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**D-Frankfurt-on-Main: ECB - performance of the ECB's statutory external audit for the financial years 2013–2017
2012/S 141-234268**

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

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

European Central Bank

Kaiserstraße 29

Contact point(s): For downloading documentation for this procurement procedure, please see Section VI.3

For the attention of: Ramón van Deelen

60311 Frankfurt-on-Main

GERMANY

Telephone: +49 6913448631

E-mail: procurement@ecb.europa.eu

Fax: +49 6913447110

Internet address(es):

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

Further information can be obtained from: The above mentioned contact point(s)

Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from: The above mentioned contact point(s)

Tenders or requests to participate must be sent to: The above mentioned contact point(s)

I.2) Type of the contracting authority

European institution/agency or international organisation

I.3) Main activity

Economic and financial affairs

I.4) Contract award on behalf of other contracting authorities

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:

Performance of the ECB's statutory external audit for the financial years 2013–2017.

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

Services

Service category No 9: Accounting, auditing and bookkeeping services

NUTS code DE712

II.1.3) Information about a public contract, a framework agreement or a dynamic purchasing system (DPS)

The notice involves a public contract

II.1.4) Information on framework agreement

II.1.5) Short description of the contract or purchase(s)

The tasks, to be performed by the external auditor in accordance with the International Standards on Auditing (ISAs) and the IESBA Code of Ethics for Professional Accountants (formerly IFAC Code of Ethics) are:

1. the annual audit of the ECB's annual accounts drawn up in accordance with the accounting policies established by the ECB's Governing Council, comprising the balance sheet, items recorded in the books of the ECB off-balance sheet, the profit and loss account and the notes to the annual accounts of the ECB. Within this context the external auditor shall examine the relevant accounting systems and internal controls to evaluate their adequacy with respect to the preparation of the annual accounts. The tasks shall include on-site visits to a sample of Eurosystem central banks every year to assess their compliance with the relevant guideline on the management of the ECB's foreign reserve assets, with the aim to cover all Eurosystem central banks within the 5-year mandate;
2. the annual audit of the financial statements of the ECB's staff pension funds. The tasks shall include on-site visits to the offices of the investment manager(s) of the ECB's staff pension funds located in Europe; and
3. the annual review of ECB staff members' private financial activities. A sample shall be examined each year in accordance with the relevant ECB rules.

II.1.6) Common procurement vocabulary (CPV)

79210000, 79212000

II.1.7) Information about Government Procurement Agreement (GPA)

The contract is covered by the Government Procurement Agreement (GPA): yes

II.1.8) Lots

This contract is divided into lots: no

II.1.9) Information about variants

Variants will be accepted: no

II.2) Quantity or scope of the contract

II.2.1) Total quantity or scope:

The duration of the contract for the performance of the ECB's statutory external audit shall be 5 years, starting with the year 2013 and ending with the external auditor's reports corresponding to the year 2017. It shall comprise the financial years 2013, 2014, 2015, 2016, and 2017.

II.2.2) Information about options

Options: no

II.2.3) Information about renewals

This contract is subject to renewal: no

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

Duration in months: 60 (from the award of the contract)

Section III: Legal, economic, financial and technical information

III.1) Conditions relating to the contract

III.1.1) Deposits and guarantees required:

No deposit is required, but where applicable, the successful tenderer (or in the case of a successful consortium bid, each member of the consortium) may be required to provide a parent-company guarantee.

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

Method of payment will be in accordance with the terms and conditions of the contract.

III.1.3) Legal form to be taken by the group of economic operators to whom the contract is to be awarded:

The establishment of a temporary grouping of companies and subcontracting are allowed under the conditions laid down in the call for applications/invitation to tender.

III.1.4) Other particular conditions

The performance of the contract is subject to particular conditions: yes

Description of particular conditions: Independence safeguards:

1. in order to participate in the tender procedure, candidates shall be properly independent from the ECB. In particular the candidates, and all their international network member firms and affiliates, shall be ineligible to participate during the period of this tender in any non-audit services tenders for the ECB. In case a candidate is currently a provider of non-audit services for the ECB, these services must be scheduled for and actually completed by the end of (or in relation to) the financial year 2012;

2. the ECB shall exclude candidates who are subject to a conflict of interest with the ECB's interests (financial, business, employment or other relationship) whereby attention is drawn to the specific exclusions listed in (a) and (b) below:

(a) the current ECB's statutory external auditor for the financial years 2008–2012, and all its international network member firms and affiliates, due to rotation; and

(b) the firms, and all their international network member firms and affiliates, contracted to provide non-audit services for the ECB during (or in relation to) the financial years 2013–2017.

III.2) Conditions for participation

III.2.1) Personal situation of economic operators, including requirements relating to enrolment on professional or trade registers

Information and formalities necessary for evaluating if the requirements are met: Please see the details in the tender documentation to be requested to the contact point indicated in Sections I.1 and VI.3.

Requirement relating to enrolment on professional or trade registers to be met:

— candidates are approved under the applicable professional regulations to provide statutory audit and are registered in a public register of an EU Member State.

III.2.2) Economic and financial ability

Information and formalities necessary for evaluating if the requirements are met: Please see the details in the tender documentation to be requested to the contact point indicated in Sections I.1 and VI.3.

Minimum level(s) of standards possibly required: The evidence required in the tender documentation must be provided. Candidates that do not clearly show a strong financial and legal position will not be further considered, however no minimum requirements are formally set.

III.2.3) Technical capacity

Information and formalities necessary for evaluating if the requirements are met:

Please see the details in the tender documentation to be requested to the contact point indicated in Sections I.1 and VI.3.

Minimum level(s) of standards possibly required:

Candidates must meet the following the following minimum requirements on professional and technical capacity:

(i) candidates are approved under the applicable professional regulations to provide statutory audit and are registered in a public register of an EU Member State;

(ii) candidates are subject to a system of quality assurance;

(iii) candidates have at their disposal an audit team whose members individually possess:

— advanced English oral, reading and writing language skills, and

- ability to carry out audits in accordance with the International Standards on Auditing (ISAs) and the IESBA Code of Ethics for Professional Accountants (formerly IFAC Code of Ethics); and
- (iv) candidates have at their disposal an audit team that collectively possesses:
 - in-depth knowledge of International Financial Reporting Standards (IFRS),
 - in-depth knowledge of banking operations and financial markets,
 - in-depth knowledge of valuation of pension, disability and post-retirement obligations in accordance with IFRS and can carry out an audit of actuarial calculations,
 - general knowledge of German tax law, in particular VAT, and
 - German oral and reading language skills.

III.2.4) **Information about reserved contracts**

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

III.3.1) **Information about a particular profession**

Execution of the service is reserved to a particular profession: yes

Reference to the relevant law, regulation or administrative provision: Directive 2006/43/EC of the European Parliament and of the Council of 17.5.2006 on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/ 660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC.

III.3.2) **Staff responsible for the execution of the service**

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**

Restricted

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

Envisaged number of operators: 5

Objective criteria for choosing the limited number of candidates: Among the candidates meeting the minimum requirements, the ECB shall select those who best meet the following selection criteria:

- (i) the candidate's general capacity to perform the tasks tendered by the ECB in terms of organisation and human resources (weighting of this criterion: 20 %); and
- (ii) the candidate's general experience in performing comparable tasks as the ones tendered by the ECB and in comparable clients (weighting of this criterion: 80 %).

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

IV.2) **Award criteria**

IV.2.1) **Award criteria**

The most economically advantageous tender in terms of the criteria stated below

1. Price. Weighting 45
2. Quality. Weighting 55

IV.2.2) **Information about electronic auction**

An electronic auction will be used: no

IV.3) **Administrative information**

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

22612/IIA/ASV/2012.

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

no

IV.3.3) Conditions for obtaining specifications and additional documents or descriptive document

Payable documents: no

IV.3.4) Time limit for receipt of tenders or requests to participate

20.8.2012

IV.3.5) Date of dispatch of invitations to tender or to participate to selected candidates

8.10.2012

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

IV.3.8) Conditions for opening tenders

Section VI: Complementary information

VI.1) Information about recurrence

This is a recurrent procurement: yes

Estimated timing for further notices to be published: In 2017.

VI.2) Information about European Union funds

The contract is related to a project and/or programme financed by European Union funds: no

VI.3) Additional information

The documentation for this procurement can be downloaded from an Internet platform. If you are interested to participate in the procurement procedure please register via the Internet platform using the following Internet address, user name and password:

Internet address: <https://www.ecb.europa.eu/secure/procurement/login.html>

User name: 22612/IA/ASV/2012

Password: 5BE3B5

After having registered an e-mail will be sent to you with a new user name and password. The Internet address will remain the same.

Please use the new user name and password to download the procurement documentation.

Should you experience any problems in accessing the Internet platform for registration and/or downloading the procurement documentation please do not hesitate to contact us under the following e-mail address:

procurement@ecb.europa.eu quoting the procurement number and problem experienced.

The tender procedure shall be open on equal terms to all natural or legal persons resident or located in the European Union and to all natural and legal persons resident or located in a country which has ratified the World Trade Organisation Agreement on Government Procurement or has concluded with the European Union a bilateral agreement on procurement under the conditions laid down in the said agreements.

The ECB shall exclude tenderers that are in one of the situations described in Article 24(4) of Decision ECB/2007/5 (e.g. conviction for fraud or corruption) or put on a blacklist in accordance with Article 24(7) of Decision ECB/2007/5.

The ECB may exclude tenderers that are in one of the situations described in Article 24(5) of Decision ECB/2007/5 (e.g. insolvency; grave professional misconduct; misrepresentation). Further information about ECB procurement rules and procedures may be obtained at <http://www.ecb.europa.eu/ecb/jobsproc/tenders/html/index.en.html>

VI.4) Procedures for appeal

VI.4.1) Body responsible for appeal procedures

Procurement Review Body of the ECB, c/o Legal Advice Team
Kaiserstraße 29
60311 Frankfurt-on-Main
GERMANY
E-mail: legaladviceteam@ecb.europa.eu
Fax: +49 6913446886

Body responsible for mediation procedures

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

VI.4.2) **Lodging of appeals**

Precise information on deadline(s) for lodging appeals: 15 days from the receipt of the information specified in Article 28(3) of the ECB procurement rules (see Section VI.3) or, if no information is requested, 15 days from the receipt of the notification to unsuccessful tenderers. Further requirements are outlined in Article 33 of the ECB procurement rules (see Section VI.3). The complaint to the European Ombudsman does not affect the submission deadline nor does it create a new deadline by which complaints can be submitted.

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

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

13.7.2012