EUROPEAN CENTRAL BANK

EUROSYSTEM

ECB-RESTRICTED

CALL TO EXPRESS INTEREST FOR PARTICIPATING IN THE TENDER PROCEDURE FOR PRIVATE SECURITY SERVICES

IN ACCORDANCE WITH ARTICLES 6(2) AND 35(4) OF DECISION ECB/2016/2 OF 9 FEBRUARY 2016 LAYING DOWN THE RULES ON PROCUREMENT

PRO-005356

2020/S 090-213682

Important information
for the use of the ECB's electronic tendering system

This is an electronic tender procedure. Tenderers must submit their submissions electronically via the ECB's electronic tendering system (link: https://procurement.ecb.europa.eu/sourcing/fsvendor/vendordesktop/index). Please refer to the below user guides for information on how to use the ECB's electronic tendering system:

User guides

– **How to submit a tender/response to a procurement procedure?**
– **How to change your password?**
– **Supplier account management**

Important information

To avoid any complications in the submission process, please carefully read and exercise the following instructions:

> Register back-up contact persons
Tenderers shall register at least one back-up contact person in the system to ensure that someone can always access the tender and the communication, when needed. To create the back-up contact account, see Chapter III of the How to manage your supplier account user guide.

> Upload a test document
Directly after accessing the tender documentation, upload a test document as an attachment to your submission ("RFx response") to check that the electronic tendering system functions smoothly in your IT infrastructure. To upload the document, see Chapter IV of the How to submit a tender/response to a procurement procedure user guide.

> Do not wait until the last minute
Submit your documents well in advance of the deadline for the respective procurement to allow enough time for technical support, if necessary. The time it takes to finalise your submission and upload all documents may vary considerably depending on your browser, your internet connection and the size of your files (max. 80 MB per file).

> Change your submission's status to "firm"
Your response will only have been submitted successfully when the status of your RFx response has been changed to "firm" before the deadline. The system closes the relevant procurement automatically once the deadline has passed, irrespective of submissions still being edited. Only submissions that have their status set to "firm" can be considered in the relevant tender procedure by the ECB.

> Check your RFx response again after submission
– Access the ECB's electronic tendering system again after submitting your RFx response to check whether the content is complete and that the response's status is set to "firm". We advise you to take a screenshot of your uploaded attachment.

Technical support

Should you require help when using the system, please contact the ECB's technical support team at sourcing.support@ecb.europa.eu. Requests are handled on average in 1-3 working days. Support hours are Monday to Friday from 08:30 to 17:30 Frankfurt time, excluding ECB public holidays.

Table of contents

I. Introduction 4

II. Preparation and submission of expressions of interest to participate 5

1. Communication, queries regarding the procedure 5
2. Changes to documentation 6
3. Preparation of the expressions of interest to participate; expenses 6
4. Contact person, method and time-limit for submission 7
5. Format of the expression of interest to participate 7
6. Language 7

III. Evaluation of expressions of interest to participate 7

1. Evaluation process 7
2. Formal requirements 8
3. Eligibility criteria 8
4. Selection criteria and minimum capacity levels 9

IV. Outcome of the Call to express interest for participating in a tender procedure 11

1. Notification of outcome 11
2. Jurisdiction 12
3. European Ombudsman 12

V. General rules 12

1. Temporary groupings 12
2. Subcontracting 13
3. No multiple expressions of interest to participate 13
4. Confidentiality; professional secrecy 13
5. Data protection 14
6. No obligation to award the Contract; cancellation 15

I. Introduction

As announced in the contract notice of 08/05/2020 (PRO-005356)the European Central Bank (ECB) is seeking suitable parties through this Call to express interest for participating in a tender procedure for private security services.

1. Background

1.1. The ECB aims at entering into a contract with a provider of private security services for its buildings located in Frankfurt am Main. Under this procurement procedure, the ECB procures the private security services (the "Services") also on behalf and for the benefit of the European School in Frankfurt am Main.

1.2. The initial contract duration shall be four years. The Contract can be extended for successive periods of up to a total of two years. The ECB will notify the Contractor at least one month prior to the end of the respective term about a contract extension. The total duration of the Contract shall not exceed six years. According to current planning, the contract is expected to be signed in December 2020 with the full service provision starting from 1 May 2021 after a start-up and handover phase. Some of the tasks to be performed during the start-up phase are: acquaintance with the buildings and the technical installations; recruitment, training and obtaining the necessary documentation for security clearances of staff; drafting of the standard operating procedures; procurement of equipment and uniforms.

1.3. As regards the Services to be provided to the ECB, the contractor shall provide security services at four locations operated by the European Central Bank, namely its Main Building with around 3.000 persons, the Eurotower with approx. 1.300 persons, the Japan Centre with approx. 700 persons (all located in Frankfurt am Main) and a recovery site, currently located in Frankfurt am Main area (current figures and locations that may vary during the course of the contract). The security services for the ECB shall mainly consist of:

- the operating of the security control centres,
- the performing of personnel and vehicle access control on the premises,
- the manning of various duty posts on the premises,
- the screening of a large number of visitors per day, reception desk tasks by skilled receptionists,
- the control of parking spaces,
- the screening of mail and cargo,
- the responding to security and safety incidents,
- the provision of first aid in the context of medical emergencies,
- the performance of patrols, and the provision of dog handlers,

Whilst the bulk of the services shall be provided during the ECB's working hours (from Monday to Friday 8:30 am – 5:30 pm), security operations are performed at the ECB on a 24/7 basis.

The ECB may request the contractor to provide additional security services during high-level events with a large number of participants and other smaller events in buildings other than specified above.

1.4. As regards the Services to be provided to the European School in Frankfurt (ESF) with approx. 1,600 students, these may include: visual monitoring of persons accessing and leaving the school; handling of fire alarms and the intrusion alarm system; patrolling the interior and outdoor premises; locking patrols; issuing ID badges to visitors, pupils and staff as necessary; monitoring and controlling of the parking area, especially during peak times and issuing parking permits; performing reception tasks and processing of mail, keeping a mail register; handling of key-lockers, keys and keeping registers accordingly; managing petty-cash; organising and executing fire protection trainings; managing lost &found coordination of evacuation and incident response on ESF premises; liaising and coordinating with local authorities when arriving at ESF, informing immediately the ESF management. Currently, the Services are provided in shift work during the opening hours of the ESF from Monday to Friday between 07:00 hrs and 20:00 hrs on 200 calendar days per year. The Services are generally not required outside these days and hours except for one week before and one week after the ESF summer holidays and for ESF school events. The holiday calendar of the ESF is published on its website.

1.5. Candidates shall be aware of the likely applicability of the German law relating to transfer of undertakings (§ 613a BGB). Under the current contract, approximately 190 external security staff are needed to perform the Services.

2. Legal framework

This Call to express interest for participating in a tender procedure shall be governed by Decision ECB/2016/2 of 9 February 2016 laying down the Rules on Procurement[1]. The procedure shall be carried out in accordance with Articles 6(2) and 35(4)-(6) of Decision ECB/2016/2., as set out in this Call to express interest for participating in a tender procedure.

II. Preparation and submission of expressions 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 participating in a tender procedure or the envisaged Contract.

1.2 Interested parties must address all queries regarding this procurement procedure via the ECB's electronic tendering system through which they have also accessed the present Call to express interest for participating in a tender procedure. Any type of communication relating to the procurement procedure must be made via the ECB's electronic tendering system (under

[1] 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

the tab 'Discussions') as single point of contact. 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 expressions of 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 to all those interested to participate. The query shall be anonymised and information of a commercially confidential nature shall not be disclosed. 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 for participating in a tender procedure, those parties interested shall not contact any other ECB staff members or organisations/persons working for the ECB with regard to this procurement procedure. 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.

1.7 In the event of a dysfunctionality of the ECB's electronic tendering system, the ECB may use different means of communication or may request participants to use different means of submission and communication and set a new time-limit for the submission of their expression on interest.

2. Changes to documentation

The ECB may at any time prior to the expiry of the time-limit for the submission of expression of interest, change or supplement the requirements set out in the contract notice or the Call to express interest for participating in a tender procedure. The ECB shall communicate, via the ECB's electronic tendering system, the changes or additions to all interested parties who requested the Call to express interest to participate and 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 expression of interest to participate and all other stages of the procurement 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 expressions of interest to participate and to undertake any investigations they consider necessary in order to verify any information provided to them during the procurement process.

4. Contact person, method and time-limit for submission

4.1 Interested parties must submit their expressions of interest to participate electronically via the ECB's electronic tendering system

(link: https://procurement.ecb.europa.eu/sourcing/fsvendor/vendordesktop/index) before **18:00, Frankfurt local time, on 26 May 2020**. Please note that we recommend that your response is uploaded earlier as we cannot guarantee that technical issues will not arise.

4.2 The contact person for this procurement procedure is: Mr. Alberto Molon.

4.3 The relevant reference number for this procedure in the ECB's electronic tendering system is **RFX-PT-2020-000027: PRO-005356 R1 Security Services**

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 the required attachment described therein. The Response form shall be signed handwritten by an authorised representative of the Candidate. If the Response form is submitted on behalf of a temporary grouping, it shall be co-signed by all members of the temporary grouping. If the interested party lists subcontractors in its Response form, a separate Response form for each subcontractor shall be completed (see also section V.2 General Rules – Subcontracting). The signed Response form(s) must be submitted electronically as scanned digital copy.

5.2 Interested parties shall submit their expression of interest to participate electronically via the ECB's electronic tendering system. The expression of interest to participate shall consist of generated PDF files except for documents which must be scanned for technical reasons (e.g. paper-based certificates). Other filled-out forms shall be submitted as Microsoft Office readable document formats (Word or Excel or compatible formats).

6. 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 interested parties to provide a certified translation of the original document.

III. Evaluation of expressions of interest to participate

1. Evaluation process

1.1 The ECB intends to invite at least five interested parties to submit an offer provided that a sufficient number of interested parties meeting the selection criteria is available.

1.2 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.

1.3 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.

1.4 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 shall exclude expressions of interest to participate that

a) were not submitted via the ECB's electronic tendering system (or by relevant other means if and as requested by the ECB according to Chapter II section 1.7); or

b) were received by the ECB after the expiry of the time-limit;

c) are substantially incomplete; or

d) 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 for participating in a tender procedure.

3. Eligibility criteria

3.1 The procurement 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.

3.2 The ECB shall exclude interested parties that are in one of the situations described in Article 30(4) of Decision ECB/2016/2 (e.g. conviction for fraud or corruption) or put on a blacklist in accordance with Article 30(8) of Decision ECB/2016/2.

3.3 The ECB may exclude interested parties that are in one of the situations described in Article 30(5) of Decision ECB/2016/2 (e.g. insolvency; grave professional misconduct; misrepresentation).

3.4 Interested parties shall state in their declaration of honour (included in Annex 1) that they meet the eligibility criteria and shall inform the ECB without undue delay if any circumstances arise after the submission of their expressions of interest to participate that may affect their eligibility.

Prior to the award of contract, the ECB may request the best-ranked tenderer to submit the documents listed in the Response form including the documents concerning the subcontractors. The ECB reserves the right to request these documents from interested parties at any other stage of the procurement procedure. Upon the ECB's request, the interested parties/best-ranked tenderer shall submit these documents within two weeks. Failure to comply with this requirement may lead to the exclusion from the procurement procedure.

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) An average total net turnover of similar services covered by the contract for the last three financial years (2017-2019) of EUR 20,000,000 per year. *Please see Section 3.1 of the Response form.*

If the Candidate is a temporary grouping, it may add the respective turnovers of its members. However, one of the members shall have achieved on its own 60% of the above amount.

(b) Financial soundness and financial capacity to carry out the contract, which will be assessed in particular on the basis of the examination of the following figures or ratios: own funds, working capital, gross operating surplus, liquidity ratio and debt ratio over the last three financial years. *Please see Section 3.2 of the Response form.*

(c) A professional risk indemnity insurance required by § 14 BewachV (Bewachungsverordnung/*German Act on security services*) with at least a minimum coverage per occurrence of (yearly coverage may be capped):

(1) EUR 5,000,000 for personal and/or property damages,

(2) EUR 250,000 for property damages,

(3) EUR 1,000,000 for loss or theft of keys,

(4) EUR 15,000 for loss or theft of secured items and

(5) EUR 12,500 for financial losses.

Please see Section 3.3 of the Response form.

(d) A professional permit to provide security services (*Erlaubnis*) pursuant to § 34a GewO (Gewerbeordnung/*German law on trade regulations*) in place or a statement, that such permit will be in place prior to the signature of the contract. *Please see section 4.1 of the Response form.*

(e) Certification DIN 77200:2017 (Stufe 3) or equivalent certification, demonstrating the fulfilment of quality criteria for the award of security services by public and private entities. *Please see Section 4.2 of the Response form.*

(f) A minimum of three and a maximum of four reference contracts:

- performed during the last five years (period January 2015 – date of this Call to express interest for participating in a tender procedure)
- with a minimum length of completed performance of one year each, of which one should be ongoing at the time of submission and
- which are comparable to the contract tendered by the ECB with this procedure in terms of:
    i. protection of buildings/areas with a minimum average of 700 persons (e.g. staff/travellers/contractors/visitors/guests) present onsite on working days,
    ii. a 24/7 onsite presence.

Please see Section 4.4 of the Response form.

(g) Average number of security services staff of your company, deployed at all customers' sites. An average of 300 security staff over the last three years (2017-2019) is required. *Please see Section 4.3 of the Response form.*

As proof, interested parties shall submit the filled-in and signed Response form in Annex 1.

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:

(a) out of the three contracts to be submitted pursuant to Section 4.2(f), and one optional additional reference contract performed during the last five years (2015 - date of this Call to express interest for participating in a tender procedure), those which are best comparable with the contract tendered by the ECB in terms of scope, size and complexity with particular focus on (**weighting: 20%**):
    a. working for international or European or banking Institutions or clients with a majority of international staff or clientele (e.g. airports),
    b. the security services of buildings with 1,500 or more persons (staff/visitors/contractors etc.) onsite,
    c. the screening of daily 300 or more visitors, luggage and/or goods (such as baggage check, metal detector check, x-ray or similar)
    d. the operation of a security control room
    e. the coordinated provision of services in different buildings for the same client

(b) percentage of staff holding a qualification of "IHK Geprüfte Werkschutzfachkräfte" or "IHK Geprüfte Schutz und Sicherheitskräfte" or equivalent or higher for security staff in 2019 (**weight: 20%**);

(c) investment in training of security staff during the last three years since 2017 as percentage of the turnover relating to security services (**weight: 20%**);

(d) additional quality management (QM) certifications (such as ISO 9001) relevant for security services, implementation of relevant quality assurance standards or of a quality assurance policy (**weight: 15%**);

(e) the interested party's efforts to foster fair working conditions, dignity at work and positive working conditions of all staff, and to ensure retention and motivation of staff and thus higher quality of service, as demonstrated through concrete ongoing measures (**weight: 15%**);

(f) percentage of staff holding a valid clearance according to SÜG (Sicherheitsüberprüfungsgesetz) in 2019 (weight: **10%**).

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

Criterion (a): up to five points per contract (one point per criterion a. – e.), with a maximum of four contracts (maximum of 20 points);

Criterion (b): the expression of interest with the highest percentage will receive 20 points, the others proportionally less;

Criterion (c): the expression of interest with the highest percentage will receive 20 points, the others proportionally less;

Criterion (d): three points per relevant certification, standard or policy with a maximum of 15 points

Criterion (e): each measure considered useful to achieve the fair and positive working conditions, dignity at work, retention and motivation of staff will receive 1 point with a maximum total of 15 points. Measures that are required by law (such as for example regulations on child labour or maximum working times, etc.) will not be considered.

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

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 methodology described in Section 4.4. All the points will be added together ("final scores").

The expressions of interest will be ranked according to their final scores in descending order (highest to lowest). The ECB will select a minimum of five interested parties according to their ranking, provided that a sufficient number of interested parties meeting the selection criteria are available, and request them to submit an offer.

IV. Outcome of the Call to express interest for participating in a tender procedure

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 in a tender procedure (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 in a tender procedure, 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 Niedergrünewald 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. 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 expressions of interest to participate from temporary groupings under the following conditions:

(a) the expression of interest to participate is submitted as a joint expression of interest to participate;

(b) the expression of interest to participate includes the Declaration for temporary groupings (included in Annex 1), signed by duly authorised representatives of each member;

(c) the expression of interest to participate clearly describes the responsibilities of each member of the grouping and how they intend to cooperate

(d) each member of the temporary grouping must submit a filled-in and signed Response form (Annex 1).

2. Subcontracting

2.1 Interested parties may subcontract parts of the Contract.

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, they shall prove to the ECB that they will have at their disposal the resources necessary for performance of the Contract. As proof interested parties shall provide a filled-in and signed Response Form (Annex 1) for each subcontractor, including a signed declaration of the subcontractor or other entity confirming that its capacities will be at the interested party's disposal and that it will perform the parts of the Contract assigned to it should the Contract be awarded to the interested party (Appendix 1 to Annex 1).

2.3 Interested parties shall not exchange subcontractors or appoint additional subcontractors after the submission of their offer 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 participant for the due performance of all obligations arising from 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:

(a) who are members of the same group of affiliated undertakings as another interested party;

(b) who are members of a temporary grouping together with other interested parties;

(c) who offer a substantial part of the Contract to another interested party as subcontractor; or

(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) an 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 Interested party; 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 Interested party 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[2]. 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 interested party'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 data[3] as well as with Decision ECB/2007/1 of 17 April 2007 adopting implementing rules concerning data protection at the European Central Bank[4].

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.

---

2 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.

3 OJ L 8, 12.1.2001, p. 1.

4 OJ L 116, 4.5.2007, p. 64.

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 in a tender procedure 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).