



SUPERFLAT

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Process development for  
manufacture of flat X-ray mirrors

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Claire DESJARDINS, Taylor Wessing



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 **LEAPS**  
**INNOVATION**

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## The Superflat PCP project

- A pre commercial procurement
- The PCP will award R&D services contracts to a number of R&D providers in parallel to compare competing alternative solutions.
- A group of procurers led by SOLEIL
- This PCP procedure is a joint procurement by different procurers across Europe (Soleil, ALBA-CELLS, DESY, DIAMOND, ESRF, EUROPEAN XFEL, HZB, PSI, ULUND).
- The R&D service contracts will be awarded by the lead procurer, SOLEIL, on behalf of the group of procurers.
- As SOLEIL, the lead procurer, is a French entity, the procedure is subject to French law.

## The Superflat PCP project

Separate PCP contracts will be concluded with each selected tenderer.

There will be a single **framework agreement** covering all PCP phases, without contract renegotiations after the award.

This framework agreement contains information on the procedures for implementing the different phases through **specific contracts**, including the format of the intermediate evaluations for each phase.

Differences between PCP and PPI (Public Procurement of Innovative solutions)

A clear separation between the procurement of the R&D services procured from the deployment of commercial volumes of end-products.

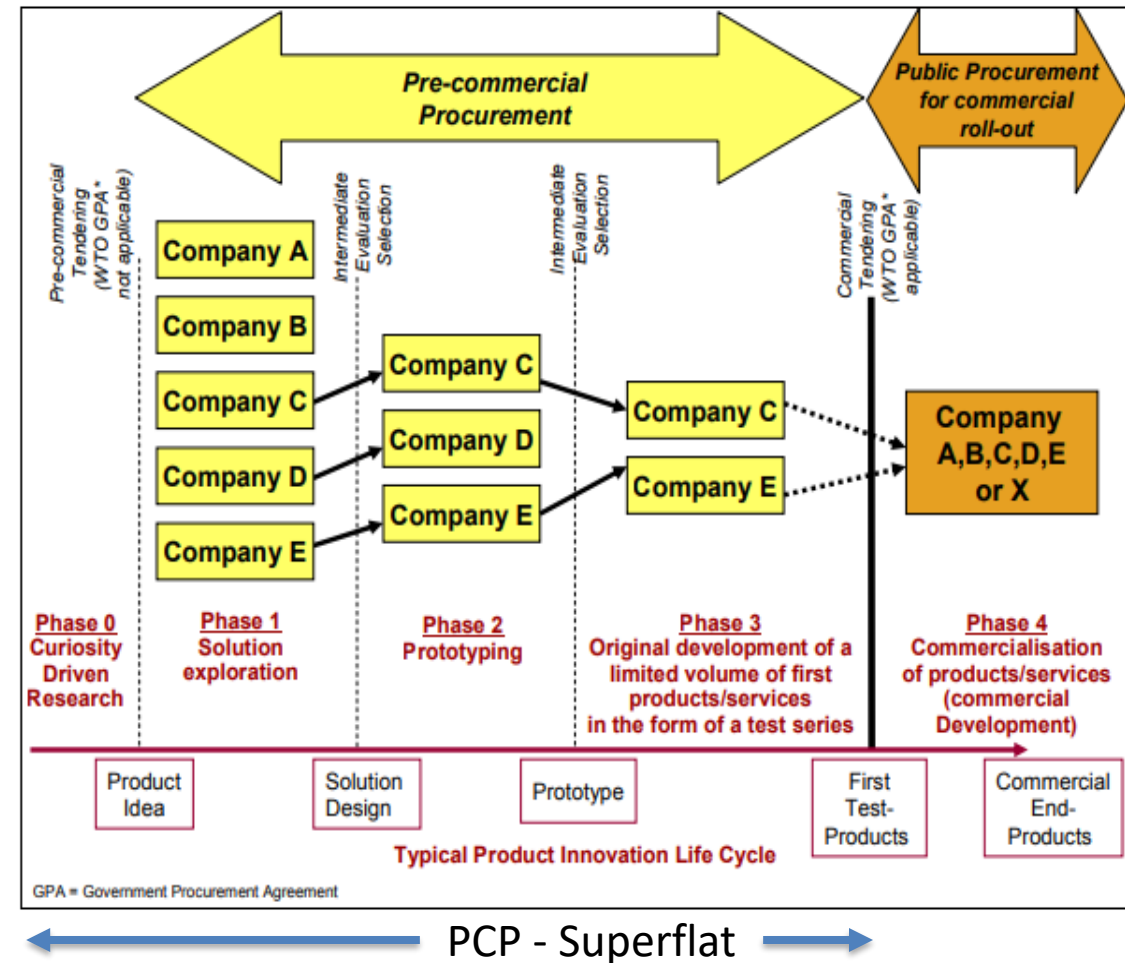
## Presentation of the procedure

Potential suppliers will be invited to tender for the phased development of new integrated surface engineering processes capable of fulfilling the functional specifications.

Three development phases:

- 1) Conceptual design;
- 2) Engineering design and metrology validation
- 3) Process development and prototype realisation.

Intermediary evaluation and selection until two suppliers remain in phase 3.



## Characteristics of the Superflat PCP

More precisely for the Superflat PCP, the objectives for the number of contractors are:

Phase 1 - Conceptual design: minimum **4 contractors** retained;

Phase 2 - Engineering design and metrology validation: minimum **3 contractors** retained;

Phase 3 - Process development and prototype realisation: minimum **2 contractors** retained.

And the approximate expected budget allocation is:

Phase 1 – 100k€ (and a maximum of 25k€ per contractor);

Phase 2 – 300k€ (a maximum of 100k€ per contractor);

Phase 3 – 600k€ (a maximum of 300k€ per contractor).

## The procurement procedure

This procurement is **exempted from the EU public procurement directives** and the national laws that implement them. This is because it concerns the procurement of R&D services where the benefits do not accrue exclusively to the contracting authority for its use in the conduct of its own affairs.

- The procurement will not follow the procedures under the EU public procurement directives, but rather the procedure described in the tender documentation.
- The European Union has awarded a grant for this procurement under the Horizon 2020 programme (however the EU is not participating as a contracting authority in the procurement).
- A specific legal framework dedicated to PCPs is applicable:
  - Article 14 of Directive 2014/24/EU and Article 32 of Directive 2014/25/EU
  - Horizon 2020 Rules for Participation Regulation No 1290/2013
  - PCP Communication COM/2007/799

## The procurement procedure

General legal principles throughout the PCP procedure:

- non-discrimination
- transparency: compliance with Horizon 2020 standards (prior information notice (PIN), open market consultation, publication of the request for tenders in the OJEU)
- equal treatment of all the candidates
- “best value for money”: the procurers will compare and identify the best value for money solutions on the market to address the PCP challenge

# The procurement procedure

## Preparation phase

- Needs analysis of the end-users
- Prior art analysis
- Open market consultation to broach the views of the market about the intended R&D scope and inform potential tenderers about the principles of the PCP

## Steps of the procurement procedure

- Prior Information Notice (published on 1<sup>st</sup> October 2021)
- Contract Notice (estimated date of publication: 13<sup>th</sup> January 2022)
- Request for Tenders including the exclusion criteria/compliance criteria/award criteria
- Contract Award Notice



## The procurement procedure

“PCP” refers to both a procurement procedure *and* the execution of a contract.

Procurement procedure:

Evaluation of the proposals based on:

- Exclusion criteria, such as a declaration of absence of conflict of interests
- Selection criteria, such as the ability to perform R&D in the field of the project
- On/off award criteria (=compliance criteria), such as compliance with the definition of R&D services, with the place of performance requirements, with ethics and security requirements
- Awarding criteria, such as technical quality and price
  - price criteria: proposals will have to include a fixed total price for phase 1 and an estimated total price for phases 2 and 3 (if the price offered for a phase is above the ceiling price for that phase, the offer will be excluded).

NB: Tenders will constitute binding offers.

## The procurement procedure

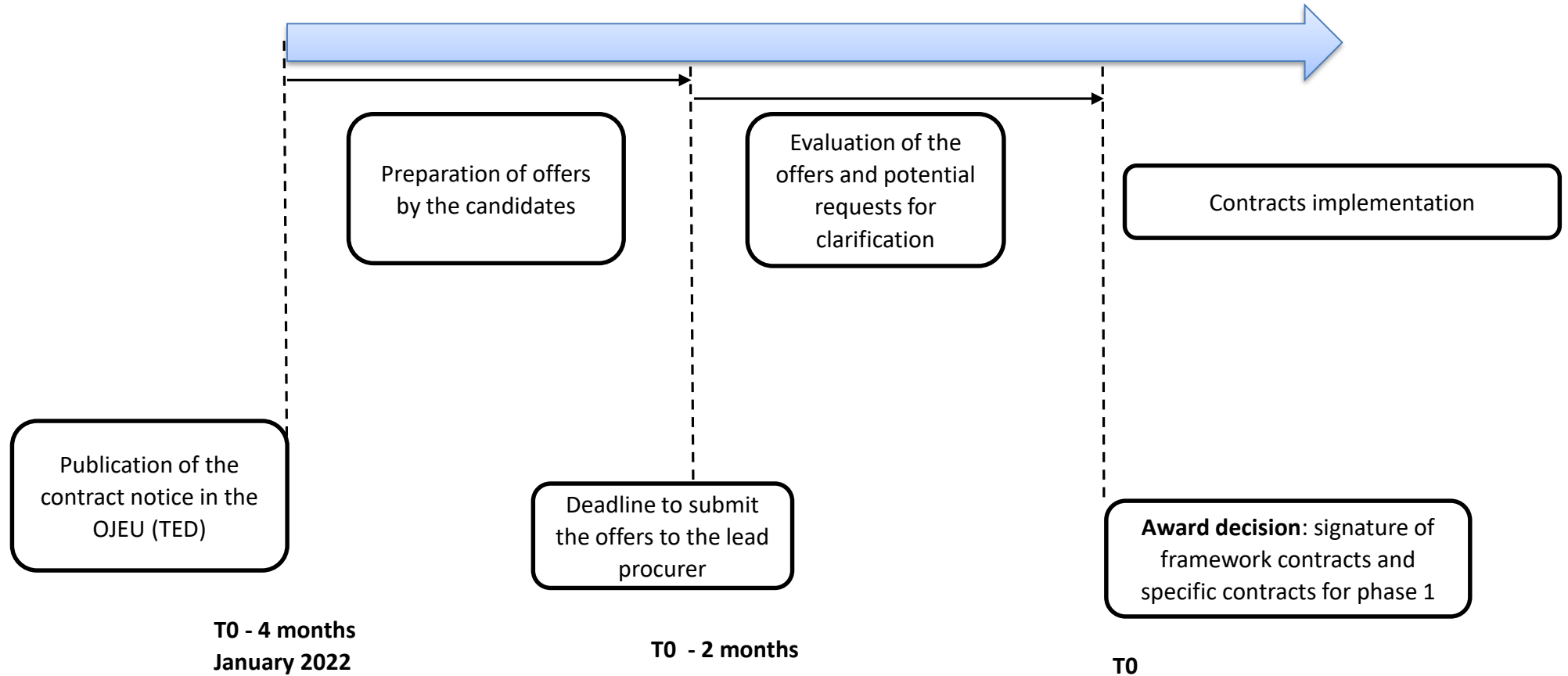
“PCP” refers to both a procurement procedure *and* the execution of a contract.

### Contract implementation

- Successful tenderers will be requested to sign both a framework agreement and specific contracts for Phases 1, 2 and/or 3, each phase having a fixed duration;
  - Maximum budget available for each phase
  - Specific contracts at the start of each new phase will be issued by the lead procurer on behalf of the group of procurers and will constitute separate contracts.
  - At the end of each phase, a report will have to be submitted by each contractor to the lead procurer regarding the completion of the phase, as well as deliverables.
  - Payment based on satisfactory completion of milestones/deliverables
  - Eligibility for the next phase based on successful completion of a phase
- *Satisfactory completion in each of the phases does not mean successful completion. A PCP could, for instance, be satisfactorily completed even if it concludes that the innovation is not feasible. The assessment will consider the efforts made by contractors to take into account the feedback from the procurers.*

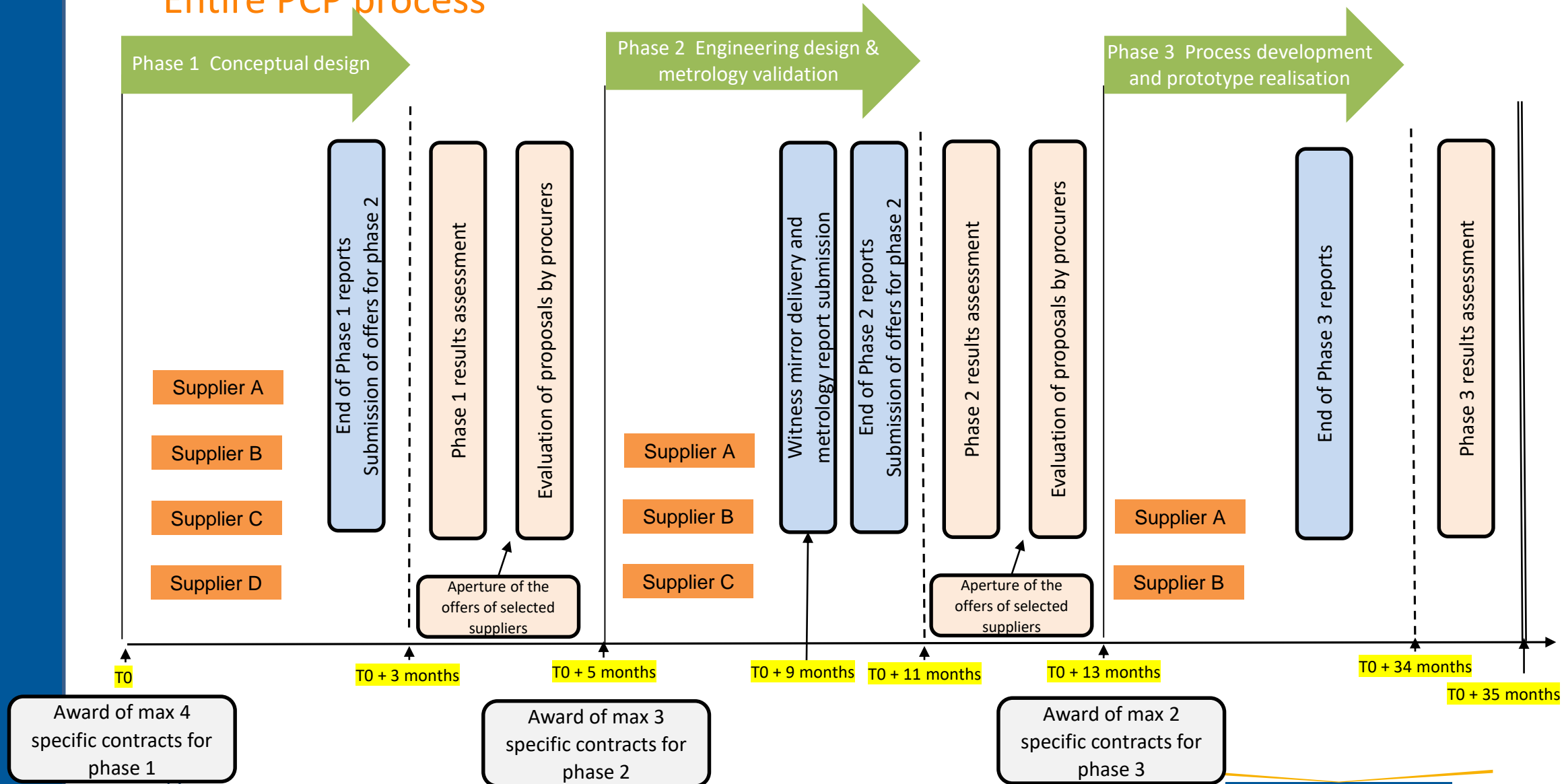
# The procurement procedure

## Procurement procedure of Phase 1: Conceptual design



# The procurement procedure

## Entire PCP process



## Focus on IP rights

- IP rights allocation (1/2)

- the contractors own the intellectual property rights on the results that they generate and the tendered price is expected to take this into account;
- the buyers have a right to access results — on a royalty-free basis — for their own use and a right to grant non-exclusive licences to third parties to exploit the results (under fair and reasonable conditions).

→ The group of procurers do not reserve the R&D results exclusively for their own use.

A **call-back provision** will ensure that if an R&D provider fails to commercially exploit the results within a given period after the PCP (as identified in the contract) or uses the results to the detriment of the public interest, including security interests, it must transfer any ownership of results to the procurers.

## Focus on IP rights

- IP rights allocation (2/2)

The ownership of pre-existing rights will remain unchanged.

In order to be able to distinguish clearly between results and pre-existing rights (and to establish which pre-existing rights are held by whom):

- tenderers will be requested to list the pre-existing rights for their proposed solution in their offers.

### Communication on IP rights

The procurers will:

- publish, at the time of the contract award notice, the identity of the winning tenderers and a project summary provided by the winning tenderers,
- publish, after R&D has finished and in accordance with the contractors, summaries of the results.

## Focus on the place of performance

### Place of performance obligation

- The PCP is open to all operators on equal terms, regardless of the size, geographical location or governance structure but the majority of the research and development work done by the contractor(s) (including the work of the main researchers) will be located in the EU Member States or associated countries.
- Tenders will be excluded if they do not meet the specific requirements relating to the place of performance of the contract. There will be a set percentage (minimum 50%) of the total value of activities covered by the PCP that will have to be performed in the EU Member States or associated countries.
- The percentage is calculated as the part of the total monetary value of the contract that is allocated to activities performed in the EU Member States or in other countries associated to Horizon 2020. All activities covered by the contract are included in the calculation (i.e. all R&D and operational activities that are needed to perform the R&D services, e.g. research, development, testing and certifying solutions). This includes all activities performed under the contract by contractors and, if applicable, their subcontractors.

## Q&A

- Questions related to the PCP may be asked today or sent after the Open Market Consultation at:

[Superflat-PCP@synchrotron-soleil.fr](mailto:Superflat-PCP@synchrotron-soleil.fr)

- Anonymised answers will be available to all participants on the PCP website:

<https://leaps-superflat.eu>