

ECB-RESTRICTED

**CALL TO EXPRESS INTEREST
FOR PARTICIPATING IN A
5-QUOTE PROCEDURE WITH NEGOTIATIONS
FOR SECURITY SERVICES**

Contract notice number: 2016/S 155-280008

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I. Introduction

As announced in the contract notice of 12/08/2016 (2016/S 155-280008) the European Central Bank (ECB) is seeking interested parties through this Call to express interest for participating in a procurement procedure with negotiations for security services

1. Background

With this tender procedure, the ECB seeks to enter into a contract with a provider of security services for its buildings located in Frankfurt am Main as well as for the European School in Frankfurt am Main.

The contractor shall deploy staff to the premises to perform services mainly in the areas of the security control centre, access control, visitor reception, guarding, patrolling and general security monitoring.

The contract initial duration shall be two years. The Contract shall be automatically renewed for successive periods of 1 year unless the ECB has notified the Contractor one month prior to the end of the respective term that the Contract will not be continued. The total duration of the Contract shall not exceed 4 years. The contract should be signed in December 2016 with the full service provision starting from 1 April 2017 after a start-up and handover phase.

The contractor will provide security services:

- at four locations operated by the European Central Bank, namely its Main Building with around 3.000 staff, the Eurotower with approx. 1.300 staff, the Japan Centre with approx. 700 staff (all located in Frankfurt am Main) and a recovery site, currently located in Frankfurt am Main (current figures and locations that may vary during the course of the contract).
- Additional security services will be required during events, such as the bi-monthly meetings of the Governing and General Council.
- In addition, the contractor shall deliver security services to the European School of Frankfurt with approx. 1.500 pupils.
- The security services will mainly consist of:
 - the operating of the security control centres,
 - the manning of entry-control points and various duty posts on the premises,
 - the screening of a large number of visitors per day, reception desk tasks by skilled receptionists,
 - the control of parking spaces incl. vehicle access control,
 - the screening of mail and cargo,
 - the performance of patrols, provision of dog handlers.

Whilst the bulk of the services are provided during the ECB's working time (8:30 am – 5:30 pm), security operations are performed on a 24/7 basis.

The security provider shall strive to perform duties on 8-hours shifts basis.

Interested parties should be aware of the likely applicability of the German law relating to transfer of undertakings (§ 613a BGB). Under the current contract, approximately 190 external security staff are needed to perform the required services and manning the defined positions.

2. Legal framework

This Call to express interest for participation shall be governed by Articles 35 and 36 of Decision ECB/2016/2 of 9 February 2016 laying down the Rules on Procurement, as amended by Decision ECB/2016/17 of 7 June 2016 (OJ L 159, 16.6.2016, p. 21), both published at <http://www.ecb.europa.eu> under the link 'About' and then 'Procurement'.

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:

Mr Alberto Molon
European Central Bank
Central Procurement Division
Sonnemannstrasse 22
60314 Frankfurt am Main
Germany.
- 1.3 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.
- 1.4 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.
- 1.5 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.
- 1.6 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.

- 1.7 Unless otherwise provided, all communication with the ECB shall be made in English or German.

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 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 expression of 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 30/08/2016, 17:00 CET.

- either by email to the following e-mail address Procurement@ecb.europa.eu or registered post, courier service or hand delivery making clear reference in the subject matter of the email registered post, courier service or hand delivery to the relevant procurement number and procurement title;

Mr Alberto Molon

European Central Bank

Central Procurement Division

Tender ref. PRO-002077

Sonnemannstrasse 22

60314 Frankfurt am Main

Germany

- 4.2 For emails, the ECB will not consider expressions of interest to participate which reach the ECB after expiry of the above time-limit.

For submissions by registered post or courier services, the ECB will not consider expressions of interest submitted after the expiry of the deadline; the post office stamp or the date on the

slip issued by the courier service shall constitute proof of compliance with the time-limit for submission. However, the ECB will not consider proposals which reach the ECB five calendar days after expiry of the above time-limit.

In case of hand delivery, interested parties shall submit their expression of interest by 18.00 hrs on the above date to the ECB's Logistic Centre (Sonnemannstrasse 22, 60314 Frankfurt am Main, Germany). As proof of deposit, the interested party shall receive a signed receipt indicating the date and time of deposit; the ECB will not consider expressions of interest received after 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 1). Please fill in the form in accordance with the instructions given in the Response form, in particular as regards temporary grouping and subcontracting.
- 5.2 If interested parties submit their expression of interest to participate via email, they shall use a digital version. 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 or German. Legal, financial, ISO and other certificates that have not been issued in English or German 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 best 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 After the ECB has opened the expressions of interest, it may request candidates to submit, supplement, clarify or complete information or documentation which is or appears to be missing, incomplete or erroneous within an appropriate time limit. Such requests shall be made in full compliance with the principles of equal treatment and transparency; in particular they shall not change the terms of the expressions of interest.
- 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 incomplete; or
 - (c) were not submitted in English or German.
- 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 Before being sent the invitation to tender, the shortlisted suppliers shall provide the supporting documentation to their declaration of honour in order to prove that they meet the eligibility criteria. Failure to comply may lead to the exclusion of the shortlisted supplier. 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.
- 4.2 Interested parties must meet the following minimum requirements:
- (a) Accumulated total net financial turnover (= sum of annual financial turnovers) for the provision of security services for the last three financial years of EUR 60,000,000.
If the Candidate is a temporary grouping it may add the respective turnover of its members.
 - (b) Financial soundness and financial capacity to carry out the contract, which will be assessed in particular on the basis of the examination of the following figures or ratios: own funds, working capital, gross operating surplus, liquidity ratio and debt ratio over the last three financial years.
 - (c) Professional risk indemnity insurance required by § 6 of the Bewachungsverordnung with a coverage amount of min. EUR 2,000,000 annual aggregate coverage and min. EUR 1,000,000 per occurrence for bodily injury or death, min. EUR 250,000 coverage for property damage, min. EUR 15,000 coverage for loss or theft of secured items and min. EUR 12,500 for financial losses in place or statement, that such insurance will be taken up prior to the signature of the contract.
 - (d) Professional permit Gewerbeerlaubnis nach § 34a GewO in place or statement, that such permits will be in place prior to the signature of the contract.
 - (e) Management of at least 300 security staff deployed at customers' sites as an average over the last three years (period for which the most recent statistics available, starting January 2013 at the latest).

- (f) At least three contracts performed during the last five years (period January 2011 – July 2016) with a minimum length of one year each and a combined total contract value of at least EUR 20,000,000, which are comparable to the contract tendered by the ECB with this procedure in terms of scope and/or complexity for the delivery of security services in buildings or areas, to be demonstrated through the fulfilment of the following four requirements (it is not necessary that each of the contracts covers all four requirements individually but all contracts must cover these four requirements together):
- 1) protection of buildings/areas with a minimum average of 1,500 persons (e.g. staff/travellers/contractors/visitors/guests) present onsite on working days,
 - 2) a minimum of 300 persons and/or pieces of luggage and/or goods and/or cargo on average to screen (such as identity check, baggage check, metal detector check, x-ray or similar) on working days,
 - 3) a 24/7 onsite presence,
 - 4) the operation of a security control room.

4.3 Among the interested parties meeting the minimum requirements set out in Section 4.2 (if more than five), the ECB shall select and shortlist at least five who best meet the following selection criteria for participation in the next phase of the tender procedure :

- (a) out of the contracts to be submitted pursuant to Section 4.2(f), and additional reference contracts performed during the last five years (period January 2011 – July 2016), those which are best comparable with the contract tendered by the ECB in term of scope, size and complexity with particular focus on the 24/7 protection of buildings, of a large amount of employees and frequent VIP visits (**weight: 35%**);
- (b) percentage of staff holding a qualification of “IHK Geprüfte Werkschutzfachkräfte” or “IHK Geprüfte Schutz und Sicherheitskräfte” or equivalent or higher for security staff as an average over the most recent period of three years for which data is available (**weight: 15%**);
- (c) QM certifications, implementation of quality assurance standards or of a quality assurance policy, in accordance with ISO 9001:2000-01 or equivalent (**weight: 10%**);
- (d) total number of staff holding a qualification of “IHK Geprüfte Wachschutzkräfte” or “IHK Geprüfte Sicherheitskräfte” or equivalent, as an average over the most recent period of three years for which data is available (**weight: 10%**);
- (e) investment in training of staff in charge of security during the last three years (January 2013 to December 2015) as percentage of the turnover relating to security services (**weight: 10%**);
- (f) existence of an explicit framework/policy or comparable that describes for example the core values of the organisation, its commitment to foster fair and positive working conditions of all staff and dignity at work (**weight: 10%**);

- (g) experience with obtainment and management of security clearances over the last five years preferably including vetting of staff in the context of EU anti-terror regulations and guidance (weight: **10%**).

4.4 The selection criteria listed in Section 4.3 above shall be assessed one by one and evaluated as follows:

Criterion (a): up to five points per contract on the basis of a scoring system from 0 to 5 points as described below with a maximum of 35 points;

Criterion (b): the expression of interest with the highest percentage will receive 15 points, the others proportionally less;

Criterion (c): the expression of interest will be evaluated on the basis of a scoring system from 0 to 5 points as described below; the scores will be multiplied by 2 to respect the weighting of the criterion;

Criterion (d): the expression of interest with the highest number will receive 10 points, the others proportionally less;

Criterion (e): the expression of interest with the highest percentage will receive 10 points, the others proportionally less;

Criterion (f): It will be evaluated on the basis of a scoring system from 0 to 5 points as described below; the scores will be multiplied by 2 to respect the weighting of the criterion;

Criterion (g): 2 points will be allocated per contract with a total maximum of 10 points.

Score	Definition
0 points	No evidence/Total failure: The interested party totally fails to address the criterion under examination or cannot be assessed due to missing evidence.
1 point	Very Poor: The criterion under examination is addressed in an incomplete and unsatisfactory manner; serious concerns.
2 points	Poor: The criterion under examination is partly addressed but with a few major gaps or issues.
3 points	Fair: The criterion under examination is generally addressed with minor issues.
4 points	Good: The criterion under examination is fully addressed.
5 points	Excellent: The criterion under examination is fully addressed and the interested party offers some added value.

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' / 'closed') is available on the ECB's website under the Procurement section (www.ecb.europa.eu => about => procurement => tenders (if ongoing) under or (archived if closed)). 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 an 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 confidentiality¹. The ECB may disclose detailed information relating to the expression of interest for participation:

¹ 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.

- (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 data² as well as with Decision ECB/2007/1 of 17 April 2007 adopting implementing rules concerning data protection at the European Central Bank³.
- 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.
- 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).

² OJ L 8, 12.1.2001, p. 1.

³ OJ L 116, 4.5.2007, p. 64.