



EuroHPC JOINT UNDERTAKING
DECISION OF THE GOVERNING BOARD OF THE EuroHPC JOINT
UNDERTAKING No 06/2020

Approving the launch of the call for tender for the acquisition of the
PetaSC supercomputer

THE GOVERNING BOARD OF THE EuroHPC JOINT UNDERTAKING,

Having regard to Council Regulation (EU) 2018/1488 of 28 September 2018 establishing the European High Performance Computing Joint Undertaking (hereinafter "Regulation") and in particular Article 11 thereof,

Having regard to the Statutes the European High Performance Computing Joint Undertaking (hereinafter "Statutes") annexed to the Regulation and in particular to Articles 1(c), 7 (4) (g), 6 (5) and Article 9 (5) (c) of thereof,

Having regard to the Governing Board Decision No 6/2019 of 4 June 2019 on the selection of the Hosting Entities of the Petascale Supercomputers,

Having regard to the annual Work Plan of the EuroHPC Joint Undertaking for the year 2020, adopted by the Governing Board Decision No 38/2019 of 10 December 2019, and amended by the Governing Board Decision No 39/2019 of 21 December 2019,

WHEREAS

- (1) The Joint Undertaking should launch, jointly with the contracting authorities of the Participating State where the Hosting Entity is established or with the contracting authorities of Participating States in the hosting consortium, calls for tenders for the acquisition of Petascale Supercomputers and acquire, jointly with these contracting authorities Petascale Supercomputers. The parties should sign a Joint Procurement Agreement in that regard.
- (2) Five (5) Hosting Entities for the Petascale supercomputers have been selected by Governing Board Decision No 6/2019 of 4 June 2019, amongst which the Petascale Supercomputer Bulgaria (PetaSC Bulgaria).
- (3) After the Joint Procurement Agreement and the Hosting agreement are concluded, the Joint Undertaking, jointly with the competent authorities of the Participating States, supported by the selected hosting entity, shall launch the procedures for the acquisition of the petascale supercomputers. Both the hosting the Joint Procurement Agreement and the Hosting agreement have been concluded.
- (4) Article 165 (2) of the EU Financial Regulation provides that where the share pertaining to or managed by the contracting authority of a Member State in the total

estimated value of the contract is equal to or above 50 %, the Union Institution may decide that the procedural rules applicable to the contracting authority of a Member State shall apply to the joint procurement, provided that those rules may be considered as equivalent to those of the Union institution. Considering that the financial contribution of Bulgaria to the acquisition of the PetaSC supercomputer will cover 65% of the total acquisition cost of that supercomputer, the procurement law provisions of Bulgaria will be applicable to the joint procurement. This is reflected in the Joint Procurement Agreement which was signed between the Joint Undertaking and the Hosting Entity, as the designated national competent of the Republic of Bulgaria, and which provides the detailed practical arrangements for the evaluation of the requests for participation or of the tenders, the award of the contract, the law applicable to the contract and the competent court for hearing disputes.

- (5) The EuroHPC JU, jointly with the selected Hosting Entity shall procure one (1) petascale supercomputer (so-called PetaSC supercomputer) within the agreed available budget for its acquisition and shall co-own it.
- (6) The Governing Board should approve the launch of the calls for tenders, in accordance with the annual work plan,

HAS ADOPTED THIS DECISION:

Article 1

The Governing Board hereby approves the launch of the call for tenders for the acquisition of one (1) Petascale Supercomputer (PetaSC supercomputer), in accordance with the annual Work Plan of the EuroHPC Joint Undertaking for the year 2020, and within the agreed available budget for the acquisition of the respective Petascale Supercomputer.

Article 2

The Governing Board invites the competent authority, on the basis of the Joint Procurement Agreement between the EuroHPC Joint Undertaking and the Hosting Entity, PetaSC Bulgaria, to proceed with all necessary actions for the launch of the call for tenders for the acquisition of the respective Petascale Supercomputer (PetaSC supercomputer), in accordance with the applicable legal framework and procedural provisions applicable to the joint procurement, and within the agreed available budget for its acquisition by the co-owners.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Luxembourg, on 06 March 2020

For the Governing Board

Herbert Zeisel

The Chair