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**D-Frankfurt-on-Main: ECB - open procedure for the operation of
an extended custodial inventory programme for euro banknotes
2012/S 130-214742**

Contract notice

Section I: Contracting authority

I.1) Name, addresses and contact point(s):

European Central Bank, attention: Alberto Molon, Kaiserstraße 29, 60311Frankfurt-on-Main, GERMANY. Fax +49 691344-7110. E-mail: procurement@ecb.europa.eu

Internet address(es):

General address of the contracting authority: <http://www.ecb.int>

Further information can be obtained at:

As in abovementioned contact point(s).

Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained at:

As in abovementioned contact point(s).

Tenders or requests to participate must be sent to:

As in abovementioned contact point(s).

I.2) Type of the contracting authority and main activity or activities:

European institution/agency or international organisation.

The contracting authority is purchasing on behalf of other contracting authorities: no.

Section II: Object of the contract

II.1) Description

II.1.1) Title attributed to the contract by the contracting authority:

Open procedure for the operation of an extended custodial inventory programme for euro banknotes.

II.1.2) Type of contract and location of works, place of delivery or of performance:

Services.

Service category: No 6.

Main place of performance: Asia (without the Middle East), the Middle East and North America (without Mexico).

NUTS code: AA, ME, US, CA.

II.1.3) The notice involves

II.1.4) Information on framework agreement

II.1.5) Short description of the contract:

The European Central Bank (ECB) is seeking through this procedure individual credit institutions operating in the field of wholesale banknote trading (hereinafter 'ECI bank(s)') to run an extended custodial inventory programme (hereinafter 'ECI programme') for euro banknotes in the regions (i) Asia (without the Middle East); (ii) the Middle East and (iii) North America (without Mexico).

The ECB intends to award several contract(s) (the 'contract') to the supplier(s) that fulfils the eligibility and qualification criteria set in the invitation to tender (ITT) and, if applicable, are best ranked using the selection methodology described in Chapters I and IV of the ITT.

II.1.6) **Common procurement vocabulary (CPV):**

66162000, 66160000, 66115000.

II.1.7) **Contract covered by the Government Procurement Agreement (GPA):**

No.

II.1.8) **Division into lots:**

No.

II.1.9) **Variants will be accepted:**

No.

II.2) **Quantity or scope of the contract**

II.2.1) **Total quantity or scope:**

The ECI programme means a programme consisting of contractual arrangements between the ECB, a national central bank of the Eurosystem (NCB) and the ECI banks, whereby the NCB: (i) supplies the ECI banks with euro banknotes, which they hold in custody outside Europe for the purpose of putting them into circulation; and (ii) credits the ECI banks for euro banknotes which are deposited by their customers, checked for authenticity and fitness, held in custody and notified to the NCB. The banknotes held in custody by the ECI banks, including those in transit between the NCB and the ECI banks, are fully collateralised until they are put into circulation by the ECI banks or returned to the NCB.

In the framework of the ECI programme, the ECI banks shall authenticate euro banknotes received from their customers and sort them for fitness in accordance with the Decision of the European Central Bank of 16.9.2010 on the authenticity and fitness checking and recirculation of euro banknotes (ECB/2010/14). Unfit banknotes will be sent to the Bundesbank ('BBk'), and the recirculation of fit euro banknotes in the international marketplace promoted.

The ECI bank will arrange all transport and pay the related costs of banknote transport between the BBk and the ECI site. The ECI bank will be allowed to store/have in transit euro banknotes totalling a maximum of 200 000 000 EUR and must ensure that the risks of its becoming insolvent or of non-payment, damage, theft or robbery of banknotes held by it are fully covered up to that amount for the duration of the contract. This will be achieved by providing the BBk, as the beneficiary, with eligible collateral to cover this amount.

The benefit to the ECI banks of the ECI programme will be twofold: first, on account of the improved availability of euro banknotes and favourable debiting and crediting arrangements ECI Banks will be able to meet customer demand more effectively and at less cost; second, they will be less dependent on fluctuations in the price of air transport.

II.2.2) **Options:**

No.

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

The duration of the contract will be of an initial period of 4 years with the option to prolong the duration of the contract for an additional period up to 4 years.

Section III: Legal, economic, financial and technical information

III.1) **Conditions relating to the contract**

III.1.1) **Deposits and guarantees required:**

Details, where applicable, are provided in the invitation to tender (ITT) and its annexes.

III.1.2) **Main financing conditions and payment arrangements and/or reference to the relevant provisions regulating them:**

Details, where applicable, are provided in the invitation to tender (ITT) and its annexes.

- III.1.3) Legal form to be taken by the grouping of economic operators to whom the contract is to be awarded:**
Tenderers 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.
The ECB shall accept tenders from temporary groupings under the following conditions:
(a) the tender is submitted as a joint tender;
(b) the tender includes the declaration for temporary groupings (included in Annex 3 of the invitation to tender), signed by duly authorised representatives of each member;
(c) the tender clearly describes the responsibilities of each member of the grouping and how they intend to cooperate.
Temporary groupings shall remain unchanged throughout the tender procedure.
- III.1.4) Other particular conditions to which the performance of the contract is subject:**
Yes.
Details are provided in the invitation to tender (ITT) and its annexes.
- III.2) Conditions for participation**
- III.2.1) Personal situation of economic operators, including requirements relating to enrolment on professional or trade registers:**
— To be an individual credit institution operating in the field of wholesale banknote trading.
— Information and formalities necessary for evaluating whether requirements have been met: based on the invitation to tender (ITT) and the tender submission form, attached in Annex 3 to the ITT.
Pursuant to Article 24 of the ECB rules on procurement as laid down in Decision ECB/2007/5 of 3.7.2007 (see Section VI.3) the following shall apply:
the ECB shall exclude tenderers from participation in a tender procedure if they have been the subject of a judgment which has the force of 'res judicata' for fraud, corruption, money laundering, involvement in a criminal organisation or any other illegal activity detrimental to the financial interests of the Union, of the ECB or of the NCBs.
The ECB may exclude tenderers from participation at any time if:
(a) 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 these matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
(b) they have been convicted of an offence concerning their professional conduct by a judgment which has the force of 'res judicata';
(c) they have been guilty of grave professional misconduct;
(d) 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 reside or with those of the country of the contracting authority or those of the country where the contract is to be performed;
(e) they have been declared by a court or an arbitration tribunal to be in serious breach of contract for failure to comply with their contractual obligations following another tender procedure;
(f) their management, staff or agents are subject to a conflict of interests;
(g) they are guilty of misrepresentation in supplying the information required by the ECB;
(h) they contact other tenderers with the purpose of restraining competition.
Tenderers must certify that they are not in any of the situations listed above by signing the relevant documentation relating to this procedure and provide the evidence requested therein. In the case of groupings,

all members must fulfil these conditions. If such circumstances arise in the course of the procedure, the tenderer concerned shall inform the ECB thereof without undue delay.

In addition, the ECB shall exclude tenderers which are based in a jurisdiction which do not comply with the international standards aiming at strengthening global safeguards and protecting the integrity of the financial system against money laundering and terrorist financing threats (e.g. FATF Public Statements on high-risk and non-cooperative jurisdictions or resolutions, sanctions and or other notices of the United Nations Security Council).

III.2.2) Economic and financial capacity:

Tenderers participating in this procedure are required to:

- be financially sound to fulfil the contract, and
- have a minimum annual trading volume (euro banknote purchases and sales) of 0,8 billion EUR when averaged over the past 3 calendar years. As evidence, the tenderer shall provide statistics indicating the volume of euro banknotes traded during the last 3 years, together with a geographical distribution of its customers.

III.2.3) Technical capacity:

Tenderers participating in this procedure are required to:

- have adequate experience in the international trading of banknotes and thus be competent to fulfil the tasks of a tenderer,
- have robust security and banknote handling procedures in place at the tenderer and/or its subcontractor(s). This may be verified by means of a visit by the ECB and/or the BBk to the relevant site(s) and encompass checking the security and banknote handling procedures in place in the banknote processing facilities and vaults of the tenderer and/or its subcontractors. During this visit the ECB and/or BBk may also meet representatives of the management and staff of the tenderer and/or subcontractors, if deemed necessary,
- make use of a current account, which is held with the BBk by a credit institution located in the euro area, for which the BBk is entitled to settle ECI transactions, and
- be in a position to process euro banknotes in accordance with Decision ECB/2010/14.

III.2.4) Reserved contracts

III.3) Conditions specific to service contracts

III.3.1) Execution of the service is reserved to a particular profession:

No.

III.3.2) Legal persons should indicate the names and professional qualifications of the staff responsible for the execution of the service:

Yes.

Section IV: Procedure

IV.1) Type of procedure

IV.1.1) Type of procedure:

Open.

Please note that (i) since the services performed by the ECI banks will not be remunerated and (ii) due to the nature of the services, this procedure does not fall within the remit of the ECB rules on procurement as laid down in Decision ECB/2007/5 of 3.7.2007 (see Section VI.1).

However, in view of the principle of transparency and good administration, the ECB wish to carry out this procedure, as far as feasible, in compliance with the spirit of Decision ECB/2007/5.

IV.1.2) Limitations on the number of operators who will be invited to tender or to participate

IV.1.3) Reduction of the number of operators during the negotiation or dialogue:

Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated: no.

IV.2) **Award criteria**

IV.2.1) **Award criteria:**

The ECB shall only award the contract to the tenderer(s) who fulfils the eligibility and qualification criteria. If the number of tenders fulfilling the eligibility and qualification criteria for any one of the 3 specified regions (see Section II.1.5) exceeds 3, these remaining tenders will be evaluated against their professional and technical capacity as regards their experience in the international trading of banknotes.

The assessment will be based on a scoring system with a maximum of 100 points. The maximum number of points achievable per criterion will be equivalent to the percentage weightings allocated to the relevant criteria.

Scores will be assigned for:

a) the size of any reference activities (previous ECI programme or similar) performed during the last 5 years (weighting 80 %). No points will be awarded if the type and/or volume of reference activities is not disclosed. The ECB reserves the right not to award any points in case the reference activity cannot be verified;

b) years of experience in international trading of banknotes (weighting 20 %).

In case the envisaged maximum of 3 tenders per region is not exceeded, all tenders for the relevant region which meet the eligibility and qualification criteria will be awarded the contract.

IV.2.2) **An electronic auction will be used:**

No.

IV.3) **Administrative information**

IV.3.1) **File reference number attributed by the contracting authority**

IV.3.2) **Previous publication(s) concerning the same contract:**

No.

IV.3.3) **Conditions for obtaining specifications and additional documents:**

In order to participate in the tender procedure interested companies have to require the invitation to tender (ITT) document from the address indicated in Section I.1.

The ITT describes how tenderers have to prepare and submit their offers (see Chapters II–III), describes the evaluation and award process (see Chapter IV), explains how the ECB will inform the tenderers about the outcome of the procedure (Chapter V) and lays down general rules to be observed by all tenderers (Chapter VI).

The tender specifications (Annex 1 to the ITT) describe the ECB's functional and technical requirements.

The tender specifications will form an integral part of the contract, together with the tender submitted by the successful tenderer(s).

The draft contract (Annex 2 to the ITT) specifies the ECB's legal terms and conditions for the performance of the contract. It will form the basis for the contractual relationship with the successful tenderer.

The manual of procedures (Annex 2a to the ITT) contains the rules that shall be implemented by the ECI bank to minimise the financial and reputational risks for the BBk and the ECB with regard to the handling and management of euro banknotes under the ECI programme. The MoP will be attached as Annex A to the contract.

The tender submission form (Annex 3 to the ITT) is a questionnaire to be completed and signed by tenderers in order to assess their eligibility to participate in this procedure and their capacity to perform the contract.

Time limit for receipt of requests for documents or for accessing documents: 30.7.2012 (12:00), CET.

Payable documents: no.

- IV.3.4) **Time limit for receipt of tenders or requests to participate:**
3.8.2012 (12:00), CET.
- IV.3.5) **Date of dispatch of invitations to tender or to participate to selected candidates:**
The invitation to tender (ITT) will be sent to all companies having a legitimate interest to receive these documents (individual credit institutions operating in the field of wholesale banknote trading) that request it.
- IV.3.6) **Language(s) in which tenders or requests to participate may be drawn up:**
English.
- IV.3.7) **Minimum time-frame during which the tenderer must maintain the tender:**
Duration in months: 9 (from the date stated for receipt of tender).
- IV.3.8) **Conditions for opening tenders:**
Tenders shall be opened shortly after the deadline for receipt of tenders has expired, at the address in I.1.
Persons authorised to be present at the opening of tenders:
Members of staff of the ECB only.

Section VI: Complementary information

- VI.1) **This is a recurrent procurement:**
It is expected that this will be a recurrent procurement, and if required or deemed appropriate, further notices shall be published prior to the termination of any new contract that results from this procurement exercise.
- VI.2) **Contract related to a project and/or programme financed by EU funds**
- VI.3) **Additional information:**
It should be noted that the ECB Decision of 3.7.2007 laying down the rules on procurement (ECB/2007/5) (published under OJ L 184, 14.7.2007, p. 34 or <http://www.ecb.int/ecb/proc/tenders/html/index.en.html>) is not applicable since the financial services to be provided by the successful tenderers do not fall within the scope of this Decision (see Article 2(3)(e) of the Decision), as well as the services of the ECI banks will not be remunerated.
However, in view of the principle of transparency and good administration, the ECB wish to carry out this procedure, as far as feasible, in compliance with the spirit of Decision ECB/2007/5.
The award of contract will immediately bind the tenderers, whose legal representative(s) must sign the contract within 40 days of notification of the award. In the event that the Tenderer fails to respect the aforementioned term without proper justification, the ECB may unilaterally cancel the award without obligation. The ECB reserves the right to claim reimbursement, from the non-fulfilling party, of any costs resulting from such cancellation.
Required tender format:
(a) tenders must be submitted as hard copies and on CD using the specifications (with appendices) published in the tender forum;
(b) tenders submitted via e-mail are inadmissible and will not be considered.
Notification duty:
Should tenderers believe that the ECB's requirements stipulated in the contract notice, the ITT or supporting documents are incomplete, inconsistent or illegal or that the ECB or another tenderer has infringed the applicable procedural rules, they shall notify their objections to the ECB within 15 calendar days.
Objections not notified to the ECB within this deadline cannot be raised at a later date.
Subcontracting:
Tenderers may subcontract parts of the contract. The following tasks, as specified in the manual of procedures — ECI programme for euro banknotes (hereinafter 'MoP', attached as Annex 2a to the ITT), may not be subcontracted:

— internal audits (MoP, item 5.2), which must be performed by employees of the tenderer,
— deposits and withdrawals of euro banknotes to or from the tenderer's vault; these will require the participation of at least 1 employee of a tenderer.

If tenderers intend to involve subcontractors they shall list them in the tender submission form (Annex 3 of the ITT) and provide all the information requested.

If tenderers intend to rely on the capacities of subcontractors or other entities for the purpose of fulfilling the criteria set out in Chapter IV.3 of the ITT, they shall prove to the ECB that they will have at their disposal the resources necessary for performance of the contract. As proof tenderers shall provide a signed declaration of the subcontractor or other entity confirming that its capacities will be at the tenderer's disposal and that it will perform the parts of the contract assigned to it should the contract be awarded to the tenderer.

Tenderers shall not exchange subcontractors or appoint additional subcontractors after the submission of their tender and prior to the signature of the contract. Thereafter, the exchange or appointment of subcontractors shall be subject to the prior written approval of the ECB.

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.

Exclusion from the tender procedure:

The ECB may, at its own discretion, exclude tenderers from the tender procedure who do not comply with the requirements and conditions set out in the notice and the specifications, or do not provide the information requested.

Cancellation of the tender procedure:

The ECB reserves the right to cancel all or part of the tender procedure. This decision will take into account the principles of transparency, equal access, publicity and equal treatment.

Liability and compensation:

The ECB is not liable for any costs, nor will it reimburse any expenses or losses which tenderers incur or suffer in connection with the tender procedure, including in the event of a cancellation.

Jurisdiction:

The General Court of the European Union in Luxembourg (rue du Fort Niedergrünwald, 2925 Luxembourg, Luxembourg) shall have exclusive jurisdiction in any dispute between the ECB and a tenderer relating to this tender procedure. The time limit to bring proceedings under Article 263 of the Treaty on the Functioning of the European Union shall begin to run 2 months from receipt of the award decision.

VI.4) **Procedures for appeal**

VI.4.1) **Body responsible for appeal procedures**

Body responsible for mediation procedures:

The European Ombudsman, 1 avenue du Président Robert Schuman, CS 30403, 67001 Strasbourg Cedex, FRANCE.

VI.4.2) **Lodging of appeals**

VI.4.3) **Service from which information about lodging of appeals may be obtained**

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

27.6.2012.