

GERMANY - LEGAL SERVICES - BEREITSTELLUNG VON IPR-AGENTENDIENSTEN

222/2023

Contract or concession notice – standard regime

1. Buyer

1.1 Buyer

Official name: European Central Bank

Legal type of the buyer: EU institution, body or agency

Activity of the contracting authority: Economic affairs

2. Procedure

2.1 Procedure

Title: Provision of IPR Agent Services

Description: Provision of patent agent services regarding current and future euro banknotes, specifically dedicated to banknote research and development activities and to Intellectual Property Rights (IPR) matters related to euro banknotes, the process of euro banknote development, euro authentication devices, euro banknote sorting and handling devices and all matters in the life cycle of euro banknotes. The tasks shall comprise: conducting preliminary IPR risks assessments for new technologies and freedom to operate (FTO) analyses for security features and design elements of banknotes; providing legal guidance and representing the ECB in cases of patent opposition claims and procedures; advising on IPR related issues for new banknotes; drafting, preparing and submitting patent applications and registrations; watching critical patents for existing and newly developed technology and managing patent renewals, annual patent review and annual fees to patent offices.

Procedure identifier: 6ae607ee-f85d-4ec1-b020-e735e66a7e58

Internal identifier: PRO-009768

Type of procedure: Negotiated with prior publication of a call for competition / competitive with negotiation

2.1.1 Purpose

Nature of the contract: Services

Main classification (cpv): 79100000 Legal services

2.1.2 Place of performance

Country subdivision (NUTS): Frankfurt am Main, Kreisfreie Stadt (DE712)

Country: Germany

2.1.3 Value

Estimated value excluding VAT: 2,400,000 EUR

2.1.4 General information

Additional information: The total aggregate value of the orders under the framework agreement shall not exceed EUR 3 120 000,00. This tender procedure is conducted via the ECB's electronic tendering system (e-tendering) which can be accessed via the following Internet address: (<http://www.ecb.europa.eu/ecb/jobsproc/sourcing/html/index.en.html>). If you have not used the ECB's electronic tendering system before, you need to register via the above link (click on 'Register'). Subsequently to

the registration, you will receive an automated notification with your user credentials to log in (click on 'Login') and to access the tender documentation. Please note that: — a registration to the above system is only required once and you can use your user credentials in all future procedures of the ECB which are conducted via the above system. Therefore, please keep your user credentials for the future; — in case you should have participated in previous ECB tender procedure(s) in the past which were conducted via the ECB's prior online system, you nevertheless need to register once to the ECB's electronic tendering system under the above address; — your mere registration does not constitute an application/tender. You must submit your application/tender via the ECB's electronic tendering system as further instructed in the application/tender documentation. The system reference number for the above procurement is: RFX-PT-2023-000086: PRO-009768-R1-IPR agent. To download the tender documents, log on to the ECB's electronic tendering system with your login and password. Expand the field 'Public Tenders - Upcoming Events'. Click on 'Click to request an invitation to this event' for the above procedure and close the new window which opens. Once the request is completed (this can take a few minutes), the status of the participation request will change to 'Invited' and the RFX documentation will be accessible via the RFX tab. Under the above link you also find user guides for detailed information on how to use the system and contact details for technical support. Should you require technical help when using the system, please contact the ECB's technical support team at sourcing.support@ecb.europa.eu by quoting the reference number and the problem experienced. Any other queries relating to this procurement procedure and the content of the procurement documentation shall be submitted as message via the ECB's electronic tendering system (under the tab 'Discussion'). The ECB endeavours to answer all queries as quickly as possible but cannot guarantee a minimum time response. The ECB shall not be bound to reply to queries received less than 7 calendar days before the time-limit for submission of tenders. 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 tender procedure is conducted in accordance with ECB Decision 2016/2 laying down the Rules on Procurement (as amended), available at (<https://www.ecb.europa.eu/ecb/legal/1001/procurement/html/index.en.html>) and in EUR-Lex (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02016D0002-2020501>).

Legal basis:

Directive 2014/24/EU

2.1.6 *Grounds for exclusion*

Purely national exclusion grounds: Based on Art. 30 of the ECB Procurement rules (Decision ECB /2016/2, as amended)

5. Lot

5.1 *Lot:* LOT-0000

Title: Provision of IPR Agent Services

Description: Please see Section II.1.4).

Internal identifier: PRO-009768

5.1.1 *Purpose*

Nature of the contract: Services

Main classification (cpv): 79100000 Legal services

5.1.2 Place of performance

Country subdivision (NUTS): Frankfurt am Main, Kreisfreie Stadt (DE712)

Country: Germany

Additional information:

5.1.3 Estimated duration

Start date: 2024-08-01+02:00

Duration: 48 MONTH

5.1.4 Renewal

Maximum renewals: 0

The buyer reserves the right for additional purchases from the contractor, as described here: The contract will have an initial duration of 4 years (48 months) with the possibility for the ECB to extend for further periods of up to 4 years (48 months).

5.1.5 Value

Estimated value excluding VAT: 2,400,000 EUR

5.1.6 General information

Reserved participation: Participation is not reserved.

Procurement Project not financed with EU Funds.

5.1.9 Selection criteria

Criterion:

Type: Suitability to pursue the professional activity

Description: As stated in the procurement documents.

Use of this criterion: Used

Information about the second stage of a two-stage procedure:

Minimum number of candidates to be invited for the second stage of the procedure: 5

Maximum number of candidates to be invited for the second stage of the procedure: 5

The buyer reserves the right to award the contract on the basis of the initial tenders without any further negotiations

5.1.10 Award criteria

Criterion:

Type: Price

Description: Price is not the only award criterion and all criteria are stated only in the procurement documents.

5.1.11 Procurement documents

Address of the procurement documents: <https://www.ecb.europa.eu/ecb/jobsproc/sourcing/html/index.en.html>,

Ad hoc communication channel:

Name: ECB electronic tendering platform

5.1.12 Terms of procurement

Terms of the procedure:

Estimated date of dispatch of the invitations to submit tenders: 2024-01-31+01:00

Terms of submission:

Electronic submission: Required

Address for submission: <https://www.ecb.europa.eu/ecb/jobsproc/sourcing/html/index.en.html>

Languages in which tenders or requests to participate may be submitted: English

Electronic catalogue: Not allowed

Variants: Not allowed

Deadline for receipt of requests to participate: 2023-12-15+01:00 12:00:00+01:00

Deadline until which the tender must remain valid: 6 MONTH

Terms of contract:

The execution of the contract must be performed within the framework of sheltered employment programmes: Yes

Conditions relating to the performance of the contract: In line with the terms and conditions of the draft contract. See details in the procurement documents.

Electronic invoicing: Allowed

5.1.15 Techniques

Framework agreement:

Framework agreement, without reopening of competition

Maximum number of participants: 1

Justification for the duration of the framework agreement: Complex patent cases with long-term issues and/or litigation.

Information about the dynamic purchasing system

No dynamic purchase system

Electronic auction:

5.1.16 Further information, mediation and review

Mediation organisation: The European Ombudsman

Review organisation: General Court of the European Union

Organisation providing additional information about the procurement procedure: European Central Bank

Organisation providing more information on the review procedures: European Central Bank

Organisation receiving requests to participate: European Central Bank

8. Organisations

8.1 ORG-0001

Official name: European Central Bank

Registration number: PRO-009768

Postal address: Sonnemannstrasse 22

Town: Frankfurt am Main

Postcode: 60314

Country subdivision (NUTS): Frankfurt am Main, Kreisfreie Stadt (DE712)

Country: Germany

Contact point: Ms Uta Elbers-Kesten

Email: procurement@ecb.europa.eu

Telephone: +496913440

Fax: +496913447110

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

Roles of this organisation:

Buyer

Organisation providing additional information about the procurement procedure

Organisation receiving requests to participate

Organisation providing more information on the review procedures

8.1 ORG-0002

Official name: General Court of the European Union

Registration number: 0002

Town: Luxembourg

Postcode: L-2925

Country: Luxembourg

Email: generalcourt.registry@curia.europa.eu

Telephone: +35243031

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

Roles of this organisation:

Review organisation

8.1 ORG-0003

Official name: The European Ombudsman

Registration number: 0002

Postal address: 1 avenue du Président Robert Schuman, CS 30403

Town: Strasbourg Cedex

Postcode: 67001

Country: France

Email: eo@ombudsman.europa.eu

Telephone: +33388172313

Roles of this organisation:

Mediation organisation

10. Change

Version of the previous notice to be changed: 693677-2023

Main reason for change: Buyer correction

Description: Change in field 2.1.4 General information: new Rfx to submit applications: RFX-PT-2023-000086: PRO-009768-R1-IPR agent Change in field 5.1.12 Deadline for request to participate: 15.12.2023, 12.00 CET

Description: Change in field 2.1.4 General information: new Rfx to submit applications: RFX-PT-2023-000086: PRO-009768-R1-IPR agent Change in field 5.1.12 Deadline for request to participate: 15.12.2023, 12.00 CET

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11. Notice information

11.1 Notice information

Notice identifier/version: f94b12b4-5f90-43ab-9d57-1744b073c869 - 01

Form type: Competition

Notice type: Contract or concession notice – standard regime

Notice dispatch date: 2023-11-16Z 12:50:46Z

Languages in which this notice is officially available: English Danish, German, Spanish, Finnish, French, Greek, Italian, Dutch, Portuguese, Swedish, Czech, Estonian, Hungarian, Lithuanian, Latvian, Maltese, Polish, Slovak, Slovenian, Irish, Bulgarian, Romanian, Croatian

11.2 Publication information

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Publication date: 2023-11-17Z