

Germany – Banking services – Digital euro - Offline solution

OJ S 20/2024 29/01/2024

**Contract or concession notice – standard regime - Change notice
Services**

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: Digital euro - Offline solution

Description: The offline component, which includes engineering and development services to provide an offline, hardware bearer payment instrument.

Procedure identifier: 1b5e1fc1-a283-40d8-b497-09aa2265eac8

Internal identifier: PRO-009494

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

The procedure is accelerated: no

2.1.1. Purpose

Main nature of the contract: Services

Main classification (cpv): 66110000 Banking services

Additional classification (cpv): 72000000 IT services: consulting, software development, Internet and support

2.1.2. Place of performance

Anywhere in the European Economic Area

Additional information: The provision of works and services will take place off-site within the European Economic Area, but can be requested on-site (subject to business needs), at the European Central Bank in Frankfurt.

2.1.3. Value

Estimated value excluding VAT: 220 700 000,00 EUR

Maximum value of the framework agreement: 662 100 000,00 EUR

2.1.4. General information

Additional information: 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 reuse 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-2023-000097: PRO-009494-R1-DEUR Offline Solution. 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 e-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 seven calendar days before the time-limit for the submission of tenders.

Legal basis:

Directive 2014/24/EU

<http://data.europa.eu/eli/dec/2016/245/2020-05-01> - Consolidated text: Decision (EU) 2016 /245 of the European Central Bank of 9 February 2016 laying down the rules on procurement (ECB/2016/2) (recast)

2.1.6. Grounds for exclusion:

Agreements with other economic operators aimed at distorting competition

Analogous situation like bankruptcy under national law

Arrangement with creditors

Assets being administered by liquidator

Bankruptcy

Breaching of obligations in the fields of environmental law

Breaching of obligations in the fields of labour law

Breaching of obligations in the fields of social law

Business activities are suspended

Child labour and other forms of trafficking in human beings

Conflict of interest due to its participation in the procurement procedure

Corruption

Direct or indirect involvement in the preparation of this procurement procedure

Early termination, damages or other comparable sanctions

Fraud

Guilty of grave professional misconduct

Guilty of misrepresentation, withheld information, unable to provide required documents and obtained confidential information of this procedure

Insolvency

Money laundering or terrorist financing

Participation in a criminal organisation

Payment of social security contributions

Payment of taxes

5. Lot

5.1. Lot: LOT-0001

Title: Digital euro - Offline solution

Description: The current procurement procedure focuses on a solution to make offline digital euro payments available to users and merchants across Europe. The ability to pay offline, with no third party involved in the transaction is a key feature of the digital euro, both for resilience and privacy purposes. The ECB is looking to acquire an end-to-end solution, including full rights to use, modify and redistribute among the participating intermediaries. The solution will need to enable instant and final settlement, consecutive offline payments, the ability to pay in proximity in P2P or POS scenarios and include the possibility to fund and defund online (via a smartphone) or at an ATM, also using cash. The services of the contract resulting from this procurement are intended to cover the development, including maintenance, as well as the operation of the Offline Solution component. The development refers to the design, definition and implementation (incl. testing) of the component and its integration into the overall digital euro architecture as part of the Digital Euro service platform (DESP). The operation of the component includes the hosting and running of the set of functions and activities within the scope of the component, including the provision of a service desk dedicated to the monitoring and resolution of any component related operational, functional, or technical issues, both during normal and abnormal situations.

Internal identifier: PRO-009494

5.1.1. Purpose

Main nature of the contract: Services

Main classification (cpv): 66110000 Banking services

Additional classification (cpv): 72000000 IT services: consulting, software development, Internet and support

Options:

Description of the options: The initial contract duration is 4 years with the possibility of one or more optional extensions to a total maximum contract duration of 15 years. This duration is justified by the following high-level summary: Due to the complexity and volume of the project, it will be not possible to deliver all services within 4 years. Specifically for the digital euro, where the contracts shall cover both development and operations, with development timeframes being in the range of typically around 2 years, followed by a staggered roll-out of the different use cases, the standard 4 years contract duration is considered inadequate to ensure that any provider would even be in a position to carry out the development and then ensure a stable operation of any of procured components. Fifteen year duration is expected to allow a development and rollout of the complete digital euro, including all use cases and allow the respective provider to be available for support and maintenance in the time period where the digital euro would increase the number of users. Following current estimations and market research, after the 4 year standard contract, the ramp up phase just began and only a fraction of the potential end user will be onboarded on the Digital Euro Service Platform, but with the amount of new end user per day peaking. Underlining the strong need for a stable support and maintenance during this time. Also, this approach allows the project team to focus on the digital euro functionality while avoiding any change of suppliers in this critical phase. This justification will be verified when the decision on the extension is taken. If the good reasons that had justified the reservation in the contract notice and in the procurement documents no longer exists - no contract extension will be requested.

5.1.3. Estimated duration

Start date: 01/01/2025

Duration: 4 Year

5.1.5. Value

Estimated value excluding VAT: 220 700 000,00 EUR

Maximum value of the framework agreement: 662 100 000,00 EUR

5.1.6. General information

Reserved participation: Participation is not reserved.

Procurement Project not financed with EU Funds.

Additional information: In deviation from Article 30 (1) of the Decision ECB/2016/2 laying down the rules on procurement (as amended), (available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02016D0002-20200501>), participation in this procurement procedure is subject to the following place of establishment and control requirement: Only the following may be eligible as candidates, tenderers, members of a temporary grouping or sub-contractors: - EU Nationals that - are controlled by EU Nationals. Should candidates, tenderers or members of a temporary grouping that do not fulfil these requirements apply/submit an application, the application/tender will be excluded. Should sub-contractors be proposed that do not fulfil these requirements (i.e. being an EU National being controlled by an EU National), the ECB will either decide to exclude the application/tender or request that the sub-contractor be replaced with a sub-contractor that does fulfil the requirements. An 'EU National' means any legal entity with registered offices in an EU member state or any natural person that has the nationality of an EU member state. 'Control' means the ability to exercise a decisive influence on an undertaking, directly, or indirectly through one or more intermediate undertakings. Control can take any of the following forms: (i) the direct or indirect holding of more than 50% of the nominal value of the issued share capital in the legal entity concerned, or of a majority of the voting rights of the shareholders or associates of that entity, (ii) the direct or indirect holding, in fact or in law, of decision-making powers in the legal entity concerned. The contractors must moreover ensure that any cooperation with Nationals of third countries (non-EU countries) or that are controlled by such a country and/or by a national of such a country does not affect the security interests and avoids potential negative effects over security of supply of inputs that are critical to the procurement and the procurement subject. As proof, Candidates shall submit a declaration(s) in the Annex CfA4 for themselves and potential members of temporary groups or subcontractors. The ECB reserves the right to request further information or proof in this context to assess, if the above requirements are fulfilled.

5.1.7. Strategic procurement

Green Procurement Criteria: Other Green Public Procurement criteria

5.1.9. Selection criteria

Criterion:

Type: Economic and financial standing

Description: As specified in the procurement documentation

Use of this criterion: Used

The criteria will be used to select the candidates to be invited for the second stage of the procedure

Criterion:

Type: Technical and professional ability

Description: As specified in the procurement documentation

Use of this criterion: Used

The criteria will be used to select the candidates to be invited for the second stage of the procedure

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

Minimum number of candidates to be invited for the second stage of the procedure: 3

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

The procedure will take place in successive stages. At each stage, some participants may be eliminated

5.1.11. Procurement documents

Access to certain procurement documents is restricted

Languages in which the procurement documents are officially available: English

Deadline for requesting additional information: 15/02/2024 12:00:00 (UTC+1)

Information about restricted documents is available at: <https://www.ecb.europa.eu/ecb/jobsproc/sourcing/html/index.en.html>

Ad hoc communication channel:

Name: ECB e-tendering platform

URL: <https://www.ecb.europa.eu/ecb/jobsproc/sourcing/html/index.en.html>

5.1.12. Terms of procurement

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

Deadline for receipt of requests to participate: 22/02/2024 12:00:00 (UTC+1)

Terms of contract:

Electronic invoicing: Required

Electronic ordering will be used

Electronic payment will be used

Information about review deadlines: Aggrieved candidates or tenderers may challenge in writing the ECB's decision to reject their application or tender before the ECB's Procurement Review Body (PRB). The appeal before the PRB must be lodged within 10 days of receipt of the notification in accordance with Article 34(1) or the first sentence of Article 34(3) of Decision ECB/2016/2 laying down the rules on procurement, as amended. Further requirements are outlined in Article 39 of this Decision. A complaint to the European Ombudsman does not affect the deadline for lodging appeals. Decisions of the PRB may be challenged before the Court of Justice of the European Union.

5.1.15. Techniques

Framework agreement: Framework agreement, without reopening of competition

Maximum number of participants: 2

Information about the dynamic purchasing system: No dynamic purchase system

5.1.16. Further information, mediation and review

Mediation organisation: The European Ombudsman

Review organisation: General Court of the European Union

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

8. Organisations

8.1. ORG-0004

Official name: European Central Bank

Registration number: 0001

Postal address: Sonnemannstrasse 22

Town: Frankfurt am Main

Postcode: 60314

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

Country: Germany

Contact point: Central Procurement Office

Email: procurement@ecb.europa.eu

Telephone: +49 69 13440

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

Buyer profile: <https://www.ecb.europa.eu/ecb/jobsproc/tenders/html/index.en.html>

Roles of this organisation:

Buyer

Organisation providing more information on the review procedures

8.1. ORG-0005

Official name: General Court of the European Union

Registration number: 0002

Postal address: Rue du Fort Niedergrünewald

Town: Luxembourg

Postcode: L-2925

Country subdivision (NUTS): Luxembourg (LU000)

Country: Luxembourg

Contact point: Registry of the General Court

Email: generalcourt.registry@curia.europa.eu

Telephone: +352 43031

Fax: +352 4302100

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

Roles of this organisation:

Review organisation

8.1. ORG-0006

Official name: The European Ombudsman

Registration number: 0003

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

Town: Strasbourg

Postcode: 67001

Country subdivision (NUTS): Bas-Rhin (FRF11)

Country: France

Email: eo@ombudsman.europa.eu

Telephone: +33 3 88 17 23 13

Roles of this organisation:

Mediation organisation

10. Change

Version of the previous notice to be changed: 5242-2024

Main reason for change: Information updated

Description: Update to deadlines

10.1. Change

Section identifier: LOT-0001

Description of changes: 1. Update to deadline for receipt of requests to participate; 2. Update to deadline for requesting additional information

The procurement documents were changed on: 26/01/2024

11. Notice information

11.1. Notice information

Notice identifier/version: a9c9d06f-c27e-4996-852b-9899a224cfdb - 01

Form type: Competition

Notice type: Contract or concession notice – standard regime

Notice dispatch date: 26/01/2024 09:48:20 (UTC)

Languages in which this notice is officially available: English

11.2. Publication information

Notice publication number: 58107-2024

OJ S issue number: 20/2024

Publication date: 29/01/2024