



Floor 46, One Canada Square,
London E14 5AA UNITED KINGDOM

t: +44(0) 20 7382 1776

f: +44(0) 20 7382 1771

info@eba.europa.eu

www.eba.europa.eu

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Ex-Ante Publicity for EBA Negotiated Procurement Procedure

Legal Services for the European Banking Authority's Leasing of New Premises in Paris, France

Background

The EBA was established by Regulation (EC) No. 1093/2010 of the European Parliament and of the Council of 24 November 2010. The EBA came into being on 1 January 2011 as part of the European System of Financial Supervision (ESFS). The EBA is a specialised agency of the European Union which works to ensure effective and consistent prudential regulation and supervision across the European banking sector. Its overall objectives are to maintain financial stability in the EU and to safeguard the integrity, efficiency and orderly functioning of the banking sector. The main task of the EBA is to contribute to the creation of the European Single Rulebook in banking whose objective is to provide a single set of harmonised prudential rules for financial institutions throughout the EU. The EBA also plays an important role in promoting convergence of supervisory practices and is mandated to assess risks and vulnerabilities in the EU banking sector. It seeks to ensure these common rules are understood and applied by banking supervisors across the EU in a consistent and harmonised way. Its work aims at upgrading the quality and consistency of supervision across the EU as well as strengthening oversight of cross-border groups i.e. those banking groups which operate in more than one EU Member State. The EBA acts as the cornerstone of a consistent and transparent single market for EU banking that is beneficial to all: businesses, consumers and the broader EU economy. By providing the regulatory framework for the integrity and efficiency of banking in the EU the EBA contributes to financial stability across the Union. EBA's offices are in London. EBA employs a total of 169 staff from 27 EU Member States. Following the UK's formal notification of its intention to leave the EU and the European Council's decision of 20 November 2017 **the EBA will relocate to Paris**. The move to Paris will take place before 29 March 2019. EBA is now actively seeking new offices with a net internal area of approximately 4,500m² – 5,000m². EBA will therefore require the services of legal advisors to provide guidance and advice to the EBA throughout the project. Further information on the EBA is on the EBA website www.eba.europa.eu.

Description and Objective of the Contract:

The overall objective of the contract is to sign a lease agreement for new offices in Paris that meets EBA's needs and allows EBA to relocate to Paris before 29 March 2019. The services of the legal advisors will commence immediately after contract signature. The indicative date for contract signature is the end of March 2018. The services will be provided from the premises of the legal advisors although some attendance at the EBA premises in London and new premises in Paris may be required. The legal advisors will need to work closely with the EBA's property advisors. Property advisors will be selected to advise the EBA on the Paris market and suitable office space.

Scope of Work:

The scope of work will include the following tasks:

- (a) Provide review of and advice on the overall legal environment
- (b) Review heads of agreement and draft lease
- (c) Provide legal opinion and advice on rights and obligations of the parties
- (d) Provide legal advice on all aspects of the lease throughout the project
- (e) Provide recommendations for improvement and propose mark-ups
- (f) Provide all necessary legal assistance during lease negotiations
- (g) Interact on behalf of EBA with relevant authorities where necessary
- (h) Represent the EBA before the landlord and any other relevant parties
- (i) Ensure the EBA's interests, rights and obligations in relation to the lease agreement are met
- (j) Finalise and ensure legal endorsement of the lease agreement

Description of the Negotiated Procurement Procedure:

EBA sends the procurement documents to selected candidates. The procurement documents provide detailed terms of reference and invite the candidates to submit a tender. Only those candidates selected and invited by the EBA may submit a tender. EBA has the right to select candidates of its choice and invite these candidates to participate. Interested economic operators may request to participate. If you are interested in participating in this procurement procedure for legal services please register your interest by sending an email to tenders@eba.europa.eu copied to joseph.mifsud@eba.europa.eu together with your name, the name of your organisation, postal address and description of your business before **12 noon UK time on Monday 12th February 2018**. Please include the reference number EBA/2018/01/LEG/SER/NP in your email.

Selected candidates who submit a tender will need to confirm in their tender they have the authorisation to perform the contract under national law. Selected candidates will need to confirm in their tender they possess the financial capacity to perform the contract and have relevant previous experience. Further information on these selection criteria will be included in the procurement documents which will be sent to the selected candidates.

The information published on this page is indicative and does not constitute any obligation for the EBA to invite to tender any economic operator who expresses interest. Registering your interest to receive the procurement documents in a negotiated procurement procedure of this type does not convey any legal right or create a legitimate expectation on the part of any economic operator. Only the candidates invited by EBA to participate in the procurement procedure will be admitted.

The indicative date for dispatch of the procurement documents is **Monday 19th February 2018**.

Yours sincerely,

Adam Farkas,
Executive Director.