

**ECB - contract for independent external auditing of the European Central Bank for the period 2008-2012
(D-Frankfurt-on-Main)
2007/S 105-128666**

Contract notice

Section I: Contracting authority

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

European Central Bank, attn: Michael W. Heath, Kaiserstraße 29, D-60311 Frankfurt-on-Main. Tel. (49-69) 13 44 86 45. Fax (49-69) 13 44 71 10. E-mail: procurement@ecb.int.

Internet address(es):

General address of the contracting authority (URL): www.ecb.int.

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 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:

Contract for independent external auditing of the European Central Bank for the period 2008–2012.

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

Services.

Service category No 9.

Main place of performance: ECB, D-Frankfurt-on-Main.

NUTS code: DE712.

II.1.3) 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 ECB wishes to establish a contract for the provision of independent external audit services according to Article 27.1 of the Statute of the ESCB and of the ECB for the European Central Bank during the period of 2008–2012.

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

74121200.

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

Yes.

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

No.

Tenders should be submitted for 1 or more lots.

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

No.

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

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

The services, to be carried out in accordance with International Standards on Auditing and the IFAC Code of Ethics, are:

1. annual audit of the ECB's annual accounts, which include the balance sheet, the profit and loss account and the notes to the accounts. Within this context the external auditor is to examine the relevant accounting systems and internal controls to evaluate their adequacy with respect to the preparation of the annual accounts. The services include on-site visits to all National Central Banks of the Eurosystem during the mandate for the management of the ECB's foreign exchange reserves on a decentralised basis;
2. annual audit of the financial statements of the ECB's retirement plan. Within this context the external auditor is to examine the relevant accounting procedures and internal controls in order to evaluate their adequacy with respect to the preparation of the financial statements. The services include on-site visits to the offices of the Investment Manager(s) of the ECB's retirement plan;
3. annual review of ECB staff members' compliance with insider trading rules.

II.2.2) **Options:**

No.

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

Duration: 60 months 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 regulating 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 grouping of economic operators to whom the contract is to be 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;
- (ii) all the members will have joint and several liability for the performance of the contract; and
- (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.1.4) Other particular conditions to which the performance of the contract is subject:

Yes.

The contractor may subcontract specified parts of the services requested to a subcontractor(s) subject to the prior consent of the ECB in each case, and in any event only as long as the services are substantially performed by the contractor. The contractor will be expected to submit to the ECB's standard contractual terms as reflected in the ECB's terms and conditions and detailed in the draft contract supplied with the invitation to tender. The contractor, if awarded the contract, will be disqualified from participating in subsequent tenders for the provision of non-audit services at the ECB for the duration of the contract.

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 requirements are met:

Candidates wishing to participate must complete and return the ECB's application form to be requested in writing from the address in I.1 above. The completed application form must be returned as detailed in that form by the date stated in IV.3.4 below.

Full company name, business address and registered address (if different) and registration number must be provided.

The following declarations by the candidate are required and only positive responses will qualify for participation:

1. the candidate is not bankrupt or being wound up, is not having its affairs administered by the courts, has not entered into an arrangement with creditors, has not suspended business activities, is not the subject of proceedings concerning those matters, or is not in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
2. it has not been convicted of an offence concerning its professional conduct by a judgment which has the force of 'res judicata';
3. it has not been guilty of grave professional misconduct as proven by any means which the ECB can accept;
4. it has fulfilled its obligations relating to the payment of social security contributions and the payment of taxes in accordance with the legal provisions of the country in which it is established;
5. it has not been the subject of a judgment which has the force of 'res judicata' for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the ECB's financial interests;
6. following a previous procurement procedure or grant award procedure financed by the ECB budget, it has not been declared to be in serious breach of contract for failure to comply with their contractual obligations;
7. it complies with applicable anti-corruption regulations;
8. it is not committing misrepresentation in supplying the information required by the ECB;

9. there are no conflicts of interest between the company's representatives or their staff and the ECB's interests (financial, business, employment or other relationship), whereby attention is drawn to the specific exclusions listed in (a) and (b) below, that might compromise the candidate's independence:

a) in view of the ECB's requirement for periodic rotation of independent external auditors, the services requested via this notice shall not be performed by the ECB's current external auditors (KPMG Deutsche Treuhand-Gesellschaft Aktiengesellschaft Wirtschaftsprüfungsgesellschaft);

b) in view of existing services contracted for the provision of independent assessment services for the new ECB premises (contract award notice [2006/S 196-207616](#)), the services requested via this notice shall not be performed by the contractor of these existing services (Ernst & Young Real Estate GmbH);

10. it is approved by 1 of the EU Member States to provide statutory audit (evidence to be provided); and

11. it is registered in a public register in 1 of the EU Member States (evidence to be provided).

III.2.2) **Economic and financial capacity:**

Information and formalities necessary for evaluating if requirements are met:

Candidates wishing to participate must complete and return the ECB's application form as detailed in III.2.1.

Specifically the following are required:

1. evidence of professional risk indemnity insurance;
2. bank certificate stating the company's financial situation;
3. copies of audited balance sheets and results for the past 3 financial years, accompanied by the independent auditor's reports;
4. statement of overall turnover, and additionally turnover concerning the services to be covered by the contact, during the last 3 financial years;
5. a list of any and all legal claims and or lawsuits pending against the company.

Minimum level(s) of standards possibly required (if applicable).

The evidence required 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 requirements are met:

Candidates wishing to participate must complete and return the ECB's application form to be requested in writing from the address in I.1 above. The completed application form must be returned as detailed in that form by the date stated in IV.3.4 below.

This application form shall contain adequate information for the evaluation.

When intending to rely on the capacities of a parent company, a declaration on the part of the parent company confirming that they will place the resources necessary for performance of the contract at its disposal shall be provided.

Minimum level(s) of standards possibly required (if applicable):

1. The audit team to be providing services to the ECB is qualified to carry out audits in accordance with International Standards on Auditing and the IFAC Code of Ethics;
2. the audit team to be providing services to the ECB possesses in-depth knowledge of International Financial Reporting Standards;
3. the audit team to be providing services to the ECB possesses advanced English oral and writing skills and advanced German reading skills;
4. the audit team to be providing services to the ECB possesses in-depth knowledge of valuation of pension,

disability and post-retirement obligations in accordance with International Financial Reporting Standards and can carry out an audit of actuarial calculations;

5. the audit team to be providing services to the ECB possesses in-depth knowledge of German tax laws and regulations (e.g. VAT);

6. the candidate's company is subject to a system of quality assurance (please provide details of the last quality assurance review and the company's public oversight).

III.2.4) **Reserved contracts:**

No.

III.3) **Conditions specific to service contract**

III.3.1) **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) **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 minimum number 5.

Objective criteria for choosing the limited number of candidates:

a) the candidate's general capacity to carry out the required services by the ECB in terms of organisation (range of expertise and types of services offered) and human resources (composition of staff) (20 %); and

b) the candidate's general experience and expertise in providing comparable services to those requested by the ECB and in comparable clients assessed on the basis of the candidate's reference audit assignments in the past 5 years. Experience in statutory audits of Central Banks will be positively evaluated (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:

criteria; weighting:

1. quality of the services to be provided; 55 %;

2. financial terms; 45 %.

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:**
2872/IA/ASV/2007
- IV.3.2) **Previous publication(s) concerning the same contract:**
No.
- IV.3.3) **Conditions for obtaining specifications and additional documents or descriptive document:**
Time-limit for receipt of requests for documents or for accessing documents:
26.6.2007 (12:00).
Payable documents: no.
- IV.3.4) **Time-limit for receipt of requests to participate:**
2.7.2007 (12:00).
- IV.3.5) **Date of dispatch of invitations to tender or to participate to selected candidates :**
30.7.2007.
- 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:**
Persons authorised to be present at the opening of tenders: no.

Section VI: Complementary information

- VI.1) **This is a recurrent procurement:**
Yes.
It is expected that this will be a recurrent procurement, and if required, 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 Community funds:**
No.
- VI.3) **Additional information:**
Information on the ECB can be found on the ECB's web site www.ecb.int. The ECB Annual Report 2006 (containing the annual accounts of the ECB as at 31.12.2006) can also be found on the ECB web site.
Shortlisted candidates 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 at the ECB will be conducted in English.
The duration of the contract shall be 5 years, starting in 2008 and ending with the audit reports corresponding to the financial year 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

candidate 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, clearly marked with the contract name and addressed as in I.1 above, so as to arrive no later than the date and time specified in the invitation to tender.

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 the invitation to tender. Tenders received in electronic format, or by facsimile, will not be considered.

VI.4) **Procedures for appeal**

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

European Central Bank, Central Procurement Office, Kaiserstraße 29, D-60311 Frankfurt-on-Main. Tel. (49-69) 13 44 86 45. Fax (49-69) 13 44 71 10. E-mail: procurement@ecb.int. URL: www.ecb.int.

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

24.5.2007.