



EUROPEAN CENTRAL BANK

EUROSYSTEM

ECB-RESTRICTED

CALL TO EXPRESS INTEREST

**FOR PARTICIPATING IN THE PROCUREMENT PROCEDURE ON
MEDICAL SERVICES AS EXAMINING MEDICAL ADVISER AT THE
EUROPEAN CENTRAL BANK**

PRO - 003041

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I. Introduction

As announced in the contract notice of 10 May 2017 (2017/S 089-173705) the European Central Bank (ECB) is seeking interested parties through this Call to express interest for participating in a procurement procedure on Medical Services as Examining Medical Adviser at the European Central Bank.

1. Specifications

The Examining Medical Adviser shall provide the following services to the ECB as of 1 January 2018 until 31 December 2025¹:

1.1 Medical assistance in the frequent and/or long-term sick leave procedure

This task implies mainly (regular) medical examinations of staff members in a frequent and/or long-term sick leave procedure, typically performed in one of the ECB's Medical Centres or occasionally at the home of the member of staff within Germany. Furthermore, it implies the liaison with doctors consulted by such members of staff or referred to in case specialised medical expertise is needed. The main purpose of such medical examinations may be one of the following: (1) to assess the expected duration of the absence, (2) whether the absence is medically justified, or (3) medical clearance and possible recommendations for adaptations of work in case of a resumption of work. Finally, this task entails the provision of feedback to the relevant counterparts at the ECB.

1.2 Medical assistance in the disability procedure

This task implies mainly (regular) medical examinations of staff members entitled to receive disability benefits following long term absences caused by illness or accident, typically performed in one of the ECB's Medical Centres or occasionally at the home of the member of staff within Germany. Furthermore, it implies the liaison with doctors consulted by such members of staff or referred to in case specialised medical expertise is needed. The main purpose of such medical examinations may be one of the following: (1) to assess the ability to work and correspondingly the entitlement to receive disability benefits, (2) to assess the expected duration of the inability to work, or (3) medical clearance and possible recommendations for adaptations of work in case of a resumption of work. Finally, this task entails the provision of feedback to the relevant counterparts at the ECB. The ECB's disability framework provides for temporary full and partial disability benefits only.

1.3 Administrative requirements

This task implies – in cooperation with the ECB nurses – all relevant administrative tasks to ensure a smooth functioning and documentation of the medical procedures described in 1.1 – 1.3. Furthermore, it implies the provision of advice and feedback to the ECB on topics falling within the scope of this contract or covered by the ECB social security framework, e.g. interpretation of coverage issues in the ECB health insurance. Participation in dispute settlement procedures of a medical nature, such as participation in medical committees composed of several doctors or participation in medical arbitration procedures.

1.4 Services to be provided upon request:

¹ More detailed specifications will be provided in the Request for Proposal.

1. Support in case of medical emergencies or other specific situations with emotional impact on staff which warrant a particular response (e.g. trauma counselling).
2. Preparation and delivery of presentations/info sessions/trainings, delivery of educational material and further services falling within the scope of the contract.

1.5 Other tasks and service requirements

With the exception of first aid assistance or emergency treatments in order to maintain neutrality and objectivity in performing the above mentioned tasks, the Examining Medical Adviser shall not examine ECB staff members and/or their families on a private patient basis.

The Examining Medical Adviser must provide the above-listed tasks in English and German². The services may be provided by one single doctor or two doctors with split service hours. In case a company or practice applies for service provision the doctor(s) providing services (maximum 2) have to be specified in the tender and may not be replaced without prior approval of the ECB.

The Services shall be provided on-site at the Medical Centres on the ECB's premises in Frankfurt am Main³, which is designed for medical examinations and first-aid assistance to ECB staff members and for the performance of the above mentioned tasks. The Examining Medical Adviser shall provide the above mentioned tasks on the ECB premises for at least two periods of 3 hours and a total number of service hours of ten hours per week⁴ in close collaboration with the four qualified nurses who are available for at least 40 hours per week and speak various languages (including English, German, French and Dutch). The Examining Medical Adviser may delegate some administrative requirements/data protection tasks to the nurses upon agreement with the ECB.

When performing services outside the ECB's premises, the Medical Adviser shall not save any personal data on its own IT infrastructure but will be granted remote access to the ECB IT infrastructure.

The ECB shall provide the Medical Centres with appropriate medical equipment and office equipment and supplies. Medical supplies shall also be provided by the ECB with the exception of medicines and vaccines, which have to be charged to the treated member of staff. The premises and the equipment of the Medical Centres as well as of the nursing services will be provided free of charge. All office and medical equipment in the Medical Centres are the property of the ECB that will take care of proper maintenance. The Medical Centres may be shared with other doctors, advising the ECB or offering private consultancy hours to ECB staff members.

The Examining Medical Adviser shall maintain a network of doctors and/or medical experts in the Rhine-Main area to whom members of staff may be referred for a second medical opinion in case of a review of sick leave absences and/or disability procedure and/or in case medical advice is required in a medical field which is not corresponding with the qualification of the Examining Medical Adviser. Alternatively, the

² Min language level for both English and German is C1 according to the Common European Framework of Reference for Languages (CFER)

³ Currently, there are two medical centres on the ECB's premises. One in the ECB's main building and one in the ECB's premises in the city centre of Frankfurt. The number and locations of the medical centres within Frankfurt may change during contract duration.

⁴ 6 hours is the minimum presence time at the ECB's premises, the remaining 4 hours can be performed either at the ECB or at the practice of the doctors. Subject to the Examining Medical Adviser's availability the ECB may increase the service hours up to 12 hours per week.

Examining Medical Adviser shall provide for preferential access to a medical clinic with various language capabilities, specialised in diagnosing sicknesses, within the Rhine-Main area.

The Examining Medical Adviser shall provide an equivalent replacement in case of his/her unavailability to perform the above mentioned duties, in particular due to sick leave, annual leave or situations of conflict of interests which shall be evidenced in the documentation. In case a company or a practice applies the replacement role is to be provided by the second doctor, i.e. the second doctor would need to assume all services.

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 Procurement⁵, 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 Katja Geiger-Hahn, 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 response time. 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.

⁵ 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>

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 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 31 Mai 2017, 18:00 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 1) and, where appropriate, 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 5 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 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.
- 4.2 Interested parties must meet the following minimum requirements:

- (a) Capacity to provide access to specialised doctors and/or medical experts in the Rhine-Main area containing at least one orthopaedist, one endocrinologist, one ophthalmologist and one otolaryngologist. Alternatively the ability to provide for preferential access to a medical clinic within the Rhine-Main area or an institution specialised in diagnosing sicknesses to cope with complicated medical cases which require specialised medical expertise.
- (b) Proof of licence (Approbation) to practise medicine in Germany or relevant professional qualification (Berufserlaubnis) for the proposed Examining Medical Adviser as well as his/her replacement;
- (c) Certificate proofing medical qualification in neurology and/or psychiatry (Facharzt für Neurologie und/oder Facharzt für Psychiatrie)

As proof, interested parties shall fill out Annex 1 and provide a copy of the licence / certificate.

4.3 Among the interested parties meeting the minimum requirements set out in Section 4.2, the ECB shall select those which best meet the following selection criteria:

- (d) the interested party's quality of the available network/institution of doctors and/or medical experts (i.e. variety of specialised doctors and fields of expertise that are covered in the network) in the Rhine-Main area and/or the quality of the preferential access (e.g. timely, direct access) to a medical clinic within the Rhine-Main area (i.e. types of specialised doctors in network/institution,). (weighting of this criterion: 25%)
- (e) the interested party's general experience in assessing the ability to work of third persons for public authorities or private insurances, assessed on the basis of at least one reference contract which is comparable with the Contract to be tendered by the ECB (weighting of this criterion: 75%).

As proof, interested parties shall fill in Annex 1.

4.4 The selection criteria listed in Section 4.3 above shall be assessed one by one and evaluated on the basis of a scoring system from zero to five points as follows:

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.

The ECB shall evaluate the selection criteria listed in Section 4.3 above using a scoring system with a maximum of 100 points, based on the criteria and corresponding weightings set out in Section 4.3. The score obtained for each selection criterion will be multiplied with its allocated weight to calculate the weighted score per criterion. All the weighted scores will be added together (“added scores”) and hereafter converted into points.

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 confidentiality⁶. 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 data⁷ as well as with Decision ECB/2007/1 of 17 April 2007 adopting implementing rules concerning data protection at the European Central Bank⁸.

⁶ 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.

⁷ OJ L 8, 12.1.2001, p. 1.

⁸ OJ L 116, 4.5.2007, p. 64.

- 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).