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Germany-Frankfurt-on-Main: ECB - Provision of consultancy and agency services on market infrastructure and payments 2015/S 194-350794

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1) Name, addresses and contact point(s) European Central Bank Sonnemannstraße 22 For the attention of: Zoltan Deme

60314 Frankfurt-on-Main GERMANY Telephone: +49 6913440 E-mail: procurement@ecb.europa.eu

Fax: +49 6913447110

Internet address(es):

General address of the contracting authority: http://www.ecb.europa.eu

Further information can be obtained from: The above mentioned contact point(s) Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from: The above mentioned contact point(s) Tenders or requests to participate must be sent to: The above mentioned contact point(s)

1.2) Type of the contracting authority

European institution/agency or international organisation

I.3) Main activity

Economic and financial affairs

I.4) Contract award on behalf of other contracting authorities The contracting authority is purchasing on behalf of other contracting authorities: no

Section II: Object of the contract

II.1) Description

II.1.1) Title attributed to the contract by the contracting authority:

Provision of consultancy and agency services on market infrastructure and payments.

II.1.2) Type of contract and location of works, place of delivery or of performance

Services

Service category No 7: Computer and related services

Main site or location of works, place of delivery or of performance: European Central Bank, Frankfurt-on-Main.

NUTS code DE712

II.1.3) Information about a public contract, a framework agreement or a dynamic purchasing system (DPS)

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The notice involves the establishment of a framework agreement

II.1.4) Information on framework agreement

Framework agreement with several operators maximum number of participants to the framework agreement envisaged: 40 **Duration of the framework agreement** Duration in years: 4

II.1.5) Short description of the contract or purchase(s)

European Central Bank (hereinafter: ECB) Directorate General Market Infrastructure and Payment systems (hereinafter: DG/MIP) manages all issues related to payment, clearing and securities settlement systems. These issues comprise the oversight of payment and settlement systems and of payment schemes, the development, management, client relationship and further enhancement of the Target and Target2-Securities systems, the monitoring of the CCBM, as well as the policy issues concerning market infrastructures used for clearing and settlement of payment and securities operations and collateral management including the Eurosystem operations.

The ECB is seeking to establish a list of companies for the provision of external expertise to support future activities related to DG/MIP projects and activities in accordance to the following lots:

— lot 1: consultancy services to provide advice or services to DG/MIP (senior) management on specific topics for the implementation of policies in the field of payment, clearing and securities settlement systems, including high-level advice,

— lot 2: business, policy, and technical specific profiles junior and senior experts to complement the various teams within DG/MIP.

II.1.6) Common procurement vocabulary (CPV)

79400000, 72800000, 72600000, 72200000

II.1.7) Information about Government Procurement Agreement (GPA)

The contract is covered by the Government Procurement Agreement (GPA): yes

II.1.8) Lots

This contract is divided into lots: yes Tenders may be submitted for one or more lots

II.1.9) Information about variants

Variants will be accepted: no

II.2) Quantity or scope of the contract

II.2.1) Total quantity or scope:

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The framework agreements are expected to be in force for 4 years and may be prolonged for an additional 4year period.

The service scope as well as the experts selected will be involved in various projects and activities, which range from:

- analysing market trends and practices in the field of payment/clearing and settlement services and liquidity management,

- analysing and providing solutions to functional and technical market enquiries relating to T2S,
- contributing to the work towards securities settlement harmonisation,
- analysing and developing organisational, technical and operational solutions for SFT reporting,
- monitoring the T2S operations and its market participants' readiness for the T2S go-live,
- analysing and developing internal procedures for the organisation of DG/MIP,
- coordinating and executing T2S user testing and migration activities,
- providing and executing positive and negative test cases/scenarios relating to T2S.

II.2.2) Information about options

- Options: no
- II.2.3) Information about renewals

This contract is subject to renewal: no

II.3) Duration of the contract or time limit for completion

Duration in months: 48 (from the award of the contract)

Information about lots

Lot No: 1

Lot title: Consultancy services to provide advice or services to DG/MIP (senior) management

1) Short description

Consultancy services to provide advice or services to DG/MIP (senior) management on specific topics for the implementation of policies in the field of payment, clearing and securities settlement systems, including high-level advice.

2) Common procurement vocabulary (CPV)

79400000, 72800000, 72600000, 72200000

3) Quantity or scope

Consultancy services to provide advice or services to DG/MIP (senior) management on specific topics for the implementation of policies in the field of payment, clearing and securities settlement systems, including high-level advice.

4) Indication about different date for duration of contract or starting/completion

5) Additional information about lots

Lot No: 2

Lot title: Business, policy, and technical specific profiles junior and senior experts to complement the various teams within DG/MIP

1) Short description

Business, policy, and technical specific profiles junior and senior experts to complement the various teams within DG/MIP.

2) Common procurement vocabulary (CPV)

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79400000, 72800000, 72600000, 72200000

3) Quantity or scope

Business, policy, and technical specific profiles junior and senior experts to complement the various teams within DG/MIP.

4) Indication about different date for duration of contract or starting/completion

5) Additional information about lots

Section III: Legal, economic, financial and technical information

III.1) Conditions relating to the contract

- III.1.1) Deposits and guarantees required: Details, where applicable, are provided in the call for applications and its annexes.
- III.1.2) Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them:

Details, where applicable, are provided in the call for applications, invitation to tender and its annexes.

III.1.3) Legal form to be taken by the group of economic operators to whom the contract is to be awarded: The establishment of a temporary grouping is allowed under the conditions laid down in the call for applications, invitation to tender and its annexes.

III.1.4) Other particular conditions

The performance of the contract is subject to particular conditions: no

III.2) Conditions for participation

III.2.1) Personal situation of economic operators, including requirements relating to enrolment on professional or trade registers

Information and formalities necessary for evaluating if the requirements are met: Pursuant to Article 24 of the ECB rules on procurement as laid down in the Decision of the European Central Bank of 3.7.2007 laying down the Rules on Procurement (ECB/2007/5) (see Section VI.3) the following shall apply:

The ECB shall exclude tenderers from participation in a tender procedure if they have been the subject of a judgment which has the force of 'res judicata' for fraud, corruption, money laundering, and involvement in a criminal organisation or any other illegal activity detrimental to the financial interests of the Union, of the ECB or of the NCBs. The ECB may exclude tenderers from participation at any time if:

(a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning these matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;

(b) they have been convicted of an offence concerning their professional conduct by a judgment which has the force of 'res judicata';

(c) they have been guilty of grave professional misconduct;

(d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they reside or with those of the country of the contracting authority or those of the country where the contract is to be performed;

(e) they have been declared by a court or an arbitration tribunal to be in serious breach of contract for failure to comply with their contractual obligations following another tender procedure;

(f) their management, staff or agents are subject to a conflict of interests;

- (g) they are guilty of misrepresentation in supplying the information required by the ECB;
- (h) they contact other tenderers with the purpose of restraining competition.

Tenderers must certify that they are not in any of the situations listed above by signing the relevant documentation relating to this procedure and provide the evidence requested therein. In the case of groupings, all members must fulfil these conditions. If such circumstances arise in the course of the procedure, the tenderer concerned shall inform the ECB thereof without undue delay.

III.2.2) Economic and financial ability

Information and formalities necessary for evaluating if the requirements are met: Tenderers shall have the economic, financial, technical and professional capacity to perform the contract. As evidence tenderers shall submit:

(a) registration number(s) in the Creditreform and/or Dun & Bradstreet credit rating/scoring databases or the annual report for the last closed business year enclosed;

(b) application form (Annex 1 to call for applications) completed.

III.2.3) Technical capacity

Information and formalities necessary for evaluating if the requirements are met:

Tenderers shall have the economic, financial, technical and professional capacity to perform the contract. As evidence tenderers shall submit the application form (Annex 1 of the call for applications).

Minimum level(s) of standards possibly required:

Candidates must meet the following minimum requirement:

— at least 1 similar contract performed during the last 3 years, which is/are comparable in terms of (1) scope of the contract, (2) the description of activities and (3) the relevancy of customer/end-user client organisation. Regarding lot 1, customers/end-user client organisations shall be deemed relevant if they work in the field of payment, clearing and securities settlement systems. Regarding lot 2, customers/end-user client organisations shall be deemed relevant if they are CSDs, CCPs, other companies specialised in settlement, clearing houses, e-banking companies or other companies specialised in payment systems or cash clearing.

III.2.4) Information about reserved contracts

III.3) Conditions specific to services contracts

III.3.1) Information about a particular profession

Execution of the service is reserved to a particular profession: no

III.3.2) Staff responsible for the execution of the service

Legal persons should indicate the names and professional qualifications of the staff responsible for the execution of the service: no

Section IV: Procedure

- IV.1) Type of procedure
- IV.1.1) Type of procedure Negotiated
- IV.1.2) Limitations on the number of operators who will be invited to tender or to participate

IV.1.3) Reduction of the number of operators during the negotiation or dialogue Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated no

IV.2) Award criteria

IV.2.1) Award criteria

The most economically advantageous tender in terms of the criteria stated below

- 1. Price. Weighting 50
- 2. Quality of the tender. Weighting 50

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IV.2.2) Information about electronic auction An electronic auction will be used: no

All electronic auction will be used.

- IV.3) Administrative information
- IV.3.1) File reference number attributed by the contracting authority: PRO-000738.
- IV.3.2) Previous publication(s) concerning the same contract no
- IV.3.3) Conditions for obtaining specifications and additional documents or descriptive document Payable documents: no
- IV.3.4) Time limit for receipt of tenders or requests to participate 26.10.2015 18:00
- IV.3.5) Date of dispatch of invitations to tender or to participate to selected candidates
- IV.3.6) Language(s) in which tenders or requests to participate may be drawn up English.

Other: Applications shall be submitted in English. External supporting documents, for example company registrations and certificates (particularly: AÜG (Arbeitnehmerüberlassungsgesetz) certificates), may be submitted in their original language. The ECB may request the candidate to provide a certified translation.

- IV.3.7) Minimum time frame during which the tenderer must maintain the tender
- IV.3.8) Conditions for opening of tenders

Section VI: Complementary information

VI.1) Information about recurrence

This is a recurrent procurement: no

VI.2) Information about European Union funds

The contract is related to a project and/or programme financed by European Union funds: no

VI.3) Additional information

1. The envisaged procurement procedure shall be governed by the Decision of the European Central Bank of 3.7.2007 laying down the Rules on Procurement (ECB/2007/5).

2. The documentation for this procurement procedure can be downloaded from an Internet platform. If you are interested in participating, please register via the Internet platform using the following Internet address: Internet address: https://www.ecb.europa.eu/secure/procurement/

User ID: 000738/MIP/2015

Password: 7F4D44

After having registered, an e-mail will be sent to you with a new user name and password. The Internet address will remain the same. Please use the new user name and password to download the procurement documentation. Should you experience any problems in accessing the Internet platform for registration and/ or downloading the procurement documentation please do not hesitate to contact us under the following e-mail address: procurement@ecb.europa.eu quoting the procurement number 'PRO-000738' and describing the problem experienced.

3. The tender procedure shall be open on equal terms to all natural or legal persons resident or located in the European Union and to all natural and legal persons resident or located in a country which has ratified the World Trade Organisation Agreement on Government Procurement or has concluded with the European Union a bilateral agreement on procurement under the conditions laid down in the said agreements.

4. The ECB shall exclude tenderers that are in one of the situations described in Article 24(4) of the Decision of the European Central Bank of 3.7.2007 laying down the Rules on Procurement (ECB/2007/5) (e.g. conviction for fraud or corruption) or put on a blacklist in accordance with Article 24(7) of the Decision of the European Central Bank of 3.7.2007 laying down the Rules on Procurement (ECB/2007/5). The ECB may exclude tenderers that are in one of the situations described in Article 24(5) of the Decision of the European Central Bank of 3.7.2007 laying down the Rules on Procurement (ECB/2007/5). The ECB may exclude tenderers that are in one of the situations described in Article 24(5) of the Decision of the European Central Bank of 3.7.2007 laying down the Rules on Procurement (ECB/2007/5) (e.g. insolvency; grave professional misconduct; misrepresentation).

5. Further information about ECB procurement rules and procedures may be obtained at: http:// www.ecb.europa.eu/ecb/jobsproc/tenders/html/index.en.html

6. The call for applications and the invitation to tender (ITT) describes how tenderers have to prepare and submit their offers (see Chapter II of the call for applications and Chapters II-III of ITT), describes the evaluation and award process (see Chapter III of the call for applications and Chapter IV of ITT), explains how the ECB will inform the tenderers about the outcome of the procedure (see Chapter IV of the call for applications and Chapter V of ITT) and lays down general rules to be observed by all tenderers (Chapter V of the call for applications). The tender specifications (Annex 1 to the ITT) describe the ECB's functional and technical requirements and it is at the same time a questionnaire, the basis of the technical offer that will help the tenderers to compile their technical offers and will help the ECB to assess the offers received. The tender specifications will form an integral part of the contract, together with the tender submitted by the successful tenderer. The draft contract (Annex 2 to the ITT) specifies the ECB's legal terms and conditions for the performance of the contract. It will form the basis for the contractual relationship with the successful tenderer. The application form (Annex 1 to the call for applications) is a questionnaire to be completed and signed by tenderers in order to assess their eligibility to participate in this procedure and their capacity to perform the contract. The price table (Annex 3 to the ITT) is a table that tenderers shall use to submit their financial offer. 7. The ECB intends to award contracts to up to 20 tenderers for each lot (lot 1 and lot 2). The ECB shall evaluate the submitted tenders on a per lot basis. If the number of the acceptable tenders exceeds 20, the ECB will award contracts to the best 20 tenderers per lot.

8. For lot 2 'Agency services for provision of business, policy, and technical junior and senior experts' the staff shall be supplied in accordance with the requirements laid down in the German Act concerning the supply of temporary labour (Arbeitnehmerüberlassungsgesetz, AÜG). Therefore tenderers shall have a permit to supply temporary labour (Arbeitnehmerüberlassungsgesetz). The permit must be available at the latest when the ECB decides on the award of the contract. Tenderers not having such permit at that point in time will be excluded. Moreover, tenderers must represent and warrant that they ensure equal treatment including equal pay or employ their staff members under a valid collective labour agreement justifying deviation from these principles according to §§ 3(1)No 3, 9 No 2, 12(1) AÜG.

VI.4) Procedures for appeal

VI.4.1) Body responsible for appeal procedures

Procurement Review Body of the European Central Bank Sonnemannstraße 22 60314 Frankfurt-on-Main GERMANY E-mail: procurement@ecb.europa.eu Telephone: +49 6913440 Fax: +49 6913446886 Body responsible for mediation procedures The European Ombudsman

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1 avenue du Président Robert Schuman, CS 30403 67001 Strasbourg Cedex FRANCE

VI.4.2) Lodging of appeals

Precise information on deadline(s) for lodging appeals: 15 days from the receipt of the information specified in Article 28(3) of the ECB procurement rules (see Section VI.3) or, if no information is requested, 15 days from the receipt of the notification to unsuccessful tenderers. Further requirements are outlined in Article 33 of the ECB procurement rules (see Section VI.3). The complaint to the European Ombudsman does not affect the submission deadline nor does it create a new deadline by which complaints can be submitted.

VI.4.3) Service from which information about the lodging of appeals may be obtained

VI.5) Date of dispatch of this notice:

25.9.2015