

**TENDER SPECIFICATIONS
PROCEDURE WITH NEGOTIATION
TENDER**

Tender No. 457782-24-TEC-SOL
A Battery pilot unit

DEADLINE FOR SUBMISSION OF TENDERS

6th May 2024 - 4:00 PM

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1 . OVERVIEW OF IFP ENERGIES NOUVELLES

1 . 1 . IFP Energies nouvelles

IFP Energies nouvelles (IFPEN) is a major player in research and training in the fields of energy, transportation and the environment. From research to industry, its core activity is technological innovation centred on three strategic priorities: sustainable mobility, new energy sources and responsible oil and gas.

As part of the mission of general interest awarded by the Government, IFPEN focuses on:

- Providing solutions to social challenges in energy and climate by fostering the transition to sustainable mobility and the emergence of a more diverse energy mix;
- The creation of wealth and employment by supporting French and European economic activity and the competitiveness of associated industrial sectors.

An integral part of IFPEN, IFP School —the company's school of engineering—, prepares future generations for such challenges.

1 . 2 . IFP Energies nouvelles procurement charter

The procurement charter in place at IFP Energies nouvelles defines the rules for the procurement of goods and services applicable to IFP Energies nouvelles and its vendors, especially those in regular contact with IFP Energies nouvelles and working on our sites. The charter seeks to maintain an environmental, social and economic interest that is both balanced and sustainable and to highlight IFP Energies nouvelles' commitment to society.

Vendor compliance

IFP Energies nouvelles respects the principles of freedom of access to public procurement, equal treatment of tenderers and transparency in procedure.

Confidentiality

IFP Energies nouvelles and its vendors are mutually committed to the confidentiality of their technical and commercial exchanges.

Partnership, creativity and capacity for innovation

IFP Energies nouvelles favours proactive, innovative companies for collaboration on technical matters in a climate of trust. IFP Energies nouvelles expects its vendors to systematically optimize their performance in economic terms. They must share their expertise with IFP Energies nouvelles and offer alternative solutions to reduce overall cost, while maintaining quality of service.

Sustainable development

IFP Energies nouvelles applies its procurement policies based on sustainable development and a major concern for both worker protection and environmental conservation. IFP Energies nouvelles is demanding with regard to its partners' human resources and health and safety policies and looks to work with companies committed to the principles of social and environmental responsibility.

2 . REGULATORY FRAMEWORK

IFP Energies nouvelles has the status of contracting authority as defined in the Public Procurement Code.

This tender is organized, according to a **procedure with negotiation**, as defined in Articles L.2124-3 and R.2124-3 of the Public Procurement Code.

3 . OBJECT OF THE TENDER

3 . 1 . Object of the tender

The object of this tender is:

The award of a contract for supplies and services for the design of a battery pilot unit.

IFP Energies nouvelles is launching a consultation in order to collect offers from qualified professionals with the professional, technical and financial capacity enabling them to ensure the execution and perfect completion of the market and, more generally, to provide advice and expertise to this end.

3 . 2 . Breakdown into lots

The market is not allocated: it is a global market.

3 . 3 . Provisional commencement and duration of the contract/framework agreement

The market should start from the date of signing the contract.

Desired delivery date: 1st June 2025

3 . 4 . Form of the price of the contract

The following applies:

- A lump sum price.

3 . 5 . Tranches/Possible Additional Services

TRANCHES:

The market does not include any tranche.

POSSIBLE ADDITIONAL BENEFITS (PSE):

The contract includes: four (4) possible additional services

PSE n°1: Recirculation loop,
PSE No. 2: Agitation of feed tanks S1 to S6,
PSE No. 3: Main reactor feed tanks (S7 and S8),
PSE n°4: Granulometer for particle size measurements,

3 . 6 . Alternatives

The tenderer may submit an alternative on the condition of having already made a basic offer meeting the criteria of the specifications.

3 . 7 . Subcontracting

The tenderer may subcontract the performance of part of this contract provided that he has obtained from the contracting authority the acceptance of each subcontractor and the approval of the corresponding payment terms.

If the subcontracting request is made at the time of submission of the bid, the economic operator shall provide a schedule to the pledge of commitment or contract to indicate the subcontractor, duly completed, dated and signed by the subcontractor and himself, using the "DC4" form provided in the DCE or available at the following address:

<http://www.economie.gouv.fr/daj/formulaires-declaration-candidat>

If the public contract is to be awarded to the economic operator, the subcontractor(s) shall submit the documents referred to in Clause 8 of these tender specifications.

Notification of the contract shall imply acceptance by the subcontractor and approval of the payment terms.

The contractor remains personally responsible for the performance of all contractual obligations in accordance with Article L.2193-3 of the Public Procurement Code.

If the subcontracting request is executed, the economic operator shall provide the contracting authority with the above documents and **shall address them to the IFPEN Procurement Department**.

4 . TENDERER'S PACKAGE

The IFPEN tenderer's package consists of the following documents:

- These Application Regulations and their annexes,
- The HSE questionnaire,
- Summary of the Specifications and its annexes entitled "R150 – QF022 technical context"
- IT Questionnaire.

Tenderers may download the tender inquiry in the tender free of charge at the following address:

<http://www.marches-publics.gouv.fr>

5 . GENERAL ORGANIZATION OF THE TENDER

5 . 1 . Specialist knowledge

The tenderer declares that he is aware of all the particularities of the subject of this tender and all the documents provided by IFPEN listed in paragraph 4 above to which he has access under the conditions given in the said paragraph 4 and, by replying to this tender, he expresses his agreement with the terms thereof.

5 . 2 . Request for further information from tenderers

Tenderers may ask one or more questions via the PLACE platform (www.marches-publics.gouv.fr) **no later than ten (10) days before the date for submission of tenders and bids**. The contracting authority may reply six (6) days before said date.

The contracting authority reserves the right to make detailed changes to the tender enquiry (DCE). These will be communicated to the economic operators no later than six (6) days before the deadline for submission of bids given on the cover page of this document.

If this period is insufficient to allow the economic operators to become aware of the changes and to adapt their bids accordingly, the final date for the submission of bids for all economic operators shall be postponed to an appropriate later date.

The economic operators must respond based on the changed dossier and may not oppose it.

The economic operators shall be informed that the contracting authority will use its buyer profile (PLACE www.marches-publics.gouv.fr) to communicate with them in writing: sending answers to questions, information on possible changes to the DCE, possible requests for complements to the tenders, etc.

E-mails may therefore be sent to economic operators from the e-mail address nepasrepondre@marches-publics.gouv.fr (e-mails sent by IFPEN from PLACE).

It is the tenderer's responsibility to anticipate and deal with any technical difficulties. The tenderer should note that upload times may vary depending, among others, on the size of the uploaded files and the tenderer's Internet connection speed.

The economic operators are therefore invited to ensure that their email accounts are configured to enable receipt of this type of message and to check, if necessary, that said e-mails are not placed in their "unwanted" or "spam" folder.

No verbal requests will be answered.

5 . 3 . Contact points

Contact points:

Quentin BERNIER	quentin.bernier@ifpen.fr
In case of unavailability, the contact person will be: Catherine MATHE	catherine.mathe@ifpen.fr

6 . TENDER PHASE

6 . 1 . Procedures for the submission of tenders

In accordance with Article R.2132-7 of the Code of Public Procurement, IFPEN requires the documents to be provided by electronic means at the following address:

<https://www.marches-publics.gouv.fr/?page=entreprise.AccueilEntreprise>

To submit a tender, the tenderer must upload one single file containing the tender documents indicated in paragraph 7.1 below.

The accepted electronic formats for uploading the documents are: doc, xls, pdf.

If these provisions are not observed, the bids will be rejected.

Each upload will be given a specific date of receipt and an electronic acknowledgment of receipt.

The reference time zone will be (GMT+01:00) Paris, Brussels, Copenhagen, Madrid.

The files may be doubled by a backup copy sent within the deadlines in either physical electronic or paper format. The copy must be sent in a sealed envelope with the words "backup copy", the tenderer's name and the identification of the corresponding procedure written on it.

Network access costs are assumed by each tenderer.

Any document containing a computer virus will be filed in a secure manner and deemed not received. The tenderer concerned will be informed. Therefore, tenderers are advised to scan their documents with an anti-virus program before they are sent.

Documents sent electronically will be reverted into physical format after the envelopes have been opened.

6 . 2 . Form of the tenders

Bids must be drawn up in French in accordance with Law 94-665 of August 4, 1994 on the use of the

French language and the circular on its implementation dated March 19, 1996.

With all tenders submitted in a language other than French, tenderers must include a translation into French.

6 . 3 . Content of the tenders

The economic operators shall provide the tender documents by choosing between one of the two methods for submitting tenders given below:

6 . 4 . Procedures for the submission of tenders No. 1

Provision of information and documents pursuant to section R2143-3 and following of the abovementioned code:

In support of his tender, the economic operator must provide the following elements:

- (1) A **letter of tender** and appointment of the representative by his contractors completed by an authorized person (latest version of the DC 1 form downloadable at the following address: <https://www.economie.gouv.fr/daj/formulaires-declaration-du-candidat>, or identical content on ordinary paper);
- (2) The document(s) certifying the **powers of the persons authorized to sign binding documents on behalf of the economic operator**: KBIS or company articles and a power of attorney if the signatory does not appear;
- (3) The HSE questionnaire (attached to the enterprise tender enquiry) completed by the tenderer;
- (4) A completed economic operator's declaration (latest version of the DC 2 form downloadable at the following address: <http://www.economie.gouv.fr/daj/formulaires-declaration-candidat>, or identical content on free paper), containing the following information or accompanied by the following documents:

Economic and financial capacity:

- Declaration concerning the tenderer's overall turnover and, where applicable, the turnover of the area of activity covered by the public contract for a maximum of the last three financial years available, depending on the date on which the undertaking was set up or the economic operator started operations, in so far as information on said turnover figures is available;
- Relevant bank statements or, where appropriate, proof of applicable professional risk insurance policies;

Technical and professional capacity:

- **Minimum requirements (minimum levels):**
 - A list of jobs performed during the last five years, with certificates of satisfactory performance for the most important projects; Where appropriate, in order to ensure a sufficient level of competition,

the buyer may indicate that evidence relating to work performed more than five years ago will be taken into account. such certificates will indicate the amount, date and place of completion of the projects and whether they have been carried out in accordance with usual practice and on a regular, satisfactory basis;

- A list of the main studies using an sustainability conception's approach that have been carried out;
- Description of the tools, materials and technical equipment available to the tenderer for performance of the public contract;

Other supporting documents requested:

- Description of the technical equipment and measures used by the tenderer to assure quality and his company's resources in study and research;
- Indication of the supply chain management and monitoring systems the tenderer may use for the public contract;
- Indication of the environmental management measures the tenderer may use for the public contract;
- Professional qualification certificates issued by independent bodies; In this case, the buyer accepts any equivalent means of proof and equivalent certificates from bodies established in other Member States;

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If the economic operator takes part as a consortium, each of its members must submit a declaration from the tenderer (DC2 form or equivalent as described above) and the corresponding schedules (elements requested by the contracting authority to establish that the economic operator is able to provide the services covered by the framework agreement). The contracting authority's assessment of the consortium's professional, technical and financial capacity shall be comprehensive. It is not required for each member of the consortium to have all the technical skills required for the framework agreement.

The tenderer may also request that account be taken of the professional, technical and financial capacities of other economic operators. In this case, he shall complete box G of the DC2 and produce the abovementioned documents concerning said economic operator(s). In addition, in order to justify having such capacity for the framework agreement, the economic operator shall provide a written commitment from the economic operator in question.

6 . 5 . Procedures for the submission of tenders No. 2:

Provide a European Single Procurement Document (ESPD) pursuant to Article R2143-4 of the abovementioned Code:

Pursuant to Article R2143-4 of the Public Procurement Code, the contracting authority authorizes tenderers who so wish to provide the European Single Procurement Document (ESPD) instead of the documents requested in Article 5.3.1.a of these tender specifications.

This document must be completed in its entirety because the contracting authority does not allow

tenderers to indicate only that they have the necessary ability and capacity to perform the services covered by the contract. Proof of such ability and capacity must be provided.

In the case of a single tenderer using the capabilities of one or more other entities, both the tenderer's ESPD and a separate ESPD containing the relevant information for each entity used must be provided.

In the case of a consortium of economic operators, a separate ESPD shall be provided indicating the information required under Parts II to V for each "participant" economic operator.

The submission of an ESPD in electronic format is accepted. The ESPD must be written entirely in French.

6 . 6 . Analysis of tenders

6 . 6 . 1 . Admissibility of the tender

Before examining the tenders, if the contracting authority finds that certain answers do not contain all the information and documents relating to the tender, it may ask all the tenderers to complete their dossiers within a maximum of eight (8) days or within an appropriate and identical period for all of them (Article R. 2144-2 of the CCP).

Tenders that have not been rejected pursuant to the provisions of the preceding subparagraph shall be examined according to the levels of professional, technical and financial capacity mentioned in the public call for tenders and in these tender specifications.

The assessment of the professional, technical and financial capacities of a consortium is comprehensive. Each member of the consortium shall not be required to have all the technical skills required for the public contract.

Based on the information submitted in connection with the tender, the representative of the contracting authority shall eliminate tenderers:

- Who are unable to tender for a contract under the provisions of Articles L.2141-1 to L.2141-5 and L.2141-7 to L.2141-11 of the Public Procurement Code,
- Who do not provide the documents required under Article R2143-3 of the Public Procurement Code,
- Do not have the minimum levels of professional, technical or financial capacity required to perform the services in question, pursuant to Article R.2142-2 of the Public Procurement Code (see Clause 7.7.1 of these specifications).

6 . 6 . 2 . Reduction in the number of tenderers

In accordance with Article R.2142-17, 2° of the Public Procurement Code, IFPEN plans to select at least two (2) tenderers.

The criteria for selecting tenders are as follows:

- **Technical guarantees and capacities 70%**
- **Financial guarantees and capacities 30%**

7 . SPECIAL PROVISIONS

7 . 1 . Consortium

Tenderers may submit their bid as consortia with joint and several liability or as consortia with joint liability.

Tenderers may not submit several bids for the contract by simultaneously doing so:

- As individual tenderers and members of one or more consortia;
- As members of several consortia.

7 . 2 . Subcontracting

The tenderer may not assign all or part of the contract; however, he may subcontract the provision of part of his services subject to the prior and express approval of the subcontractor(s) and their payment terms by IFP Energies nouvelles.

Tenderers are informed that activities given to subcontractors after express, prior and written agreement from IFP Energies nouvelles may not be subcontracted again by the subcontractor unless allowed to do so as an exception by IFP Energies nouvelles.

If the tenderer intends to subcontract part of the contract, when submitting his tender he must indicate the names and addresses of his subcontractors and the nature of the subcontracted parts.

The tenderer must provide a significant part of the services corresponding to his basic activities.

7 . 3 . Obligation of confidentiality

Confidentiality of the tender enquiry

Tenderers agree to process information and/or documents of any kind and on any medium relating to IFP Energies nouvelles or its Group as strictly confidential. Without the prior written consent of IFP Energies nouvelles, tenderers agree not to disclose or allow others to disclose to third parties, whether for consideration or free of charge and in any form whatsoever, any of the above-mentioned information disclosed to him by IFP Energies nouvelles or coming to his knowledge in connection with this tender or during on-site meetings.

The above obligation of confidentiality also applies to the existence and content of the Tender Enquiry. Therefore, no communication for commercial or advertising purposes may be made by tenderers without the prior written consent of IFP Energies nouvelles.

These provisions will enter into force on the date of dispatch of the tender enquiry and remain in force for a period of ten (10) years from that date.

Information that is public when this document is sent or which becomes public at a later date will not be considered confidential.

Should IFP Energies nouvelles decide to have the tenderers sign a nondisclosure agreement specific to this tender, the provisions of this Clause 7.3 will be considered null and void.

Confidentiality of tenderers' bids

No part of the tenderers' bids will be communicated to other tenderers during the tender without their prior agreement. Tenderers will be given the opportunity to specify any items of their bid that are particularly confidential.

7 . 4 . Tenderers' commitment

Any participation in the tender will require the tenderers and their potential subcontractors to accept the provisions of these tender specifications in full.

7 . 5 . Return and/or destruction of tender documents

The tenderer undertakes to return to IFP Energies nouvelles or destroy all the tender enquiry documents in the following cases:

- the tenderer decides not to reply to the tender;
- the tenderer is not selected by IFP Energies nouvelles following the tender;
- in all cases where the tender does not lead to the signing of the contract.

All the documents will be destroyed or returned to IFP Energies nouvelles for the attention of the person in the Purchasing Department responsible for the enquiry without delay.

7 . 6 . Detailed changes to the tender enquiry

IFP Energies nouvelles reserves the right to make detailed changes to the original enquiry sent to tenderers. In this case, tenderers must respond to the amended file and may not raise any complaints in this regard. In such cases, IFP Energies nouvelles may decide to extend the deadline for the submission of bids if the significance of the changes so requires.

7 . 7 . Compensation

Tenderers whose tenders or bids have not been accepted will not be entitled to compensation of any kind whatsoever.

7 . 8 . Limits

IFP Energies nouvelles may reject any bid and reserves the right not to proceed with this tender. In this case, IFP Energies nouvelles will inform all tenderers in writing, where the latter will not be entitled to compensation of any kind whatsoever.

7 . 9 . Disputes

This contract will be governed by French law, which will apply only in case of dispute.

In the event of dispute, the Administrative Court of Cergy-Pontoise will hold exclusive jurisdiction:

Tribunal Administratif de Cergy-Pontoise (Administrative Court of Cergy-Pontoise)
2-4, Boulevard de l'Hautil BP 30322 - 95027 Cergy-Pontoise