

This notice in TED website: <https://ted.europa.eu/udl?uri=TED:NOTICE:549093-2021:TEXT:EN:HTML>

**Spain-Barcelona: Chairperson of the Panel of Adjudicators - Provision of
Adjudication Services in Relation to Disputes Arising under the Buildings Contracts
2021/S 211-549093**

Contract award notice

Results of the procurement procedure

Services

Legal Basis:

Regulation (EU, Euratom) No 2018/1046

Section I: Contracting authority

I.1) Name and addresses

Official name: European Joint Undertaking for ITER and the Development of Fusion Energy (F4E)

Postal address: C/ Josep Pla 2, Torres Diagonal Litoral, Edificio B3

Town: Barcelona

NUTS code: ES511 Barcelona

Country: Spain

Contact person: Procurement Unit - For the attention of: Roberta Rubbino

E-mail: tenders-adm@f4e.europa.eu

Telephone: +34 933201800

Internet address(es):

Main address: <http://f4e.europa.eu/>

Address of the buyer profile: <https://industryportal.f4e.europa.eu/default.aspx>

I.4) Type of the contracting authority

European institution/agency or international organisation

I.5) Main activity

Other activity: Energy

Section II: Object

II.1) Scope of the procurement

II.1.1) Title:

Chairperson of the Panel of Adjudicators - Provision of Adjudication Services in Relation to Disputes Arising under the Buildings Contracts

Reference number: F4E-AFC-1163

II.1.2) Main CPV code

79100000 Legal services

II.1.3) Type of contract

Services

II.1.4) Short description:

Provision of adjudication services in relation to disputes arising between Fusion for Energy and/or its contractors under any of the buildings contracts.

II.1.6) Information about lots

This contract is divided into lots: no

II.2) **Description**

II.2.3) **Place of performance**

NUTS code: ES España

NUTS code: FR France

Main site or place of performance:

Contractor's premises, ITER site (Cadarache, FRANCE) and/or F4E premises in Barcelona (SPAIN).

II.2.4) **Description of the procurement:**

Chairperson of the panel of adjudicators - provision of adjudication services in relation to disputes arising between Fusion for Energy and/or its contractors under any of the buildings contracts.

II.2.5) **Award criteria**

Quality criterion - Name: Technical quality / Weighting: 50

Price - Weighting: 50

II.2.11) **Information about options**

Options: no

II.2.13) **Information about European Union funds**

The procurement is related to a project and/or programme financed by European Union funds: yes

Identification of the project:

EU administrative appropriations

II.2.14) **Additional information**

See internet address provided in Section I.3).

Section IV: Procedure

IV.1) **Description**

IV.1.1) **Type of procedure**

Open procedure

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

The procurement involves the establishment of a framework agreement

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

The procurement is covered by the Government Procurement Agreement: no

IV.2) **Administrative information**

IV.2.1) **Previous publication concerning this procedure**

Notice number in the OJ S: [2021/S 109-286279](#)

IV.2.8) **Information about termination of dynamic purchasing system**

IV.2.9) **Information about termination of call for competition in the form of a prior information notice**

Section V: Award of contract

Contract No: F4E-AFC-1163

Title:

Chairperson of the panel of Adjudicators - Provision of Adjudication Services in relation to Disputes arising under the Buildings Contracts

A contract/lot is awarded: no

V.1) **Information on non-award**

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section VI: Complementary information

VI.3) Additional information:

Tenderers are informed that the awarded contract will not be signed in paper. Signature of the contract will take place through a web-based tool called deviation, amendment and contract changes (DACC). The contract must be signed by the tenderer's legal representative in DACC. Signature of the contract in DACC is considered as equivalent to a paper document with a handwritten signature and shall be admissible as evidence in legal proceedings. It is legally binding.

1) This notice and the rest of the procurement documents will be published also on the joint undertaking's buyer's profile. Economic operators are strongly advised to regularly visit the webpage in section I) of this notice;

2) This procurement procedure is governed by the rules laid down by:

(a) Regulation (EU, Euratom) 2018/1046; referred to as the 'General Financial Regulation' (GFR); and

(b) complemented, where it derogates, by the: Financial Regulation for Fusion for Energy adopted by Governing Board decision of 10 December 2019.

All legislation can be found on: <http://www.fusionforenergy.europa.eu/procurementsgrants/keyreference.aspx>

3) Tenderers can only submit a tender via the foreseen e-Submission tool detailed in the procurement documents.

4) In accordance with point 11 of Annex I of the GFR, Fusion for Energy may use the negotiated procedure without prior publication of a contract notice in order to award a new contract consisting of a repetition of similar works or services to the contractor chosen as a result of the present call for tender, in which case the amount to be awarded under that procedure will not exceed 50 % of this contract (amount already included in the total estimated value as detailed in the procurement documents). Such a right will be exercised by F4E for example in case additional similar services are needed due to unforeseen circumstances in order to ensure continuity in the performance of the adjudication services of the original contract.

VI.4) Procedures for review

VI.4.1) Review body

Official name: General Court

Postal address: rue du Fort Niedergrünwald

Town: Luxembourg

Postal code: L-2925

Country: Luxembourg

E-mail: GC.Registry@curia.europa.eu

Telephone: +352 4303-1

Fax: +352 4303-2100

Internet address: <http://curia.europa.eu/>

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures:

Within two months of notice of the award decision, you may launch an action for annulment of the award decision. Any request you may make and any reply from us, or any complaint for maladministration, will have neither the purpose nor the effect of suspending the time-limit for launching an action for annulment or to open a new period for launching an action for annulment. The body responsible for hearing annulment procedures is indicated in Section VI.4.1) of the contract notice.

If you believe that there was maladministration, you may lodge a complaint to the European Ombudsman within two years of the date when you became aware of the facts on which the complaint is based (see <http://www.ombudsman.europa.eu>)

VI.5) Date of dispatch of this notice:

20/10/2021