

EuropeWave PCP: Design, develop, and demonstrate wave energy converter systems

Contract Notice

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This procurement receives funding under the European Union's Horizon 2020 research and innovation programme under the grant agreement No 883751. The EU is however not participating as a contracting authority in this procurement.

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Revision History

Revision	Date	Description	Reviewer
0.1	13/05/21	For internal review	EVE
1.0	19/05/21	For submission to the European Commission	
1.1	25/05/21	Amended to accommodate EC feedback	WES
2.0	25/05/21	For submission to the European Commission	

CONTRACT NOTICE

This document reports the text of the contract notice (CN) that will initiate the request for tenders (RfT) for the EuropeWave pre-commercial procurement. This document is based on the standard form for the contract notice ¹ and the H2020 guidance for PCP procurement documents ².

The CN will be published in English on the Public Contracts Scotland (PCS) portal, the national public procurement portal of the Lead Procurer, and in the Official Journal of the European Union (OJEU). The CN will also be published on the UK public procurement portal, Find a Tender and the national public procurement portal of the other procurer in the Buyers Group, i.e. in the Basque Country (in Basque) and Spain (in Spanish).

The PCS portal will be used to manage the procurement process, recording expressions of interest in the CN, publishing the request for tenders documentation pack, capturing all queries regarding the CN, and managing the submission of tenders. The PCS portal maintains an audit record of all events relating to the CN.

General instructions for completing the notice are shown in blue. Specific instructions for completing the notice using the PCS portal are presented in brackets, prefaced by “PCS: ...”.

Text to be entered is shown in green.

¹ <https://simap.ted.europa.eu/standard-forms-for-public-procurement>

² https://ec.europa.eu/research/participants/data/ref/h2020/other/gm/h2020-guide-pcp-procurement-docs_en.docx



Contract notice

Directive 2014/24/EU

Section I: Contracting authority

I.1) Name and addresses ¹ (please identify all contracting authorities responsible for the procedure)

Official name:		National registration number: ²	
Postal address:			
Town:	NUTS code:	Postal code:	Country:
Contact person:		Telephone:	
E-mail:		Fax:	
Internet address(es)			
Main address: (URL)			
Address of the buyer profile: (URL)			

Give the contact details of the lead procurer and all the procurers in the buyers group.

[PCS: Official name, address and national registration number are repeated in Section II.1.4) to compensate for character limitations imposed by Wave Energy Scotland’s national procurement portal (PCS). EVE’s contact details are provided in Section II.1.4. EVE is not registered as a buyer on the PCS portal and cannot be selected as an additional buyer from the drop-down menu in this section. Character limits in Section I.2) [Joint procurement] prevent EVE’s details being described there.]

	Lead procurer (WES)	Buyers group (EVE)
Official name	Wave Energy Scotland Limited	Ente Vasco de la Energía
National registration number (if applicable)	SC493764	Q5150001E
Postal address	An Lochran, 10 Inverness Campus	Alameda de Urquijo 36, 1º
Town	Inverness	Bilbao
NUTS code	UKM	ES2
Postal code	IV2 5NA	48011
Country	Scotland, UK	Basque Country, Spain
Contact person	-	-
Telephone	+44 (0) 1463 245 245	-
E-mail	wesprocurement@hient.co.uk	-
Fax	-	-
Internet address(es)	http://www.europewave.eu https://www.waveenergyscotland.co.uk	https://www.eve.eus
Address of Buyer profile (URL)	http://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA24283	

I.2) Joint procurement

- | |
|--|
| <input type="checkbox"/> The contract involves joint procurement
In the case of joint procurement involving different countries, state applicable national procurement law: |
| <input type="checkbox"/> The contract is awarded by a central purchasing body |

Select the checkbox “This contract involves joint procurement”.

Enter the following in the free text field

[PCS: A character limit of 200-applies]

The applicable national procurement law is that of Scotland, the national procurement law of the Lead Procurer.

I.3) Communication

- | |
|---|
| <input type="radio"/> The procurement documents are available for unrestricted and full direct access, free of charge, at: (URL) |
| <input type="radio"/> Access to the procurement documents is restricted. Further information can be obtained at: (URL) |
| Additional information can be obtained from |
| <input type="radio"/> the abovementioned address |
| <input type="radio"/> another address: (please provide another address) |
| Tenders or requests to participate must be submitted |
| <input type="checkbox"/> electronically via: (URL) |
| <input type="radio"/> to the abovementioned address |
| <input type="radio"/> to the following address: (please provide another address) |
| <input type="checkbox"/> Electronic communication requires the use of tools and devices that are not generally available. Unrestricted and full direct access to these tools and devices is possible, free of charge, at: (URL) |

First row: Select radio button “The procurement documents are available for unrestricted ...” and state the URL

- www.publiccontractsscotland.gov.uk

Second row: “Additional information can be obtained from”,
Select the option “the abovementioned address”

Third row: “Tenders or request to participated must be submitted”

[PCS: The radio button “to the abovementioned address” does not exist in the PCS CN template.]

Select checkbox “electronically to: (URL)” and state the URL

- www.publiccontractsscotland.gov.uk

Fourth row: Select checkbox “Electronic communication requires ...” and enter URL

- www.publiccontractsscotland.gov.uk

I.4) Type of the contracting authority

- | | |
|---|---|
| <input type="radio"/> Ministry or any other national or federal authority, including their regional or local subdivisions | <input type="radio"/> Regional or local agency/office |
| <input type="radio"/> National or federal agency/office | <input type="radio"/> Body governed by public law |
| <input type="radio"/> Regional or local authority | <input type="radio"/> European institution/agency or international organisation |
| | <input type="radio"/> Other type: |

Select the radio button

- **Body governed by public law**

I.5) Main activity

- | | |
|--|--|
| <input type="radio"/> General public services | <input type="radio"/> Housing and community amenities |
| <input type="radio"/> Defence | <input type="radio"/> Social protection |
| <input type="radio"/> Public order and safety | <input type="radio"/> Recreation, culture and religion |
| <input type="radio"/> Environment | <input type="radio"/> Education |
| <input type="radio"/> Economic and financial affairs | <input type="radio"/> Other activity: |
| <input type="radio"/> Health | |

Select the radio button “Other activity:” and enter

Each selected operator will be awarded a framework agreement that covers up to three R&D phases:

Phase 1: Concept development

Phase 2: Design/modelling

Phase 3: Open-sea deployment & testing programme

After each phase, intermediate evaluations will be carried out to progressively select the best of the competing solutions. The contractors with the best-value-for-money solutions will be offered a call-off contract for the next phase, under the framework agreement.

The culmination of the EuropeWave PCP programme (phase 3) will see prototypes, at substantial scale and with fully representative subsystems, deployed at the open-water facilities of the European Marine Energy Centre (EMEC) in Scotland and the Biscay Marine Energy Platform (BiMEP) in the Basque Country and operated for a minimum period to demonstrate device performance, reliability and cost. Physical model testing in earlier phases is expected to take place in Instituto de Hidráulica Ambiental de Cantabria (IHC) and FloWave Ocean Energy Research Facility (FloWave).

Phase 1 is expected to start in January 2022. Phase 3 is expected to start in August 2023 and conclude in May 2026.

The selected operators will retain ownership of the intellectual property rights (IPRs) that they generate during the PCP and will be able to use them to exploit the full market potential of the developed solutions.

This procurement receives funding from the European Union's Horizon 2020 Research and Innovation Programme, under grant agreement No 883751. The EU is not participating as a contracting authority in the procurement.

II.2.5) Award criteria

- Criteria below
- Quality criterion – Name: / Weighting: ^{1,2,20}
 - Cost criterion – Name: / Weighting: ^{1,20}
 - Price – Weighting: ²¹
- Price is not the only award criterion and all criteria are stated only in the procurement documents

Select the radio button “Price is not the only award criterion ...”

[PCS: Select the radio button “All award criteria are stated only in the procurement documents”.]

II.2.6) Estimated value

Value excluding VAT: [] Currency: [] [] []
(for framework agreements or dynamic purchasing systems – estimated total maximum value for the entire duration of this lot)

Lots are not being used. Leave blank.

II.2.7) Duration of the contract, framework agreement or dynamic purchasing system

Duration in months: [] or Duration in days: []
or Start: (dd/mm/yyyy) / End: (dd/mm/yyyy)

This contract is subject to renewal yes no Description of renewals:

Enter the duration: 52 months

Renewal: Select the radio button ‘yes’
and enter the description:

The Lead Procurer reserves the right to extend the duration of the framework agreement or any of the call-off contracts from it (time extensions only).

II.2.9) Information about the limits on the number of candidates to be invited *(except in open procedures)*

Envisaged number of candidates: []
or Envisaged minimum number: [] / Maximum number: ² []
Objective criteria for choosing the limited number of candidates:

Section II.2.9. is not available for an open procedure contract notice.

II.2.10) Information about variants

Variants will be accepted yes no

Select the radio button 'no'.

II.2.11) Information about options

Options yes no Description of options:

Select the radio button 'no'.

II.2.12) Information about electronic catalogues

Tenders must be presented in the form of electronic catalogues or include an electronic catalogue

Do not select the checkbox.

II.2.13) Information about European Union funds

The procurement is related to a project and/or programme financed by European Union funds yes no
Identification of the project:

Select the radio button 'yes'.

Use the text:

Horizon 2020 Research and Innovation Programme under grant agreement No 883751.

[PCS: the "Identification of the project" will not appear in the Contract Notice.]

II.2.14) Additional information:

Leave blank.

Section III: Legal, economic, financial and technical information

III.1) Conditions for participation

III.1.1) Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers

List and brief description of conditions:

Leave blank.

III.1.2) Economic and financial standing

Selection criteria as stated in the procurement documents

List and brief description of selection criteria:

Minimum level(s) of standards possibly required: ²

Select the checkbox.

III.1.3) Technical and professional ability

Selection criteria as stated in the procurement documents

List and brief description of selection criteria:

Minimum level(s) of standards possibly required: ²

Do not select the checkbox.

III.1.5) Information about reserved contracts ²

The contract is reserved to sheltered workshops and economic operators aiming at the social and professional integration of disabled or disadvantaged persons

The execution of the contract is restricted to the framework of sheltered employment programmes

Do not select any of the checkboxes.

III.2) Conditions related to the contract ²

III.2.1) Information about a particular profession (only for service contracts)

Execution of the service is reserved to a particular profession

Reference to the relevant law, regulation or administrative provision:

Do not select the checkbox.

III.2.2) Contract performance conditions:

Please see the tender documents for the requirements.

III.2.3) Information about staff responsible for the performance of the contract

Obligation to indicate the names and professional qualifications of the staff assigned to performing the contract

Select the checkbox.

Section IV: Procedure

IV.1) Description

IV.1.1) Type of procedure

Open procedure

Accelerated procedure

Justification:

Restricted procedure

Accelerated procedure

Justification:

Competitive procedure with negotiation

Accelerated procedure

Justification:

Competitive dialogue

Innovation partnership

Select the radio button 'open procedure'.

Do not select the 'accelerated procedure' checkbox.

[PCS: Selecting the type of procedure is an initial step in preparing a contract notice on PCS.]

IV.1.3) Information about a framework agreement or a dynamic purchasing system

- The procurement involves the establishment of a framework agreement
- Framework agreement with a single operator
 - Framework agreement with several operators
- Envisaged maximum number of participants to the framework agreement:² []
- The procurement involves the setting up of a dynamic purchasing system
- The dynamic purchasing system might be used by additional purchasers

In the case of framework agreements, provide justification for any duration exceeding 4 years:

Select the checkbox “The procurement involves the establishment of a framework agreement. Select the radio button ‘Framework agreement with several operators’.

Do not enter a number under ‘Envisaged *maximum* number of participants to the framework agreement’.

In the free text field, state the minimum number of framework agreements that you plan to award.

[PCS: The free text field only accepts a numerical value. The minimum number of framework agreements is stated in Section VI.3.]

Insert the following text as the justification for any duration exceeding 4 years:

Pre-commercial procurement is exempted from the WTO Government Procurement Agreement (GPA), the EU public procurement directives (2004/18/EC (or 2014/24/EU) and 2004/17/EC (or 2014/25/EU)) and the national laws that implement them. The call-off contracts for phase 3 are expected to be issued 15 months after the establishment of the framework – the duration in Section II.2.7. refers to the total length of the 3 phases.

IV.1.4) Information about reduction of the number of solutions or tenders during negotiation or dialogue

- Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated

Section IV.1.4 is not available for open procedure.

IV.1.5) Information about negotiation (only for competitive procedures with negotiation)

- The contracting authority reserves the right to award the contract on the basis of the initial tenders without conducting negotiations

Section IV.1.5 is not available for open procedure.

IV.1.6) Information about electronic auction

- An electronic auction will be used
- Additional information about electronic auction:

Do not select the checkbox.

IV.1.8) Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement yes no

Select the radio button ‘no’.

IV.2) Administrative information

IV.2.1) Previous publication concerning this procedure²

Notice number in the OJ S: [] [] [] [] /S [] [] [] - [] [] [] [] [] []
(One of the following: Prior information notice; Notice on a buyer profile)

Add the PIN OJEU reference:

2021/S 041-102591

IV.2.2) Time limit for receipt of tenders or requests to participate

Date: (dd/mm/yyyy) Local time: (hh:mm)

Enter date and time.

17/09/2021 12:00

IV.2.3) Estimated date of dispatch of invitations to tender or to participate to selected candidates ⁴

Date: (dd/mm/yyyy)

Section IV.2.3) not available in an open procedure contract notice.

IV.2.4) Languages in which tenders or requests to participate may be submitted: [] [] ¹

Select 'English'.

IV.2.6) Minimum time frame during which the tenderer must maintain the tender

Tender must be valid until: (dd/mm/yyyy)

or Duration in months: [] (from the date stated for receipt of tender)

State 5 months.

IV.2.7) Conditions for opening of tenders

Date: (dd/mm/yyyy) Local time: (hh:mm) Place:

Information about authorised persons and opening procedure:

Complete as applicable.

17/09/2021 12:00

Section VI: Complementary information

VI.1) Information about recurrence

This is a recurrent procurement yes no

Estimated timing for further notices to be published: ²

Select the radio button 'no'.

VI.2) Information about electronic workflows

- Electronic ordering will be used
- Electronic invoicing will be accepted
- Electronic payment will be used

Select all three checkboxes.

VI.3) Additional information: ²

[PCS: A character limit of 4000 applies]

This procurement concerns a pre-commercial procurement. Pre-commercial procurements are exempted from the EU public procurement directives (2004/18/EC (or 2014/24/EU) and 2004/17/EC (or 2014/25/EU)), and the national laws that implement them, because the procurers do not retain

all the benefits of the R&D (the IPR ownership stays with the contractors). Publication of this contract notice in the EU Official Journal is not to be understood as a waiver of this exemption. Publication is made on a voluntary basis and the procurement will not follow the procedures under the EU public procurement directives, but rather the procedure described in the tender documentation.

An open procedure was chosen in Section IV.1.1) 'Procedure' for formal reasons only. This is because it is not possible to publish a contract notice without selecting one of the listed procedures.

Pre-commercial procurements also exempted from the WTO Government Procurement Agreement (GPA) because the WTO GPA does not cover R&D services (PCPs being limited to such services).

Pre-commercial procurements do not constitute state aid under the EU state aid rules if they are implemented following an open, transparent, competitive procedure with risk and benefit sharing at market price.

The value stated in Section II.1.5. refers to the total estimated value of the PCP framework agreement in euros (excluding VAT). Details of the budget for each phase and the budget for each individual call-off contract are provided in the request for tenders documentation pack.

Call-off contracts will be priced and paid in euros.

Offers must be submitted in English. All communication (before, during and after the procurement) must be made in English.

Participation in the open market consultation webinar that was held on 26 April 2021 as part of the preparation for this procurement is not a prerequisite for submitting a tender. A recording of the webinar is available on the EuropeWave project website (www.europewave.eu). The Q&A arising from the prior information notice and the webinar is available in the request for tender documentation pack.

Further general information about PCPs is available on the Europa website (see <https://ec.europa.eu/digital-single-market/innovation-procurement>).

Framework agreements and a call-off contracts for phase 1 are expected to be awarded to a minimum of five (5) contractors.

Section IV.2.1: a PIN Corrigendum Notice was also published in the OJEU, reference number: 2021/S 063-160938.

The Public Contract Scotland (PCS) portal will be the single point of truth for this procurement exercise. All queries must be raised via the PCS Q&A facility by the deadline for queries stated in the request for tender documentation.

VI.4) Procedures for review

VI.4.1) Review body		
Official name:		
Postal address:		
Town:	Postal code:	Country:
E-mail:		Telephone:
Internet address: (URL)		Fax:

Complete as follows:

Organisation (instead of "Official name" on PCS): WES
Town: Inverness

VI.4.2) Body responsible for mediation procedures ²		
Official name:		
Postal address:		
Town:	Postal code:	Country:
E-mail:		Telephone:
Internet address: (<i>URL</i>)		Fax:

[PCS: Section VI.4.2. is not mandatory. Leave blank.]

VI.4.3) Review procedure
Precise information on deadline(s) for review procedures:

Use the text:

The procurement is exempted from the EU public procurement directives (2004/18/EC (or 2014/24/EU), 2004/17/EC (or 2014/25/EU)), including the EU procurement remedies directives (89/665/EEC and 92/13/EEC) and the national laws that implement them.

Publication of this notice in the Official Journal is not to be understood as a waiver of this exemption by the contracting authority.

VI.4.4) Service from which information about the review procedure may be obtained ²		
Official name:		
Postal address:		
Town:	Postal code:	Country:
E-mail:		Telephone:
Internet address: (<i>URL</i>)		Fax:

[PCS: Section VI.4.4. is not mandatory. Leave blank.]

[PCS: Mandatory section – Community Benefits Clauses]

Is the estimated contract value equal or greater than £4,000,000?

Select the radio button 'yes'.

Will Community Benefits Clauses apply to this contract?

Select the radio button 'yes'.

If the estimated value is equal to or greater than £4,000,000 and no community benefits clauses apply to this contract, please provide a statement of your reasons for not including a community benefits clause. The text you provide will be included within your published notice:

Use the text: (this will appear in Section VI.3)

Pre-commercial procurement is exempted from the WTO Government Procurement Agreement (GPA), the EU public procurement directives (2004/18/EC (or 2014/24/EU) and 2004/17/EC (or 2014/25/EU)) and the national laws that implement them.

However, for phase 2 and 3, the Lead Procurer reserves the right to include community benefits clauses.

[PCS: Mandatory section – Sub-Contract Clauses]

Is the estimated contract value equal or greater than £4,000,000?

Select the radio button 'yes'.

Insert a sub-contract clause into the notice?

Select the radio button 'no'.

If the estimated contract value is equal to or greater than £4M and no sub-contract clause is included, please enter a reason:

Use the text: (this will appear in Section VI.3)

Pre-commercial procurement is exempted from the WTO Government Procurement Agreement (GPA), the EU public procurement directives (2004/18/EC (or 2014/24/EU) and 2004/17/EC (or 2014/25/EU)) and the national laws that implement them.

VI.5) Date of dispatch of this notice: (dd/mm/yyyy)

Enter date.

Intended dispatch date is 21/06/2021

It is the contracting authority's/contracting entity's responsibility to ensure compliance with European Union law and any applicable laws.

¹ please repeat as many times as needed

² if applicable

⁴ if this information is known

²⁰ importance may be given instead of weighting

²¹ importance may be given instead of weighting; if price is the only award criterion, weighting is not used