

CALL FOR APPLICATIONS

TO PARTICIPATE IN THE

PROVISION OF

WASTE COLLECTION, RECYCLING AND DISPOSAL SERVICES

(ALL ECB BUILDINGS)

Tender ID: PRO-006429

Negotiated procedure

2022/S 210-599671

31 OCTOBER 2022

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 31 October 2022 (2022/S 210-599671) the European Central Bank (ECB) is seeking suitable candidates through this Call for Applications (CfA) that will be invited to participate in the *negotiated* procedure and to submit a tender for the provision of waste collection, recycling and disposal services in all ECB buildings.

1. Background

The ECB's seat is located in Frankfurt am Main (Germany) at the site of the former "Grossmarkthalle" (MB), Sonnemannstraße 20, 60314 Frankfurt am Main, whereas the rented buildings, namely the Eurotower (ET), Kaiserstraße 29, 60311 Frankfurt am Main and the Japan Center (JC), Taunustor 2, 60311 Frankfurt am Main, are located in the city centre (together the "Premises").

The user-oriented, cost-efficient and sustainable management of the Premises largely is performed by external facility management suppliers.

The ECB is seeking through this procurement procedure a single supplier for the provision of waste collection, recycling and disposal services (the "Services") in all Premises and intends to award a framework agreement (the "Contract") to the Tenderer offering the best value for money.

The scope of the Contract shall comprise the orderly and timely pick-up and disposal of waste and recyclables, sorted in fractions, from the Premises as well as the provision, cleaning, maintenance and replacement of containers, self-press containers and coupling containers for fix press stamps from the Premises, i.e. starting with the MB, then the ET and ending with the JC, and may also include waste management services in locations used by the ECB in the periphery of the city of Frankfurt am Main.

During the term of the Contract, the ECB may request alterations to the scope of the Contract in line with the ECB Procurement Rules, as further specified in the tender specifications and in the Contract, in particular, (i) add additional office locations to the scope of the Contract, (ii) discontinue to rent one rented building, leading to the reduction of the scope or (iii) change one or the two of the rented buildings (currently ET and JC) against other rented buildings. .

1.1 Scope

The ECB pursues the goal of an optimal, economical, ecological and sustainable management of its Premises by means of the professional recycling and disposal of all waste fractions through experienced and performing facility management suppliers in a cooperative relationship without damage to the buildings, the health of the staff, contractors and visitors, and the environment.

Regarding the waste collection, recycling and disposal services, the ECB will delegate to the successful tenderer the legal duties to maintain safety and the operator's responsibility for the Services.

For the provision of the Services, the ECB will issue standing orders under the Contract for regular pick-up/exchange services in turns, orders for regular pick-up/exchange services on

call and orders for special services on special on-call on the basis of the agreed prices (price table). The ECB may also request the collection/recycling/disposal of other waste fractions not included in the price table on the basis of an additional offer to be submitted by the successful Tenderer.

The table depicts waste disposal/recycling details based on current operations as a first information for the tenderer (subject to change during the entire contract duration).			
Required at contract start: Waste fractions, container types, quantities and colour code for waste bins and lids			
Waste fractions: Regular pick-up/exchange in turns	Main Building (MB)	Eurotower (ET)	Japan Center (JC)
MB: <u>Wet-waste-grease-mix</u> (AVV: 200108) ET+JC: <u>Grease separator/ sludges</u> (AVV: 020204) (per m ³)	1x outside sucking station of wet-waste-grease mix extraction line DN 100	1x <u>inside</u> grease separator/sludges (size: NG7) pipeline of DIN 14312 / DIN B	1x outside grease separator/sludges (size: NG10) pipeline of DIN/ EN 4040 / DIN B
<u>Mixed hollow glass</u> (AVV: 200102) (per container)	6x 660l roll containers with pulling devices, wheel locks, swivel castors front and back etc. for transportation by tigger train (black bin with red lid)	5x 660l roll containers (black bin with red lid)	2x 660l roll containers (black bin with red lid)
<u>Packaging waste/mixed plastics</u> (AVV: 150102) (per container)	16x 660l roll containers with pulling devices, wheel locks, swivel castors front and back etc. for transportation by tigger train (black bin with yellow lid)	7x 1100l roll containers (black bin with yellow lid) (1 of 7 containers is dedicated to the collection of coffee capsules.)	4x 1100l roll containers (black bin with yellow lid)
<u>Packaged food waste</u> (bio-degradable kitchen- and canteen waste) (AVV: 200108) (per container)	2x 240l or 4x 120l (black bin with brown lid)	2x 240l or 4x 120l (black bin with brown lid)	2x 240l or 4x 120l (black bin with brown lid)

<u>100% pure biological coffee grounds</u> (AVV: 200108) (per container)	10x 120l (black bin with blue lid)	6x 120l (black bin with blue lid) No provision of waste bins and disposal until further notice!	6x 120l (black bin with blue lid)
	0.6 tons per month	0.3 tons per month coffee capsules are currently collected via 1x 1100l packaging waste/mixed plastics roll container (black bin with yellow lid) (AVV: 150102)	0.2 tons per month
<u>Used PPE equipment</u> (masks, gloves, antigen self-tests) (AVV: 180104) (per container)	12x 240l or 24x 120l (orange bin with orange lid)	4x 240l or 8x 120l (orange bin with orange lid)	2x 240l or 4x 120l (orange bin with orange lid)
<u>100% recycled hand towel paper</u> from LUCART (per ton)	Request for recycling/disposal: AVV-number, waste fraction and container type		
	4.4 tons per month	2.2 tons per month	1.5 tons per month
Waste fractions: Regular pick-up/exchange on call	<u>Main Building</u> (MB)	<u>Eurotower</u> (ET)	<u>Japan Center</u> (JC)
<u>Commercial/residual/mixed material waste</u> (AVV: 200301) (per ton)	2x 13m ³ roll-off self-press containers (no other size acceptable)	2x 10m ³ roll-off self-press containers (no other size acceptable, to be manufactured tailor-made)	2x 10m ³ roll-off coupling containers for fixed press stamp (no other size acceptable, to be manufactured tailor-made)
	1x lift-and-tilt device for 660l and 770l plastic roll containers	---	---
	20x 660l roll containers with pulling devices, wheel locks, swivel castors front and back etc. for transportation by tugger train (black bin with black lid)	---	---
<u>Paper/cardboard/cardboard packaging</u> (AVV: 200101) (per ton)	2x 13m ³ roll-off self-press containers (no other size acceptable)	2x 10m ³ roll-off self-press containers (no other size acceptable,	2x 10m ³ roll-off coupling containers for fix press stamp (no other size acceptable,

		to be manufactured tailor-made)	to be manufactured tailor-made)
	1x lift-and-tilt device for 660l and 770l plastic roll containers	---	---
	16x 660l roll containers with pulling devices, wheel locks, swivel castors front and back etc. for transportation by tugger train (black bin with green lid)	---	---
<u>Mixed construction waste</u> (AVV: 170904) (per ton)	1x 12m ³ closed waste skip with lockable plastic lid with padlock device (outside)	Special on-call service	Special on-call service
<u>Pure demolition waste</u> (edge length up to 60 cm/ fines content up to 20%) (AVV: 170107) (per ton)	1x 7m ³ closed waste skip with lockable plastic lid with padlock device (outside)	Special on-call service	Special on-call service
<u>Untreated wood (A1)</u> (AVV: 150103) (per ton)	---	---	---
<u>Electric, electronic waste and IT hardware</u> (AVV: 200135*) (per ton)	1x 750l lattice box or 1x 660l or 1x 420l roll container with lid	1x 660l or 1x 420l roll container with lid AND 1x 660l or 1x 420l high-sided roll container without lid for internal transport of LSR-cases	1x 660l or 1x 420l roll container with lid
<u>Cables</u> (AVV: 170411) (per ton)	1x 750l lattice box or 1x 660l or 1x 420l roll container with lid	1x 660l or 1x 420l roll container with lid	1x 660l or 1x 420l roll container with lid
<u>Lamps (mercurial), e.g. energy saving bulbs, neon tubes etc.</u> (AVV: 200121*) (per ton)	4x 100l or 2x 240l LSR cardboard boxes	4x 100l or 2x 240l LSR cardboard boxes	2x 100l or 1x 240l LSR cardboard boxes
<u>Scrap iron and mixed metal</u> (AVV: 200140) (per ton)	Special on-call service	1x 660l or 1x 420l roll container with lid	1x 660l or 1x 420l roll container with lid
<u>Tin and aluminium with 5% adhesion</u> (AVV: 170402) (per ton)	Special on-call service	1x 660l or 1x 420l roll container with lid	1x 660l or 1x 420l roll container with lid

Household batteries (A, AA, 9V) (AVV: 200133*) (per ton)	9x 30l REBAT batteries' collection boxes	4x 30l REBAT batteries' collection boxes	3x 30l REBAT batteries' collection boxes
	<p style="text-align: center;">IMPORTANT:</p> <p>The ECB collects household batteries as a mono fraction. However, incorrect filings with lithium-ion or watch batteries may occur occasionally. Therefore, if needed, the <u>resorting and insulating of battery poles shall be done by the tenderer or subcontractor</u> after collection of the REBAT batteries' boxes from the Premises.</p>		
Lithium-ion-batteries (AVV: 200133*) (per kg)	1x 50l or 1x 30l barrel	1x 50l or 1x 30l barrel	1x 50l or 1x 30l barrel
Used cleaning/disinfectant bottles (AVV: 070604*) (per kg)	8x 120l blue PE-clamping ring drum with black lid	Special on-call service	Special on-call service
Other waste fractions including special waste: <u>Special on-call services</u>	<u>Main Building (MB)</u>	<u>Eurotower (ET)</u>	<u>Japan Center (JC)</u>
<ol style="list-style-type: none"> 1. Mixed construction waste (AVV: 170904) (per ton) with lockable plastic lid with padlock device (outside) - <u>in MB</u>: regular pick-up/exchange on call 2. Pure demolition waste (edge length up to 60 cm/fines content up to 20%) (AVV: 17107) (per ton) with lockable plastic lid with padlock device (outside) - <u>in MB</u>: regular pick-up/exchange on call 3. Scrap Iron and mixed metal (AVV: 200140) (per ton) - <u>in ET and JC</u>: regular pick-up/exchange on call 4. Tin and aluminium with 5% adhesion (AVV: 170402) (per ton) - <u>in ET and JC</u>: regular pick-up/exchange on call 5. Iron and (stainless) steel (AVV: 170405) (per ton) 6. Clean flat glass (AVV: 200102) (per ton) 7. Laminated and security glass (AVV: 200102) (per ton) 8. Treated wood (A2 and A3) (AVV: 200138) (per ton) 9. Treated wood (A4) (AVV: 200137*) (per ton) 10. Fire detectors (AVV: 200135*) (per ton) 11. Plastics (AVV: 170203) (per ton) 12. Sortable bulky waste (commercial) (AVV: 200307) (per ton) 13. Plasterboard and drywall (AVV: 170802) (per ton) 14. Absorbent and filter material (non-hazardous) (AVV: 150203) (per ton) 15. Absorbent and filter material (hazardous) (AVV: 150202*) (per kg) 16. Paints and varnish/old varnish (AVV: 080111*) (per kg) 			

17. Chemicals („SAZ gebr. org. Chemikalien“) (AVV: 160508*) (per kg)
18. Chemicals („SAZ gebr. unorg. Chemikalien“) (AVV: 160507*) (per kg)
19. Mineral fibrous insulating material (KMF non-hazardous) (AVV: 170604) (per ton)
20. Mineral fibrous insulating material (KMF hazardous) (AVV: 170603*) (per ton)
21. Mixed plastics (i.e. foils, styrofoam, hard synthetic materials, foamed material) (AVV: 200139) (per ton)
22. Other lubricants (i.e. fats and waxes) (AVV: 120112*) (per kg)
23. Aqueous concentrates (cooling agents) (AVV: 161003*) (per kg)
24. Used cleaning and disinfectant bottles (AVV: 070604*) (per kg) (120l blue PE-clamping ring drum)
- in MB: regular pick-up/exchange on call
25. Cooled vending machines (SG1) (AVV: 200123*) (per piece)
26. Fridges, air-conditioning etc. with CFC (chlorofluorocarbon) (SG1) (AVV: 200123*) (per piece)
27. Deep freezers etc. with CFC (chlorofluorocarbon) (SG1) (AVV: 200123*) (per meter)
28. White goods – large household appliances (SG4) (dishwashers, dryers, washing machines, stove etc.) (AVV: 200135*) (per ton)
29. White goods – small household appliances (SG5) (vacuum cleaners, coffee machines, hair dryers, microwaves, telephones, PC units, printers, micro printers, keyboards, mice, audio systems etc.) (200135*) (per ton)
30. Flat screens, computer screens etc. (SG2) (AVV: 200135*) (per ton)
31. Electric, electronic waste and IT hardware without lithium-ion batteries (AVV: 200136) (per ton)
32. Lead batteries (e.g. USV batteries) (AVV: 160601*) (per ton)
33. Asbestos tiles (AVV: 170605*) (per ton)
34. Asbestos boards (AVV: 170605*) (per ton)

The disposal of confidential documents and data carriers is not part of the scope of this Contract.

The Contract shall have a **duration of 4 years**. The **expected start date of the Contract is 1st March 2023** with two start-up phases (not remunerated), during which the successful tenderer shall prepare the provision of the Services, in particular for the provision of waste containers, the set-up of general operations (personnel, drivers and technicians) and exchange with the current contractor.

The start-up phases are estimated to be as follows:

- 1st March – 30th April 2023; effective start date for the provision of the Services: 1st May 2023 for the Main Building (MB)
- 1st March – 31st May 2023; effective start date for the provision of the Services: 1st June 2023 for the Eurotower (ET) and Japan Centre (JC)

The ECB reserves the right to change the dates of the start-up phases and the effective contract start dates to a later date.

1.2 Personnel

The successful tenderer shall be sole responsible for the coordination, briefing and control of the deployed personnel (e.g. key-account manager, truck drivers, technicians, etc.). All requirements and quality levels are equally applicable to subcontractors.

As part of the actual headcount planning, the successful tenderer (and potential subcontractors), shall ensure that the delivery of the services is not hampered by personnel shortage through precautionary personnel planning and organisational measures.

To this end, **at the expected start date of the Contract (1st March 2023)**, the successful tenderer shall provide a list of key personnel, a list of truck drivers and a list of technicians, including all subcontractors' staff involved and the corresponding vehicles' license plate numbers for the drivers and technicians. Prior to taking up their duties, persons on the lists will be checked thoroughly by ECB security.

The full continuing delivery of the services is also expected in case of an emergency/pandemic and shall be proven through provision of a sound emergency/pandemic concept.

The successful tenderer shall comply with the laws and regulations on lease of personnel, minimum wages and health and safety (medical examinations of its staff) as further specified in the tendering phase.

1.3 Vehicles

Due to structural conditions of the ECB buildings – and in particular the Eurotower's (ET) basement levels – special attention needs to be given to the dimensions of all disposal vehicles foreseen to deployment at the ECB's premises (e.g. waste disposal trucks, grease separator/sludge vehicle, small transporters / pick-up vehicles, etc.).

Entrance to the basement of the Eurotower:

Clearance height: 3.60 m; Width: 2.80 m; **Length of a waste truck (maximum): 7.60 m**

The adherence to the maximum length of trucks to be used in the ET is a necessary requirement which needs to be fulfilled for being short-listed. This constitutes an exclusion criteria for further participation in the procurement procedure.

In order for the Tenderer to decide on the kind of vehicles, containers and equipment to be used, short-listed Candidates shall bring along their manufacturers in order to check and take exact measures on the construction characteristics of all ECB buildings and the self-press containers, matching lift-and-tilt-devices and coupling containers for a fixed press stamp on site during the site visits which the ECB will arrange during the tendering phase.

1.4 Containers

The successful tenderer shall provide suitable waste containers, partly tailor-made self-press containers, matching lift-and-tilt-devices and tailor-made coupling containers for fixed press stamps etc. for collection and disposal in sufficient quantity, clean, tidy, dry, non-malodorous, professionally maintained and exchanged.

If not brand-new, all containers provided to the ECB must be **at least in mint condition** i.e. no dints, no holes, only minor scratches etc.

For the MB, all 660l and 770l containers shall be equipped with pulling devices, wheel locks, swivel castors front and back, and directional locks only at the back and are suitable for tigger train. The contractor agrees to deliver and mount chassis with drawbars for all 660l and 770l containers.

For the ET and the JC, all containers shall be provided with wheels and lids for mobility and transport.

Short-listed Candidates and their waste container manufacturers shall check and take exact measures on the construction characteristics of all ECB buildings, the self-press containers, matching lift-and-tilt-devices and coupling containers for a fixed press stamp on site during the site visits which the ECB will arrange during the tendering phase.

1.5 Documentation and reporting / Certifications / Environmental management / Statistics

In addition to the above-mentioned operational requirements, the successful tenderer shall also provide the following information and tasks, the requirements of which will be further specified in the tendering phase:

- **Documentation and reporting:**

- a. Certificates of operational service performance (delivery slips, weighing notes etc.).
- b. Recording of duly performed disposal- and recycling processes.

- **Certifications:**

Several certifications relevant to the service provision for a proper waste management (EfB-certificate etc.), quality management system, environmental management system, etc.

- **Environmental management / Audit requirements:**

Support of the client in the design, implementation and fostering of environmental goals and measures in the framework of the client's already existing EU Eco-Management and Audit Scheme (EMAS).

- **Statistics:**

Monthly update of three detailed waste statistics (templates provided by ECB).

2. Structure of the Call for Application (CfA) documentation

The Call for Application documentation consists of this Call for Application documentation and the following annexes:

- Annex CFA1: Application Form
- Annex CFA2: Application Questionnaire
- Annex CFA3: Selection criteria matrix. This Annex is additionally provided to the Candidates for reference purposes only to present the way in which the selection criteria «Reference contracts» will be evaluated.

3. Legal framework

This tender procedure shall be governed by Decision ECB/2016/2 of 9 February 2016 laying down the Rules on Procurement¹, (further in this document referred to as “the ECB Procurement Decision”) the provisions of this CfA and the provisions of the ITT to be sent to the selected candidates.

II. Preparation and submission of applications

1. Communication, queries regarding the tender procedure

- 1.1 During the preparation of applications, all Candidates are encouraged to submit questions to the ECB on any aspect of the Call for Applications (CfA) or the envisaged Contract.
- 1.2 Candidates must address all queries regarding this tender procedure via the ECB’s electronic tendering system through which they have also accessed the present Call for Applications. 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 applications but will try to do so if possible.
- 1.4 If a query is of general interest, the ECB shall communicate the query and the corresponding answer to all Candidates who have asked for the tender documentation. The query shall be anonymised and information of a commercially confidential nature shall not be disclosed.
- 1.5 During the tender procedure Candidates shall not contact any other ECB staff members or organisations/persons working for the ECB with regard to this tender procedure. Candidates shall also not contact potential competitors unless they intend to form a temporary grouping

¹ OJ L 45, 20.2.2016, p. 15-43, as amended by Decision ECB/2020/10 (OJ L 69, 6.3.2020, p.41-45) 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>.

with them or to involve them as subcontractors. Any violation of this communication rule may lead to the exclusion of the Candidate in question.

- 1.6 Unless otherwise provided, all communication with the ECB shall be made in English.
- 1.7 In the event of a dysfunctionality of the ECB's electronic tendering system, the ECB may use different means of communication or may request Tenderers to use different means of submission and communication and set a new time-limit for the submission of tenders.

2. Review of the tender documentation

If Candidates consider that the ECB's requirements laid down in the contract notice, the CfA or supporting documents are incomplete, inconsistent or illegal or that the ECB or another Candidate has infringed the applicable procurement rules, they shall notify their objections to the ECB via the ECB's electronic tendering system within 15 calendar days (Article 28(2) of the ECB Procurement Decision). If the irregularities affect the CfA or other documents sent by the ECB, the time limit shall start to run from the date of receipt of the documentation. In other cases, the time limit shall start to run from the moment the Candidates become aware of the irregularity or could reasonably have become aware of it. The ECB may then either correct or supplement the requirements or remedy the irregularity as requested, or reject the request indicating the reasons therefor. Objections which were not communicated to the ECB within the time limit may not be raised at a later stage, and Candidates shall be precluded from raising them in an appeal procedure (Article 39 of the ECB Procurement Decision) and in proceedings before the Court of Justice of the European Union.

3. Changes to Call for Application documentation

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

4. Preparation of the applications; expenses

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

III. Submission of applications

Candidates shall submit their Applications 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 Candidates must submit their application electronically via the [ECB's electronic tendering system](https://procurement.ecb.europa.eu/sourcing/fsvendor/vendordesktop/index) (link: <https://procurement.ecb.europa.eu/sourcing/fsvendor/vendordesktop/index>) before **12:00 noon, Frankfurt local time, on 21 November 2022**.

1.2 The contact person for this tender procedure is: Ms Uta Elbers-Kesten.

1.3 The relevant reference number for this tender procedure in the ECB's electronic tendering system is **RFX-PT-2022-000086: PRO-006429-R1- Provision Waste disposal**.

2. Format of the application

The tender shall consist of

- the application form (Annex CFA1)
- the application questionnaire (Annex CFA2)
- selection criteria matrix (Annex CFA3) is provided to the Candidates for reference purposes only to present the way in which the selection criteria «Reference contracts» will be evaluated.

2.1 Application form (Annex CFA1)

Tenderers shall complete the Application form (Annex CFA1) in accordance with the instructions set out in the form. The Application form shall be signed handwritten by an authorised representative of the Candidate. If the application is submitted on behalf of a temporary grouping, the Application form shall be co-signed by all members of the temporary grouping. If the Candidate lists subcontractors in its Application form, a separate Application 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 CFA1. In case the Candidate relies in its application on other companies/persons to fulfil the selection criteria, each of those companies/persons needs to fill in a separate Application form including its appendix A2 to the Annex CFA1. Candidates shall submit the scan of the signed Application form(s) electronically via the ECB's electronic tendering system as part of their application.

2.2 Application questionnaire (Annex CFA2)

Tenderers shall complete the Application questionnaire **CFA2** in accordance with the instructions set out in the form.

2.3 Selection criteria matrix (Annex CFA3)

Annex provided to the Candidates for reference purposes only to present the way in which the selection criteria «Reference contracts» will be evaluated.

3. Language

Candidates shall submit all documents and information in English. Legal, financial, ISO and other certificates that have not been issued in English may be submitted in the original language. The ECB may request Candidates to provide a certified translation of the original document.

4. Digital format

Candidates shall submit their application electronically via the ECB's electronic tendering system. The application 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 applications

1. Evaluation process

1.1 The ECB envisages to invite at least five Candidates to submit a tender provided that a sufficient number of Candidates meeting the selection criteria is available (see Section IV.4.5 below). The ECB shall invite the Candidates

- (a) whose applications comply with the formal requirements laid down in this CfA;
- (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 applications meeting all the mandatory/minimum requirements of each stage shall be considered in the final evaluation and ranked in order to establish the candidates invited to submit a tender.

1.2 The ECB may request Candidates to supplement their application or to clarify specific points within the limits set out in Article 27 of the ECB Procurement Decision. Candidates shall respond to such requests within the reasonable time-limits set by the ECB. The ECB will not consider replies submitted after the expiry of the time-limit.

1.3 For the purpose of the evaluation the ECB may also take account of any other relevant information from public or specialist sources. The ECB may contact the reference persons indicated by the Candidates and ask specific questions. The questions and answers shall be documented in writing.

2. Formal application requirements

2.1 The ECB shall exclude applications 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 Candidates that do not comply with other substantial formal requirements laid down in this CfA.

3. Eligibility criteria

- 3.1 The tender procedure shall be open on equal terms to all natural or legal persons resident or established 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 (GPA) or has concluded with the European Union a bilateral agreement on procurement under the conditions laid down in the said agreements. Other tenderers will be excluded.
- 3.2 The ECB shall exclude Candidates 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 have been excluded from participation in any future tender procedure for a certain period of time in accordance with Article 30(8) of the ECB Procurement Decision.
- 3.3 The ECB may exclude Candidates 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 The ECB shall exclude Tenderers that are subject to EU restrictive measures adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU), such as Regulation (EU) No. 833/2014 and Regulation (EU) 269/2014, or Tenderers that involve entities (see Section VI.1 and VI.2) subject to such measures. The prohibition to involve such entities applies throughout the whole performance of the contract. The sanctions that apply can be found in the Official Journal of the EU.
- 3.5 Candidates 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 application that may affect their eligibility.
- 3.6 Prior to the award of Contract, the ECB may request the best-ranked Tenderer(s) to submit the documents listed in the Application form including the documents concerning the subcontractors. The ECB reserves the right to request these documents from Candidates/Tenderers at any other stage of the tender procedure. Upon the ECB's request, the Tenderers/Candidates shall submit these documents within one week. Failure to comply with this requirement may lead to the exclusion of the Tenderer or Candidate. Candidates 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

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

4.1 Economic and financial capacity

The Candidates' economic and financial capacity 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 CfA). Candidates must meet the following minimum requirement(s):

- a) The accumulated total net turnover of the Candidate must be at least EUR 600,000 for the last three financial years.
- b) a professional risk indemnity insurance and/or third party/civil liability insurance in place.

As proof, Tenderers shall submit the documents listed in Annex CFA1.

If the Candidate is a temporary grouping:

It may add the respective turnover of its members.

4.2 Technical and professional capacity

The Candidates' technical and professional capacity will be assessed on the basis of the following criteria (**information to be provided in Annex CFA2 to Call for Applications**):

- (a) the Candidates' experience which will be assessed on the basis of **reference contracts**.

The Candidate shall have performed at least three similar contracts during the last three financial years, each of them being worth at least EUR 100,000 p.a. 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; the reference contracts can be ongoing.

- (b) The Candidate's professional capacity which will be assessed on the basis of the **relevant certificates and permits** for the transportation and disposal of waste, in particular the ones listed below. The Candidate shall be in possession of said certificates and permits:

- certificate as "Entsorgungsfachbetrieb" for waste disposal in Germany: Zertifizierung nach § 56 KrWG (*Kreislaufwirtschaftsgesetz* – German Circular Economy Act) under the German Entsorgungsfachbetriebsverordnung²) and proof of registration in the Entsorgungsfachbetriebsregister (EfbV); KrWG);
- permit for the transportation of dangerous waste according to § 54 KrWG

² https://www.gesetze-im-internet.de/efbv_2017/EfbV.pdf.

Certificates and permits have to be provided for all activities (including an activity under § 54 KrWG (*gefährliche Abfälle*/dangerous waste) and facilities which Candidates intend to use for the provision of the services under the Contract, proving, as the case may be, that Candidates operate or cooperate with a **certified waste management facility** (scope: whole company, minimum for every waste key and treatment the ECB intends to use), meeting the requirements of §§ 54 and 56 KrWG.

- (c) The Candidate's technical and professional capacity which will be assessed, particularly, with regards to the size of the vehicles that are required as detailed in Section 1.3 above.

As proof, Candidates shall submit

- the Application form (Annex CfA1).
- the Application Questionnaire (Annex CFA 2).
- as part of the application the following permits/certificates shall be submitted (if already available by application date) in line with the instructions in the Application Questionnaire CFA 2:
 1. certificate as "Entsorgungsfachbetrieb" for waste disposal in Germany: Zertifizierung nach § 56 KrWG (*Kreislaufwirtschaftsgesetz* – German Circular Economy Act) under the German Entsorgungsfachbetriebeverordnung³) and proof of registration in the Entsorgungsfachbetriebsregister (EfbV)⁴;
 2. permit for the transportation of dangerous waste according to § 54 KrWG

4.3 Among the Candidates meeting the minimum requirements set out in Sections 4.1 and 4.2, the ECB shall select those which best meet the following selection criteria: Candidate's general experience and expertise, assessed on the basis of the reference contracts provided by the Candidate in Annex CFA 2 – Application questionnaire, which are comparable in terms of scope, size and complexity with the Contract tendered by the ECB.

4.4 The selection criteria listed in Section 4.3 above shall be assessed and evaluated on the basis of the Selection Criteria Matrix – Annex CFA 3 provided to Candidates for reference purposes only.

The ECB shall evaluate the selection criteria listed in Section 4.3 above using a scoring system with a maximum of 120 points (40 points maximum per reference contract), based on the criteria

³ https://www.gesetze-im-internet.de/efbv_2017/EfbV.pdf.

⁴ Certificates have to be provided for all activities (including an activity under § 54 KrWG (*gefährliche Abfälle*/dangerous waste) and facilities which Candidates intend to use for the provision of the services under the Contract, proving, as the case may be, that Candidates operate or cooperate with a **certified waste management facility** (scope: whole company, minimum for every waste key and treatment the ECB intends to use), meeting the requirements of § 56 KrWG);

and corresponding weightings set out in Section 4.3. The Candidate with the highest added score will, for the purpose of the ranking of the applications, obtain the maximum of 120 points.

4.5 Number of candidates to be invited to Tender

The ECB envisages inviting to tender at least five (5) candidates with the highest overall scores. The ECB reserves the right to increase the maximum number of tenderers when the difference of the overall weighted scores of the last ranked successful candidate and the first ranked non-successful candidate is less than 1.00 points in the aforementioned scoring system with a maximum of 120 points.

V. Outcome of the Call for Applications (CfA)

1. Notification of outcome

1.1 The ECB shall inform all Candidates in writing of the outcome of the evaluation. The successful Candidates will receive the invitation to tender within the time frame indicated in the notification.

1.2 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 suppliers' legitimate commercial interests, would hinder application of the law or would otherwise be contrary to the public interest.

2. Appeal procedure

2.1 Unsuccessful Candidates may challenge in writing the ECB's decision to reject their application within 10 days of receipt of the notification of the decision to reject their tender under the conditions set out in Article 39 of the ECB Procurement Decision. Any appeal shall be submitted to the following address:

Procurement Review Body of the ECB
 c/o Legal Services Team
 European Central Bank
 Sonnemannstrasse 22
 60314 Frankfurt am Main
 Germany
 Email: legal.services@ecb.europa.eu

2.2 The appeal shall be submitted in English and include all supporting information and reasoned objections in line with Article 39(1) of the ECB Procurement Decision with the exception of any objections which are precluded in accordance with Chapter II, Section 2.

3. Jurisdiction

The General Court of the European Union in Luxembourg (Rue du Fort Niedergrünwald L-2925 Luxembourg) shall have exclusive jurisdiction in any dispute between the ECB and a Candidate relating to this tender procedure. If an appeal procedure is available, Candidates are requested to await the ECB's decision on the appeal before bringing the matter to the General

Court. The time-limit to bring proceedings under Article 263 of the Treaty on the Functioning of the European Union shall begin to run two months from receipt of the appeal decision.

4. **European Ombudsman**

A Candidate may also lodge a complaint with the European Ombudsman (1 Avenue du Président Robert Schuman, CS 30403, FR - 67001 Strasbourg Cedex) in accordance with Article 228 of the Treaty on the Functioning of the European Union and the Statute of the European Ombudsman. A complaint must be made within two years from the date when the complainant becomes aware of the facts on which the complaint is based.

VI. **General rules**

1. **Temporary groupings**

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

2. **Subcontracting / Reliance on the capacity of other entities for fulfilling the selection criteria**

2.1 **Subcontracting**

- 2.1.1 Successful tenderers may subcontract parts of the Contract.
- 2.1.2 If Candidates intend to involve subcontractors, they shall list them in the Application Form and provide all the information requested, including a separate signed Application Form (Annex CFA1 to this CfA) **for each subcontractor**. If Candidates intend to rely on the capacities of sub-contractors for the purpose of fulfilling the selection criteria set out in Chapter IV, Section 4, Candidates shall provide a signed declaration of the subcontractor confirming that it will perform the parts of the Contract assigned to it, should the Contract be awarded to the Candidate (Appendix 1 to Annex CFA1).
- 2.1.3 Candidates that are invited to submit a tender shall not exchange subcontractors or appoint additional subcontractors after the submission of their tender and prior to the signature of the Contract, unless the ECB at its sole discretion allows such an exchange or addition. Thereafter, the exchange or appointment of subcontractors shall be subject to the prior written

approval of the ECB. The same applies for entities, other than subcontractors, whose capacity is being relied on by a candidate (cf. point 2.2.2 below).

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

2.2 Reliance on the capacity of other entities for fulfilling the selection criteria

- 2.2.1 Candidates may rely on other entities to fulfil the selection criteria as specified in this CfA.

With regard to criteria relating to the technical and professional capacity or experience, candidates may only rely on the capacities of other entities where the latter will perform the deliverables for which these capacities are required.

With regard to criteria relating to the economic and financial standing, candidates may only rely on the capacities of other entities where the latter undertake to be jointly liable for the execution of the contract.

- 2.2.2 If Candidates intend to rely on the capacities of other entities for the purpose of fulfilling the selection criteria set out in Chapter IV, Section 4, they shall prove to the ECB that they will have at their disposal the resources necessary for performance of the Contract. As proof Candidates shall provide a separate signed Tender Submission Form (Annex CFA1 to this CfA) for each entity and a signed declaration of each subcontractor or entity concerned, confirming that its capacities will be at the Candidate's disposal, should the Contract be awarded to the Candidate (Appendix 2 to Annex CFA1). They shall indicate, for each entity being relied on, whether that entity will perform deliverables as a subcontractor or whether its capacities will be at the Candidate's disposal based on another legal relationship, which should in that case be specified.

3. No separate application

Candidates shall submit only one application, in case of separate Lots, only one application per Lot. The ECB may exclude from participation any Candidates who submit a separate application and who:

- (a) are members of the same group of affiliated undertakings as another Candidate; or
- (b) are members of a temporary grouping together with other Candidates; or
- (c) offer a substantial part of the Contract to another Candidate as subcontractor,

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

4. Confidentiality; professional secrecy

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

- (a) at all times treat the contents of the CfA and any related documents and information (together the 'Information') as confidential;

- (b) not disclose, copy, reproduce, distribute or pass any of the Information to any other person at any time or allow any of these things to happen;
- (c) not use any of the Information for any purpose other than for the purposes of submitting (or deciding whether to submit) a tender; and
- (d) not undertake any publicity activity within any section of the media.

4.2 Candidates may disclose, distribute or pass Information to third parties provided that either:

- (a) the Information is already publicly available (other than through a breach of these confidentiality rules); or
- (b) the Information is disclosed for the sole purpose of preparing an application and the person receiving the Information undertakes in writing to keep the Information confidential on the same terms as if that person were the Candidate; or
- (c) the Candidate obtains the prior written consent of the ECB in relation to such disclosure, distribution or passing of Information; or
- (d) the Candidate is legally required to make such a disclosure.

4.3 The ECB is by law subject to the highest standards of professional secrecy and confidentiality⁵. The ECB may disclose detailed information relating to the applications:

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

5. Data protection

5.1 The ECB 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, 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 data subjects concerned may request access to their personal data, request the rectification of any data that is inaccurate or incomplete. They also have (with some limitations) the right to request the deletion of their personal data or to restrict or object to the processing of their personal data in line with the relevant provisions of Regulation (EU) 2018/1725.

⁵ 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 (OJ L 45, 20.2.2016, p. 15-43, as amended by Decision ECB/2020/10 (OJ L 69, 6.3.2020, p.41-45) and Decision ECB/2020/10 (OJ L 69, 6.3.2020, p. 41-45).

- 5.3 Data subjects can exercise their rights by contacting the ECB contact person for a specific procurement procedure using the contact details mentioned in the tender documentation and specifying the nature of the request.

For all queries relating to personal data, they may contact the ECB's Data Protection Officer at dpo@ecb.europa.eu.

They also have the right to lodge a complaint with the [European Data Protection Supervisor](#) at any time if they consider that their rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of their personal data.

Further details are contained in the 2019 Privacy Statement which 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 If Tenderers submit to the ECB personal data of third parties (e.g. their staff member or sub-contractor), before submitting their tender they shall inform the data subjects that the ECB will process their data. They shall provide to the concerned data subjects the information as laid down in Article 16 (1) and (2) of Regulation (EU) 2018/1725. In particular they shall make available to them the 2019 Privacy statement of the ECB.

6. No obligation to award the Contract; cancellation

- 6.1 The initiation of this tender procedure imposes no obligation on the ECB to award the Contract.
- 6.2 The ECB may cancel the tender procedure as a whole or in parts at any time before the Contract is signed without Candidates or Tenderers being entitled to claim any compensation (Article 38 of Decision ECB/2016/2).