



EUROPEAN CENTRAL BANK

EUROSYSTEM

ECB-PUBLIC

CALL TO EXPRESS INTEREST

FOR PARTICIPATING IN THE

TENDER PROCEDURE FOR THE PROVISION OF
FITNESS FACILITY SERVICES INCLUDING MAINTENANCE
SERVICES FOR FITNESS EQUIPMENT AND THE AD-HOC
PROVISION OF FITNESS EQUIPMENT
(PRO-005494)

2020/S 177-424153

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I. Introduction

As announced in the contract notice of [date(reference number)] the European Central Bank (ECB) is seeking interested parties through this Call to express interest for participating in a procurement procedure on the provision of Fitness Facility Services including maintenance services for existing and future fitness equipment and for the ad-hoc provision of new fitness equipment.

1. Background and scope of services

The ECB operates 2 corporate fitness facilities:

The first facility in the ECB's Main Building (Sonnemannstr. 20, 60314 Frankfurt) has been in operation since 2014 and has a total size of approximately 1,200 sqm. It is fully equipped and includes three multipurpose rooms with sizes between 140 and 180 sqm. The second facility in the Eurotower (Kaiserstraße 29, 60313 Frankfurt) has been in operation since 2017 and has a total size of approximately 1,300 sqm. It is fully equipped as well and includes three multipurpose rooms with sizes between 60 and 140 sqm.

Both facilities have rooms designated for physiotherapy.

The two facilities cater for around 3,300 members with a daily usage of around 10%. All equipment of the fitness facility is owned by the ECB. The equipment has been in use for 6 years in the first facility and for 3 years in the second. All the equipment is in a very good condition and regularly maintained.

The ECB is currently looking for a provider for the provision of services related to these fitness facilities¹. The successful tenderer shall provide the services as of 1 September 2021 for a duration of 4 years.

The following main tasks shall be provided in the fitness facilities:

- a) Provide the following tasks during the standard opening hours (from 07:00 in the morning until 22:00 in the evening on ECB working days) in both facilities, and deploy the necessary staff to this end, including trainers who shall be present at the facilities during these hours (two trainers per facility at all times):
 - i. Introduction to the usage of the equipment, the setting up of individual training programmes and the follow-up of these programmes. Personal training shall not be provided.
 - ii. Assist and supervise users in the usage of the equipment and training plans
 - iii. Promote the use of facilities and classes in general and including people with restrictions/disabilities/handicaps (e.g. by promoting classes which are suitable for people with handicaps or specifically tailored classes for people with handicaps);

¹ In case the fitness facility/facilities, will be moved within Frankfurt, services shall be provided in the new facility/facilities.

- iv. Administer memberships including registration of memberships and set-up of training plans;
 - v. Administer the check-in and check-out of members;
 - vi. Administer the multipurpose room;
 - vii. Monitor the proper functioning and safety of the equipment².
 - viii. Administer the appointments for the physiotherapy services;
 - ix. Provision of administrative support to the ECB`s Sports and Cultural Club regarding membership of the Sports and Cultural Club, budget control and invoicing etc (limited to 2 hours a week).
- b) Provide the tasks listed under (a) above from 10:00 to 18:00 on weekends or ECB public holidays in one of the facilities³. To this end, deploy one trainer for 8 service hours per day⁴.
- c) Carry out the following fitness facility management tasks, and deploy the necessary staff to this end, including a qualified and experienced manager (FTE) and a deputy manager per fitness facility, i.e. two deputy managers (both FTE). The manager and deputy managers shall manage all aspects of the facility, courses and trainers and be the main points of contact with the ECB's contract manager.
- i. Manage the demand of courses (also considering special needs of people with diverse restrictions/disabilities/handicaps) with the ECB and scheduling of training classes and its trainers
 - ii. Workforce planning and scheduling of trainers during the opening hours of the facilities
 - iii. Plan and manage promotion activities for the facilities including people with restrictions/disabilities/handicaps (e.g. by promoting classes which are suitable for people with handicaps or specifically tailored classes for people with handicaps);
 - iv. Administer memberships including booking of membership fees and to provide the ECB with a monthly invoicing / salary debiting list.
 - v. Advise and support on general topics concerning management of the ECB's corporate fitness facilities;

² A full inventory of fitness equipment will be made available at the second stage of the procurement procedure

³ Currently, the City Centre facility (ET) is open on weekends but services may be moved to the Main Building facility (MB) when ET is unavailable for building maintenance.

⁴ ECB may request more trainers if needed for service provision on weekends.

- vi. Maintain inventory of equipment and provide standard maintenance services for all existing and future fitness equipment belonging to the ECB not covered by warranty. Arrange for the servicing of any equipment covered by its manufacture warranty.
 - vii. Regular report on the usage of the ECB's corporate fitness facilities and other related issues (such as membership evolution, attendance of classes, equipment status and health and safety issues).
 - vii. Complaint and issue handling and subsequent incident reporting and potential escalation process with ECB, if needed.
 - viii. Following and conducting ECB internal administrative tasks including documentation, visitor registration and admission etc. by means of ECB infrastructure (document management, IT requests, visitors request, etc).
- d) Provide classes onsite at the ECB's premises or outdoors in the surroundings of the ECB's premises during working days prior to 08:30 in the morning, between 12:00-14:00 and after 18:00 in the evening; the class programme shall also cater for classes for people with diverse restrictions/disabilities/handicaps. Furthermore, as an option, the ECB may also request the provider to deliver classes on weekend days at the ECB premises (up to 8 hours per weekend) or deliver online classes (both on working days and/or at weekend days).
- e) Provision of towel service for the fitness facilities (including physiotherapy rooms);
- f) Furthermore, in case existing equipment needs to be replaced⁵ and/or additional equipment is needed in any current or future ECB fitness facility, provide (incl. delivery, installation and disposal of packaging) fitness equipment and small appliances/tools for the following categories⁶:
- Cardio machines
 - Strength machines
 - Functional machines
 - Plate-loaded machines
 - Benches
 - Racks

⁵ In case equipment needs to be replaced, the provider shall take care of disposal of old equipment if so requested by the ECB. Disposal costs – if any – shall be borne by the ECB upon presentation of effort/invoices.

⁶ In case of need, the supplier must also be in a position to provide equipment which is suitable for people with restrictions/handicaps/disabilities.

- Accessories/consumables (e.g. roll mats, fitness elastics, small dumbbells, physio creams, taping, disinfectant etc.)
 - Protective gym flooring
 - Free weights
 - Stereo equipment, loudspeakers and cables
 - Testing equipment and appliances (for testing the physical fitness of the fitness facility users such as body fat analysers, blood pressure monitors, scales, back care testing equipment, etc).
- g) In case of unavailability of the ECB premises for the delivery of services due to health and safety reasons, provide business continuity services covering alternative methods of delivering classes, advising members of alternative training planes and administrative support.

Tenderers should take into account that the current fitness facility service provider uses equipment for the provision of the services that is provided by the ECB. In this context, tenderers are hereby informed that the takeover of the contract from the current service provider may be qualified as a transfer of undertaking within the meaning of Article 1 of the Directive on the transfer of undertakings and the corresponding provisions of national law (e.g. Section 613a of the German Civil Code, (§ 613a BGB)). The Tenderers shall bear all legal and financial risks and implications related to the potential transfer of undertaking. Tenderers are requested to assess the situation carefully and to include the financial risks, if any, in their prices in the second stage of the procurement procedure.

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 Procurement⁷, 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 Corina Knapp, 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, 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

⁷ 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) and Decision ECB/2020/10 (OJ L 69, 6.3.2020, p. 41-45), all published on <http://www.ecb.europa.eu/ecb/proc/tenders/html/index.en.html>

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

5.1 Interested parties shall submit their expressions of interest to participate no later than 28 September 2020, 18:00 CET 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.

5.2 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 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 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:

Human resources:

- i. The tenderer shall have had at least an average of 20 employees during the past 3 calendar years respectively who were involved in the performance of similar contracts.
- ii. The tenderer shall have the resources and capacity to operate at both locations simultaneously and to provide all services as requested above;
- iii. Tenderers shall have the ability to offer in both facility a minimum of 30 hours of classes per week, at least 2 hours of classes on weekends, i.e. minimum of 62 hours of classes per week; additional classes may be ordered, upon the ECB's request (at least 10 more additional hours of classes per facility and max 15 additional hours of classes per facility). Furthermore, the tenderer shall be in a position to deliver online classes as needed in parallel to onsite classes (up to 10

hours per week) or as a business continuity fall-back solution (as many as deemed needed) in case of unavailability of the ECB premises.

- iv. The managers and all deployed trainers shall have a level of English corresponding to C1, in addition to fluent German (at least a level of German corresponding to B2, according to the Common European Framework of Reference for Languages (CFER).
- v. The tenderer shall have the ability to ensure that mandatory certifications for all fitness equipment (existing and new equipment) are available and appropriately updated, as applicable, for:
 - TÜV Süd;
 - ISO 9001 certified;
 - CE certified;
 - GS certified;
 - European Union General Product Safety Directive 2001/95/EC: EN 957-1 and EN 957- 2 certified;
 - Or equivalent.
- vi. The tenderer shall have the ability to provide all of the following items:
 - Cardio machines
 - Strength machines
 - Functional machines
 - Plate-loaded machines
 - Benches
 - Racks
 - Accessories/consumables (e.g. roll mats, fitness elastics, small dumbbells, physio creams, taping, disinfectant etc.)
 - Protective gym flooring
 - Free weights
 - Stereo equipment, loudspeakers and cables
 - Testing equipment and appliances (for testing the physical fitness of the fitness facility users such as body fat analysers, blood pressure monitors, scales, back care testing equipment, etc).

Experience:

- (a) The tenderer shall have operated at least three fitness facilities over the last three years fulfilling the following requirements:
 - size per facility more than 500 sqm.
 - similar scope and size of services as services listed in section I.1 items a – d above.
- (c) The tenderer shall have at least one reference contract for the provision of fitness equipment for a fitness facility and ability to provide all of the items indicated in section I.1 item f).
- (d) The tenderer shall have at least one reference contract for the provision of maintenance services for fitness equipment in a fitness facility.

Business continuity plans:

The tenderer shall have business continuity plans in place catering at least for the following aspects:

- continuation of provision of fitness services in case of unavailability of ECB premises for delivery of services (e.g. due to pandemics and closure of ECB buildings) covering as a minimum alternative methods of delivering classes; advising members of alternative training plans and administrative support;
- absence of staff on Contractor`s side for service delivery for all fitness facility services also covering maintenance services and provision of fitness equipment;

As proof, interested parties shall submit:

- (a) Completed Response Form to this Call to express Interest

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 criterion:

- a) the interested party's general experience and expertise, assessed on the basis of its past experience of operated fitness facilities which are comparable in terms of scope, size, customer population and complexity with the Contract to be tendered by the ECB (weighting of this criterion: 100%)⁸.

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:

⁸ Criterion will be assessed based on your input provided in section 4.2 a) of the response form

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 the reasons 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

The ECB may exclude from participation any interested parties who submit several expressions of interest to participate and 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.

The ECB may exclude from participation any candidates or tenderers that submit a separate application or tender and which:

- (a) are members of the same group of affiliated undertakings as another candidate or tenderer;
- (b) are members of a temporary grouping together with other candidates or tenderers; or
- (c) offer a substantial part of the contract to be awarded to another candidate or tenderer as subcontractor,

if there are indications that they have received information regarding the application or tender prepared by another candidate or tenderer or if the submission of multiple applications or tenders otherwise distorts free competition among candidates or tenderers.

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 confidentiality⁹. 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;

⁹ 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.

- (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 with Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC¹⁰.

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).

The 2019 Privacy Statement can be accessed via the following link:

https://www.ecb.europa.eu/ecb/jobsproc/tenders/shared/pdf/2019_Privacy_statement_for_processing_personal_data_in_the_course_of_a_procurement_procedure.pdf

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).

¹⁰ OJ L 295, 21.11.2018, p.39