

**CALL TO EXPRESS INTEREST
FOR PARTICIPATING IN THE PROCUREMENT FOR
“LANGUAGE TRAINING FOR BUSINESS NEEDS”**

PRO-003666

**Five-quote procedure
with publication of a contract notice**

2018/S 053-116462

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I. Introduction

As announced in the contract notice of 16 March 2018 (2018/S 053-116462) the European Central Bank (ECB) is seeking interested parties through this Call to express interest for participating in a procurement procedure on **language training for business needs (PRO-003666)** to award the contract ('Contract') to the provider offering the best value for money. The contractor ('Contractor') shall perform the following services ('Services'):

- Assessments of the level of language skills in any official language of the EU and exceptionally in non-EU languages face-to-face or remotely;
- Tuition:
 - o Language training in Frankfurt am Main / the Rhine-Main region in any official language of the EU and exceptionally in non-EU languages in different teaching formats;
 - o Language training in other European countries (mainly Spain, Italy and France) and exceptionally other third countries in any official language of the EU and exceptionally in non-EU languages, mostly as intensive tuition;
 - o Development and provision of all necessary learning materials, as relevant;
- Administrative support services including reporting, request handling, and upon request, the co-ordination and organisation of logistical arrangements (e.g. accommodation, meal packages, social/cultural activities) related to intensive courses.

1. Specifications

1.1 Background

The European Central Bank (ECB) is an EU institution which conducts the monetary policy of the European Union. The ECB fulfils this mandate together with the currently 19 national central banks of the Member States whose currency is the euro (the 'Eurosystème'). The primary objective of the Eurosystème's monetary policy is to maintain price stability in the euro area.

In addition, the ECB became entrusted with tasks of direct and indirect banking supervision in the European Union to ensure stability of the banking system.

The ECB currently organises language training for its people who need to learn and/or improve a specific EU language, or exceptionally a non-EU language for a particular task connected to their job. Language training for private purposes is not covered by this procurement procedure. In addition, the ECB intends to assess the level of the language skills of current or prospective staff members whose professional duties require the mastery of official EU languages.

1.2 Key determinants of the Services

The Services are defined in detail in **Annex 1 – Specifications**.

- **Target audience:** all ECB prospective and current staff members (referred to as ECB people).
- **Place of performance for the Services:** at the premises of the ECB in Frankfurt am Main or alternative location(s) in the Frankfurt am Main / Rhine-Main area (e.g. contractor's premises). In addition, upon request Services shall be provided in other European countries (mainly in France, Spain and Italy) in facilities to be provided by the contractor or exceptionally in other third countries.
- **Service level:** the supplier shall appoint a single point of contact (identified staff member(s)) with a level of English of at least C1 who shall be responsible for the personal performance of the following services to be provided in English:
 - the organisation of all courses and/or assessments as requested by the ECB;
 - the handling of all queries by DG-HR and individual staff members;
 - the provision of evaluation reports as well as metrics on the services provided on a quarterly basis;
 - the co-ordination and organisation of all logistical arrangements related to all intensive courses, if requested, (e.g. accommodation, meal packages and social/cultural activities¹).

1.3 Perspective demand of the ECB²

The need for language training arises on an *ad hoc* basis in connection with a business requirement, e.g. banking supervisors who need to improve their language skills in the language used by the supervised bank. The duration of the supported language training will be defined, after the start-up level has been assessed and the required to-be-level is defined.

The ECB estimates that on average 150 people would annually take tuition under this framework contract who would on average take 80 units of 45 minutes of tuition.

The languages German, French, Spanish and Italian are expected to make up around 90% of requested tuition. It is estimated that 90% of all tuition will be requested in Frankfurt/ the Rhine-Main area in the form of 'extensive' courses (in parallel to full-time employment), whereas 'intensive' training will be mainly requested in different European countries, mainly in Germany, France, Spain, and Italy.

1.4 High-level overview of the procedure and timeline

Interested parties shall express their interest to participate in the tender procedure.

Prospectively in April 2018, the ECB will invite at least five interested parties who meet the selection criteria to submit a tender on the basis of the full tender documentation.

The contract is foreseen to start in the course of the second half of 2018 and last three years with an extension option for one additional year (for a total duration of four years).

¹ The supply of the logistics itself is not part of the Services, but the logistical arrangements shall be centrally organised by the Contractor who shall be the single point of contact therefore.

² The following figures constitute non-binding estimates on the basis of the past contract performance. The ECB does not commit nor have an obligation to order Services in this volume from the Contractor.

2. Legal framework

This Call to express interest for participation shall be governed by Decision ECB/2016/2 of 9 February 2016 laying down the Rules on Procurement³, Articles 35 and 36, and the provisions of this Call to express interest.

II. Preparation and submission of expression of interest to participate

1. Communication, queries regarding the procedure

- 1.1 During the preparation of their expression of interest to participate all interested parties are encouraged to submit questions to the ECB on any aspect of the Call to express interest for participation.
- 1.2 Interested parties shall address all queries regarding this procedure to Ms. Laura Eberts, European Central Bank, Central Procurement Division, Sonnemannstrasse 22, 60314 Frankfurt am Main, Germany. Queries shall be submitted by e-mail to procurement@ecb.europa.eu. The ECB does not assume any responsibility for queries which are not submitted in writing.
- 1.3 The ECB shall endeavour to answer all queries as quickly as possible but cannot guarantee a minimum time response. The ECB shall not be bound to reply to queries received less than seven calendar days before the time-limit for the submission of expressed interest, but will try to do so if possible.
- 1.4 If a query is of general interest, the ECB shall communicate the query and the corresponding answer (Q&A) to all those interested to participate. The query shall be anonymised and information of a commercially confidential nature shall not be disclosed. The communication will be published by the ECB via the Internet platform as set out in the contract notice. Interested parties shall therefore regularly access the internet platform to verify whether a Q&A document is published. It should be noted that it is the sole responsibility of the interested parties to do so as the ECB will not follow up on this issue.
- 1.5 During the Call to express interest, those parties interested shall not contact any other ECB staff members (apart from the contact point specified in section 1.2 above) or organisations/persons working for the ECB with regard to this Call to express interest. Interested parties shall also not contact potential competitors unless they intend to form a temporary grouping with them or to involve them as subcontractors. Any violation of this communication rule may lead to the exclusion of the interested party in question.
- 1.6 Unless otherwise provided, all communication with the ECB shall be made in English.

2. Changes to documentation

The ECB may at any time prior to the expiry of the time-limit for the submission of expression of interests to participate, change or supplement the requirements set out in the contract

³ OJ L 45, 20.2.2016, p. 15-43, as amended by Decision ECB/2016/17 (OJ L 159, 16.6.2016, p. 21–22), both published on <http://www.ecb.europa.eu/ecb/proc/tenders/html/index.en.html>

notice or the Call to express interests for participation. The ECB may, if necessary, extend the time-limit for the submission of expressions of interest to participate. If need be, the ECB will also publish a corrigendum to the contract notice.

3. Preparation of the expressions of interest to participate; expenses

- 3.1 Interested parties shall obtain at their own responsibility and expense all information necessary for the preparation of their expressions of interest to participate. Interested parties are solely responsible for the costs and expenses incurred in connection with the preparation and submission of their expressions of interest to participate and all other stages of the tender procedure. The ECB shall not be liable for any costs or expenses borne by interested parties or persons involved by them.
- 3.2 Interested parties are solely responsible for obtaining the information which they consider is necessary in order to make decisions regarding the content of their Call to express interest and to undertake any investigations they consider necessary in order to verify any information provided to them.

4. E-mail address and time-limit for submission

- 4.1 Interested parties shall submit their expressions of interest to participate **no later than 5 April 2018, 18.00 CEST to the following e-mail address: Procurement@ecb.europa.eu** making clear reference in the subject matter of the email to the relevant procurement number and procurement title.
- 4.2 The ECB will not consider expressions of interest to participate which reach the ECB after expiry of the above time-limit.

5. Format of the expression of interest to participate

- 5.1 The expression of interest to participate shall consist of the completed Response form (template attached as **Annex 2**) and the relevant supporting documents.
- 5.2 Interested parties are requested to submit their expression of interest to participate in digital version via e-mail. The digital version shall consist of pdf files. Generated pdf files shall be used except for documents which must be scanned for technical reasons (e.g. paper-based certificates). Filled-out forms shall be submitted as MS-Office documents (Word or Excel). In case of doubt, interested parties shall demonstrate the ECB's receipt of their e-mail submission.

6. Language

Interested parties shall submit all documents and information in English. Legal, financial, ISO and other certificates that have not been issued in English may be submitted in the original language. The ECB may request interested parties to provide a certified translation of the original document.

III. Evaluation of expressions of interest for participation

1. Evaluation process

- 1.1 The ECB intends to invite at least five interested parties to submit a tender provided that a sufficient number of interested parties meeting the selection criteria is available. The ECB intends to invite the interested parties who meet the selection criteria set out in Section 4 below. In addition, the ECB may, at its own discretion, invite suitable suppliers that have already been identified by the ECB.
- 1.2 The ECB may request interested parties to supplement their expressions of interest for participation or to clarify specific points. Interested parties shall respond to such requests within the reasonable time-limits set by the ECB. The ECB may not consider replies submitted after the expiry of the time-limit.
- 1.3 For the purpose of the evaluation the ECB may also take account of any other relevant information from public or specialist sources. The ECB may contact the reference persons indicated by the interested parties and ask specific questions. The questions and answers shall be documented in writing.

2. Formal requirements

- 2.1 The ECB may exclude expressions of interest for participation that
- (a) were submitted after the expiry of the time-limit for the submission; or
 - (b) are substantially incomplete; or
 - (c) were not submitted in English.
- 2.2 The ECB may, at its own discretion, exclude interested parties that do not comply with other substantial formal requirements laid down in this Call to express interest.

3. Eligibility criteria

- 3.2 During the actual tender procedure, tenderers (i.e. interested parties that were invited to tender) will have to state in their declaration of honour that they meet the eligibility criteria. Failure to comply may lead to the exclusion of the tenderer. The ECB will exclude tenderers that are in one of the situations described in Article 30 of Decision ECB/2016/2.

4. Selection criteria and minimum capacity levels

- 4.1 Interested parties shall have the economic, financial, technical and professional capacity to perform the Contract. Interested parties who do not meet the below minimum requirements will not be invited to participate in the subsequent five quote procedure according to Article 35 of Decision ECB/2016/2.
- 4.2 Interested parties must meet the following minimum requirement:
- Interested parties must evidence an **accumulated total net turnover** for the last three financial years of EUR **1.200.000**.
- Interested parties may fulfil the turnover selection criterion via temporary groupings or subcontracting, adding the respective turnover of the members of the temporary grouping or the subcontractors to their own turnover.

As proof, interested parties shall submit their financial accounts for the years 2014, 2015 and 2016 as well as the financial accounts for these years of the other members of the temporary grouping or subcontractors, if any, which evidence the turnover together with the Response Form.

IV. Outcome of the Call to express interest for participation

1. Notification of outcome

- 1.1 The ECB will inform those interested parties that are invited to participate in a tender procedure in writing. The successful interested parties will receive the tender documentation within the time frame indicated in the notification. The status of the Call to express interest for participating (i.e. 'ongoing' / 'pending selection decision' / 'closed') is available on the ECB's website under the Procurement section (www.ecb.europa.eu => about => procurement => Tenders (ongoing) or Archives ('pending selection decision' or 'closed') (<http://www.ecb.europa.eu/ecb/jobsproc/tenders/html/index.en.html>)). Interested parties shall regularly check the status.
- 1.2 Interested parties may, within 15 calendar days after closing the Call to express interest for participating, request the ECB to provide general information for rejecting their expression of interest for participation. Such requests shall be submitted in writing (by e-mail to procurement@ecb.europa.eu). The ECB does not assume any responsibility for queries which are not submitted accordingly. In case of doubt, interested parties shall demonstrate the ECB's receipt of such request.
- 1.3 The ECB may decide to withhold certain information where the release of such information would affect other interested parties' legitimate commercial interests, would hinder application of the law or would otherwise be contrary to the public interest.

2. Jurisdiction

The General Court of the European Union in Luxembourg (Rue du Fort Niedergrünwald L-2925 Luxembourg) shall have exclusive jurisdiction in any dispute between the ECB and a interested party relating to this procedure. The time-limit to bring proceedings under Article 263 of the Treaty on the Functioning of the European Union shall begin to run two months from receipt of the appeal decision.

3. European Ombudsman

An interested party may also lodge a complaint with the European Ombudsman (1 Avenue du Président Robert Schuman, CS 30403, FR - 67001 Strasbourg Cedex) in accordance with Article 228 of the Treaty on the Functioning of the European Union and the Statute of the European Ombudsman. A complaint must be made within two years from the date when the complainant becomes aware of the facts on which the complaint is based.

V. General rules**1. Temporary groupings**

- 1.1 Interested parties may establish temporary groupings with a view to jointly obtaining the Contract.
- 1.2 Temporary groupings shall remain unchanged throughout the actual tender procedure.

2. Subcontracting

- 2.1 Interested parties may subcontract parts of the envisaged scope.
- 2.2 If interested parties intend to rely on the capacities of subcontractors or other entities for the purpose of fulfilling the selection criteria set out in Chapter III, Section 4, and would be invited to participate in the subsequent tender procedure following this Call to express interest for participation, they will be requested to prove to the ECB that they will have at their disposal the subcontractor's resources necessary to perform the Contract.

3. No multiple expressions of interest to participate

Interested parties shall submit only one expression of interest for participation. The ECB may exclude from participation any interested parties who submit several expressions of interest to participate or who:

- (a) are members of the same group of affiliated undertakings as another interested party;
- (b) are members of a temporary grouping together with other interested parties;
- (c) offer a substantial part of the Contract to another interested party as subcontractor;
- (d) if there are indications that they have received information regarding the expression of interest for participation prepared by another interested party or
- (e) if the submission of separate expressions of interest for participation distorts otherwise free competition among Interested parties.

4. Confidentiality; professional secrecy

- 4.1 Subject to the exceptions referred to in Section 4.2, interested parties shall:
- (a) at all times treat the contents of this and any related documents and information (together the 'Information') as confidential;
 - (b) not disclose, copy, reproduce, distribute or pass any of the Information to any other person at any time or allow any of these things to happen;
 - (c) not use any of the Information for any purpose other than for the purposes of submitting (or deciding whether to submit) a expressions of interest to participate; and
 - (d) not undertake any publicity activity within any section of the media.
- 4.2 Interested parties may disclose, distribute or pass Information to third parties provided that either:
- (a) the Information is already publicly available (other than through a breach of these confidentiality rules); or

- (b) the Information is disclosed for the sole purpose of preparing expression of interest to participate and the person receiving the Information undertakes in writing to keep the Information confidential on the same terms as if that person were the Candidate; or
 - (c) the interested parties obtains the prior written consent of the ECB in relation to such disclosure, distribution or passing of Information; or
 - (d) the Candidate is legally required to make such a disclosure.
- 4.3 The ECB is by law subject to the highest standards of professional secrecy and confidentiality⁴. The ECB may disclose detailed information relating to the expression of interest for participation:
- (a) to its staff and other organisations, companies or persons involved in the expressions of interest and/or subsequent tender procedure;
 - (b) to other Interested parties, if the information is materially relevant for all Interested parties or if the ECB is required by law to disclose such information in both cases subject to the duty to protect the Candidate's commercial interests;
 - (c) to the general public to the extent the ECB is obliged to disclose the information in order to fulfil statutory transparency requirements.

5. Data protection

- 5.1 The ECB shall process personal data received (such as names, contact details and other information provided in curriculum vitae) in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data⁵ as well as with Decision ECB/2007/1 of 17 April 2007 adopting implementing rules concerning data protection at the European Central Bank⁶.
- 5.2 The ECB shall use such personal data solely for the purpose of evaluating the received and maintaining a database of potential interested parties. Within these limits, the ECB may transfer the personal data to third parties supporting the ECB in the procurement process including external contractors, national central banks or other partner organisations. The data subjects concerned may request access to their personal data and request the rectification of any data that is inaccurate or incomplete.
- 5.3 For all queries relating to such data, data subjects may address the data controller who is the Head of the ECB's Central Procurement Division (Sonnemannstrasse 22, 60314 Frankfurt am Main, Germany, procurement@ecb.europa.eu, Fax +49 69 1344 7110).
- 5.4 Data subjects shall have the right to have recourse to the European Data Protection Supervisor.

6. No obligation to award the Contract; cancellation

- 6.1 The initiation of this procedure imposes no obligation on the ECB to award the Contract.

⁴ See Article 37 of the Statute of the European System of Central Banks and of the European Central Bank and Article 26(4) of Decision ECB/2016/2.

⁵ OJ L 8, 12.1.2001, p. 1.

⁶ OJ L 116, 4.5.2007, p. 64.

- 6.2 The ECB may cancel the Call to express interest for participation and/or the subsequent tender procedure as a whole or in parts at any time before the Contract is signed without interested parties being entitled to claim any compensation (Article 38 of Decision ECB/2016/2).