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**Germany-Frankfurt-on-Main: ECB - Remote legal translation services
from all other official European Union (EU) languages into English
2014/S 150-268956**

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

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

European Central Bank
Kaiserstraße 29
For the attention of: Rosemary Cowlard
60311 Frankfurt-on-Main
GERMANY
Telephone: +49 6913440
E-mail: procurement@ecb.europa.eu
Fax: +49 6913447110

Internet address(es):

General address of the contracting authority: <http://www.ecb.europa.eu>
Electronic access to information: <https://www.ecb.europa.eu/secure/procurement/>

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:

Remote legal translation services from all other official European Union (EU) languages into English.

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

Services
Service category No 27: Other services
NUTS code DE712

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

The notice involves the establishment of a framework agreement

II.1.4) Information on framework agreement

Framework agreement with several operators

maximum number of participants to the framework agreement envisaged: 4

Duration of the framework agreement

Duration in years: 4

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

The ECB's DIV/LEG needs to procure remote translation services for legal texts from all of the source languages (i.e. Bulgarian, Croatian, Czech, Danish, Dutch, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish) into United Kingdom English ('English'). DIV/LEG therefore seeks the services of up to 4 experienced tenderers, which are responsive and customer-service oriented, and produce high quality translations of legal texts into English from all of the source languages. The service providers will support DIV/LEG in coping with its high legal translation workload.

Currently, the ECB adopts approximately 100 opinions on draft national laws per year. There are also ad hoc requests from other ECB business areas to translate legal texts into English, for example, where a national authority or national central bank writes to the ECB in connection with a legal matter in one of the source languages without providing any English translation. In connection with the establishment of the single supervisory mechanism (SSM), DG/L also expects that there will be higher volumes of legal texts in the source languages to translate into English for the work of joint supervisory teams and an increased number of consultations on draft laws on supervisory matters.

These translation requests are often urgent and the translated texts are essential to enable a drafting panel to formulate an ECB opinion or response. The legal texts are often highly specialised and technical, so translators who are either legally qualified or who specialise in legal matters are essential.

This tender procedure concerns only legal translation and it is not intended to support DIV/LEG in other tasks. Currently, in addition to the procurement of legal translation services under this tender, DIV/LEG is procuring remote English legal editing services and in-house lawyer-linguist services (procurement reference number: 28752/L/LEG/2014). Therefore, these services will not form part of this tender.

II.1.6) Common procurement vocabulary (CPV)

79530000

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

The contract is covered by the Government Procurement Agreement (GPA): no

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 ECB envisages to award a framework contract to a maximum of 4 successful tenderers, if available. The contract is envisaged to enter into force at the beginning of March 2015 for a period of 4 years. Invitations to provide services to the ECB will be sent out following a ranking system.

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: 48 (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:

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 framework agreement.

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 temporary groupings is allowed under the conditions laid down in the tender documentation. Candidates wishing to participate must download the tender documentation from the address specified in VI.3.

III.1.4) Other particular conditions

The performance of the contract is subject to particular conditions: no

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: Information and formalities necessary for evaluating if requirements are met are indicated in the call for applications and the application form that interested candidates may download from the Internet address specified in Section I.1 above. The duly completed application form and the documentation requested in the application form shall be returned in both paper copy and electronic format by the date indicated in IV.3.4 below.

III.2.2) Economic and financial ability

Information and formalities necessary for evaluating if the requirements are met: a. Balance sheets or extracts from balance sheets for at least the last 3 financial years for which accounts have been closed, or equivalent documentation if the company law of the country where your company is established does not require you to publish the balance sheet; alternatively, certified statement of the annual overall turnover during the last 3 years.

Minimum level(s) of standards possibly required: Candidates must have an annual net turnover in the last 3 financial years of at least 1 000 000 EUR.

III.2.3) Technical capacity

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

Tenderers shall fill in the information and submit the requested proof and/or documents outlined in the tender submission form (Annex 1) Sections 4.2. and 4.3.

Minimum level(s) of standards possibly required:

Selection criteria and minimum capacity levels:

Candidates shall have the technical and professional capacity to perform the contract. Candidates shall meet all of the minimum requirements stipulated below and submit the requested proof and or documents.

Candidates who do not meet all requirements and/or fail to submit the requested proof and/or documents for each requirement listed under the minimum requirement levels below will not be admitted to the selection stage.

Minimum requirement levels:

1) Candidates must have access to a minimum of 2 experienced staff translators (or experienced freelance translators) per source language. Each translator must have:

- (a) English as their main language (Europass C2 standard); and
- (b) translation, linguistic and technical research competence in the source language for which their services are offered; and
- (c) a minimum of 2 years' professional experience translating legal texts into English from the source language for which their services are offered.

Candidates shall provide evidence to demonstrate the above by submitting the following:

- a) a full list of the candidate's individual translators (employees or freelance translators) who translate into English for the candidate from the source languages (the 'candidate's translators') stating the languages covered and the duration of their experience;
- b) for at least 5 of the candidate's translators, the candidate must submit the following:
 - b.i) a statement that they are employed by the candidate (for employees) or a statement of their availability to provide services to the candidate (for freelance translators); and
 - b.ii) copies of those translators' CVs, which must demonstrate that they have professionally translated legal texts into English from the source languages for which their services are offered.

For the remaining candidate's translators, the ECB shall accept the candidate's self-declaration of translator availability and professional experience.

2) Candidates must be able to nominate at least 1 dedicated English-speaking contact person, who is available via telephone and e-mail communication during weekdays 9:00–18:00, Central European Time, excluding ECB public holidays.

Candidates shall demonstrate that they fulfil the above criterion by submitting a self-declaration, indicating the names of (a maximum of 2) contact persons and their CVs.

3) Candidates must have completed 1 similar reference project in the past or are involved in an ongoing similar reference project, which meets the following criteria (the 'reference project'):

- (a) the project concerns translation into English from all of the source languages that were official EU languages at the time of the project;
- (b) the project duration extended or extends over an uninterrupted period of at least 2 years;
- (c) the project was completed between 2007 and 2014, or is still ongoing;
- (d) the client was or is an EU institution or body, an international organisation, a national authority or a multinational company.

Candidates shall provide evidence for the above criteria by submitting a detailed description of the reference project in relation to the criteria specified in 4.(a to d) above.

4) Candidates must be certified to ISO 9001 and DIN 15038 (project management and quality management) standards or equivalent standards.

Candidates shall demonstrate that they fulfil the above criterion by submitting copies of certificates, if available. If a candidate is not officially certified, it must describe their project management and quality management procedures to demonstrate the equivalence to the said standards.

5) For the technical capacity, all the following requirements are mandatory for the candidates and the candidate's translators. They must use:

- (a) anti-virus software;
- (b) personal firewalls;
- (c) file encryption software (e.g. PGP, Winzip);
- (d) file compression software; and
- (e) anti-spyware.

Candidates shall demonstrate that they fulfil the above criteria by submitting a self-declaration, which indicates the names of the software in use.

Candidates who fail to meet all of the minimum criteria levels outlined above and who do not submit the requested proof/evidence for each criterion listed above will not be admitted to the next stage (selection stage) and will be excluded from the tendering procedure.

Selection criteria:

Among the candidates who fulfil the minimum capacity levels stipulated above, the ECB shall select up to 6 of those who best meet the following selection criteria:

1. In addition to meeting the minimum requirements concerning a similar reference project specified in Section 4.2.4 (a, b, c, d) above, candidates shall be evaluated for completion of, or of ongoing involvement in:

(i) 2 or more similar reference projects. Candidates shall submit a maximum of 5 similar reference projects. Additional reference projects will not be evaluated. (Weighting 10 %);

(ii) similar reference project(s) with a contract duration of 3 or more years. (Weighting 5 %);

(iii) a similar reference project for an international organisation, a national authority or a multinational company, which included translation of any of the following:

— legal documents,

— legislation,

— pleadings and other documentation relating to litigation before the Court of Justice of the European Union or national courts. (Weighting 10 %);

(iv) a similar reference project for an EU institution or body, which included translation of any of the following:

— legal documents,

— legislation,

— pleadings and other documentation relating to litigation before the Court of Justice of the European Union or national courts. (Weighting 30 %).

Candidates shall provide evidence for the above criteria by submitting detailed information of the reference project(s) in relation to the specific criteria outlined in 1.(i–iv) above.

2. Candidates have experience translating financial statements of banks and financial institutions. (Weighting 20 %).

Candidates shall provide evidence for this criterion by submitting a detailed description of such experience.

3. Candidates and the candidates' translators use computer-aided translation tools (such as Trados Studio and Trados Multiterm) or their equivalent. The candidates also carry out technical pre-translation processing in line with DIN 15038. (Weighting 15 %).

Candidates shall demonstrate they and the candidates' translators fulfil the above criteria by submitting a self-declaration, which indicates the names of the tools they use and that they carry out the technical pre-translation processing as specified above.

4. Candidates are members of recognised national or international professional bodies such as the Association of Translation Companies and/or European Union of Associations of Translation Companies. (Weighting 10 %).

Candidates shall demonstrate they fulfil the above criterion by submitting a self-declaration, which indicates the names of the associations they belong to.

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: no

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 minimum number 3; and maximum number 6

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 in the specifications, in the invitation to tender or to negotiate or in the descriptive document

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:

28897/L/LEG-2014.

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: 29.8.2014 - 18:00

Payable documents: no

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

29.8.2014 - 18:00

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

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 of tenders

Section VI: Complementary information

VI.1) Information about recurrence

This is a recurrent procurement: no

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

Companies interested in participating in this call for applications procedure are required to download the complete documentation from the following Internet address using the 'User ID' and 'Password' indicated below:

<https://www.ecb.europa.eu/secure/procurement/>

— User ID: 28897/L/LEG/2014

— Password: B07978

Please note that you must register before downloading the tender documentation and that registration on the website is not synonymous with participating in the tender procedure. In order to participate, you need to submit the tender to the ECB as stipulated in the documentation.

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 tender documentation. Should you experience any problems in accessing the Internet platform for registration and/or downloading the tender 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 is conducted in accordance with Decision ECB/2007/5 of 3.7.2007 laying down the rules on procurement (OJ L 184, 14.7.2007, p. 34) as amended by Decision ECB/2009/2 (OJ L 51, 24.2.2009, p. 10) and Decision ECB/2010/8 (OJ L 238, 9.9.2010, p. 14), all published on <http://www.ecb.europa.eu/ecb/jobsproc/tenders/html/index.en.html>

Suppliers from countries that have signed the WTO Government Procurement Agreement, or a bilateral procurement agreement with the European Union, are allowed to participate under the same conditions as suppliers from EU Member States.

Contract:

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

Exclusion from the tender procedure:

The ECB may, at its own discretion, exclude candidates from the tender who do not comply with the requirements and conditions set out in the tender submission form and contract notice or do not provide the information requested.

Cancellation of the tender procedure:

The ECB reserves the right to cancel the tender procedure as a whole or in parts. The decision will take into account the principles of transparency, equal access, publicity and equal treatment.

Liability and compensation:

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

General information:

The deadline for questions or requests for clarification relating to the call for applications from candidates shall be 7 days prior to the deadline for receipt of applications.

All communications, discussions and meetings will be conducted in English and no interpretation facilities will be provided. Tenderers are also informed that presentations and/or site visits may be required to confirm information contained in their offers.

VI.4) **Procedures for appeal**

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

Procurement Review Body of the European Central Bank

Kaiserstraße 29

60311 Frankfurt-on-Main

GERMANY

E-mail: legaladviceteam@ecb.europa.eu

Telephone: +49 6913440

Internet address: <http://www.ecb.europa.eu>

Fax: +49 6913446886

Body responsible for mediation procedures

The European Ombudsman, CS 30403
1 avenue du Président Robert Schuman
67001 Strasbourg Cedex
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**

Procurement Review Body of the European Central Bank
Kaiserstraße 29
60311 Frankfurt-on-Main
GERMANY

E-mail: legaladviceteam@ecb.europa.eu

Telephone: +49 6913440

Internet address: <http://www.ecb.europa.eu>

Fax: +49 6913446886

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

28.7.2014