

ECB-RESTRICTED

CALL FOR APPLICATIONS

TO PARTICIPATE IN THE

PROVISION OF AUDIO / MEDIA SERVICES AND RENTAL OF

TECHNICAL EQUIPMENT

Restricted procedure

18589/PRE/2011

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I. Introduction

As announced in the contract notice of 3 August 2011 (2011/S 147-243272) the European Central Bank (ECB) is seeking suitable candidates through this Call for applications that will be invited to participate in the restricted procedure and to submit a tender for the Contract on 18589/A/PRE/2011 the Provision of audio / media services and rental of technical equipment (the 'Contract').

1. Background

As announced in the contract notice of 3 August 2011 (2011/S 147-243272) the European Central Bank (ECB) is seeking through this restricted procedure a supplier for the provision of audio / media services at the European Central Bank, including the provision of specific audio media equipment at conferences, meetings and events mainly in Frankfurt/Main Germany. The ECB is therefore, seeking an experienced audio and media services provider and intends to award a framework agreement to the supplier offering the best value for money. The contract is foreseen to commence on 1 January 2012 for a duration of four years.

The Premises Division is responsible for the provision of audio / media services at the European Central Bank, including the provision of specific audio media equipment at conferences, meetings and events. The Premises Division requires the support of an experienced and flexible external audio media services provider to supply 1) operational support of the ECB's audio/ media services team at conferences, meetings and events mainly in Frankfurt/Main Germany 2) the temporary provision (rental) of audio / media equipment for conferences, meetings and events and 3) maintenance and repairs of ECB's own audio and media equipment.

The successful supplier shall have a professionally skilled and experienced team for the service provision to the ECB and in particular, support scheduled conferences, meetings, events and public venues. Further support may be required for staff support and replacement and generally at short notice. Furthermore, the supplier shall provide the temporary rental of audio and media equipment as well as maintain and repair the ECB's own equipment.

2. Legal framework

This tender procedure shall be governed by Decision ECB/2007/5 of 3 July 2007 laying down the Rules on Procurement¹.

II. Preparation and submission of applications

1. Communication, queries regarding the tender procedure

- 1.1 During the preparation of applications, all Candidates are encouraged to submit questions to the ECB on any aspect of the Call for applications or the envisaged Contract.
- 1.2 Candidates shall address all queries regarding this tender procedure to Mrs Rosemary Cowlard, European Central Bank, Central Procurement Office, Kaiserstraße 29, 60311 Frankfurt. Queries shall preferably be submitted by e-mail to procurement@ecb.europa.eu or, alternatively, by fax (+49 69 1344 7110). 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 applications, 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 to all Candidates who have asked for the tender documentation. The query shall be anonymised and information of a commercially confidential nature shall not be disclosed.
- 1.5 During the tender procedure Candidates shall not contact any other ECB staff members or organisations/persons working for the ECB with regard to this tender procedure. Candidates 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 Candidate in question.
- 1.6 Unless otherwise provided, all communication with the ECB shall be made in English.

¹ OJ L 184, 14.7.2007, p. 34 as amended by Decision ECB/2009/2 (OJ L 51, 24.2.2009, p. 10) and Decision ECB/2010/8 (OJ L 238, 9.9.2010, p. 14), all published on <http://www.ecb.europa.eu/ecb/proc/tenders/html/index.en.html>.

2. Review of the tender documentation

If Candidates consider that the ECB's requirements laid down in the contract notice, the Call for applications, the invitation to tender or supporting documents are incomplete, inconsistent or illegal or that the ECB or another Candidate has infringed the applicable procurement rules, they shall notify their objections within 15 calendar days (Article 21(2) of Decision ECB/2007/5). If the irregularities affect the Call for applications, invitation to tender or other documents sent by the ECB, the time limit shall start to run from the date of receipt of the documentation. In other cases, the time limit shall start to run from the moment the Candidates become aware of the irregularity or could reasonably have become aware of it. The ECB may then either correct or supplement the requirements or remedy the irregularity as requested, or reject the request indicating the reasons therefor. Objections which were not communicated to the ECB within 15 calendar days may not be raised at a later stage.

3. Changes to tender documentation

The ECB may at any time prior to the expiry of the time-limit for the submission of applications, change or supplement the requirements set out in the contract notice or the Call for applications. The ECB shall communicate the changes or additions to all Candidates who requested the tender documentation and may, if necessary, extend the time-limit for the submission of applications. If need be, the ECB will also publish a corrigendum to the contract notice.

4. Preparation of the applications; expenses

- 4.1 Candidates shall obtain at their own responsibility and expense all information necessary for the preparation of their applications. Candidates are solely responsible for the costs and expenses incurred in connection with the preparation and submission of their applications and all other stages of the tender procedure. The ECB shall not be liable for any costs or expenses borne by Candidates or persons involved by them.
- 4.2 Candidates are solely responsible for obtaining the information which they consider is necessary in order to make decisions regarding the content of their applications and to undertake any investigations they consider necessary in order to verify any information provided to them during the procurement process.

5. Address and time-limit for submission

- 5.1 Candidates shall submit their application no later than 29 August 2011 to the following address:

European Central Bank
Central Procurement Office
Attn: Mrs Rosemary Cowlard

Kaiserstraße 29
60311 Frankfurt am Main
Germany.

- 5.2 If Candidates submit their application by registered post or private courier services the post office stamp or the date on the slip issued by the courier service shall constitute proof of compliance with the above time-limit for submission. However, the ECB will not consider applications which reach the ECB 10 calendar days after expiry of the above time-limit.
- 5.3 In case of hand delivery Candidates shall submit the application by **17.00** on the above date to the ECB's Logistics Centre at the Eurotower (Kaiserstraße 29, 60311 Frankfurt am Main). As proof of the deposit, the Candidate shall receive a signed receipt indicating the time of deposit. Applications received after the above time-limit shall not be considered.

6. Format of the application

- 6.1 The application shall consist of
- the completed Application form (template attached as Annex 1). The Application form shall be signed handwritten by an authorised representative of the Candidate,
 - all documents listed in the Application form.
- 6.2 Candidates shall submit their application in one hard copy version and additionally in digital version on CD. 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).

By submitting an application, Candidates declare that (i) the contents of the hard copy version and the digital version of the application are identical; and (ii) that they are aware of the legally binding character of the hard copy version; and (iii) that they did not make any changes to the tender documentation provided by the ECB, except for requested information which the Candidate inserted into the digital forms.

- 6.3 Candidates shall submit their applications in a sealed envelope, which shall bear the following mention:

**‘Tender procedure 18589/PRE/2011 PROVISION OF AUDIO / MEDIA
SERVICES AND RENTAL OF TECHNICAL EQUIPMENT
Name of the Candidate
Application form’**

7. Language

Candidates 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 Candidates to provide a certified translation of the original document.

III. Evaluation of applications

1. Evaluation process

- 1.1 The ECB intends to invite a minimum of five Candidates to submit a tender provided that a sufficient number of Candidates meeting the selection criteria is available. The ECB shall invite the Candidates (i) whose applications comply with the formal requirements laid down in this Call for applications; (ii) who meet the eligibility criteria set out in Section 3; and (iii) who best meet the selection criteria set out in Section 4 below.
- 1.2 The ECB may request Candidates to supplement their application or to clarify specific points within the limits set out in Article 20 of Decision ECB/2007/5. Candidates shall respond to such requests within the reasonable time-limits set by the ECB. The ECB will 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 Candidates and ask specific questions. The questions and answers shall be documented in writing.

2. Formal requirements

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

3. Eligibility criteria

- 3.1 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.

The ECB shall exclude Candidates that are in one of the situations described in Article 24(4) of Decision ECB/2007/5 (e.g. conviction for fraud or corruption) or put on a blacklist in accordance with Article 24(7) of Decision ECB/2007/5.

- 3.2 The ECB may exclude Candidates that are in one of the situations described in Article 24(5) of Decision ECB/2007/5 (e.g. insolvency; grave professional misconduct; misrepresentation).
- 3.3 Candidates shall state in their declaration of honour (included in Annex 1) that they meet the eligibility criteria and provide the documentation requested. Candidates shall inform the ECB without undue delay if any circumstances arise after the submission of their application that may affect their eligibility.

4. Selection criteria and minimum capacity levels

- 4.1 Candidates shall have the economic, financial, technical and professional capacity to perform the Contract.
- 4.2 Candidates must meet the following minimum requirements:
 - a) an accumulated total net turnover in the last three financial years of at least EUR 1,000,000;
 - (b) at least three similar contracts performed during the last three financial years, which are comparable in terms of scope and complexity at least partly with the Contract tendered by the ECB; all three requested elements (i.e. support services, rental and maintenance/repair) need to be addressed in the reference contracts. Each reference contract must include at least one of the three elements.
 - (c) at least ten employees working during each of the last three years in the field of audio/media services with good language skills in English and German
- 4.3 Among the Candidates meeting the minimum requirements set out in Section 4.2, the ECB shall select those which best meet the following selection criteria:
 - (a) the Candidate's general capacity to provide the requested supplies and services in terms of technical and human resources (composition of staff and qualifications of staff members in general) (weighting of this criterion: 50%); and
 - (b) the Candidate's general experience and expertise, assessed on the basis of the Candidate's past experience and its reference contracts which are comparable

in terms of scope and complexity at least partly with the Contract tendered by the ECB (weighting of this criterion: 50%).

IV. Outcome of the Call for applications

1. Notification of outcome

- 1.1 The ECB shall inform all Candidates in writing of the outcome of the evaluation. The successful Candidates will receive the invitation to tender within the time frame indicated in the notification.
- 1.2 Candidates may, within 15 calendar days of receipt of the notification, request the ECB to provide the reasons for rejecting their application and to provide copies of all documents relating to the evaluation of their application.
- 1.3 The ECB may decide to withhold certain information where the release of such information would affect other suppliers' legitimate commercial interests, would hinder application of the law or would otherwise be contrary to the public interest.

2. Appeal procedure

- 2.1 Unsuccessful Candidates may request the ECB's Procurement Review Body to review the decision to reject their application under the conditions set out in Article 33 of Decision ECB/2007/5. Any appeal shall be submitted to the following address:

Procurement Review Body of the ECB
c/o Legal Advice Team
European Central Bank
Kaiserstrasse 29
60311 Frankfurt
Email: LegalAdviceTeam@ecb.europa.eu
Fax: +49 69 1344 6886.

- 2.2 Candidates shall submit the appeal within 15 calendar days from the receipt of the information specified in Chapter IV, Section 1.2 or if no information is requested is requested, within 15 calendar days from the receipt of the notification.
- 2.3 The appeal shall be submitted in English and include all supporting information and reasoned objections.

3. 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 Candidate relating to this tender procedure. If an appeal procedure is available, Candidates are requested to await the ECB's decision on the appeal before bringing the matter to the General Court. 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.

4. European Ombudsman

A Candidate 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 Candidates may establish temporary groupings with a view to jointly obtaining the Contract. If the Contract is awarded to a temporary grouping, its members shall be jointly and severally liable for all obligations arising from the Contract.
- 1.2 The ECB shall accept applications from temporary groupings under the following conditions:
 - (a) the application is submitted as a joint application;
 - (b) the application includes the Declaration for temporary groupings (included in Annex 1), signed by duly authorised representatives of each member;
 - (c) the application clearly describes the responsibilities of each member of the grouping and how they intend to cooperate.
- 1.3 Temporary groupings shall remain unchanged throughout the tender procedure.

2. Subcontracting

- 2.1 Candidates may subcontract parts of the Contract.
- 2.2 If Candidates 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, they shall prove to the ECB that they will have at their disposal the resources necessary for performance of the Contract. As proof Candidates shall provide a signed declaration of the subcontractor or other entity confirming that its capacities will be at the Candidate's disposal and that it will perform the parts of the Contract assigned to it should the Contract be awarded to the Candidate.
- 2.3 Candidates shall not exchange subcontractors or appoint additional subcontractors after the submission of their tender and prior to the signature of the Contract.

Thereafter, the exchange or appointment of subcontractors shall be subject to the prior written approval of the ECB.

- 2.4 The involvement of subcontractors shall not affect the overall responsibility and liability of the successful Tenderer for the due performance of all obligations arising from the Contract.

3. No separate application

Candidates shall submit only one application. The ECB may exclude from participation any Candidates who submit a separate application and who:

(a) are members of the same group of affiliated undertakings as another Candidate; or

(b) are members of a temporary grouping together with other Candidates; or

(c) offer a substantial part of the Contract to another Candidate as subcontractor,

if there are indications that they have received information regarding the application prepared by another Candidate or if the submission of separate applications distorts otherwise free competition among Candidates.

4. Confidentiality; professional secrecy

- 4.1 Subject to the exceptions referred to in Section 4.2, Candidates shall:

(a) at all times treat the contents of the Call for applications 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 tender; and

(d) not undertake any publicity activity within any section of the media.

- 4.2 Candidates 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 an application 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 Candidate 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 confidentiality². The ECB may disclose detailed information relating to the applications

(a) to its staff and other organisations, companies or persons involved in the tender procedure;

(b) to other Candidates, if the information is materially relevant for all Candidates 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 data³ as well as with Decision ECB/2007/1 of 17 April 2007 adopting implementing rules concerning data protection at the European Central Bank⁴.

5.2 The ECB shall use such personal data solely for the purpose of evaluating the applications received and maintaining a database of potential suppliers. 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 Office (Kaiserstraße 29, 60311 Frankfurt, 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.

² See Article 37 of the Statute of the European System of Central Banks and of the European Central Bank and Article 19(5) of Decision ECB/2007/5.

³ OJ L 8, 12.1.2001, p. 1.

⁴ OJ L 116, 4.5.2007, p. 64.

6. No obligation to award the Contract; cancellation

- 6.1 The initiation of this tender procedure imposes no obligation on the ECB to award the Contract.
- 6.2 The ECB may cancel the tender procedure as a whole or in parts at any time before the Contract is signed without Candidates being entitled to claim any compensation (Article 32 of Decision ECB/2007/5).