
ECB - External Controller for the New ECB Premises project (D-Frankfurt-on-Main)

2007/S 67-081007

Tender 074 External project controlling

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, attn: Mr Alberto Molon, Kaiserstraße 29, D-60311 Frankfurt-on-Main. Fax (49-69) 13 44 68 80. E-mail: new_ecb_premises-procurement@ecb.int. URL: www.ecb.int.
- I.2) **Address from which further information can be obtained:**
European Central Bank, attn: Mr Alberto Molon, Kaiserstraße 29, D-60311 Frankfurt-on-Main. URL: www.new-ecb-premises.com.
Further information (question and answer) is provided in a forum at the above-mentioned Internet address.
- I.3) **Address from which documentation may be obtained:**
European Central Bank, attn: Mr Alberto Molon, Kaiserstraße 29, D-60311 Frankfurt-on-Main. URL: www.new-ecb-premises.com.
The application form can be downloaded from a forum at the above-mentioned Internet address.
All applications must be submitted using the application form prepared by the ECB in accordance with the instructions.
- I.4) **Address to which tenders/requests to participate must be sent:**
As in I.1.
- I.5) **Type of contracting authority:**
EU institution.
The contracting authority is purchasing on behalf of other contracting authorities: no.

Section II: Object of the contract

- II.1) **Description**
- II.1.3) **Type of service contract:**
Service category: 11.
- II.1.4) **Is it a framework agreement?**
Yes.
The notice involves: the establishment of a framework agreement.
- II.1.5) **Title attributed to the contract by the contracting authority:**

External controller for the new ECB premises project

II.1.6) **Description/object of the contract:**

The European Central Bank (ECB) is planning to construct its new premises on a site of approximately 120 000 m² in Frankfurt am Main, Germany. The ECB has already commissioned the design team. Further to the planners already commissioned, the ECB intends to use the negotiated tender procedure to appoint a suitably qualified and experienced company to provide consultancy services for the controlling of the NEP project.

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

At the contractor's office and/or in Frankfurt am Main.

The building works will be executed on the Großmarkthalle site in the eastern part of Frankfurt.

NUTS code: DE 712.

II.1.8) **Nomenclature**

II.1.8.1) **Common procurement vocabulary (CPV):**

74141510, 74263000, 72224000, 74200000, 74231100, 74231520.

II.1.9) **Division into lots:**

No.

II.1.10) **Will variants be accepted:**

Yes.

Alternative offers will only be accepted in addition to a main offer which meets all the requirements requested in the tender. They will only be considered in the evaluation if the alternative solution is of equal or higher merit than the main offer. The burden of proof regarding the merit of the alternative offer shall be on the tenderer.

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

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

The ECB is planning to construct the new ECB premises on its site of the Frankfurt Großmarkthalle, Germany. The site is located directly at the river Main in the eastern part of Frankfurt. The Großmarkthalle building is under preservation order. Its 14 000 m² ground floor was previously used as a wholesale market; the basement of same size was used as storage. The head buildings on both sides of the Großmarkthalle (east wing and west wing) contained offices, apartments and storage areas. The site itself has an area of approximately 120 000 m².

The ECB plans to build a new office building on this site and to renovate the Großmarkthalle to accommodate further functions. Preliminary planning activities based on an optimised design concept started in March 2006 and have been completed in Autumn 2006. The planning has moved into the detailed planning phase; the information delivered will form the core of the planning application ('Bauantrag'). It is expected that the detailed planning will be completed in Autumn 2007.

An approval from the City of Frankfurt can be received by Spring of 2008. To speed the overall timetable, some construction works, such as pit and sheeting and pile foundations, will take place prior to the full approval of the main construction works being received. In parallel with these activities the procurement of the construction companies will run through 2007 and 2008, to enable the construction companies to commence works on site in Autumn 2008. Practical completion is currently expected to occur by the end of 2011. There may be a requirement for some controller services extending into 2012.

The ECB is seeking a company to provide controlling services during the planning and construction as well as the final acceptance/handover of the NEP project from the construction companies. These services are

understood as a regular support to the ECB's internal controlling covered by the Budget and Projects Division of the Directorate Human Resources (DG-H/BUP). The ECB will commission the services for each assignment on a call-down basis.

The main objective of the controlling services is to provide an opinion on the outcome of the project at the individual stages, as outlined in the submissions and reports prepared by the individual project stakeholders for the decision-making bodies of the ECB. The following submissions e.g. could be considered as subjects of the assessment and evaluation:

- (i) framework paper for management, organisation, controlling and auditing;
- (ii) NEP organisation handbook;
- (iii) facility management concept (internal procedures and resource requirements);
- (iv) strategy for procurement of the construction companies;
- (v) invitation to tender and contracts for construction works;
- (vi) claims of the ECB's contractors;
- (vii) concept for acceptance, handover and start of operation;
- (viii) final acceptance and handover report, etc.

Taking the subjects above into consideration, the assessment basically shall verify, on a sample basis, the appropriateness, completeness, efficiency, accuracy and soundness of the approach and the results and proposed solutions of the individual stages and respective deliverables of the project team, using benchmarking against commercial projects and considering value engineering aspects as appropriate. The individual assessments shall be based on all relevant rules and regulations as well as common practice in construction projects, and on particular specifications and requirements defined for the new ECB premises project in its previous project phases. The results of the independent assessment shall be summarised in a final report for each assignment.

The successful tenderer, within reasonable limits, shall perform further 'ad hoc' controls, as required, beyond the scope outlined above, on an optional basis by concluding additional assignments on the basis of the daily rates agreed in this contract upon the ECB's written request. These 'ad hoc' controlling tasks could cover:

- (i) deviations analysis and scenario calculations;
- (ii) assessment of contracts with external parties with a view to appropriateness and compliance with the objectives of the ECB;
- (iii) assessment of instalments and final invoices of the ECB contractors, with a view to compliance with performance agreements and objectives of the ECB with respect to qualities and quantities, time and costs, etc.

The project languages are English and German. It is therefore essential that the staff supplied by service providers have a thorough knowledge and understanding of German construction law, are able to communicate fluently in both English and German, as well as possess a qualified background and experience in construction project management and control.

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

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

The completion of the project is estimated to be in 2011. The contract will comprise services for the planning, construction phase and follow up.

Section III: Legal, economic, financial and technical information

III.1) Conditions relating to the contract

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

Details may be provided in the invitation to tender (ITT), which will be sent to the shortlisted candidates.

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

Details may be provided in the invitation to tender (ITT), 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:**

The establishment of a temporary grouping of companies is allowed. In the application, all the members of the temporary grouping must declare in writing that:

- (i) in case of an order they will provide all services as a temporary grouping; and
- (ii) all the members will have joint and several liability for the performance of the contract;
- (iii) a single legal entity shall represent the whole grouping.

The parts of the supplies and/or services that will be performed by the individual companies shall be specified.

III.2) **Conditions for participation**

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:**

All applications must be submitted using the application form prepared by the ECB in accordance with the instructions. The application form can be obtained from the address indicated above (I.3). This application and its tender clauses shall be considered as part of the tender documentation.

To be admitted to participate in the tender procedure companies or organisations have to fulfil the qualifying criteria listed below:

- 1.1 our business has adequate technical resources to manage a project of this type;
- 1.2 we have adequate human resources including the qualifications, knowledge and language skills required to perform the requested services;
- 1.3 our company/member(s) of a temporary grouping was/were responsible during the last 10 years for at least 5 projects, thereof at least 2 projects conducted in the last 5 years, which are comparable with the new ECB premises project in terms of size, complexity, type of use and building costs (over EUR 100 000 000). In these projects we have provided controlling services comparable to those requested.
This includes 2 projects where we acted on behalf of the building owner ('auf Bauherrenseite'). Our reference projects include projects executed by a general building contractor and projects executed by several building contractors. In case the application is submitted with a subcontractor, references may be provided from the subcontractor for the relevant services;
- 1.4 our accumulated fee income over the past 3 years was at least EUR 2 500 000 excluding VAT. For temporary groupings the same threshold applies and, in addition, at least 1 member of the grouping must have had an accumulated fee income of EUR 1 500 000 excluding VAT over the past 3 years;
- 1.5 we are neither bankrupt nor subject to insolvency proceedings, nor are such proceedings against us due to be commenced;
- 1.6 we comply with all obligations in relation to the payment of:
 - 1. social security contributions; and
 - 2. taxes, pursuant to the laws of the country in which we are established;
- 1.7 if awarded the contract we will comply with the requirement to maintain an office presence on site (office

provided by the ECB), if and to the extent necessary as regards the successful completion of the services provided;

1.8 we are aware of the fact that if we are awarded the contract, companies belonging to our group of companies or companies held by our shareholders may be excluded from subsequent tenders for construction works. We indicate hereby all such companies whose main business purpose is construction works;

1.9 we comply with applicable anti-corruption regulations;

1.10 we have not been convicted of an offence concerning professional conduct by a judgment which has the force of 'res judicata'.

Applicants must provide all documents necessary to prove full compliance with the requirements stated in 1.1 – 1.10 by submitting them as attachments to the application form.

Any failure to comply with any of the qualifying criteria will entail the applicant's exclusion from the tender procedure.

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:

Not applicable.

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

Not applicable.

IV.1.3.2) Other previous publications

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

Minimum: 5.

This selection criteria are as follows:

(a) the applicant's general capacity to carry out a project of this size in terms of technical resources (IT infrastructure and applications) and human resources (composition of staff and qualifications of staff members); and

(b) the applicant's general experience and expertise, assessed on the basis of the reference projects which are comparable in terms of size, complexity, type of use and building costs in which the applicant has provided services comparable to those requested by the ECB.

IV.1.5) 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: yes.

IV.2.1) Award criteria:

The most economically advantageous tender in terms of:

1. quality of the services provided (60 %);
2. financial terms (35 %);
3. compliance with the contractual terms and conditions offered by the ECB (5 %).

IV.2.2) An electronic auction will be used:

No.

IV.3) Administrative information

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

Tender 074.

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

Obtainable until: 25.4.2007.

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

2.5.2007 (12:00), CET.

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

Estimated date: 22.5.2007.

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

English.

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

IV.3.7) Conditions for opening tenders

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

Not applicable.

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 recurrent, 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:

Shortlisted applicants will be invited to submit a detailed offer.

After the dispatch of the offer they may be invited to present their proposals and designated team to the ECB.

All presentations and negotiations with the ECB will be conducted in English and German as the project will be managed in English and German.

The contract will run until the end of 2011, which is the expected completion date of the construction phase, with

a potential requirement for some residual controller services in 2012.

The contract shall be governed by and interpreted under German civil law.

Tenders and all supporting documents must be priced in euro and all contract payments will be made in euro.

Tenderers will find details of the acceptability of submitting alternative offers in the Invitation to tender document.

Tenderers are also informed that presentations, interviews, and/or site visits may be required to confirm information contained in their offers.

The ECB reserves the right not to make any award and reserves the right to accept all or part of any tender unless the tenderer expressly stipulates otherwise in their tender. The ECB reserves the right to disqualify any applicant who provides information which proves to be incorrect.

The ECB will not be liable for any costs, nor shall it reimburse any expenses or losses that tenderers may incur in connection with the submission of their proposals. Proposals received will not be returned and will remain the property of the ECB.

Tenders shall be delivered, sealed in an envelope, not bearing any indication of the tenderer on the envelope, or in the franking thereon, clearly marked with the contract name and addressed as in I.1 above, to arrive no later than the date and time specified in IV.3.3 above.

Tenders may be rejected if the required information is not provided in the stated format at the time of tendering. It is the responsibility of tenderers to ensure that their tender is delivered not later than the deadline indicated in IV.3.3 above. The ECB will not consider any tenders received after that time. Tenders received in electronic format, or by facsimile will not be considered.

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

26.3.2007.

VI.6.1) **Body responsible for appeal procedures:**

European Central Bank, Kaiserstraße 29, D-60311 Frankfurt-on-Main. Fax (49-69) 13 44 75 03. E-mail: procurement@ecb.int. URL: www.ecb.int.

VI.6.2) **Lodging of appeals:**

Precise information on deadline(s) for lodging appeals:

2 weeks after receipt of rejection letters by non-selected candidates.

VI.6.3) **Service from which information about the lodging of appeals may be obtained:**

European Central Bank, Kaiserstraße 29, D-60311 Frankfurt-on-Main. Fax (49-69) 13 44 75 03. E-mail: procurement@ecb.int. URL: www.ecb.int.