

SELECTION AND ADJUDICATION CRITERIA FOR SUPPLY CONTRACTS

With a view to improving the distribution of its purchases among its Member States, CERN will apply the criteria set out below for the selection of firms to be invited to tender and for the award of contracts to technically and financially qualified bidders.

NB: These guidelines are subject to change without notice and firms can derive no rights from their publication by CERN.

Definition of Concepts

The return coefficient of a Member State is defined as the ratio between that Member State's percentage share of the value of all Supply contracts and that Member State's percentage contribution to the CERN Budget over the same period.

A Member State is defined as poorly balanced if its return coefficient for Supply contracts falls below the target for the Supply contract return coefficient (i.e. the mean return based on the current overall budget expenditure over the reference period on Supply purchases in the Member States), well balanced if it is equal or greater than that value.

The country of origin is the country where the supplies (including their components and sub-assemblies) are manufactured or undergo the last major transformation by the contractor or his sub-contractor(s).

The following Member States have a well balanced return coefficient for invitations to tender issued in the period 1 March 2011 to 29 February 2012 for Supply contracts:

- Switzerland
- Czech Republic
- France
- Poland

It should be noted that only this list of Member States with well balanced return coefficients shall be applied for adjudication of the present invitation to tender. Any other list, which may have been distributed along with market surveys or previous invitations to tender, shall be disregarded for the purposes of adjudicating the present invitation to tender.

Selection Criteria

A bidder shall be considered as technically and financially qualified only if he has been selected by CERN in accordance with the following criteria:

- technical and financial qualifications of the firm;
- CERN's previous experience with the firm, if any;
- the number of firms selected from each Member State shall take into account the Member State's contribution, the relevant industrial return coefficient and the estimated amount of the contract.

Adjudication Criteria

CERN shall apply the following rules for the award of contracts exceeding 200 kCHF to technically and financially qualified bidders:

- I Where the lowest bid is from a firm offering goods originating from a poorly balanced Member State, the contract shall be awarded to that firm.
- II Where the lowest bid is from a firm offering goods originating from a well balanced Member State, CERN shall enter into negotiations with the two lowest bidders offering goods originating from one or more poorly balanced Member States provided that their bids fall within 20% of that of the lowest bidder:
 - If, as a result of these negotiations, the lowest of the bidders offering goods originating from poorly balanced Member States agrees to align its price to that of the lowest bidder, the contract shall be awarded to the firm offering goods originating from the poorly balanced Member State, provided that the bid with the realigned price still complies with all the stipulated requirements.
 - If the lowest of the bidders offering goods originating from poorly balanced Member States does not agree to align its price to that of the lowest bidder but the second lowest of the bidders offering goods originating from poorly balanced Member States agrees to do so, the contract shall be awarded to the second lowest of the bidders offering goods originating from poorly balanced Member States, provided that the bid with the realigned price still complies with all the stipulated requirements.
- III In cases where CERN exercises its right to split the contract, the following procedure shall be followed:
 - In the event of splitting between two suppliers CERN shall ask the lowest of the bidders offering goods originating from poorly balanced Member States whose tender falls within 20% of that of the lowest bidder to align its price as closely as possible to that of the lowest bidder. If it agrees to do so to an extent deemed appropriate by CERN, the contract shall be split between the lowest bidder and the lowest of the bidders offering goods originating from poorly balanced Member States, provided that the offer with the realigned price still complies with all the stipulated requirements and with the condition that the lowest bidder shall receive not less than 50% of the value of the contract.
 - If the lowest of the bidders offering goods originating from poorly balanced Member States does not agree to align its price, CERN shall follow the same procedure with the second lowest of the bidders offering goods originating from poorly balanced Member States whose tender falls within 20% of that of the lowest bidder.
 - In the event of splitting among n suppliers (n being at least three), contracts shall be awarded to the n bidders who made the lowest valid offers and provided they agreed to align their price as closely as possible to that of the lowest bidder to an extent deemed appropriate by CERN, independent of the balanced status of the bidders' country.
 - The bidder who made the lowest offer will receive not less than the share received by the second lowest bidder, and the second lowest bidder will receive not less than the share obtained by the third lowest bidder, etc.
- IV Where none of the provisions of II and III can be applied, the contract shall be awarded to the firm whose tender satisfactorily complies with the technical, financial and delivery requirements and is the lowest.
- V For the purposes of application of the above rules, when a firm submits a bid offering goods originating from several Member States or when several firms jointly submit a bid, the bid shall be treated as that from a bidder offering goods originating from a poorly balanced Member State provided that the value of goods originating from one or more poorly balanced Member State(s) is not less than 51% of the total amount of the contract. If that is not the case, the bid shall be treated as that from a firm offering goods originating from a well balanced Member State.