

CALL TO EXPRESS INTEREST

**FOR PARTICIPATING IN THE TENDER PROCEDURE FOR
A TRAVEL TRACKING SYSTEM AND ANCILLARY SERVICES**

Tender ID: PRO-005469

2021/S 089-226854



EUROPEAN CENTRAL BANK

EUROSYSTEM

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 local time, excluding ECB public holidays.

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I. Introduction

As announced in the contract notice of 07/05/2021 (2021/S 089-226854) the European Central Bank (ECB) is seeking through this procurement procedure a supplier (hereinafter the 'Tenderer') for the provision of a Travel Tracking System and Ancillary Services and intends to award a framework agreement (the 'Contract') to the Tenderer offering the best value for money.

The ECB may conduct procurements on its own behalf and for the benefit of institutions entitled to participate in the activities of the Eurosystem Procurement Coordination Office (EPCO), such as the national central banks (NCBs) of the European System of Central Banks (ESCB) and National Competent Authorities (NCAs)¹ of the Member States of the European Union participating in the Single Supervisory Mechanism (SSM), which are or may become members of EPCO, in accordance with Decision ECB/2008/17². The current EPCO member central banks are available at the following link: <http://www.epco.lu/links.php>.

Institutions other than central banks may also participate in EPCO's activities, such as national authorities of Member States, EU agencies and bodies or international organizations, upon invitation by the Governing Council of the ECB. In addition, in-house printing works (PWs), as part of the relevant NCBs (according to Decision ECB/2008/17 as amended by Decision ECB/2020/27), may directly participate in EPCO joint tender procedures for procurement of goods and services necessary for the performance by those in-house printing works of Eurosystem tasks.

For the purpose of this tender procedure and of this document all the entities participating in EPCO's activities are called Participating EPCO members (PEMs).

Under this procurement procedure, the ECB is the leading central bank carrying out the joint tender procedure for its own account and for the benefit of the national central banks (NCBs) of the ESCB (including their in-house printing works)³ and the NCAs (altogether PEMs), which are entitled to participate in this joint tender procedure. All these entities - subject to their effective participation in EPCO - will have the right but not the obligation to directly order Deliverables under the Contract by entering into individual bilateral specific agreements ('Orders') with the successful Tenderer.

1. Background

The ECB and the PEMs wish to contribute to the security and safety of their business travellers by offering them advisory services, an online solution for their mobile devices and ancillary services based on travel data provided by the travel agencies.

¹ 'National Competent Authority' means a National Competent Authority designated by a participating Member State in accordance with Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and Directive 2013/36/EU (cf. Council Regulation (EU) No 1024/2013).

² Decision ECB/2008/17 of 17 November 2008, laying down the framework for joint Eurosystem procurement (OJ L 319, 29.11.2008, p. 76), amended by Decision ECB/2015/51, OJ L 6, 9.1.2016, p. 5 and Decision ECB/2020/27, OJ L 146, 8.5.2020, p. 11, all published on: https://www.ecb.europa.eu/ecb/legal/date/2008/html/act_10224_amend.en.html.

³ <https://www.ecb.europa.eu/ecb/orga/escb/html/index.en.html>.

The solution shall provide them with:

- preventive information prior/during the travels
- alerts and updates
- means to be located (semi-active tracking)
- means of communication between the traveller and the Contractor / the ECB and NCB's.

In addition, a 24/7 call centre shall give them additional assistance when required.

The main purpose of the offered solution shall be to provide the ECB and the PEMs⁴ with the capacity to locate all ECB business travellers worldwide and to establish contact with them through an online application and offer advice and assistance in the event of emergencies. Next to this, the online application shall also provide country information, travel warnings and alerts.

1.2 Description of the System and the Services

The main purpose of the Contract shall be to provide the ECB and NCBs with:

1. a tool (browser/app based online application) that allows to locate all their business travellers worldwide and to establish contact with them in the event of emergencies. The use of the tool shall be granted by means of licencing granted for periods of 12 months and shall provide country information, travel warnings and alerts, which are available to the travellers through the tool,
2. a 24/7 call centre that will provide travellers with immediate assistance and advice, such as on local specialised doctors/hospitals, safety and security advice, safe locations etc. in case of incidents (e.g. medical emergency, local crisis situation, security incident or any other unexpected issue),
3. ancillary services covering (IT) consultancy, training, reporting and statistics services, and
4. additional services and/or works covering, in particular, customisation of the tool.

1.3 Volume

The ECB has approximately 2,700 business travellers with more than 35,000 transactions per year and around 10 expats holding a position outside Germany.

The other PEMs together have a total of around 11,400 business travellers and 65,000 business trips per year. 4 PEMs have more than 50 expats, 7 PEMs have less than 50 expats and 3 PEMs have no expats.

The numbers above are indicative numbers only, based on pre-COVID data (!). As the pandemic situation resulted in a temporary drastic reduction of business trips, and it is not known currently to which extent and at what point in time the business trips will wholly resume,

⁴ For the purpose of this tender procedure, PEMs include the "ESCB NCBs" or "participating NCBs" the in-house printing works of the relevant NCBs, the NCAs and the national authorities of Member States, EU agencies and bodies or international organizations, that could participate in EPCO's activities upon invitation by the Governing Council of the ECB.

these numbers are not binding upon the ECB and PEMs and may be revised upwards or downwards during the term of the Contract.

1.4 Contract

The Contract establishes the terms and conditions governing orders that PEMs may issue during the term of the Contract (four (4) years). Upon signature of the Contract by the ECB and the Contractor, the Contractor shall provide customisation work and training services prior to the start of the use of the tool by means of licensing. Notwithstanding the expiry of the Contract, orders made on the basis of the Contract prior to the expiry of the Contract may continue until the completion of the respective services and/or works (the “Deliverables”).

The Contract does not confer on the Contractor any exclusive right to provide the Deliverables. The ECB and the PEMS reserve the right to engage other contractors that have not signed a contract as an outcome of this tender procedure, if deemed appropriate by the ECB or the relevant PEM.

On the basis of the terms and conditions of the Contract, the ECB and the PEMs may issue orders for the provision of the required Deliverables, based on supplementary offers.

This means that the ECB and/or the PEMs might invite the contractor to submit a supplementary offer which further specify the required Deliverables. The ECB and/or the PEMs may request alterations to the Deliverables and or request additional Deliverables under the order procedure in line with the ECB Procurement Rules.

The Contractor’s terms and conditions shall not apply.

2. Structure of the Call to Express Interest (CEI) documentation

The CEI documentation consists of:

- this Call to express interest for participation,
- Annex 1: Response Form

3. Legal framework

This Call to express interest shall be governed by the procurement rules applicable to the ECB, namely Decision ECB/2016/2 of 9 February 2016 laying down the Rules on Procurement⁵ (‘Decision ECB/2016/2’) and the supplementary rules attached as **Annex 1**. The procurement procedure is carried out in accordance with Article 35(3)-(6) of Decision ECB/2016/2 and has been announced in the contract notice of 07/05/2021 (2021/S 089-226854)

4. Timetable

⁵ OJ L 45, 20.2.2016, p. 15-43, as amended by Decision ECB/2016/17 (OJ L 159, 16.6.2016, p. 21–22) 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>

Milestone	Date
Time-limit for questions concerning the CEI procedure or CEI documentation	19 May 2021
Time-limit for the submission of expressions of interest to participate in the request for proposal	26 May 2021 – 12:00 hrs (noon) CET (Frankfurt am Main)
Notification of invitation to participate in the request for proposal procedure to interested parties	15 June 2021
Time-limit for submission of proposals	20 July 2021
Presentation of proposals and negotiations	2-6 August 2021
Notification on the outcome of the request for proposal procedure	13 September 2021
Start date of the Contract	24 September 2021

- 1.1 The above time-limits for the submission of questions and expression of interest to participate shall be binding. The ECB may extend these time-limits prior to the expiry of the time-limit for the submission of expression of interest to participate if it modifies the tender documentation or in other duly justified cases.
- 1.2 The other dates are only tentative, and the ECB may depart from them.

II. Preparation and submission of expressions of interest to participate

1. Communication, queries regarding the tender 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 must address all queries regarding this tender procedure via the ECB's electronic tendering system through which they have also accessed the present Call to express interest for participation. Any type of communication relating to the tender procedure must be made via the ECB's electronic tendering system (under the tab 'Discussions') as single point of contact. The ECB does not assume any responsibility for queries which are not submitted in writing or outside the ECB's electronic tendering system.
- 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 expression of interest to participate 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 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 tender procedure interested parties shall not contact any other ECB staff members or organisations/persons working for the ECB with regard to this tender 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 interested parties to use different means of submission and communication and set a new time-limit for the submission of expression of interest to participate.

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 shall communicate, via the ECB's electronic tendering system, the changes or additions to all those interested to participate and may, if necessary, extend the time-limit for the submission expression of interest to participate. If need be, the ECB will also publish a corrigendum to the contract notice.

3. Preparation of the expression 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.

III. Submission of expression of interest to participate

Interested parties shall submit their expression of interest to participate in accordance with the requirements laid down in this Chapter III and include all documentation requested.

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

1.1 Interested parties must submit their expression of interest to participate electronically via the [ECB's electronic tendering system](#)

(link: <https://procurement.ecb.europa.eu/sourcing/fsvendor/vendordesktop/index>) before **12:00 noon, Frankfurt local time, on 26 May 2021**. The ECB will not consider expressions of interest to participate which reach the ECB after expiry of the above time-limit.

1.2 The contact person for this tender procedure is: Mr. A. Molon.

1.3 The relevant reference number for this tender procedure in the ECB's electronic tendering system is RFX-PT-2021-000026:PRO-005469-R1-Travel tracking/em assist

2. Format of the expression of interest to participate

The expression of interest to participate shall consist of the completed Response form (template attached as Annex 1) and, where appropriate, supporting documents.

Interested parties shall complete the Response form (Annex 1) in accordance with the instructions set out in the form. The Response form shall be signed handwritten by an authorised representative of the interested party. If the expression of interest to participate is submitted on behalf of a temporary grouping, the Response form 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 VI.2 General Rules – Subcontracting), with or without a signed Appendix A1 to the Annex 1. In case the interested party relies in its expression of interest to participate on other companies/persons to fulfil the selection criteria, each of those companies/persons needs to fill in a separate Response form including its appendix A2 to the Annex 1. Interested parties shall submit the scan of the signed Response form(s) electronically via the ECB's electronic tendering system as part of their expression of interest to participate.

3. 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.

4. Digital format

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).

IV. Evaluation of expressions of interest to participate

1. Evaluation process

1.1 The ECB envisages to invite five interested parties to submit a proposal provided that a sufficient number of interested parties meeting the selection criteria is available. The ECB shall invite the interested parties

- (a) whose expression of interest comply with the formal requirements laid down in this CEI;
- (b) who meet the eligibility criteria set out in Section 3; and
- (c) who meet the selection criteria set out in Section 4 below.

The evaluation of (a)-(c) will be carried out in no particular order. Only the expressions of interest meeting all the mandatory/minimum requirements of each stage shall be considered in the final evaluation and ranked in order to establish the interested parties invited to submit a proposal.

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 shall exclude expression 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; or
- 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 CEI.

3. Eligibility criteria

- 3.1 The tender procedure shall be open on equal terms to all natural or legal persons resident or located in the European Union and to all natural and legal persons resident or located in a country which has ratified the World Trade Organisation Agreement on Government Procurement or has concluded with the European Union a bilateral agreement on procurement under the conditions laid down in the said agreements.
- 3.2 The ECB shall exclude interested parties that are in one of the situations described in Article 30(4) of the ECB Procurement Decision (e.g. conviction for fraud or corruption) or put on a blacklist in accordance with Article 30(8) of the ECB Procurement Decision.
- 3.3 The ECB may exclude interested parties that are in one of the situations described in Article 30(5) of the ECB Procurement Decision (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 expression of interest to participate that may affect their eligibility.
- 3.5 Prior to the award of contract, the ECB may request the best-ranked Tenderer(s) 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/Tenderers at any other stage of the tender procedure. Upon the ECB's request, the interested parties/Tenderers shall submit these documents within two weeks. Failure to comply with this requirement may lead to the exclusion of the interested party/Tenderer. Interested parties/Tenderers shall inform the ECB without undue delay if any circumstances arise after the submission of their tender that may affect their eligibility.

4. Selection criteria and minimum capacity levels

Interested parties shall have the economic, financial, technical and professional capacity to perform the Contract.

4.1 Economic and financial standing

The interested parties' economic and financial standing will be assessed on the basis of their financial situation (total turnover and net turnover of the similar services or supplies as covered by this ITT). Interested parties must meet the following minimum requirement(s):

- (a) The average net yearly turnover for the similar services or supplies covered by the contract must be at least EUR 1,500,000 for the last three financial years.

As proof, interested parties shall submit the information listed in the Response Form Annex 1.

If the interested party is a temporary grouping it may add the respective turnover of its members.

The ECB may in particular with regard to your company's financial status, consult databases and credit scoring / rating agencies to verify the financial capacity of your company. Depending on the outcome hereof the ECB may request additional information and/or clarification. In duly justified cases the ECB may hereafter request a financial guarantee or undertake other measures as the case may be.

- (b) The interested party must have a professional risk indemnity insurance and/or third party/civil liability insurance in place.

4.2 Technical and professional suitability

The interested parties' technical and professional suitability will be assessed on the basis of the following criteria:

- (a) the available human resources of the interested party, at least:

- a 24/7 Call Centre

In addition to the Call Centre personnel:

- at least two FTE Medical Advisers

- at least two FTE Security Advisers

If the interested party is a temporary grouping it may add the respective number of staff of its members.

- (b) the interested party's experience which will be assessed on the basis of reference contracts:

The interested party needs to have performed at least three similar contracts during the last three financial years, which cover the scope of services described in Section I.1.2., items 1.-3. In case of multi-year contracts, the beginning of the contract may be before the specified period, as long as activities of this contract have been performed within the specified period;

- (c) the interested party's technical capacity in processing personal data according to EU data protection requirements. The delivery of services entails the processing of a high volume of personal data. At the contract award stage, only solutions which process data in the EEA or countries covered by an adequacy decision⁶ of the European Commission will be accepted. Interested parties must prove their technical ability to process data within the EEA or countries covered by an adequacy decision of the European Commission by filling in the Response form and by providing supporting information. In addition, interested parties must state the tools, plant or technical equipment available to them for carrying out the data protection requirements.

⁶ For further information on the EU's adequacy decisions, see: https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en

- (d) the interested party's ability and experience in ensuring the security of processed data. Interested parties shall demonstrate that they are capable to provide a minimum level of IT Security by filling in the relevant section in the Response form and by providing supporting information.

As proof, interested parties shall submit the information required in the Response form (Annex 1).

4.3 Among the interested parties meeting the minimum requirements set out in Sections 4.1 and 4.2, the ECB shall select those which best meet the selection criteria listed below. See also section 4.5 of this chapter:

- (a) the interested party's general experience and expertise, assessed on the basis of the submitted three reference contracts, with view to:
 - type of clients (preferably public authorities and/or banking sector);
 - number of travellers simultaneously using the tool (preferably > 5,000);
 - services provided exceeding the minimum described in Section I.1.2., items 1.-3. – together 35%;
- (b) the interested party's valid quality management certifications – 10%;
- (c) the interested party's worldwide presence / representation / offices / networks – 35%;
- (d) the number FTE medical advisors and security advisors of the interested party – 20%;

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

Score	Definition
0 points	No evidence/Total failure: The expression of interest to participate 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 expression of interest to participate 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. The tender with the highest added score will, for the purpose of the ranking of the expression of interest to participate, obtain the maximum of 100 points, and the other tenders will receive proportionally less.

4.5 Number of candidates to be invited to Tender

The ECB envisages inviting to tender five candidates with the highest overall scores. The ECB reserves the right to increase the maximum number of Candidates when the difference of the overall weighted scores of the last ranked successful Candidate and the first ranked non-successful Candidate is marginal.

V. Outcome of the Call to express interest for participation

1. Notification of outcome

- 1.1 The ECB shall inform all interested parties of the outcome of the evaluation in writing. The successful interested parties will receive the tender documentation within the time frame indicated in Chapter I.4. 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 The ECB shall notify all concerned candidates whose applications are rejected of the reasons for rejecting their applications.
- 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 an 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.

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 expression 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 obtain 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 confidentiality⁷. The ECB may disclose detailed information relating to the expression of interest for participation:

- (a) to its staff and other organisations, companies or persons involved in the expressions of interest and/or subsequent tender procedure;
- (b) to other Interested parties, if the information is materially relevant for all Interested parties or if the ECB is required by law to disclose such information in both cases subject to the duty to protect the Candidate's commercial interests;
- (c) to the general public to the extent the ECB is obliged to disclose the information in order to fulfil statutory transparency requirements.

5. Data protection

5.1 The ECB shall process personal data received (such as names, contact details and other information provided in curriculum vitae) in accordance with Regulation (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/EC⁸.

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:

⁷ 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.

⁸ OJ L 295, 21.11.2018, p.39

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).