



**EuroHPC JOINT UNDERTAKING**  
**DECISION OF THE GOVERNING BOARD OF THE EuroHPC JOINT**  
**UNDERTAKING No 16/2019**

**Approving the launch of the call for tender for the acquisition of the**  
**Meluxina 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")<sup>1</sup> and the Statutes of the European High Performance Computing Joint Undertaking annexed thereto (hereinafter "Statutes") 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 Governing Board Decision No 9/2019 of 12 July 2019 adopting the amended EuroHPC Joint Undertaking Work Plan for the year 2019,

Having regard to the Governing Board Decision No 11/2019 of 3 October 2019 adopting the first amendment of the Joint Undertaking's Budget for 2019,

Having regard to the Governing Board Decision No 14/2019 of 22 October 2019 adopting the Hosting Agreement to be signed with the Hosting Entities for the Petascale Supercomputers.

**WHEREAS**

- (1) The Joint Undertaking shall 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 shall 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 LuxConnect S.A.
- (3) LuxProvide S.A., being a fully owned subsidiary of LuxConnect S.A., shall replace LuxConnect as Hosting Entity and undertake all relevant responsibilities and commitments.

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<sup>1</sup> OJ L 252, 08.10.2018, p. 1

- (4) 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.
- (5) The Governing Board should approve the launch of the calls for tenders, in accordance with the annual work plan.
- (6) The EuroHPC JU, jointly with LuxProvide S.A will procure one (1) petascale supercomputer (so- called Meluxina supercomputer) within the agreed available budget for its acquisition and shall co-own it.
- (7) Article 165 (2) of the EU Financial Regulation<sup>2</sup> 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 Grand Duchy of Luxembourg to the acquisition of the Meluxina supercomputer will cover 65% of the total acquisition cost, the intention is that the procurement law provisions of Grand Duchy of Luxembourg will be applicable to the joint procurement. This will be reflected in the Joint Procurement Agreement which will provide 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.

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 (Meluxina supercomputer), in accordance with the annual Work Plan of the EuroHPC Joint Undertaking for the year 2019, and within the agreed available budget for the acquisition of the respective Petascale Supercomputer.

#### *Article 2*

Provided that the Joint Procurement Agreement and the Hosting agreement have been concluded, the Governing Board invites the competent authority, on the basis of the Joint Procurement Agreement between the EuroHPC Joint Undertaking and LuxProvide S.A., to proceed with all necessary actions for the launch the call for tenders for the acquisition of the respective Petascale Supercomputer (Meluxina 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.

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<sup>2</sup> Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, *OJ L 193 of 30.07.2018, p.1.*

*Article 3*

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

Done at Luxembourg, on 23<sup>rd</sup> October 2019

For the Governing Board

[signed]

Herbert Zeisel

The Chair