

ECB - negotiated tender for the provision of IT consultancy and IT development services to the European Central Bank (ECB) (D-Frankfurt-on-Main)

2005/S 137-135354

Contract notice

Services

Is this contract covered by the Government Procurement Agreement (GPA)? Yes.

Section I: Contracting authority

- I.1) **Official name and address of the contracting authority:**
European Central Bank, Att: Mr Humphrey Rudgard, Kaiserstrasse 29, D-60311 Frankfurt am Main. Tel.: (49-69) 13 44 75 31. Fax: (49-69) 13 44 75 03. E-mail: procurement@ecb.int. URL: <http://www.ecb.int>.
- I.2) **Address from which further information can be obtained:**
As in I.1.
- I.3) **Address from which documentation may be obtained:**
As in I.1.
- I.4) **Address to which tenders/requests to participate must be sent:**
As in I.1.
- I.5) **Type of contracting authority:**
EU Institution.

Section II: Object of the contract

- II.1) **Description**
- II.1.1) **Type of works contract**
- II.1.2) **Type of supplies contract**
- II.1.3) **Type of service contract:**
Service category 72.
- II.1.4) **Is it a framework agreement?**
Yes.
- II.1.5) **Title attributed to the contract by the contracting authority:**
Negotiated tender for the provision of IT consultancy and IT development services to the European Central Bank (ECB).
- II.1.6) **Description/object of the contract:**
The ECB wishes to establish a framework contract for the provision of IT consultancy and IT development services for small or medium-sized projects. The contract will be based on times and material or fixed price services. Price lists agreed shall remain valid for the full duration of the contract.

The services will include tasks such as but not limited to:

- business analysis, solution scenario, specifications, development of software, testing and roll-out of applications, drafting of related documentation for project management, maintenance and operations;
- development of software upgrades or development of corrective patches; and
- second-line support for software in operation.

All the development work and services will have to be in line with the ECB's policies on IT development, IS architecture, IT operations and IS security.

II.1.7) Site or location of works, place of delivery or performance:

On the premises of the ECB in Frankfurt am Main, Germany.

Nuts code: DE712

II.1.8) Nomenclature

II.1.8.1) Common procurement vocabulary (CPV):

72200000.

II.1.8.2) Other relevant nomenclature (CPA / NACE / CPC)

II.1.9) Division into lots:

No.

II.1.10) Will variants be accepted:

No.

II.2) Quantity or scope of the contract

II.2.1) Total quantity or scope:

2 framework contracts will gradually replace the existing individual contracts for external staff that were previously established by the ECB.

Depending on how needs evolve, this number may change and is estimated to represent up to 10 000 man-days per year. This information is given without any commitment on the part of the ECB.

II.2.2) Options. Description and time when they may be exercised:

Not applicable.

II.3) Duration of the contract or time-limit for completion:

Starting 1.5.2006 and/or ending 30.4.2009.

The contract will be established for 3 years, with the possibility of it being extended twice for 1 year in each case.

Section III: Legal, economic, financial and technical information

III.1) Conditions relating to the contract

III.1.1) Deposits and guarantees required:

As set out in the tender documents which will be sent to the shortlisted candidates.

III.1.2) Main terms of financing and payment and/or reference to the relevant provisions:

As set out in the tender documents which will be sent to the shortlisted candidates.

III.1.3) Legal form to be taken by the grouping of suppliers, contractors or service providers to whom the contract is awarded:

Consortia: not permitted.

Grouping of contractors: not permitted.

Subcontracting: permitted. However, at least 80 % of the services provided shall be performed by the applicant and subcontracting shall normally be used only for very specific and unusual skills or for unusual profiles. The potential contractors must both indicate clearly in their applications which parts of the requested services will be subcontracted and provide full details of how this subcontracting will be organised. Any change of subcontractors shall be subject to the approval of the ECB.

III.2) **Conditions for participation:**

Applicants shall draw up their application by completing a mandatory ad-hoc questionnaire, which will be provided upon request by the contact address mentioned in point I.3 above and whose format and instructions must be strictly observed. Any application which does not observe these provisions will automatically be rejected.

III.2.1) **Information concerning the personal situation of the contractor, supplier or service provider and information and formalities necessary for the evaluation of the minimum economic, financial and technical capacity required:**

Applicants should note that failure to send sufficient information about the points mentioned below (and requested in the standard questionnaire) may result in their application being rejected.

III.2.1.1) **Legal position — means of proof required:**

Applicants will be excluded from taking part in this tender procedure if:

1. they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
2. they have been convicted of an offence concerning their professional conduct by a judgment which has the force of *res judicata*;
3. they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
4. they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority;
5. they have been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the ECB's financial interests;
6. they have been declared, following another procurement procedure or an award procedure financed by the ECB's budget, to be in serious breach of contract for failure to comply with their contractual obligations;
7. they are subject to a conflict of interests, which shall be deemed to the case if the applicant and a person involved in the implementation of the ECB's budget or an internal auditor share interests which compromise the impartial and objective exercise of that person's functions;
8. they commit misrepresentation in supplying the information required by the contracting authority.

Applicants will be required to show that they are not in 1 or more of the situations listed above by submitting a self-assessment signed by the person(s) empowered to represent the applicant party and sign the contract if the related bid is successful or by providing the following evidence:

- a) in relation to items 1, 2 and 5 above, relevant extract(s) from the judicial record or, failing that, equivalent

documentation issued by a judicial or administrative authority in the country where they are established or an affidavit stating the legal position of their company with respect to the requested elements in each point. The extract(s) or equivalent documentation must be dated less than 4 months before the final date for submission of offers. Depending on the national legislation of the country in which they are established, these documents must relate to entities with legal personality and/or natural persons; in the latter case, they must relate to the person(s) empowered to represent the applicant party and sign the contract if the related bid is successful;

b) in relation to items 3, 6, 7 and 8 above, an affidavit stating that they have not been guilty of grave professional misconduct, and that they have not been declared to be in serious breach of a contract for failure to comply with their contractual obligations, and that they are not subject to a conflict of interest and that they are supplying all the information required for the call for tenders in good faith and without misrepresentation. This document should be signed by the person(s) empowered to represent the applicant party and sign the contract if the related bid is successful; and

c) in relation to item 4 above, recent certificates issued by the competent social security and tax authorities of the country where they are established. Where no such certificate is issued in that country, this can be replaced by a sworn or solemn statement made before a judicial or administrative authority, a notary or a qualified professional body in that country.

Please note that applicants who have provided the self assessment shall be required, in the event that they are invited to tender a bid, to provide the documents listed under sub-paragraphs (a) to (c) above to prove their full compliance with the requirements listed under items 1 to 8 in this section.

III.2.1.2) **Economic and financial capacity — means of proof required:**

Applicants will be assessed on their economic and financial capacity to perform the contract and will be asked to present the following documentation:

1. evidence of professional risk indemnity insurance;
2. a bank certificate stating the company's financial situation;
3. balance sheets or extracts from balance sheets for at least the last 2 years for which accounts have been closed, or equivalent documentation (e.g. where company law in the country in which the applicant is established does not require the balance sheet to be published);
4. a statement of overall turnover, and of turnover concerning the services to be covered by the contract, in the last 3 financial years (a minimum annual turnover of EUR 50 million is required).

III.2.1.3) **Technical capacity — means of proof required**

Applicants will be assessed on their technical and professional capacity and experience to perform the contract and will be asked to present the following documentation:

1. References of similar consultancy services (a minimum of 3 contract descriptions is required) provided preferably for public organisations over the past 3 years. This list should include the contract reference, the period of execution, the customer's name and the contact person within the customer's organisation (name, position, role in the contract, telephone number and e-mail address), the value of the contract and a description (1 page) of the main items of the contract;

details of experience required with, but not limited to:

- user interfaces: web browser or MS Windows desktops; Business logic is implemented either in MS Office applications (VB Macros) or in Java code;
- scripting languages : shell scripts, Perl and PHP;
- web server: Apache web server;

- application server: Apache Jakarta Tomcat is available for J2EE application hosting; BEA Weblogic;
- database server: Oracle MS Access;
- directory services: Microsoft Active Directory, Open LDAP, Sun Java System Identity Manager;
- messaging : MS Exchange 2000/2003, X.400;
- modelling and design tools: ARIS UML modelling;
- business intelligence: Business Objects tools;
- platforms: SUN servers (running Solaris), HP servers (running MS Windows 2000), desktops (running Windows XP); and
- security services: PGP Encryption solutions.

2. A document (maximum of 2 pages) briefly explaining the specific relevance of the aforementioned references to this contract (service provided, service organisations, service level management, quality control).

3. Documents certifying the professional standing and technical capability. The applicant shall provide information about quality assurance procedures and development and operational standards which prove his capacity and professionalism in performing his duties.

4. Information about the transfer of full physical and intellectual property on works developed which proves the full renouncement of the applicant's intellectual rights (No transfer of property will result in the rejection of the application) and the transfer of development ownership and know-how during the time and at the end of the contract.

5. A detailed description of the main department(s) responsible for the delivery of the services requested, including the allocated number of staff in managerial and non-managerial positions, specifying permanent and non-permanent staff, over the past 3 years. An indication as to how the different departments contribute to a successful provision of services.

6. A clear indication of which parts of the requested consultancy services will be subcontracted. (cf. point III 1.3).

7. The relevant contractual clause(s) in full if the applicant's employment contracts provide for sanctions on its personnel in the case of an unauthorised disclosure of information by its personnel, or in the case of malicious damage by its personnel.

8. Proof that the applicant can provide a sufficient number of qualified staff with relevant profiles (at least 10 business analysts and 50 developers are required, while other profiles will be evaluated at the discretion of the ECB) to start the provision of the services on the scale indicated in point II.2.1.

9. An indication of the minimum response time for expressing interest in an offer (a maximum of 3 days is required) and the minimum required response time for providing the relevant individual CVs after a call for individual profiles (a maximum of 5 days is required), and the minimum response time for providing a quotation for a fixed price after a call for the development of a full package (a maximum of 10 days is required).

Further to the elimination criteria above-mentioned, the applicants will be selected to participate in the current procedure on the basis of the following selection criteria:

- a) economic and financial capacity to perform the contract;
- b) experience of providing consultancy services of a similar nature;
- c) organisational structure;
- d) efficiency in terms of time and quality with respect to providing the services; and
- (e) procedures and tools for the transfer of know-how.

III.3) **Conditions specific to services contracts**

III.3.1) **Is provision of the service reserved to a specific profession?**

No.

III.3.2) **Will legal entities be required to state the names and professional qualifications of the personnel responsible for execution of the contract?**

Yes.

Section IV: Procedure

IV.1) **Type of procedure:**

Negotiated.

IV.1.1) **Have candidates already been selected?**

No.

IV.1.2) **Justification for the choice of accelerated procedure**

IV.1.3) **Previous publication concerning the same contract**

IV.1.3.1) **Prior information notice concerning the same contract**

IV.1.3.2) **Other previous publications**

IV.1.4) **Envisaged number of suppliers which will be invited to tender:**

Minimum 5 / Maximum 8.

IV.2) **Award criteria:**

The most economically advantageous tender in terms of criteria as stated in contract documents.

IV.3) **Administrative information**

IV.3.1) **Reference number attributed to the file by the contracting authority**

IV.3.2) **Conditions for obtaining contract document and additional documents**

IV.3.3) **Time-limit for receipt of tenders or requests to participate:**

18.8.2005.

IV.3.4) **Dispatch of invitations to tender to selected candidates**

IV.3.5) **Language or languages in which tenders or requests to participate can be drawn up:**

English.

IV.3.6) **Minimum time-frame during which the tenderer must maintain its tender:**

12 months from the deadline stated for receipt of tenders.

IV.3.7) **Conditions for opening tenders**

IV.3.7.1) **Persons authorised to be present at the opening of tenders:**

Authorised staff of the ECB only.

IV.3.7.2) **Date, time and place:**

Place: at ECB premises.

Section VI: Other information

VI.1) **Is this notice a non-mandatory one?**

No.

VI.2) **If applicable, indicate whether this procurement is a recurrent one and the estimated timing for further notices to be published:**

Not applicable.

VI.3) **Does the contract relate to a project/programme financed by EU funds?**

No.

VI.4) **Additional information**

VI.5) **Date of dispatch of this notice:**

13.7.2005.