer. Do not commit CERN orally. Be constructive (distinguish facts and opinions).</p>			
<p>Hold a preparatory meeting as necessary, evaluate the situation based on the conditions defined in the contract:</p> <ul style="list-style-type: none"> Assess the situation, Identify options, Take a decision, Prepare negotiations, if needed, Etc. <p> Tips: Roles and responsibilities between technical and procurement officers shall be clear. Make sure that CERN speaks with one voice. Prepare meetings as appropriate. Keep all records in writing. Be objective. Be constructive (distinguish facts and opinions).</p>			
Hold negotiation meetings, as appropriate.			
<p>Prepare the contract amendment (in case a contract change is approved by technical and procurement officers) or correspondence.</p> <p> Tips: Beware of entry into force. The date of entry into force shall be either the date of signature of the amendment by both parties or a date specified in such amendment (to be clearly defined in the amendment).</p>			
Send the amendment to the Contractor for signature.			
<p>File the contract amendment.</p> <p> Tips: Both the Technical and Procurement Officers should use their own filing system.</p>			















3.2.8 Activities on the CERN site

3.2.8.1 Safety coordination













3.2.8.1.1 Prevention Plan

Action	Roles		
	Tech. officer	Proc. officer	Contractor
<p>Prepare the Prevention Plan (PP, applicable for Category 2 operations) or ask for the “Plan Particulier de Sécurité et de Protection de la Santé” (PPSPS, applicable for Category 1 operations) as well as any additional documents that may be required, identifying specific risks, and, in case a PP is required, submit a draft version to the Contractor.</p> <div style="background-color: #f8d7da; padding: 10px; margin-top: 10px;"> <p> Warning:</p> <p><i>Category 1 operations: all the works and services executed towards the same objective:</i></p> <ul style="list-style-type: none"> - of a total volume greater than 4000 hours; and - on a single, cordoned-off worksite; and - involving several operating entities and not interfering with CERN's operations. <p><i>Category 2 operations: all the works and services executed towards the same objective that are not Category 1 operations, including in particular:</i></p> <ul style="list-style-type: none"> - all works of a total volume of less than 4000 hours, or involving a single operating entity, regardless of the volume of activity; - activities of any duration relating to the services and concessions. <p><i>For Category 1 operations, the PPSPS be submitted by the contractor and the corresponding Visite d'Inspection Commune (VIC) be held) before the start of works at CERN.</i></p> <p><i>For Category 2 operations, the PP must be signed before the start of works at CERN.</i></p> <p><i>CERN is responsible of the Safety of every person working on its site. In this respect, CERN has the obligation to ensure the Safety coordination of activities.</i></p> <p><i>The technical officer should seek support from HSE Unit when necessary, especially for specific matters such as radiation protection, asbestos etc. or for any help about the preparation of the PP.</i></p> <p><i>See HSE Unit website for more information on applicable Safety rules, available trainings etc.</i></p> <p><i>Use the template available in CERN's Safety forms website.</i></p> <p><i>Technical Officer should have identified and understood the risks related to the performance of the works on site, and answer the questions “what”, “who”, “how”, “when”. This includes consideration of risks related to CERN site, co-activity and the performance of the activities at CERN.</i></p> </div>			
Complete the PP, including in particular risk mitigation actions, and submit it to the technical officer.			
Review the document, in coordination with CERN's HSE Unit, if needed.			












<p>Approve and sign the PP and upload it in EDMS and/or the Technical Officer's equivalent filing system.</p> <p> <i>Tip: Legal obligation:</i></p> <p><i>For Category 1 operations, the PPSPS must be submitted by the contractor and the corresponding Visite d'Inspection Commune (VIC) be held) before the start of works at CERN. For Category 2 operations, the PP must be signed before the start of works at CERN.</i></p> <p><i>In case a PPSPS is required, the technical officer shall:</i></p> <ul style="list-style-type: none"> - Check that the document is in line with the work foreseen; - Forward it to the Safety coordinator of the worksite. 			
Present the PP to the CERN team (work and services supervisors (WSS)) in charge of the supervision of operations.			
Train the contractor's personnel as well as subcontractor's personnel about the provisions set forth in the PP.			
<p>Update the PP as often as needed (at least once per year), based on issues raised during follow-up meetings.</p> <p> <i>Tip: Beware, irregular or no update of PP may be interpreted as default of Safety management.</i></p> <p><i>Check regularly whether a new official template of the PP shall be used: CERN's Safety forms website.</i></p> <p><i>In order to facilitate the regular updates of PP, the Technical Officer may register information that is likely to change (eg. list of Contractor's or subcontractor's employees, list of certificates, etc.) in an annex to the PP. In doing so, only the annex(-es) would be updated.</i></p>			
Review, update the PP and re-submit it, as appropriate.			
Sign the updated PP.			
File the updated PP in EDMS and/or the Technical Officer's equivalent filing system.			

3.2.8.1.2 Declaration of accidents, incidents or near-misses

Action	Roles		
	Tech. officer	Proc. officer	Contractor
Declare accidents, incidents (including in case of impact on environment) and near misses using an incident declaration. Inform both the technical and procurement officers.  <i>Tip: The incident declaration form can be found here.</i>			
Review declaration, iterate with the Department Safety Officer (DSO), HSE Unit and the Contractor. Submit CERN comments to the Contractor, as necessary.  <i>Tip: The technical officer has no obligation to validate declarations of accidents.</i>			
Modify the incident form as needed.			
If requested by HSE Unit, contribute to the Safety investigation.			
Update the PP, should this be necessary on the basis of conclusions of the Safety investigation.			

3.2.8.1.3 Joint Inspection Visits/Visites d'Inspection Commune








Action	Roles		
	Tech. officer	Proc. officer	Contractor
For Category 2 operations, upon creation of an "IMPACT" request form, should the technical officer consider that a "Visite d'Inspection Commune" (VICs) is necessary, perform the "Visite d'Inspection Commune" ("VIC"). The VIC shall involve at least: <ul style="list-style-type: none"> • The technical officer or WSS, • CERN's Territorial Safety Officer (TSO), • The Contractor's contractual representative, • The Contractor's Safety officer, 			











<ul style="list-style-type: none"> CERN radiation protection services, if required. <p> <i>Tips: Presence of CERN HSE Unit representative is not mandatory as such, to be decided on a case by case basis.</i></p> <p><i>When the Contractor is expected to access a high number of CERN facilities during the performance of the contract, the visit should focus on CERN's strategic buildings in terms of Safety.</i></p> <p><i>The VICs may be performed during the execution of the contract, before each start of work.</i></p> <p><i>For Category 1 operations, VICs are handled by the WSS.</i></p>			
Draft the report of VIC in "IMPACT" (refer to the VIC section available in the "IMPACT" form). Submit it to the Contractor.			
Sign the report of VIC. The VIC can be signed by a CERN representative duly appointed by the technical officer.			
Distribute the VIC to all members of the CERN team concerned by the work.			
Distribute the VIC report to the Contractor's personnel and confirm in writing that the report has been distributed accordingly.			







3.2.8.2 Administrative matters









3.2.8.2.1 Registration and access authorizations

Action	Roles		
	Tech. officer	Proc. officer	Contractor
<p>Once the Contractor's contact persons have been validated by the procurement officer, register in PRT2 each person (and subcontractor's person) who will need access to CERN's site, with all required supporting documents, with a proposed duration of access rights (not exceeding the contract's duration). Once PRT2 has been completed, the Contractor's personnel shall present themselves to CERN's Security service in building 55 <u>before the start of the works at CERN</u>, and show the originals of the supporting documents to get their registration card.</p> <p> <i>Tip: Please refer to the website http://admin-guide.web.cern.ch/en/procedure/enregistrement-de-personnel-dentreprise-contractante and the document "Working on the CERN site" for additional information.</i></p> <p><i>Beware: In case the Contractor holds more than one contract with CERN, make sure the right personnel is registered under the right contract. For subcontractors, a formal request shall be made to CERN, please refer to section "</i></p> <p><u>Approval of a subcontractor performing activities on the CERN site</u>" for further details.</p> <p><i>Upon expiry of any supporting document (ID, certificate, training etc.), access rights will be automatically withdrawn. The Contractor and the technical officer will receive a notification two months in advance – requesting the renewal / extension of the relevant supporting document</i></p>			
<p>Provide the list of CERN's buildings requiring specific access authorizations, and to which Contractor's personnel (and subcontractor's personnel) will have access during the execution of the contract.</p> <p> <i>Tip: Please refer to the document "Working on the CERN site" for additional information.</i></p> <p><i>All accesses shall be requested before the start of the contract.</i></p> <p><i>For contracts related to works, the technical officer might provide the list of buildings only during the execution of the contract. In such case, access requests will be made after the start of the contract. See more details in section "Registration and access authorizations".</i></p> <p><i>For works and service contracts, access follow-up can be used as a strong control tool, since the technical officer is responsible to validate access to CERN's premises on a case-by-case basis.</i></p> <p><i>Access control is performed with the ADaMS (Access Distribution and Management System) tool, which give details on all CERN zones with an access control system.</i></p>			
<p>Log on to ADaMS, select a CERN zone and the building zone code to which the Contractor's personnel (and subcontractor's personnel) will have access.</p> <p>ADaMS will:</p> <ul style="list-style-type: none"> • Provide the links to the list of training courses to be performed; • Provide a confirmation that all necessary training courses have been registered (and then performed) correctly; 			
















<ul style="list-style-type: none"> Establish whether a dosimeter is necessary; Give information about minimum Personal Protective Equipment (PPEs) required. <div data-bbox="120 363 1104 743"> <p> <i>Tip: A CERN account is required to access ADaMS. Beware: information provided by ADaMS on PPE do not exempt the Contractor from checking and making sure that all necessary PPE are provided for the performance of the services. Please refer to the document Working on the CERN site for more information on dosimeters and double dosimetry. Additional guidelines can be found in the CERN dosimetry website on how to obtain a CERN dosimeter. ADaMS provides information about premises under access control, and gives guidelines about the related minimum requirements. In this respect, ADaMS is not intended to provide guidance about the risks related to the performance of the services.</i></p> </div>			
<p>As soon Contractor's personnel is registered, complete the requested (online) training courses (Safety, IT, etc.) , and, if applicable, obtain a CERN dosimeter.</p> <div data-bbox="120 867 1097 1062"> <p> <i>Tip: Training shall be performed before the date of intervention in CERN's building, otherwise access will be denied. Link to the learning hub: https://lms.cern.ch The Contractor may also perform the training in building 55.</i></p> </div>			
<p>Once the trainings are performed and, if applicable, upon reception of a CERN dosimeter, request access to CERN's specific buildings for each of the Contractor's personnel (and subcontractor's personnel) via EDH (the document is called "Access Request (ACRQ)").</p> <div data-bbox="120 1199 1097 1266"> <p> <i>Tip: The link to EDH can be found in ADaMS.</i></p> </div>			
<p>Review the proposed list of personnel and duration of access rights, with validation in EDH. The workflow is then redirected to the responsible of the area concerned (Group Leader In Matters Of Safety (GLIMOS), Department Safety Officer (DSO) etc.) of the related building for final approval.</p> <div data-bbox="120 1413 1097 1480"> <p> <i>Tip: Upon approval, a green check will be visible in ADaMS.</i></p> </div>			
<p>During the performance of works at CERN, manage accesses and authorisations in compliance with CERN access and registration procedures.</p> <div data-bbox="120 1575 1097 1642"> <p> <i>Tip: Refer to the document "Working on the CERN site" for further details.</i></p> </div>			

<p>For works performed at CERN for a long period, it is the TO's responsibility to check periodically and follow-up the Contractor's personnel renewal of registration and access authorisations (in accordance with the document "Working on the CERN site"). Control that the Contractor has requested access deactivation for all members of its personnel not working under the contract anymore.</p> <p> <i>Tip: In case of contracts involving a high number of persons assigned by the Contractor, the technical officer may request the Contractor's contract manager to confirm the appropriate assignment of its personnel to the related services. Such justification can be attached to the EDH workflow.</i></p> <p> Warning: Should there be inconsistencies or discrepancies between the Prevention Plan (PP) and the list in "HRT", the PP shall be updated (see section "Safety coordination" below). Also refer to section 2 of the document "Working on the CERN site" for further details. In general, any change in the personnel shall trigger an update of the annex of the PP listing the personnel under the contract</p>			
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3.2.8.2.2 [Distribution of CERN property](#)

Action	Roles		
	Tech. officer	Proc. officer	Contractor
Give specific instructions concerning the provision of the CERN property (keys, SIM cards, ODH detector, vehicle etc.) requesting supporting documents as necessary (e.g. driving license).			
<p>Establish an inventory for such CERN property (Vehicles etc.), stating its condition upon handover.</p> <p> <i>Tips: Keep track of all CERN property provided to the Contractor.</i> <i>For keys, SIM cards and ODH detector, the inventory is usually made by the corresponding CERN's technical service in charge.</i></p>			
<p>Sign the CERN inventory (Vehicles etc.)</p> <p> <i>Tips: It is advisable to use "Ordre de Service" (OS) to formalise and document the inventory. See section "</i></p>			




3.2.8.2.3 Approval of a subcontractor performing activities on the CERN site

Action	Roles		
	Tech. officer	Proc. officer	Contractor
<p>Declare any subcontractor to CERN for approval, in accordance with the country(-ies) of origin declared at the time of the bid.</p> <p>The request shall be made in writing, and shall include:</p> <ul style="list-style-type: none"> • The contract reference, • The name of the subcontractor, • Address and contact details of the subcontractor, • Description of the services performed, • Percentage of services performed by the subcontractor over contract annual turnover, • Procurement code concerned. <p> Warning: <i>Beware: the subcontractor shall not enter CERN site nor start any work without CERN's prior approval. In this respect, the procurement officer has to be informed as soon as possible.</i></p>			
Check contractual conditions (subcontracting allowed (Y/N), maximum percentage and type of activities allowed, country of origin in accordance with the bid (and FC paper, if any)), accept the firm or not and submit the Contractor's request of subcontractor registration including name and address to the procurement officer for approval.			
Verify contractual conditions, and confirm whether the subcontractor is blacklisted or not.			
<p>Approve or reject the request and send a confirmation to the Contractor.</p> <p>In case of confirmation, the letter shall request the Contractor to proceed with all administrative measures (access, authorisations etc.) necessary for the performance of the services by the subcontractor (see section "Registration and access authorizations").</p>			
<p>Update the Prevention Plan (PP) with the subcontractor name to be listed as part of subcontractors declared under the contract. In case of Category 1 operations, ask the contractor to provide its subcontractors' PPSPS.</p> <p> Tips: <i>Follow-up and periodically check the accesses and training of the subcontractor's personnel newly added.</i></p>			
Perform the registration process under the same contract reference for the subcontractor's personnel as if they were members of the Contractor's personnel.			




3.2.8.2.4 Work outside normal working hours

Action	Roles		
	Tech. officer	Proc. officer	Contractor
<p>In case of work at CERN outside of CERN normal working hours (from 19h00 to 7h00 or during week-ends or bank holidays), where applicable, ask French (DIRECCTE) or Swiss (OCIRT, SECO) authorities, as applicable, authorization to work outside normal working hours.</p> <p> <i>Tip: Work outside of normal working hours is authorized only for Safety or technical reasons. Delay in Contractor's planning is not an acceptable justification for the host states authorities.</i></p>			
<p>Submit for approval "work notification" / "avis d'exécution de travaux en dehors de la plage horaire admise comme horaire normal" five working days at the latest before the start of work.</p> <p> <i>Tip: The template of work notification can be found here.</i> <i>Ask head of Security service (Didier Constant) for further information.</i></p>			
<p>Approve (and sign) or reject "work notification" / "avis d'exécution de travaux en dehors de la plage horaire admise comme horaire normal".</p>			
<p>When approved, submit the signed "work notification" / "avis d'exécution de travaux en dehors de la plage horaire admise comme horaire normal" to CERN security services with the technical officer and CERN Fire and Rescue service in copy, at the latest 48 hours before the intervention.</p>			

3.2.9 Use of CERN's logo, publication with reference to CERN activities by the Contractor
















Action	Roles		
	Tech. officer	Proc. officer	Contractor
<p>Check the Contractor's proposed press release or press interviews from a technical point of view and forward the Contractor's request to IR/ECO (Fabienne Landua) who will request approval from IPT department, Legal service as well as the Press Office.</p> <p> <i>Tips: Use of CERN's logo or publication with reference to CERN activities is subject to authorization by procurement service, legal service and press office:</i></p> <ul style="list-style-type: none"> -the procurement officer will verify whether the information to be published are correct from a procurement point of view -the press office (James Gillies) and the Legal service (Sofia Intoudi) make verifications concerning the use of images, logos and names of CERN. 			























Approve or reject contactor's request, in collaboration with legal service and Press Office.			
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3.3 End of the contract

3.3.1 Completion of the contract

Action	Roles		
	Tech. officer	Proc. officer	Contractor
Upon completion of the Contract, return CERN property (tooling, raw material, drawings etc.), if any, to CERN.			
Where applicable, perform an inventory of all CERN property returned (tooling, raw material, drawings etc.).			
Signature of the inventory of CERN property returned.  <i>Tips: It is advisable to formalise and document the inventory. See section "</i>			
When applicable, compensate CERN for damaged property, if any.  <i>Tips: Compensation may result in a deduction from the last invoice, if any. Consider withdrawing (part of) the bank guarantee if necessary. Contact the Procurement officer for advice.</i>			
In view of the future IT, hold a contract debrief meeting to evaluate the contract a posteriori: <ul style="list-style-type: none"> Satisfactory aspects, Aspects to be improved. Participants to this meeting shall be at least: <ul style="list-style-type: none"> Technical and procurement officers, Management (SL, GL), as appropriate.  <i>Tips: Use the correspondence and reports archived during contract execution to cover all possible areas of improvement.</i>			

3.3.2 Termination of the contract

Action	Roles		
	Tech. officer	Proc. officer	Contractor
<p>As a last resort, the technical officer and the Procurement officer may take the decision to terminate due to issues such as breach, gross negligence, wilful misconduct, convenience...</p> <p> <i>Tips: Refer to section “Dispute settlement” to see previous steps, including negotiation and the sending of the notice letter.</i></p> <p><i>Do not negotiate on your own. Review contract provisions on termination.</i></p> <p><i>For more information on termination, refer to the contract and clause 28 of the General conditions of CERN contracts.</i></p>			
<p>Prepare letter of contract termination, in accordance with the General Conditions of CERN Contracts. The letter shall indicate the date of termination, and request that all design files performed by the Contractor as well as CERN property (tooling, raw material, etc.), if any, are returned.</p> <p> <i>Warning: the letter of contract termination must be sent out within the deadlines defined in the letter of notice.</i></p>			
Send the contract termination letter to the Contractor.			
Return design files as well as CERN property (tooling, raw material, drawings etc.), if any, to CERN.			
Where applicable, perform an inventory of all CERN property returned (tooling, raw material, drawings etc.).			
<p>Signature of the inventory of CERN property returned.</p> <p> <i>Tips: It is advisable to formalise and document the inventory. See section “</i></p>			
<p>When applicable, compensate CERN for damaged property, if any.</p> <p> <i>Warning: Compensation may result in a deduction from the last invoice, if any. Consider withdrawing (part of) the bank guarantee if necessary. Contact the Procurement officer for advice.</i></p>			

Action	Roles		
	Tech. officer	Proc. officer	Contractor
<p>In view of the future IT, hold a contract debrief meeting to evaluate the contract a posteriori:</p> <ul style="list-style-type: none"> Satisfactory aspects, Aspects to be improved. <p>Participants to this meeting shall be at least:</p> <ul style="list-style-type: none"> Technical and procurement officers, Management (SL, GL), as appropriate. <p> <i>Tips: Use the correspondence and reports archived during contract execution to cover all possible areas of improvement.</i></p>			

3.4 Behavioral tips

- Comply with CERN's Integrity Policy, including CERN's Code of Conduct,
- Defend CERN' interests,
- Read, understand and acquire full knowledge of your contract,
- Keep track of all records, do not make oral commitments,
- Use templates wherever they exist,
- Clearly define the roles and responsibilities of CERN personnel in charge of the follow-up of the contract,
- Set the relationship with the Contractor up for success:
 - Show the example: be prompt, stick to the timeframes, be meticulous with paperwork,
 - Be fair and impartial,
 - Be constructive and pragmatic,
 - Distinguish facts and opinions,
 - Trust and verify.
- Be respected, but not feared, by the Contractor,
- Do not negotiate on your own, inform procurement as soon as any contractual issue arises,
- Expect and manage change,
- Learn and share,
- Protect 'commercial-in-confidence' information,
- Protect any IP derived from the contract, as well as any information delivered by the Contractor under NDAs.
- Be aware of the evolution of applicable law, rules and regulations,
- Contact the procurement officer for any question related to contractual and commercial matters.

