



## CALL FOR EXPRESSION OF INTEREST FOR THE 11<sup>TH</sup> FUSION FOR ENERGY ANNUAL ASSESSMENT

REF: F4E-ASSESSORS-EXT-CALL-2023

### **1. Background**

#### **What is Fusion for Energy**

The European Joint Undertaking for ITER and the Development of Fusion Energy (hereinafter “Fusion for Energy” or “Joint Undertaking”) has been established by the Council of the European Union with three objectives:

- Providing Europe’s contribution to the ITER International Fusion Energy Organization as the European Domestic Agency;
- Providing Europe’s contribution to the Broader Approach agreement between Euratom and Japan (JT60-SA, IFMIF-EVEDA and IFERC projects) as the Implementing Agency;
- Preparing for the construction of demonstration fusion reactors (DEMO).

Further information on the organization and activities of Fusion for Energy can be found on its web site at: <http://fusionforenergy.europa.eu/>

#### **What is the 11th Annual Assessment**

On 2 December 2022, the Fusion for Energy Governing Board decided that the Buildings Programme should be the focus of the 11<sup>th</sup> Annual Assessment and approved its Terms of Reference, and acknowledged that an exceptional procedure could be necessary given the high-level expertise required.

In consideration of the above, Fusion for Energy has decided to launch a dedicated Call for Expression of Interest in order to select 3 to 5 high level expertise Assessors required to perform such assessment.

### **2. Tasks of the Assessors**

Fusion for Energy (hereinafter “F4E”) invites applications from individuals with a view to establish a list of external Assessors for the 11<sup>th</sup> Annual Assessment, who could be asked to:

- identify the best practices in the implementation of the Buildings Programmes by similar construction projects of nuclear facilities (benchmarking).
- analyse the management of the F4E-IO Buildings Programme (Buildings Infrastructure and Power Supplies, BIPS), especially on the basis of the past experience to date and

identify its strengths and weaknesses.

- analyse and compare the F4E and IO contract management approaches and practices with internationally recognised FIDIC standards and other practices, including variation and claims management.
- analyse to which extent FIDIC has been properly followed and propose measures to further streamline the FIDIC contract management by the F4E/IO BIPS team and the work organisation in F4E to that end.
- assess whether the FIDIC type contract is the most appropriate contractual arrangement for construction works prone to additional tasks and variations.
- assess the possibilities to further integrate F4E and IO in the joint Building Programme, evaluate its potential beneficial effects, as well as the possible implications in terms of the management and statutory responsibilities, applicable rules, financial and human resources management, decision making and organisation of the management of F4E/IO buildings contracts.

A selection panel will be appointed to verify that applicants pass the exclusion and selection criteria set out in section 5 and 6 of this call, in order to include the Assessors in the list.

Inclusion on the list entails no obligation on the part of F4E to award a contract.

During its validity, F4E may use the same list for the award of a contract in relation to similar assessments to be carried out by experts in the same technical areas based on the decision of the F4E Director, the F4E Governing Board or EURATOM as member of the ITER Council.

### **3. Technical Areas of Expertise**

Interested candidates are expected to have and be able to demonstrate solid professional experience in one or more of the following areas of activities:

- 1- Civil Engineering and/or building services
- 2- Law
- 3- Business Administration or equivalent
- 4- Project Management
- 5- Procurement and Contract Management
- 6- Cost Estimate
- 7- Risk Assessment
- 8- Claims and variation management on large nuclear installations

### **4. Conditions of Appointment**

Assessors on the list who possess the appropriate expertise and competences for the tasks in question and in accordance with the principles of non-discrimination, equal treatment and absence of conflict of interests may be appointed by Fusion for Energy. An evaluation of the

different Assessors will be carried out to that end.

The evaluation of Assessors' applications shall be done on the basis of specific selection and award criteria related to the professional experience requested to perform the tasks.

Assessors are entitled to a fixed compensation of **€ 2.500** (two thousand and five hundred Euros) per full working day (8 hours). Half day fee (4 hours) can also be paid.

In addition, Assessors carrying out tasks away from their place of residence are entitled to a flat rate subsistence allowance and the reimbursement of travel expenses according to the rules defined in the Contract.

As regards new contracts, renewals, and/or extensions, a general limitation for appointment duration of the Assessor is established at a cumulative maximum of 150 working days per calendar year and at the cumulative ceiling detailed in section 2 for the entire duration of the call. This maximum ceiling shall include all fees to be paid to an Assessor during the entire validity of the list, excluding expenses such as travel and accommodation.

Appointment of an Assessor shall take place through signature of a contract between the Assessor as a natural person and Fusion for Energy. F4E does not intervene in any agreements between the Assessor and his/her current employer.

For any given Assessor, the total sum of payments to be made throughout the duration of the list shall not exceed **€ 140.000** (one hundred and forty thousand Euros). The list of Assessors will be valid until the end of December 2023.

The detailed contractual information is available in the model contract published on F4E's website.

Before appointment, the Assessor may be asked to declare any conflict of interest in relation to the tasks of the appointment, including any relationship with the contractors of F4E. Based on the declaration, F4E may decide to appoint another Assessor.

## **5. Exclusion Criteria**

Candidates shall be excluded from participation if they are in one of the situations of exclusion referred to in article 136 of the Financial Regulations<sup>1</sup>:

- a) They are bankrupt, subject to insolvency or winding-up procedures, where their assets are being administered by a liquidator or by a court, where they are in an arrangement with creditors, where their business activities are suspended, or where they are in any analogous situation arising from a similar procedure provided for under Union or national law;
- b) It has been established by a final judgment or a final administrative decision that they are in breach of their obligations relating to the payment of taxes or social security contributions

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<sup>1</sup> REGULATION (EU, EURATOM) 2018/1046 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 July 2018 repealing Regulation (EU, Euratom) No 966/2012 on the financial rules applicable to the general budget of the Union.

in accordance with the applicable law;

- c) It has been established by a final judgement or a final administrative decision that they are guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which they belong, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:

fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of eligibility or selection criteria or in the performance of a contract;

- (i) entering into agreement with other persons or entities with the aim of distorting competition;
- (ii) violating intellectual property rights;
- (iii) attempting to influence the decision-making process of the contracting authority during the award procedure;
- (iv) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;

- d) It has been established by a final judgement that they are guilty of the following:

- (i) fraud, within the meaning of Article 3 of Directive (EU) 2017/1371 of the European Parliament and of the Council<sup>2</sup> and Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995;
- (ii) corruption, as defined in Article 4(2) of Directive (EU) 2017/1371 of the European Parliament and of the Council or active corruption within the meaning of Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of EU Member States, drawn up by the Council Act of 26 May 1997, or conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA or corruption as defined in other applicable laws;
- (iii) conduct related to a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA<sup>3</sup>;
- (iv) money laundering or terrorist financing within the meaning of Article 1(3), (4) and (5) of Directive 2015/849 of the European Parliament and of the Council<sup>4</sup>;
- (v) terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;
- (vi) child labour or other offences concerning trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;

- e) They have shown significant deficiencies in complying with main obligations in the implementation of a legal commitment financed by the Union's budget, which has: (i) led to

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<sup>2</sup> Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198 28.7.2017, p. 29)

<sup>3</sup> Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organized crime (OJ L 300, 11.11.2008, p. 42).

<sup>4</sup> Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC

its early termination of a legal commitment; (ii) led to the application of liquidated damages or other contractual penalties; or (iii) been discovered by a Contracting Authority, OLAF or the Court of Auditors following checks, audits or investigations;

- f) It has been established by a final judgment or final administrative decision that they have committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;
- g) It has been established by a final judgment or final administrative decision that they have created an entity in a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations in the jurisdiction of the registered office, central administration or principal place of business;
- h) for the situations referred to in points (c) to (g) above the person is subject to:

(i) facts established in the context of audits or investigations carried out by the European Public Prosecutor's Office after its establishment, the Court of Auditors, the European Anti-Fraud Office (OLAF) or the internal auditor, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;

(ii) non-final judgments or non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;

(iii) facts referred to in decisions of entities or persons being entrusted with EU budget implementation tasks;

(iv) information transmitted by Member States implementing Union funds;

(v) decisions of the Commission relating to the infringement of Union competition law or of a national competent authority relating to the infringement of Union or national competition law; or

(vi) decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.

Assessors shall provide a declaration on honour to be found on F4E website, stating that they are not in one of the situations of exclusion listed above. In case of doubt, they may be requested to provide supporting evidence of non-exclusion.

## **6. Selection Criteria**

In order to be selected and being included in the list of Assessors, candidates must fulfil the following minimum requirements:

Candidates shall:

(a) have skills and knowledge appropriate to the areas of activities in which they might be asked to act as Assessors; and

(b) have excellent command of English (both written and oral), while some knowledge of French is advantageous; and

(c) demonstrate experience in:

- advising on or leading the management of large value contracts (~b€) on

- construction sites (from the perspectives of Cost Estimate, Risk Assessment, Claims and Variation Management, Contract or Law); and/or
- advising on or leading the organisation and management of construction works (civil works and/or building services) on large nuclear sites in the EU;and
- (d) have senior-level experience (>15 years) on large nuclear installations or equivalent in at least one of the fields of (1) Civil and/or Mechanical Engineering (civil works and/or building services), (2) Project Management, Cost Estimate, Risk Assessment, and/or (3) Procurement and Contract Management, Claims and Variation Management; and
- (e) have proven experience in international and multi-cultural environment; and
- (f) have and is able to demonstrate solid professional experience in one or several of the areas of activities mentioned under section 3 of this Call for Expression of Interest.

Before any contract of appointment, F4E may request the selected Assessor to provide supporting documents related to its education and professional experience (i.e. copy of university degree and certificates of working experience) to demonstrate fulfilment of the selection criteria.

## **7. How to Apply**

Applications shall be sent via e-mail to [f4e-experts@f4e.europa.eu](mailto:f4e-experts@f4e.europa.eu) quoting the Call for expression of interest.

In order to be eligible, candidates shall provide a complete application consisting of:

- Updated CV
- Declaration on Honour on Exclusion Criteria (signed and dated)

Applications which fail to comply with this formal requirement will not be evaluated further.

Applicants must confirm in their application that they are not in any of the situations listed in section 5 (exclusion criteria).

Applications may be submitted at any time during the period of validity of the list, and for the purpose of the 11<sup>th</sup> annual assessment, application should be submitted **before 03 March 2023.**

Assessors may withdraw at any moment during the period of validity of the list by written notice to Fusion for Energy.

## **8. Data Protection**

Any personal data provided by the applicant shall be processed pursuant to the European Regulations related to personal data protection, in particular Regulation (EU) 2018/1725

relating to the protection of natural persons with regard to the processing of personal data by the Union institutions and bodies and rules relating to the free movement of personal data between them or to other recipients established in the Union.

Any personal data provided by the Assessor shall be processed by F4E as described in the Personal Data Protection Policy available at <https://fusionforenergy.europa.eu/privacy-policy/>

## **9. Transparency (ex-post)**

A list of Assessors (name and subject of the tasks executed) who have concluded a contract following the procedure set in section 4 shall be published on the website of the contracting authority.

If an Assessor has concluded a contract of more than € 15.000 (fifteen thousand Euros), the name, the locality (region of origin), amount, and subject of the contract shall be published on the website of the contracting authority no later than 30th June of the year following contract award. The information shall be removed two years after the year of contract award.