

**CALL TO EXPRESS INTEREST**

**FOR PARTICIPATING IN THE TENDER PROCEDURE FOR THE  
PROVISION OF SOCIAL COUNSELLING SERVICES**

**PRO-004771**

**2019/S 144-353624**

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## I. Introduction

As announced in the contract notice of 29 July 2019 (2019/S 144-353624) 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 social counselling services.

### 1. Background

In carrying out its role as the central bank for Europe's single currency, the ECB defines and implements monetary policy for the euro area and carries out a number of other tasks, including banking supervision. The ECB has approximately 4,000 staff working under various types of employment contracts, primarily located in three office locations in Frankfurt, Germany. To support its staff, the ECB offers social counselling services to provide impartial and independent advice and to be active in the areas of prevention, promotion of awareness, counselling, avoidance of escalation, conflict resolution and mediation for matters of work-related or personal problems or interpersonal conflicts that affect the work situation.

The ECB is looking for providers of counselling services to provide the below tasks on a minimum of 30 hours per week in total on-site at the ECB's premises in Frankfurt am Main with a minimum of 10 service hours/week per counsellor and a maximum of 20 service hours/week per counsellor (unless there are specific reasons for a higher number of service hours/week)<sup>1</sup>.

The tasks of the successful social counsellors will be as follows (Note: All social counsellors need to have at least five years of professional experience as social counsellor, therapist or similar):

- a) Contribution to preventative measures in relation to work-related or personal problems or interpersonal conflicts that can affect the work situation;
- b) Promotion of staff awareness on existing conflict resolution instruments and in-house support offers;
- c) Promotion of measures to preserve mental health, encourage smart working habits, ensure dignity at work and support anti-harassment policies;
- d) Provision of counselling to individuals and groups on the basis of individual requests from staff or management resulting from work-related or personal problems or interpersonal conflicts that affect the work situation<sup>2</sup>;
- e) Helping to avoid escalation of issues between individuals and groups and supporting conflict resolution including mediation between individual and groups, when

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<sup>1</sup> The required service hours for mandatory services (fixed hours as defined by the ECB and additional hours as needed by the ECB) will be first requested to the first ranked provider. Should the first ranked provider refuse or partially accept, the remaining hours shall be offered to the second ranked provider, etc. Additional hours or optional services will be ordered – as needed - from the highest ranked provider qualified and available for offering these services.

<sup>2</sup> The counselling shall be provided in full confidentiality unless explicitly authorised differently by the parties involved.

appropriate<sup>3</sup>;

- f) Collaborating with related in-house resources e.g., Medical Centre, HR staff, Staff Representatives.
- g) Creating and maintaining a network of social counsellors in similar European and international organisations and keeping up to date with all current developments and advice in the employee assistance and counselling domain;
- h) Providing advice to the organisation on topics and situations related to care for employees and counselling, both ad hoc and on specific request; and
- i) Producing an annual report on social counselling activities.
- j) If offered (optional/non-mandatory services): leadership training and training to staff on topics related to healthy leading and/or wellbeing and/or mindfulness techniques

All activities shall be conducted under the strictest data protection requirements.

The ECB intends to award at least two framework agreements to the Tenderers offering the best value for money and as many framework agreements until the full service offer above (i.e. also including the optional services, see point j) above) are covered. The framework agreements will have a period of 4 years from mid-March 2020 to end March 2024. Regular counselling hours are expected to be ordered as of April 2020, yet the successful tenderer shall enable a handover period as of mid-March 2020. .

Prior to contract start, the ECB will arrange the schedules for fixed hours with the highest ranked providers. These providers are expected to interact with each other (information sharing, collaboration, co-ordination of appointments, production of annual report, etc) and to act as replacement for each other (holiday or sick leave).

## 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 Procurement<sup>4</sup>, 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 Erika Paslauskaitė,

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<sup>3</sup> A formal qualification in mediation would be required latest after the first contractual year of all counsellors providing fixed on-site counselling at the ECB's premises. All costs related to such qualification will need to be borne by the provider. The formal qualification needs to be of at least equal standard or higher as the following qualification: certified and accredited mediator.

<sup>4</sup> 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>

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](mailto:procurement@ecb.europa.eu). The ECB does not assume any responsibility for queries which are not submitted in writing.

- 1.3 The ECB shall endeavour to answer all queries as quickly as possible but cannot guarantee a minimum time response. The ECB shall not be bound to reply to queries received less than seven calendar days before the time-limit for the submission of expressed interest, but will try to do so if possible.
- 1.4 If a query is of general interest, the ECB shall communicate the query and the corresponding answer (Q&A) to all those interested to participate. The query shall be anonymised and information of a commercially confidential nature shall not be disclosed. The communication will be published by the ECB via the Internet platform as set out in the contract notice. Interested parties shall therefore regularly access the internet platform to verify whether a Q&A document is published. It should be noted that it is the sole responsibility of the interested parties to do so as the ECB will not follow up on this issue.
- 1.5 During the Call to express interest, those parties interested shall not contact any other ECB staff members (apart from the contact point specified in section 1.2 above) or organisations/persons working for the ECB with regard to this Call to express interest. Interested parties shall also not contact potential competitors unless they intend to form a temporary grouping with them or to involve them as subcontractors. Any violation of this communication rule may lead to the exclusion of the interested party in question.
- 1.6 Unless otherwise provided, all communication with the ECB shall be made in English.

## **2. Changes to documentation**

The ECB may at any time prior to the expiry of the time-limit for the submission of expression of interests to participate, change or supplement the requirements set out in the contract 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 **29 August 2019** to the following e-mail address [Procurement@ecb.europa.eu](mailto:Procurement@ecb.europa.eu) making clear reference in the subject matter of the email to the relevant procurement number and procurement title (PRO-004771 Social Counsellor).

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 at least 5 interested parties to submit a tender, provided that a sufficient number of interested parties meeting the selection criteria are available. These suppliers shall be selected on the basis of the responses received to this Call for expression of interest. 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 other suppliers that meet the same criteria.

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 requirements:

- a) Capacity to propose at least one counsellor for the services defined in Chapter I.1:
  - having a university degree in behavioural science, diploma in psychological counselling, or similar academic qualifications;
  - being fluent in spoken English and having excellent English drafting skills (Minimum requirement is level C1).
  - being available to deliver at least 10 hours/week of on-site presence for service provision at the ECB's premises.<sup>5</sup>
  - being available to perform the services at the requested volume (expected to be about 100 working days per annum per counsellor, the ECB reserves the right to set the schedules of the counsellors taking into account counsellors' wishes where possible)<sup>6</sup>

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:

- Breadth and relevance of the candidate's professional experience, which will be evaluated on the basis of reference projects performed by the candidate for corporate customers within the past ten years<sup>7</sup> (ideally with international staff) (100%)

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<sup>5</sup> The ECB reserves the right to determine and change the amount of fixed service hours needed during contract duration at least annually and to determine the schedule for the service hours per counsellor, taking into account counsellors' wishes where possible.

<sup>6</sup> The ECB reserves the right to determine and change the amount of fixed service hours needed during contract duration at least annually and to determine the schedule for the service hours per counsellor, taking into account counsellors' wishes where possible.

<sup>7</sup> Relevance of the reference projects will be assessed based on the comparability of services provided, the size of the contract in terms of staff of the customer incl. their nationality split as well as the amount of counselling hours provided and the language in which the counselling was provided. References which were

4.4 The selection criterion listed in Section 4.3 above shall be assessed and evaluated for the purposes of the ranking on the basis of a scoring system from zero to eight points as follows:

Score	Definition
0 point	No evidence/Total failure: The candidate's response totally fails to address the criterion under examination or cannot be assessed due to missing evidence.
1 point	The criterion under examination is addressed in an incomplete and unsatisfactory manner; serious concerns.
2 points	The criterion under examination is partly addressed but with a few major gaps or issues.
3 points	The criterion under examination is partly addressed but with a few minor gaps or issues.
4 points	The criterion under examination is generally addressed.
5 points	The criterion under examination is fully addressed.
6 points	The criterion under examination is fully addressed and the candidate's response offers some added value.
7 points	The criterion under examination is fully addressed and the candidate's response offers considerable added value.
8 points	The criterion under examination is fully addressed and the candidate's response offers major 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' / 'pending selection decision' / 'closed') is available on the ECB's website under the Procurement section ([www.ecb.europa.eu](http://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](mailto: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

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delivered in the past 10 years can be quoted; yet, references delivered in the past 5 years will have more importance. Responses with a higher number of relevant reference projects will be scored higher.



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 confidentiality<sup>8</sup>. 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 will process personal data received (such as names, contact details and other information provided in curriculum vitae) in accordance with the 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,

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<sup>8</sup> 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.

offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

- 5.2 The ECB as the controller will process such personal data solely for the purpose of evaluating the tenders received and maintaining a database of potential suppliers on the basis of Article 5 (b) and (c) of the Regulation (EU) 2018/1725. Recipients of personal data are dedicated ECB staff members and other third parties supporting the ECB in the procurement process including external contractors, national central banks or other partner organisations. Personal data will be retained for a period of at least 5 years following the completion of procurement process. The data subjects concerned may request access to their personal data, request the rectification of any data that is inaccurate or incomplete, and (with some exceptions) request deletion of their personal data. The data subjects have also the right to restrict the processing of their personal data.
- 5.3 For all queries relating to such personal data, data subjects may address the Head of the ECB's Central Procurement Division (Sonnemannstrasse 22, 60314 Frankfurt am Main, Germany, [procurement@ecb.europa.eu](mailto:procurement@ecb.europa.eu), Fax +49 69 1344 7110) or the ECB's Data Protection Officer under [dpo@ecb.europa.eu](mailto:dpo@ecb.europa.eu).
- 5.4 Data subjects 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).