

EBA/2015/05/OVSREG/SER/OP

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# Supply of Interim Staff – Business Analysts

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Instructions to Tender

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## Abbreviations and Glossary

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EBA	European Banking Authority
Supplier	The successful tenderer(s) awarded the Framework Contract
Interim Business Analyst	The person contracted by the supplier and provided to the EBA under a Specific Contract
Service Manager	Appointed by the supplier to execute and manage the service described in Annex II Terms of Reference
Contract Manager	Person(s) nominated by the EBA for the management of the Framework Contract and counterpart to the Service Manager
Framework Contract	The contract which lays down the terms and conditions governing the relations between the EBA and the supplier and regulates the execution of the services
Specific Contract	The Framework Contract(s) is implemented through Specific Contracts following the procedure described in Annex II

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## 1. Introduction

The European Banking Authority (EBA) is seeking up to two suppliers of interim business analysts. The procurement procedure will be executed and managed by the EBA. The procurement procedure will be conducted with a view to concluding a Multiple Framework Contract in cascade. A Multiple Framework Contract in cascade means a situation where a Framework Contract is concluded between the EBA and several suppliers to ensure that the Framework Contract can be performed by the first supplier or another of the suppliers in a specific pre-defined order of succession which is stated in each Framework Contract. If the first supplier on the list is unavailable, unable to fulfil the requirements of an order, unable to fulfil the requirements of an order within the requisite timelines, provides an unsatisfactory service or in case of faulty execution of a previous Specific Contract (which does not imply the termination of the Framework Contract) then the request for services will be automatically addressed to the second supplier on the list ('cascade system'). See Section 5.3 of the Terms of Reference for details of the cases where the cascade will be invoked. It is the intention of the EBA to conclude Framework Contracts with the two tenderers ranked highest after evaluation provided the minimum points required have been obtained. The ordering procedure for the award of Specific Contracts is described in Section 5 of the Terms of Reference. The purpose of the tender procedure is to obtain the desired quality of interim staff services at the best possible price.

## 2. General Information

This document is the Instructions to Tender with Annexes for the Open Invitation to Tender reference number EBA/2015/05/OVSREG/SER/OP and title Supply of Interim Staff – Business Analysts. The Contract Notice for this Open Tender Procedure has been published in the Official Journal of the European Union and on TED. The scope and objective of the contract is described in the enclosed Terms of Reference. Tenderers are informed that there is currently no incumbent supplier of the service.

## 3. Participation and Sub-Contracting

Participation in the EBA's tendering procedures is open on equal terms to all natural and legal persons coming within the scope of the Treaties and to all natural and legal persons in a third country which has a special agreement with the European Union in the field of public procurement under the conditions laid down in that agreement. EBA can therefore accept offers from and sign contracts with tenderers from the EU Member States, EEA countries and any other country which has an international agreement with the Union in the field of public procurement.

Sub-contracting may be permitted but only with the prior written consent of the EBA. The EBA's preference is that the services envisaged in the Framework Contract and the related tasks specified in the Terms of Reference are provided by the tenderers. If the tenderer envisages subcontracting any part of this contract, the following documents must be provided with the tender submission:

- (i) A document signed by the tenderer stating clearly the identity, roles, activities and responsibilities of sub-contractor(s) and specifying the volume/proportion for each sub-contractor.

(ii) A letter of intent by each sub-contractor stating its unambiguous undertaking to collaborate with the tenderer if it wins the contract and the extent of the resources that it will put at the tenderer's disposal for the performance of the contract.

(iii) If requested under Sections 6 and 8 any documents regarding the exclusion and/or selection criteria for any sub-contractor(s).

If such documents are not provided, EBA shall assume that the tenderer does not intend subcontracting.

#### 4. Protocol on the Privileges and Immunities of the European Communities

EBA is, as a rule, exempt from all taxes and duties, and in certain circumstances is entitled to a refund for indirect tax incurred such as value added tax (VAT), pursuant to the provisions of Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities. Tenderers must therefore give prices which are exclusive of any taxes and duties and must indicate the amount of VAT separately.

#### 5. Estimated Contract Value

The estimated total contract value over four years is **€1,000,000**. It is an estimate only and is not binding on the EBA.

#### 6. Selection Criteria

##### Financial and Economic Capacity - Requirements

Tenderers must be in a stable financial position, have the economic and financial capacity to perform the contract and comply with the following minimum financial capacity criterion: the tenderer's annual turnover for each of the last three financial years must be no less than **€500,000 (five hundred thousand euros)**. The documentation supplied in response to this section will be reviewed to assess the general financial health of the tenderer (or all tenderers in the case of joint tenders whereby a consolidated assessment shall be made) and parent companies where the parent company is providing a guarantee. In addition to verifying that the financial turnover meets the required minimum amount the on-going economic capacity will be assessed including financial independence and liquidity.

##### Financial and Economic Capacity - Evidence required

The documents or information listed below must be presented as evidence of compliance with the economic and financial capacity. If subcontracting is envisaged, documentation must be provided in relation to any sub-contractors.

1. Appropriate statements from banks or, where appropriate, evidence of relevant professional risk indemnity insurance;
2. Financial statements for the last three years for which accounts have been closed;
3. A statement of overall turnover and turnover concerning the services covered by the contract during the last three financial years;
4. If the tenderer relies on the capacities of other entities (e.g. a parent company), a written undertaking on the part of those entities confirming that they will place the resources necessary for performance of the

contract at the disposal of the tenderer for the period of the contract. In such case the EBA may require that the successful tenderer(s) and such entities are jointly liable for the execution of the contract.

5. If the organisation is a member of a group of companies, documents under points 1, 2 and 3 are required for both the tenderer and its ultimate holding company. Where a consortium or association is proposed, the information is requested for each member company.

EBA may waive the obligation of a tenderer to submit the documentary evidence referred to above in points 1, 2 and 3 if such evidence has been submitted to it for the purposes of another procurement procedure and if it still complies with the requirements of the EBA. If, for some exceptional reason which EBA considers justified, the tenderer is unable to provide the documentation mentioned in points 1, 2 and 3, it may prove its economic and financial capacity by any other means which the EBA considers appropriate.

#### Legal, Professional and Technical Capacity - Requirements

The mandatory legal, professional and technical capacity criteria for this contract are as follows:

1. Authorisation of the tenderer to perform the contract under national law.
2. Experience in the provision of the requested services and profiles or similar services and profiles.
3. A Service Manager with at least 3 years of relevant experience.
4. A Deputy Service Manager with at least 2 years of relevant experience.

Tenderers must meet all of the above requirements.

#### Legal, Professional and Technical Capacity - Evidence required

The documents or information listed below must be presented as evidence of compliance with these criteria:

- Authorisation to perform the contract under national law, as evidenced by inclusion in a trade or professional register, or a sworn declaration or certificate, membership of a specific organisation, express authorisation of entry in the VAT register.
- A statement of the experience of the tenderer in the provision of the requested services and profiles or similar services and profiles and a list of the principal services relevant to the contract provided in the last three years, with the sums, dates and recipients
- CVs of the Service Manager and Deputy Service Manager demonstrating the minimum number of years of relevant experience.

The EBA reserves the right to request at a later stage that the tenderer provide the documentation in relation to the selection criteria (technical and professional capacity) from any subcontractors.

The selection, exclusion (see Section 8 below) and award criteria shall be applied in the following order: (a) exclusion (b) selection (c) award.

## **7. Award Criterion**

The Framework Contract shall be awarded to the tenderer who submits the most economically advantageous tender i.e. the tender representing the best value for money taking into account the points which are available for the technical evaluation, minimum threshold for technical merit, price evaluation and the weightings listed in the table below. The best value for money will be calculated by weighting technical merit against price on a 65/35 basis according to the following formula:

- Overall score for Tenderer A = 65/100\*(score for technical evaluation) + 35/100\*(score for price evaluation)

It is the intention of the EBA to conclude Framework Contracts with the two tenderers ranked highest after evaluation provided the minimum points required have been obtained.

	<b>Award Criterion = Best Value for Money</b>	<b>Maximum Available Points</b>	<b>Weightings</b>
1	Evaluation of the tenderer’s response to the Technical Questionnaire against the qualitative criteria for technical merit as set out in Annex VIII Evaluation Grid;	100	65%
2	Evaluation of price in accordance with Section 7.2 below, Annex I Costing Sheet and Annex VIII Evaluation Grid;	100	35%

### 7.1 Technical Merit

Tenderers must provide a response to Annex III Technical Questionnaire. Annex III Technical Questionnaire lists the technical evaluation criteria for the contract. The quality of the tenderer’s response shall be evaluated in accordance with Annex VIII Evaluation Grid. The technical evaluation criteria are based upon the requirements of the Terms of Reference. The methodology of the scoring system will be based on the contents of the table below. Tenderers must achieve more than 65% of the total available marks to be admitted to the financial evaluation.

<b>Points</b>	<b>Definition</b>
0	Failure the tender totally fails to address the criterion under examination.
1	Very Poor the criterion under examination is addressed in an incomplete and unsatisfactory manner.
2	Poor the criterion under examination is partly addressed but with some major gaps and/or issues.
3	Fair the criterion under examination is generally addressed with some minor issues.
4	Good the criterion under examination is fully addressed.
5	Excellent the criterion under examination is fully addressed and the tender offers some added value.

The questions in Annex III Technical Questionnaire have maximum scores of 5, 10 or 20. For the questions where the maximum score is 10 or 20 scores will be factored in order to be aligned with the above table. For example an “excellent” evaluation would mean a score of 10 or 20 and a “good” evaluation would mean a score of 8 or 16 whereas a “very poor” evaluation would mean a score of 2 or 4.

## 7.2 Price

The financial offers shall be evaluated using the Annual Pricing Scenario contained in Annex I Costing Sheet. The lowest total price for the Annual Pricing Scenario will receive the maximum points available. The remaining financial offers will receive lower points in proportion to the lowest total price for the Annual Pricing Scenario. The formula for the calculation is as follows:

- Points for Tenderer A =  $100 * (\text{Lowest total price for Annual Pricing Scenario} / \text{total price for Annual Pricing Scenario offered by Tenderer A})$

## 8. Content of the Tender

### 8.1 Administrative Documents – Envelope A

Tenderers shall complete and return **(a)** the signed **Legal Entity Form (Annex IV)** [http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/legal\\_entities/legal\\_entities\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm) and **(b)** the **Financial Identification Form (Annex V)** and must include all the supporting documents mentioned in these two forms. The information is required by the EBA to register the selected tenderers in the financial system of the European Commission for the processing of invoices.

Tenderers shall provide **(c)** a **letter with their tender on the official letter headed paper of the tenderer signed by an authorised representative confirming acceptance of the draft contract and terms and conditions of this tender with confirmation that their tender is valid for six months from the final date for submission of the tender.**

All tenderers and sub-contractors shall provide **(d)** a **Declaration of Honour** on the exclusion and selection criteria duly signed and dated by an authorised representative stating that they are not in one of the situations of exclusion as listed in Annex X. For the exclusion criteria only the successful tenderer has to provide the documents mentioned as supporting evidence before signature of the contract and within a deadline given by the EBA. This requirement applies to all members of the consortium in case of joint tender and sub-contractors.

The EBA may waive the obligation of a tenderer to submit the documentary evidence referred to above if such evidence has already been submitted to it for the purposes of another procurement procedure and provided that the issuing date of the documents does not exceed one year and that they are still valid. In such a case the tenderer shall declare on its honour that the documentary evidence has already been provided in a previous procurement procedure and confirm that no changes in its situation have occurred.

For the selection criteria each tenderer must provide **(e) the documents or information listed in Section 6 above** as evidence of compliance with these criteria.

### 8.2 Technical Proposal – Envelope B

The technical proposal shall consist of the tenderer's response to Annex III Technical Questionnaire and include anything considered necessary for the performance of the services even if not explicitly mentioned. Variant proposals shall not be allowed.

### 8.3 Financial Offer – Envelope C

The financial offer shall consist of the duly completed Annex I Costing Sheet. The template in Annex I Costing Sheet must be used. The Costing Sheet must be submitted in a separate, clearly labelled and sealed envelope. The following principles shall apply:

- ▶ changes to the structure and content of Annex I Costing Sheet are not permitted
- ▶ all prices shall be expressed in **EUR** exclusive of VAT
- ▶ all requested prices must be provided otherwise a tenderer shall be eliminated from the procedure
- ▶ prices quoted shall cover all costs and expenses relating to the performance of the Framework Contract
- ▶ daily rates shall be based on the profiles defined in the Costing Sheet and Terms of Reference
- ▶ the price for a daily rate is based upon 8 hours work
- ▶ prices shall be fixed for the 1<sup>st</sup> year
- ▶ after the first year prices may be revised under the conditions set out in the Framework Contract
- ▶ EBA will not pay for the preparation or submission of a tender as such costs must be borne by the tenderer
- ▶ The financial offer shall be signed by a duly authorised representative of the tenderer.

## 9. Framework Contract

The contractual relationship shall be based on the draft Framework Contract in Annex VI. The Framework Contract lays down the basic terms and conditions governing the relations between the EBA and the supplier during the period of validity of the Framework Contract particularly as regards duration, subject, price, implementing conditions and the overall quantity of services required. As stated in Section 1 it is the EBA's intention to sign up to two Framework Contracts in cascade as a result of this Invitation to Tender. The Framework Contracts will be awarded to a first priority supplier and a second supplier ranked in order following the evaluation procedure. If, for example, the first priority supplier is unavailable, unable to fulfil the requirements of an order, unable to fulfil the requirements of an order within the requisite timelines or provides an unsatisfactory service EBA will have the option to go to the second priority supplier in cascade. Framework Contracts will be concluded for an initial period of one year with three possible extensions of one year each giving a maximum possible duration of four years. Signature of the Framework Contract imposes no obligation on the EBA to order services. Only the implementation of the Framework Contract through Specific Contracts is binding. The Specific Contract is the contractual document containing the specific conditions for the service. A draft Specific Contract can be found at the end of the draft Framework Contract in Annex VI.

**Annex I Costing Sheet**



Annex II Terms of Reference



Annex III Technical Questionnaire



**Annex IV Legal Entity Form**



Annex V Financial Identification Form





**Annex VII Confidentiality Undertaking**



Annex VIII Evaluation Grid



Annex IX Service Request Form



**Annex X Exclusion and Selection Criteria Declaration of Honour**

\*\*\* End of Instructions to Tender \*\*\*