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Tender

## **Pre-Commercial Procurement: Design, develop, and demonstrate wave energy converter systems (EuropeWave PCP).**

Lead Procurer: Wave Energy Scotland Limited

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F02: Contract notice

Notice identifier: 2021/S 000-015241

Procurement identifier (OCID): ocds-h6vhtk-02c2fc

Published 2 July 2021, 3:45pm

### **Section I: Contracting authority**

#### **I.1) Name and addresses**

Lead Procurer: Wave Energy Scotland Limited

An Lòchran, 10 Inverness Campus

Inverness

IV2 5NA

#### **Email**

[wesprocurement@hient.co.uk](mailto:wesprocurement@hient.co.uk)

#### **Telephone**

+44 1463245245

**Country**

United Kingdom

**NUTS code**

UKM - Scotland

**Internet address(es)**

Main address

<http://www.europewave.eu>

Buyer's address

[https://www.publiccontractsscotland.gov.uk/search/Search\\_AuthProfile.aspx?ID=AA24283](https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA24283)

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## **I.2) Information about joint procurement**

The contract involves joint procurement

In the case of joint procurement involving different countries, state applicable national procurement law

The applicable national procurement law is that of Scotland, the national procurement law of the Lead Procurer.

## **I.3) Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at

[www.publiccontractsscotland.gov.uk](http://www.publiccontractsscotland.gov.uk)

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

[www.publiccontractsscotland.gov.uk](http://www.publiccontractsscotland.gov.uk)

Electronic communication requires the use of tools and devices that are not generally available. Unrestricted and full direct access to these tools and devices is possible, free of charge, at

[www.publiccontractsscotland.gov.uk](http://www.publiccontractsscotland.gov.uk)

## **I.4) Type of the contracting authority**

Body governed by public law

## **I.5) Main activity**

Other activity

Technology research and development support

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## **Section II: Object**

### **II.1) Scope of the procurement**

#### **II.1.1) Title**

Pre-Commercial Procurement: Design, develop, and demonstrate wave energy converter systems (EuropeWave PCP).

#### **II.1.2) Main CPV code**

- 73100000 - Research and experimental development services

#### **II.1.3) Type of contract**

Services

#### **II.1.4) Short description**

This contract notice invites interested operators to submit tenders for the EuropeWave pre-commercial procurement (PCP).

The EuropeWave PCP aims to accelerate the design, development, and demonstration of cost-effective wave energy converter (WEC) systems to produce clean electricity, advance promising designs for wave energy converter systems to a point from which they are ready to proceed to a first of a kind commercial-scale design and testing programme and commercial exploitation through other national/regional programmes and/or private sector investment.

The main technical challenges to be addressed may be expressed in terms of:

- Performance – obtain quantitative evidence of power capture and conversion capability and increase confidence in yield predictions from simulations.

- Survivability – demonstrate effective survival strategies.
- Availability – demonstrate levels of availability through reliable prototype operation.
- Affordability – increase confidence in estimations of the technology costs (capital and operational) and the requirements to achieve a LCOE which is competitive in the target market.

The culmination of the EuropeWave PCP programme (Phase 3) will see prototypes, at substantial scale and with fully representative subsystems, deployed at the open-water facilities of the European Marine Energy Centre (EMEC) in Scotland and the Biscay Marine Energy Platform (BiMEP) in the Basque Country and operated for a minimum period to demonstrate device performance, reliability and cost. Physical model testing in earlier phases is expected to take place in Instituto de Hidráulica Ambiental de Cantabria (IHC) and FloWave Ocean Energy Research Facility (FloWave).

This joint procurement exercise is being undertaken by Wave Energy Scotland in its role of lead procurer acting in the name and on behalf of the procurers of the EuropeWave buyers group:

- Wave Energy Scotland, An Lochran, 10 Inverness Campus, Inverness, IV2 5NA, Scotland, UK (Company number SC493764);
- Ente Vasco de la Energía, Alameda de Urquijo 36, 1, Bilbao 48011, Basque Country, Spain (Company number Q5150001E), NUTS code: ES2, <https://www.eve.eus>.

### **II.1.5) Estimated total value**

Value excluding VAT: 16,333,333 EUR

### **II.1.6) Information about lots**

This contract is divided into lots: No

## **II.2) Description**

### **II.2.2) Additional CPV code(s)**

- 73300000 - Design and execution of research and development
- 71300000 - Engineering services
- 76000000 - Services related to the oil and gas industry

### **II.2.3) Place of performance**

NUTS codes

- 1A - Kosovo

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

This procurement takes the form of a pre-commercial procurement (PCP). In a PCP, R&D service contracts are awarded to several R&D service providers in parallel to progressively develop solutions in a phased approach. This allows the procurers to compare several design solutions in a competitive environment.

The EuropeWave PCP combines the phased approach of the PCP model, a stage-gated industrial development process, and an international evaluation and guidance framework for ocean energy technology.

Each selected operator will be awarded a framework agreement that covers up to three R&D phases:

Phase 1: Concept development

Phase 2: Design/modelling

Phase 3: Open-sea deployment & testing programme

After each phase, intermediate evaluations will be carried out to progressively select the best of the competing solutions. The contractors with the best-value-for-money solutions will be offered a call-off contract for the next phase, under the framework agreement.

Phase 1 is expected to start in January 2022. Phase 3 is expected to start in September 2023 and conclude in May 2026.

The selected operators will retain ownership of the intellectual property rights (IPRs) that they generate during the PCP and will be able to use them to exploit the full market potential of the developed solutions.

This procurement receives funding from the European Union's Horizon 2020 Research and Innovation Programme, under grant agreement No 883751. The EU is not participating as a contracting authority in the procurement.

### **II.2.5) Award criteria**

Price is not the only award criterion and all criteria are stated only in the procurement

documents

### **II.2.7) Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months

53

This contract is subject to renewal

Yes

Description of renewals

The Lead Procurer reserves the right to extend the duration of the framework agreement or any call-off contracts from it (time extensions only).

### **II.2.10) Information about variants**

Variants will be accepted: No

### **II.2.11) Information about options**

Options: Yes

Description of options

Unused budget in Phase 1 and/or Phase 2 may be carried over to the next phase. See TD01 Request for Tenders section 4.2 for further information.

### **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

Horizon 2020 Research and Innovation Programme under grant agreement No 883751.

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## **Section III. Legal, economic, financial and technical information**

### **III.1) Conditions for participation**

#### **III.1.2) Economic and financial standing**

Selection criteria as stated in the procurement documents

### **III.2) Conditions related to the contract**

#### **III.2.2) Contract performance conditions**

Please see the tender documents for the requirements.

#### **III.2.3) Information about staff responsible for the performance of the contract**

Obligation to indicate the names and professional qualifications of the staff assigned to performing the contract

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## **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

Framework agreement with several operators

In the case of framework agreements, provide justification for any duration exceeding 4 years:

Pre-commercial procurement is exempted from the WTO Government Procurement Agreement (GPA), the EU public procurement directives and the national laws that implement them. The call-off contracts for Phase 3 are expected to be issued 21 months after



the establishment of the framework – the duration in Section II.2.7. refers to the total length of the 3 phases.

#### **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: [2021/S 041-102591](#)

#### **IV.2.2) Time limit for receipt of tenders or requests to participate**

Date

1 October 2021

Local time

12:00pm

#### **IV.2.4) Languages in which tenders or requests to participate may be submitted**

English

#### **IV.2.6) Minimum time frame during which the tenderer must maintain the tender**

Duration in months: 5 (from the date stated for receipt of tender)

#### **IV.2.7) Conditions for opening of tenders**

Date

1 October 2021

Local time

12:00pm

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## **Section VI. Complementary information**

### **VI.1) Information about recurrence**

This is a recurrent procurement: No

### **VI.2) Information about electronic workflows**

Electronic ordering will be used

Electronic invoicing will be accepted

Electronic payment will be used

### **VI.3) Additional information**

This procurement concerns a pre-commercial procurement (PCP). PCPs are exempted from the EU public procurement directives (2004/18/EC (or 2014/24/EU) and 2004/17/EC (or 2014/25/EU)), and the national laws that implement them, because the procurers do not retain all the benefits of the R&D (the IPR ownership stays with the contractors). Publication of this contract notice in the OJEU is not to be understood as a waiver of this exemption. Publication is made on a voluntary basis and the procurement will not follow the procedures under the EU public procurement directives, but rather the procedure described in the tender documentation.

An open procedure was chosen in Section IV.1.1) 'Procedure' for formal reasons only. This is because it is not possible to publish a contract notice without selecting one of the listed procedures.

PCPs also exempted from the WTO Government Procurement Agreement (GPA) because the WTO GPA does not cover R&D services (PCPs being limited to such services).

PCPs do not constitute state aid under the EU state aid rules if they are implemented following an open, transparent, competitive procedure with risk and benefit sharing at market price.

The value stated in Section II.1.5. refers to the total estimated value of the PCP framework agreement in euros (excluding VAT). Details of the budget for each phase and the budget for each individual call-off contract are provided in TD01 .

Call-off contracts will be priced and paid in euros.

Offers must be submitted in English. All communication (before, during and after the

procurement) must be made in English.

Participation in the open market consultation webinar that was held on 26 April 2021 as part of the preparation for this procurement is not a prerequisite for submitting a tender. A recording, the Q&A and the slides of the webinar are available on the EuropeWave project website ([www.europewave.eu](http://www.europewave.eu)).

Further general information about PCPs is available on the Europa website (see <https://ec.europa.eu/digital-single-market/innovation-procurement>).

Framework agreements and a call-off contracts for Phase 1 are expected to be awarded to a minimum of five (5) contractors.

Section IV.2.1: a PIN Corrigendum Notice was also published in the OJEU, reference number: 2021/S 063-160938.

The Public Contract Scotland (PCS) portal will be the single point of truth for this procurement exercise. All queries must be raised via the PCS Q&A facility by the deadline for queries stated in the request for tender documentation.

NOTE: To register your interest in this notice and obtain any additional information please visit the Public Contracts Scotland Web Site at [https://www.publiccontractsscotland.gov.uk/Search/Search\\_Switch.aspx?ID=650423](https://www.publiccontractsscotland.gov.uk/Search/Search_Switch.aspx?ID=650423).

The buyer has indicated that it will accept electronic responses to this notice via the Postbox facility. A user guide is available at [https://www.publiccontractsscotland.gov.uk/sitehelp/help\\_guides.aspx](https://www.publiccontractsscotland.gov.uk/sitehelp/help_guides.aspx).

Suppliers are advised to allow adequate time for uploading documents and to dispatch the electronic response well in advance of the closing time to avoid any last minute problems.

The Contracting Authority does not intend to include a sub-contract clause as part of community benefits (as per Section 25 of the Procurement Reform (Scotland) Act 2014) in this contract for the following reason:

Pre-commercial procurement is exempted from the WTO Government Procurement Agreement (GPA), the EU public procurement directives and the national laws that implement them.

Community benefits are included in this requirement. For more information see: <http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2361>

A summary of the expected community benefits has been provided as follows:

Pre-commercial procurement is exempted from the WTO Government Procurement Agreement (GPA), the EU public procurement directives and the national laws that implement them.

However, for Phase 2 and 3, the Lead Procurer reserves the right to include community benefits clauses.

(SC Ref:650423)

## **VI.4) Procedures for review**

### **VI.4.1) Review body**

WES

Inverness

Country

United Kingdom

### **VI.4.3) Review procedure**

Precise information on deadline(s) for review procedures

The procurement is exempted from the EU public procurement directives (2004/18/EC (or 2014/24/EU), 2004/17/EC (or 2014/25/EU)), including the EU procurement remedies directives (89/665/EEC and 92/13/EEC) and the national laws that implement them.

Publication of this notice in the Official Journal is not to be understood as a waiver of this exemption by the contracting authority.