



# POSIDON

POLLUTED SITE DECONTAMINATION PCP



# Open Market Consultation FAQs list



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## **1. When will the POSIDON PCP Call for tender be published?**

POSIDON PCP project have planned the launch of its Call for tender within the first week of January 2019. Details and documentation will be available through our website after the publication of the Call in the Official Journal of the European Union in the [Call for tender](#) page in POSIDON website.

## **2. Is it possible to view the detailed characterization data of the brownfields engaged in the field testing in POSIDON PCP?**

Yes, it is.

Characterizations from Trieste “exEZIT” and Bilbao “Zorrotzaurre” brownfields will be published before the launch of the Call for Tender, in POSIDON website in the second half of November 2018, in the [INFO](#) page, [OMC EVENTS](#) page and [Brownfield descriptions](#) section, in order to give them the greatest possible visibility and diffusion.

Detailed information about wallonian Spaque’s site characterizations will be later insert too, as potential third testing site. Meanwhile the site’s comparison matrix in POSIDON [technical prospectus](#) has been updated with data from Wallonia Liege “Horloz” brownfield.

## **3. What will be the admission and selection criteria to participate in the upcoming POSIDON PCP Call for tender?**

Admission and selection criteria for economic operators to participate in POSIDON PCP will be detailed in the POSIDON Call for tender. In any case, the participation in the tendering procedure will be open on equal terms to all economic operators from any country, regardless of their geographic location, size and governance structure.

## **4. Will it be possible for universities to participate to the future POSIDON PCP Call for tender alone?**

No, it won’t.

Consistently with Italian legislation, as defined in art. 3, comma 1, lett. p), D.Lgs. 50/2016 and in art. 2, par 1, n. 10, the participation in the tendering procedure is open to economic operators, defined as any natural or legal person or public entity or group of such persons and/or entities, including any temporary association of undertakings, which offers the execution of works and/or a work, the supply of products or the provision of services on the market). In any case, admission, selection and compliance criteria for economic operators to participate in POSIDON PCP will be detailed in the POSIDON Call for tender.



## **5. Will it be possible to participate to the future POSIDON PCP Call for tender with consortia of enterprises, economic operators and universities?**

Yes, it will.

POSIDON PCP project encourages companies and economic operators that cannot cover the whole POSIDON PCP solution to team up with other companies and research centers. If interested in finding other companies, economic operators and universities to create consortia and participate in POSIDON PCP, please look at our matchmaking and [networking](#) page. In any case the rules for joint tenders will be detailed in the POSIDON Call for tender.

## **6. Will sub-contracting be admitted in POSIDON PCP?**

Yes, it will.

Consistently with Italian Legislation, as set out in article 105, paragraph 6, of Legislative Decree n. 50/2016, it does not constitute a reason for exclusion but implies, for the bidder, the subcontract prohibition:

- the omitted statement of the subcontractors;
- the indication (for the execution of each kind of homogeneous assigned task) of a subcontractor's number of less than three;**
- the subcontractor has participated in the same procedure.

The subcontractors must not meet any of the exclusion criteria. In case of failure to meet this requirement, the bidder will be required to substitute the subcontractor (within the presented list of three).

## **7. To participate in the upcoming POSIDON PCP, will it be compulsory for operators to be registered to a European Register/Authority of Environmental Operators?**

Yes, it will.

Operators must be registered and/or authorized to/by the Registry/Authority in their country of origin, with specific reference to the possession of requirements for the execution of site-decontamination (in case thresholds are required, they must be indicated in the registration/authorization).

In case of inexistence of such Registry or Authority in the Country entitled to verify the possession of the environmental requirements related to soil-decontamination and to provide authorization / registration, the operator must register to the Italian "Albo Gestori Ambientali".

For any information, please check: <https://www.albonazionalegestoriambientali.it/Home.aspx>

"Albo Gestori Ambientali" provides technical assistance in English by email, writing to [support@albogestoririfiuti.it](mailto:support@albogestoririfiuti.it) , or by telephone, calling +39 051 631 67 77 (Tuesday and Thursday from 14.00 to 18.00)



## **8. Will an authorization be required to run the field test in Trieste (Italy)?**

Yes, it will.

The authorization from the Italian Ministry of the Environment is required to run the field test in Trieste. If the Ministry doesn't approve the project and testing plan presented by the bidder, the field testing in Trieste cannot be performed.

In any case the rules for field testing in POSIDON PCP will be detailed in the upcoming Call for tender.

## **9. What are the costs that the future POSIDON PCP will pay for?**

The definition of services means that the value of the total amount of products covered by the contract must be less than 50 % of the total value of the PCP framework agreement.

The type of eligible costs are: staff and personnel, materials, capital equipment, subcontracting, travel and other direct costs related to the R&D project execution.

Please note that cover the costs of authorization, site surveillance, waste management, (eventual) registration in Italian national register of licensed decontamination operatives, preparation of the sites are precise responsibilities of the bidders. Any requests for additional compensation for difficulties related to the formation of the site, transport, movement and storage of materials, will not be recognized, as elements to be considered and included in the offered price.

## **10. What about POSIDON PCP mechanism and related issues, including Intellectual Property Rights (IPR)?**

PCPs allocate the ownership of Foreground Intellectual Property Rights (IPR) generated by participating R&D providers to those R&D providers themselves. All Background IPR remains normally the property of the party that generated it.

However, there may be licensing obligations relating to Background Intellectual Property Rights in a PCP.

Since the purpose of PCP is to encourage both the development and diffusion of innovative solutions, PCP contracts often include an obligation to commercialize the R&D results generated in the PCP. A so called 'IPR call-back provision' provides that, if an R&D provider that who participated in the PCP would abuse or would fail to commercialize the R&D results that it generated in the PCP (foreground IPR) against the public interest (within a certain time-frame defined in the PCP contract) the ownership of foreground IPR shall revert to the public procurer.

In any case, it will be a precise task of each single contractor to protect his own generated IPRs. The tendered price must contain a financial compensation for keeping the IPR ownership compared to the case where the IPRs would be fully transferred to the Procurers. Moreover, the Procurers must receive rights to use the R&D results for internal use and licensing rights basing on certain conditions.

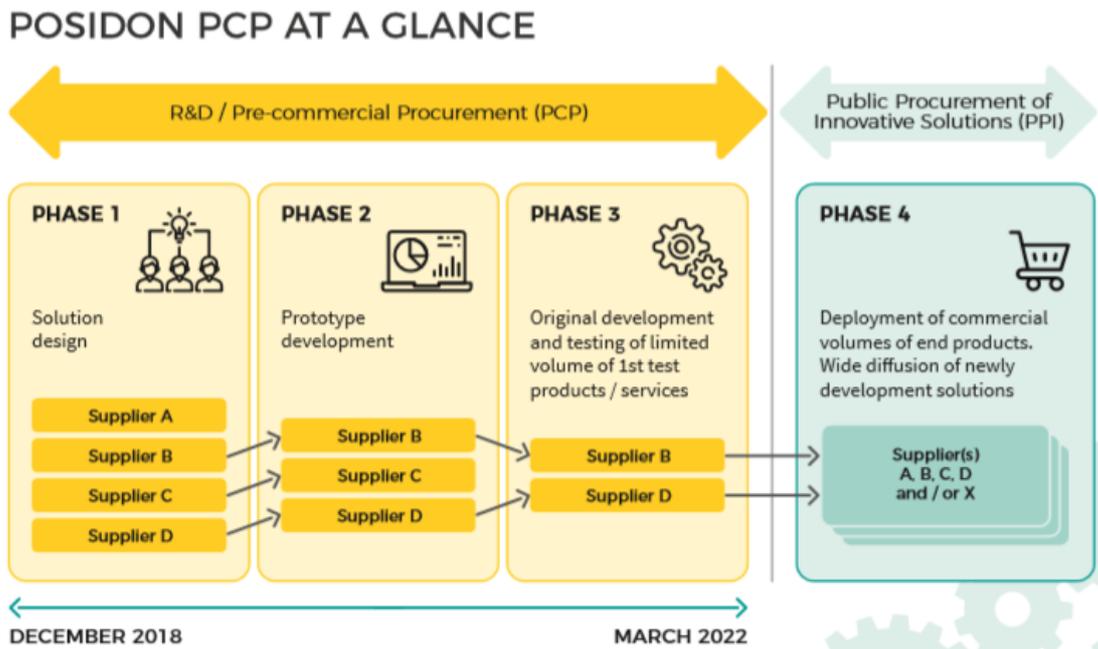
All the contractual conditions will be explicitly clarified beforehand in the Call for Tender.



## 11. What about POSIDON PCP approach to public procurement of research and development (R&D) services?

The POSIDON Project will be developed following the rules of a PCP framework.

PCP awards R&D contracts to a number of competing contractors at the same time, in order to evaluate and compare different approaches to solve the problem. It thus offers innovators an opportunity to show how well their solution performs against the competitor's one.



The R&D is split into three phases (solution design\_Phase I, prototyping\_Phase II and original development & testing\_Phase III). Evaluations after each phase progressively identify the solutions that offer the best value for money and meet the customers' needs. This phased approach allows selected successful contractors to improve their offers for the next phase based on lessons learnt and feedback from procurers in the previous phase.

## 12. What about the definition of R&D services and the distinction with innovation activities?

R&D does not include commercial development activities such as quantity production, supply to establish commercial viability or to recover R&D costs, integration, customization, incremental adaptations and improvements to existing products or processes.

R&D involves radical progress and technological advance for which there are typically no solutions on or close to the market yet. R&D can cover activities such as solution exploration, design, prototyping, up to the original development of a limited volume of first products or services in the form of a test series.



Coherently with the definition included in the 2014 EU public procurement directives, 'innovation' includes also the implementation of an improved product, service or process, marketing method, or a new organizational method in business practices, workplace organization or external relations.

### **13. What about POSIDON OMC Questionnaire? Is it compulsory to apply to the future POSIDON Call for tender or is it an expression of interest?**

It is not compulsory, nor an expression of interest.

The OMC Questionnaire is not a call for tenders, nor a pre-qualification exercise.

The OMC Questionnaire is a survey prepared to collect relevant information and feedback from the market about the scope of POSIDON Pre-Commercial Procurement (PCP) and the technology state-of-the-art, that complement the patent analysis and the open market consultations occurred to address the procurement specifications and strategies.



# www.posidonproject.eu



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