



**TRADUCTION FOR INFORMATION ONLY**

**RULES ON REQUESTS FOR PROPOSALS**

**nb. B24-06195-TZ**

ALD Platform for MEOL&BEOL materials

The main stages of the procedure are as follows:

Procedural steps	Time mine (Closing date)
Closing date for applications	<b>Thursday of 13th March of 2025 before 12pm</b>
Closing date for the submission of tenders if your application is accepted	<b>The deadline for submission of tenders will be indicated in the invitation to tender.</b>

## CONTENTS

<b>ARTICLE 1 - PURPOSE.....</b>	<b>3</b>
<b>ARTICLE 2 - DOCUMENTS APPLICABLE TO THE REQUEST FOR PROPOSALS.....</b>	<b>3</b>
<b>ARTICLE 3 - CONDITIONS FOR REQUESTS FOR PROPOSALS.....</b>	<b>3</b>
<b>3.1 - PROCEDURE .....</b>	<b>3</b>
3.1.1 - <i>General</i> .....	3
3.1.2 - <i>Questions from bidders</i> .....	4
3.1.3 - <i>Minimum requirements for applications</i> .....	4
3.1.4 - <i>Temporary partnerships</i> .....	4
3.1.5 - <i>Variants</i> .....	4
<b>3.2 - SUB-CONTRACTING .....</b>	<b>5</b>
<b>3.3 - NON-DISCLOSURE .....</b>	<b>6</b>
<b>3.4 - VALIDITY OF PROPOSALS .....</b>	<b>6</b>
<b>3.5 - USING CEA'S ELECTRONIC PLATFORM.....</b>	<b>6</b>
<b>ARTICLE 4 - SUBMITTING THE APPLICATION AND THE PROPOSAL.....</b>	<b>6</b>
4.1 - "APPLICATION" FILE: .....	6
4.2 - "PROPOSAL" FILE: .....	7
4.2.1 - <i>Administrative proposal:</i> .....	7
4.2.2 - <i>Technical proposal:</i> .....	7
4.2.3 - <i>Commercial proposal:</i> .....	8
<b>ARTICLE 5 - SUBMITTING PROPOSALS AND APPLICATIONS .....</b>	<b>8</b>
5.1 - DEADLINE FOR SUBMITTING APPLICATIONS AND PROPOSALS .....	8
5.2 - FORMAT FOR SUBMITTING APPLICATIONS .....	8
5.2.1 - <i>Electronic format</i> .....	8
<b>ARTICLE 6 - SELECTION OF APPLICATIONS AND EVALUATION OF TENDERS .....</b>	<b>9</b>
6.1 - CHECKING APPLICATIONS.....	9
<b>ARTICLE 7 - DOCUMENTS ON COMPLIANCE WITH TAX AND SOCIAL REGULATIONS, TO BE PROVIDED BY THE CONTRACTOR .....</b>	<b>10</b>
<b>ARTICLE 8 - COMPLEMENTARY INFORMATION .....</b>	<b>10</b>
8.1 - TECHNICAL CONTACTS.....	10
8.2 - SALES CONTACTS.....	10
<b>ARTICLE 9 - MONITORING SUPPLIERS .....</b>	<b>11</b>

## **ARTICLE 1 - PURPOSE**

These rules on requests for proposals aim to define the conditions of the request for proposals on the supply of ALD Platform for MEOL&BEOL materials.

The bidder selected as per the procedure for the services defined in these rules will be awarded a contract established by CEA.

### Justification for non-allotment

The purpose of the contract is to purchase a single item of equipment that does not allow separate services to be identified, pursuant to article L 2113-10 of the French public procurement code.

## **ARTICLE 2 - DOCUMENTS APPLICABLE TO THE REQUEST FOR PROPOSALS**

This procedure is governed by the following documents, listed in order of priority:

- Safety requirements and their appendices (corresponding reference documents);
- specific provisions defined in these rules on requests for proposals,
- the technical requirements and related appendices (specifications with the reference DPFT/SDEP/24.034/BM, diagrams, etc.),
- draft contract with the reference B24-06195-TZ,
- rules applicable to External Companies (Contractors or sub-contractors), issue A and the rules of procedure;
- CEA's General Purchasing Conditions (CGA) (january 2022 edition);
- standards (standards, unified technical documents, etc.);

The bidder expressly acknowledges that it has read and approved these documents. Bidder's general sales conditions, excluding those taken from essential legal provisions, will not apply to CEA in any form.

The following appendices form an integral part of these rules on requests for proposals:

- Appendix 1: Dematerialisation of the procedure
- Appendix 2: Rules applicable to External Companies (Contractors or sub-contractors)

## **ARTICLE 3 - CONDITIONS FOR REQUESTS FOR PROPOSALS**

### **3.1 - Procedure**

#### 3.1.1 - General

The selected procedure is formal negotiated request for proposals in application of articles L.2124-3 and R.2124-3 of the French Public Procurement Code, as the need cannot be met without adapting immediately available solutions.

The present procedure is divided into two phases: a phase for the submission of applications and a phase for the submission of offers.

Candidates will not be entitled to any compensation for studies and miscellaneous expenses incurred in preparing their bids.

The CEA reserves the right, without incurring any liability, to:

- declare the consultation unsuccessful if it has received no bids or only irregular, unacceptable or inappropriate bids within the meaning of articles L2152-2 to L2152-4 of the French Public Procurement Code,
- not to proceed with the consultation,
- not to proceed with the project after the offers have been examined, and guarantees the confidentiality of all bids.

CEA reserves the right to modify the details of the request for proposals no later than six (6) days prior to the deadline for the submission of proposals.

On this basis, the bidders must respond with reference to the modified request for proposals, and may not submit any claim in this respect.

If the deadline for the submission of proposals is deferred during the period of assessment of the RFP by bidders, the previous provision would apply, with reference to the new deadline.

The CEA contract performance conditions and the various applicable provisions are subject to a draft contract enclosed with the request for proposals. The financial provisions of this draft must be specified, however the selected company will be asked to sign this draft, subject to minor contractual modifications.

### 3.1.2 - Questions from bidders

Any questions from bidders must be communicated in writing and sent by PLACE no later than 6 (six) days before the deadline for submission of applications.

All bidders will receive a written reply from the CEA.

### 3.1.3 - Minimum requirements for applications

In the context of the procedure with negotiation, offers must comply with the following minimum requirements:

On the technical part:

- To be able to provide the deposition of the 11 materials requested in paragraph 2 of the specifications: Al<sub>2</sub>O<sub>3</sub>, HfO<sub>2</sub>, ZrO<sub>2</sub>, HZO, La-HZO, HSO, IGZO, TiN, TiSiN, Mo, WOx or CuOx.
- Propose a platform comprising at least 4 deposition chambers described in paragraph 3 of the specifications:
  - o An oxide chamber using the ALD thermal deposition technique
  - o Indium-based oxide chamber with ALD thermal deposition technique
  - o A nitride chamber using the ALD thermal deposition technique
  - o A cleaning chamber with plasma and ALD thermal deposition techniques

On the administrative part:

- Documents to be submitted
- Installation, testing and commissioning
- Maintenance paragraph 12.1 & 12.4
- Terms of payment
- Tax and customs regulations
- Insurance
- Applicable law and jurisdiction.

### 3.1.4 - Temporary partnerships

Only applications from temporary groupings of companies declared at the application stage in response to the prior public invitation to tender are admissible. The formation of the consortium may not be changed during the procedure.

In the case of a temporary grouping of companies, it may be joint or several.

If the grouping is joint, the representative must be jointly and severally liable with his co-contractors.

It is forbidden to submit applications concurrently:

- as an individual candidate and as a member of one or more groupings:
- as a member of several groupings.

### 3.1.5 - Variants

Bidders must submit a proposal in compliance with the Corporate Request for Proposals (basic proposal).

In this case, the tenderers must provide all the necessary justifications on the feasibility of each variant proposed and its credibility in relation to the basic offer.

The CEA authorizes the presentation of one (1) environmental variant consisting of an alternative offer that achieves the performances described in the specifications.

This will involve equipment manufactured using recycled or reconditioned used parts with the same warranty period, and meeting the same technical specifications.

It can only be a solution whose results must at least be equivalent to or better than those expected and described in the specifications. In this case, bidders must provide all the necessary justification for the feasibility of each technical variant proposed, and its credibility in relation to the basic bid.

The following is a non-exhaustive list of items that may be submitted:

- environmental impact indicators used to select reconditioned parts (resource depletion, particle emissions, waste production, water requirements, etc.) ;
- data relating to the more virtuous environmental impact of the reconditioning process: the collection and supply of parts to be reconditioned, the production of spare parts, the disposal of used parts... ;
- any additional documents or information required to fully understand the proposal.

The total number of environmental variants is limited to 1.

#### Terms of presentation:

The presentation of the basic bid is not required in support of the alternative bid. However, if a basic bid and a variant bid are submitted, the candidate will present separate sub-files (one file for the basic bid and one file for the variant) containing all the above-mentioned documents. In this case, the variant will be costed and bid separately, and will be presented in a separate envelope marked "variant 1".

The variant will be judged in accordance with the criteria defined in the rules on request for the basic offer.

### **3.2 - Sub-contracting**

Bidders are informed that no operations entrusted to a sub-contractor, by themselves, with the explicit, prior written approval of CEA, may be sub-contracted by the sub-contractor, unless CEA grants an exceptional concession.

If the bidder is considering sub-contracting the whole or part of the services, the former must specify the identity and address of the sub-contractor(s) and the types of sub-contracted work or services when submitting the proposal. Sub-contractors may also be declared during the performance of the contract. Use of sub-contractors shall be governed by Act 75-1334 of 31 December 1975, amended by Act no. 2001-1168 of 11 December 2001 enforcing urgent economic and financial reforms ("MURCEF" act).

CEA reserves the right to request sub-contracting agreements or (and) to reject proposed sub-contractors.

### 3.3 - Non-disclosure

Confidentiality requirements are governed by article 11 of CEA's General Purchasing Conditions.

The companies contacted must not use or transmit information from this request for proposals to third parties for any purpose other than responding to this request for proposals.

The bidder must never disclose or publish the results of the studies contributed to by its employees, and any type of information obtained in the context of this request for proposals and particularly information on sites with an environmental classification (ICPE), in France or abroad, without the prior written authorisation of CEA.

The bidder must specify which information contained in the proposal is confidential. The bidder must specify the allowed usage of the confidential information, the duration of the non-disclosure requirement, the parties bound by secrecy and the parties which are not authorised to receive this information.

### 3.4 - Validity of proposals

Proposals shall remain valid for a period of six months from the submission deadline

### 3.5 - Using CEA's electronic platform

The procedure for the use of the electronic platform is included in appendix 1 of these rules on requests for proposals.

## ARTICLE 4 - SUBMITTING THE APPLICATION AND THE PROPOSAL

### 4.1 - "Application" file:

The application must comprise the items mentioned in the Notice of the Government Request for Proposals published in the Official Journal of the European Union and specified as follows:

- the DC1 form (Application letter and authorisation of the representative issued by the co-contractors) or an application letter signed by a party authorised to commit the applicant or authorising the representative of a group to represent the group, with a sworn statement including all information requested on page 3 of this form.
- the DC2 form (Declaration of the individual applicant or a member of the partnership).  
*These forms can be obtained from the following website:*  
<http://www.economie.gouv.fr/daj/formulaires-marches-publics>
- if the applicant is part of a partnership, a certificate indicating its commercial independence and competitive situation in relation to the other companies in the partnership.

**The following documents must be produced by the selected candidates before the CEA sends out its invitation to tender and within the deadline set by the CEA :**

- attestations and certificates issued by the relevant administrations and bodies proving that the candidate has met its tax and social security obligations, or equivalent documents in the case of foreign candidates, dated less than six months.

### Economic and financial capacity:

- A declaration on the total turnover of the bidder and, if necessary, turnover in the business segment covered by the government contract, covering the last three available periods, or less, depending on the date of incorporation of the company or the start of activity of the economic operator, if turnover information is available for these periods;
- Appropriate declarations by banks or, if applicable proof of insurance for relevant professional risks;

- Balance sheets or extracts from balance sheets, for the last three years, for economic operators subject to mandatory balance sheets by law.

If, for any proven reason, the economic operator is unable to produce the required information and documents, the former may prove its economic and financial capacity by any other means.

**Technical and professional capacity:**

- A list of the main deliveries completed or the main services provided over the last three years, including the amount, date and public or private recipient. Deliveries and services are proven by certificates issued by the recipient, or, failing this, with a declaration by the economic operator;
- Descriptions or photographs of the range of equipment on offer
- Certificates issued by official quality control institutes or services authorized to attest the conformity of supplies by reference to certain technical specifications. However, other evidence of equivalent quality assurance measures produced by candidates will be accepted, if they do not have access to these certificates or have no possibility of obtaining them within the set deadlines.

The purchaser accepts equivalent certificates from bodies established in other member states. Where an economic operator is unable to obtain these certificates within the set time limits for reasons for which it is not responsible, the purchaser will accept other equivalent measures, provided that the economic operator concerned establishes that the proposed measures are equivalent to those required.

**Sub-contracting:**

If the applicant uses the services of sub-contractors, the former must produce the same documents for said sub-contractor. Furthermore, in order to justify that the applicant can use the resources of each sub-contractor for the performance of the contract, the applicant must produce a written commitment by each sub-contractor.

**4.2 - "Proposal" file:**

The proposal must include the following:

**4.2.1 - Administrative proposal:**

- Valid civil, professional liability insurance certificates,
- The draft contract and the specifications for contractual documents, duly signed and initialed to certify the bidder's acceptance of their terms.
- The bidder must specify the amount and type of services considered for sub-contracting, for each planned sub-contractor, in the proposal.

**4.2.2 - Technical proposal:**

The technical proposal must include at least the following points:

- All of the characteristics of the proposed equipment, in accordance with the requirements of the specifications.
- The lead time listed in the corresponding article of the draft contract
- A description of the proposed training sessions (content, duration of the various modules, etc.).
- The guarantees proposed, in accordance with the above administrative provisions.
- A technical offer detailing the maintenance contracts (Preventive, Curative and Full service) that you can propose at the end of the equipment warranty
- Details of the organization set up to carry out equipment installation operations on the CEA site.
- Indication of the supply chain management and monitoring systems that the bidder will implement during the performance of the contract.
- Details of the measures taken in application of articles 4.2 and 6 of the specifications.

We would like to draw your attention to the fact that your price must also include the supply, in French, of all documentation relating to the equipment installed (user manual, maintenance manual, safety instructions, etc.).

#### 4.2.3 - Commercial proposal:

A commercial proposal with set firm prices, itemising:

- The price of the equipment, broken down as follows:
  - o details of the price of the equipment - FCA (ICC 2020 Incoterms),The bidder must indicate the weight and approximate volume of the equipment and if the former requires specific transport precautions (air cushion).

If the equipment is obtained from a country outside of the European Union, the bidder must indicate the HS code (customs) for the equipment.

The bidder must provide the following information for information purposes:

- The cost of proposed maintenance contracts at the end of the warranty period. The bidder must provide details and a comparison of the various annual contracts including different types of maintenance (Preventive, Curative and Full service).
- The bidder may also submit:

A complete list of spare parts and a comprehensive list of consumables required to operate the equipment, with the function, part number and price of each component. These lists can be used as a basis for drawing up a contract for the supply of spare parts and consumables. The contractor must specify the standard delivery time, as well as the time required in emergency situations.

## **ARTICLE 5 - SUBMITTING PROPOSALS AND APPLICATIONS**

### **5.1 - Deadline for submitting applications and proposals**

The proposals of bidders, must be submitted no later than **Thursday of 13th March of 2025 before 12pm** (strict deadline).

**All applications received after this date shall be automatically dismissed and returned to the bidder.**

The closing date and time for submission of tenders will be communicated at a later date in the invitation to tender. **Candidates' attention is drawn to the fact that the date for submission of tenders will be fixed by mutual agreement with the successful tenderers and, in the absence of agreement, may not be less than 10 days from the date of dispatch of the invitation to tender.**

### **5.2 - Format for submitting applications**

#### 5.2.1 - Electronic format

Bidders may submit their applications and proposals via the electronic platform for CEA contracting procedures, which can be accessed via the following URL:  
<https://www.marches-publics.gouv.fr>

The applicable provisions are included in appendix 1 of these rules on requests for proposals.

**We ask you to respect the formalities for the presentation of tender and application files indicated in paragraphs 3.1 and 3.2 of this appendix 1.**

If a proposal is submitted via CEA electronic platform for requests for proposals, it is specified that the proposal (in .ZIP format) must not exceed 200 Mb after ZIP compressing.



#### Back-up copy

The bidder may also send a backup copy of the documents submitted electronically, either on paper or on a physical electronic medium.

The backup copy must be submitted in a sealed envelope clearly marked "Copie de sauvegarde".

It must be sent by the deadline for submission of applications and tenders to the following address

CEA Grenoble  
Service des Marchés et Achats  
(Purchasing and Contractual Department)  
17, avenue des Martyrs  
38054 GRENOBLE Cedex 09 (FRANCE)  
« À l'attention de Thomas ZEMERLI  
(To the attention of Thomas ZEMERLI)

The backup copy will be opened :

- when a malicious computer program is detected in the electronically transmitted applications and tenders.
- when the applications and offers transmitted by dematerialized means have not been received by the deadline or have not been opened by the CEA (on condition that the backup copy has been received by the deadline).

#### **Reminder:**

**Economic operators are required to submit their applications and offers electronically on PLACE, except in the cases provided for in articles R2132-12 and R2132-13 of the French Public Order Code.**

**All applications submitted in an unsealed envelope shall be automatically dismissed and returned to the bidder.**

## **ARTICLE 6 - SELECTION OF APPLICATIONS AND EVALUATION OF TENDERS**

### **6.1 - Checking applications**

The CEA checks that applicants meet the conditions for participation set out in the invitation to tender and reiterated in article 4.1 of the consultation regulations. The CEA does not wish to limit the number of applicants. A minimum of 3 applications is required. However, if the number of candidates satisfying the conditions of participation is less than the minimum number indicated, the CEA may continue the procedure with these candidates.

### **6.2 – Award criteria**

The bidder's offer will be analyzed in accordance with the following weighted selection criteria:

<b>Criteria's</b>	<b>Ponderation</b>
Price of the equipment	45 %
Process performances	20 %
Quality of hardware configuration and capacity	15 %
Solutions for insulating the Indium-based oxide chamber from other chambers	10 %

Particulate and metallic contamination levels	5 %
Back panel deposit protection and reduction solutions	5 %

**Note: CEA reserves the right to negotiate or freeze proposals after the submission of proposals for this request for proposals.**

Negotiations may cover all or part of the candidates' bids. Negotiations may take place in successive phases, so as to reduce the number of offers to be negotiated by applying the award criteria set out above.

Tenderers' attention is drawn to the fact that any irregular or unacceptable offer may be rectified during the negotiation, and that only an irregular offer may be rectified in the absence of negotiation. Inappropriate bids, on the other hand, will be systematically eliminated.

Any offer that remains irregular can be regularized within an appropriate timeframe.

Bids may be regularized provided they are not abnormally low.

Without contravening the principle of intangibility of bids, a bid may be rectified in the event of a purely material error of such a nature that no-one could rely on it in good faith.

## **ARTICLE 7 - DOCUMENTS ON COMPLIANCE WITH TAX AND SOCIAL REGULATIONS, TO BE PROVIDED BY THE CONTRACTOR**

In accordance with article R2144-5 of the French Public Procurement Code, candidates selected by CEA may only enter the consultation phase and be invited to tender on condition that, in accordance with articles R2143-6, R2143-7 and R2143-9 of the aforementioned Code, they send CEA the following documents before the invitation to tender is sent and within the deadline set by CEA:

-attestations and certificates issued by the relevant administrations and bodies proving that the candidate has met its tax and social security obligations (Arrêté du 22 mars 2019 fixant la liste des impôts, taxes, contributions ou cotisations sociales donnant lieu à la délivrance de certificats pour l'attribution des contrats de la commande publique).

- A K-Bis or D1 extract dated less than 3 months, or equivalent documents in the case of foreign candidates,

Should the successful candidate fail to produce these documents within the allotted time, his application will be rejected without further formality.

## **ARTICLE 8 - COMPLEMENTARY INFORMATION**

For any complementary information or details, please contact the following in writing:

### **8.1 - Technical contacts**

- Adrien GOGUET - Service LETI/DPFT/CIPE - Tel.: +33 (0)4 38 78.02.00
- Benoit FREMIOT - Service LETI/DPFT/CIPE - Tel.: +33 (0)4 38 78.24.94

### **8.2 - Sales contacts**

- Thomas ZEMERLI- Purchasing and Contractual Department Tel.: +33 (0)4 38 78.11.86 - Email: [thomas.zemerli@cea.fr](mailto:thomas.zemerli@cea.fr)
- Anne MANGIN - Purchasing service - Tel.: +33 (0)4 38 78. - Email: [anne.mangin@cea.fr](mailto:anne.mangin@cea.fr)

## **ARTICLE 9 - MONITORING SUPPLIERS**

CEA uses an assessment tool for contract performance in order to monitor its suppliers. In this context, CEA can be required to carry out audits and/or request corrective action plans from its suppliers.

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