

**ECB - 11804/IS/OPS/2009 Tender for supply and maintenance of
server hardware and operating systems (D-Frankfurt-on-Main)**

2009/S 189-271230

Contract notice

Section I: Contracting authority

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

European Central Bank, attention: Alessandro Sussex, Kaiserstraße 29, 60311 Frankfurt-on-Main, GERMANY.
Tel. +49 691344-7464. Fax +49 691344-7110. E-mail: procurement@ecb.europa.eu

Internet address(es):

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

Further information can be obtained at:

As in abovementioned contact point(s).

Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained at:

As in abovementioned contact point(s).

Tenders or requests to participate must be sent to:

As in abovementioned contact point(s).

I.2) Type of the contracting authority and main activity or activities:

European institution/agency or international organisation.

Section II: Object of the contract

II.1) Description

II.1.1) Title attributed to the contract by the contracting authority:

11804/IS/OPS/2009 Tender for supply and maintenance of server hardware and operating systems.

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

Supplies: Purchase.

Services.

Service category: No 84.

Main place of delivery/performance: ECB, Frankfurt-on-Main, GERMANY.

NUTS code: DE712.

II.1.3) The notice involves:

The establishment of a framework agreement.

II.1.4) Information on framework agreement:

Framework agreement with a single operator.

Duration of the framework agreement: duration in years: 4.

Estimated total value of purchases for the entire duration of the framework agreement:

lot 1: between 5 000 000 EUR and 6 000 000 EUR;

lot 2: between 3 000 000 EUR and 4 000 000 EUR.

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

The European Central Bank ('ECB') is seeking through this negotiated procedure for a supplier(s) for the provision of:

Lot 1: supply, installation and maintenance of server hardware computer systems and associated equipment:
(a) supply of server hardware computer systems and associated equipment (e.g. from Sun Microsystems SPARC-, SPARC64-processor based and Hewlett Packard x86-, IA64-, AMD64-processor based equipment);
(b) maintenance support services for the ECB's existing and future-acquired server hardware computer systems and associated equipment (e.g. Sun Microsystems SPARC-, SPARC64-processor based and Hewlett Packard x86- IA64-, AMD64-processor based equipment);
(c) installation of server hardware upon request.

Lot 2: supply and maintenance of server software in particular server operating systems:

(a) supply of server software in particular server operating systems (e.g. Solaris and Linux SUSE and Red Hat Enterprise Server) and associated software solutions (e.g. virtualisation, systems management, high-performance computing, enterprise computing (including high availability), etc.) as well as all the relevant reference documentation;

(b) maintenance support services for the ECB's existing and future-acquired server software in particular server operating systems (e.g. Solaris and Linux SUSE and Red Hat Enterprise Server) and associated software solutions, (e.g. virtualisation, systems management, high-performance computing) over the operational lifetime of the contract.

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

Lot 1: 48820000, 50312000.

Lot 2: 48620000, 72267000.

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

Yes.

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

Yes.

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.2.2) **Options:**

No.

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

Duration in months: 48 (from the award of the contract).

Information about lots

Lot No 1

Title: Lot 1: Supply, installation and maintenance of server hardware computer systems and associated equipment

1) **Short description:**

Most of the server hardware computer systems operating in the ECB IT architecture are SPARC-, SPARC64-processor and x86-, IA64-, AMD64-processor based hosting a variety of IT infrastructure and information system applications serving different infrastructure and business purposes. These systems run under the server operating systems Solaris, SUSE Linux, Red Hat Enterprise and Microsoft Windows Server mainly hosting standard software products and bespoke software applications.

The purpose of lot 1 is to find a provider for the supply of server hardware computer systems including associated equipment, options and extensions as well as the maintenance support services associated with it, covering the following:

- supply of server hardware computer systems and associated equipment (e.g. Sun Microsystems SPARC-, SPARC64-processor based and Hewlett Packard x86-, IA64-, AMD64-processor based equipment),
- maintenance support services to all:
the ECB's existing and future-acquired server hardware computer systems and associated equipment (e.g. Sun Microsystems SPARC-, SPARC64-processor based and Hewlett Packard x86-, IA64-, AMD64-processor based equipment),
- installation of server hardware upon request.

- 2) **Common procurement vocabulary (CPV):**
48820000, 50312000.
- 3) **Quantity or scope:**
Range: between 5 000 000 EUR and 6 000 000 EUR.
- 4) **Indication about different date for duration of contract or starting/completion:**
Duration in months: 48 (from the award of the contract).

Lot No 2

Title: Lot 2: Supply and maintenance of server software in particular server operating systems

- 1) **Short description:**
Most of the UNIX-based server operating systems software running in the ECB IT architecture are Solaris and Linux SUSE and Red Hat Enterprise mainly hosting standard software products and bespoke software applications serving different IT infrastructure and business information system purposes. These operating systems run on server hardware systems based on SPARC- and SPARC64-processors, and x86-, IA64- and AMD64-processors.
The purpose of lot 2 is to seek a supplier for the acquisition of server software, in particular server operating systems, and associated software solutions as well as maintenance support services associated with it, covering the following:
 - supply of server software in particular server operating systems (e.g. Solaris and Linux SUSE and Red Hat Enterprise Server) and associated software solutions (e.g. virtualisation, systems management, high-performance computing, enterprise computing (including high availability)), etc., as well as all the relevant reference documentation,
 - maintenance support services to all:
the existing and future-acquired server software in particular server operating systems (e.g. Solaris and Linux SUSE and Red Hat Enterprise Server) and associated software solutions (e.g. virtualisation, systems management, high-performance computing) over the operational lifetime of the contract.
- 2) **Common procurement vocabulary (CPV):**
48620000, 72267000.
- 3) **Quantity or scope:**
Range: between 3 000 000 EUR and 4 000 000 EUR.
- 4) **Indication about different date for duration of contract or starting/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:

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 which will be submitted to the shortlisted candidates.
- 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 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;
(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:**
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 requirements are met:
Candidates must provide the information and documents specified in the application form.
The requested documents must be returned in paper copy format and in digital form in accordance with instructions provided in the application form by the date indicated in IV.3.4 below.
The ECB may exclude candidates from participation at any time if they:
(a) are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
(b) have been convicted of an offence concerning their professional conduct by a judgment which has the force of 'res judicata';
(c) have been guilty of grave professional misconduct;
(d) have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
(e) have been declared by a court or an arbitration tribunal to be in serious breach of contract for failure to comply with their contractual obligations following another tender procedure;
(f) their management, staff or agents are subject to a conflict of interest;
(g) they are guilty of serious misrepresentation in supplying the information required by the ECB;
(h) they contact other candidates or tenderers with the purpose of restraining competition.
- III.2.2) **Economic and financial capacity:**
Information and formalities necessary for evaluating if requirements are met:
Candidates must provide the information and documents specified in the application form and in particular:
Credit reform number or where not available, the following:
bank certificate stating the candidate's financial situation, balance sheets and results for the last 3 financial years;
a statement of the candidate's turnover in the area covered by the contract notice for the last 3 financial years;

further statements and documentation as required in the invitation to tender and in particular in the eligibility and selection questionnaire.

Minimum level(s) of standards possibly required:

accumulated minimum annual turnover:

lot 1: 5 500 000 EUR;

lot 2: 3 500 000 EUR.

Temporary groupings may add the turnover of grouping members.

III.2.3) Technical capacity:

Information and formalities necessary for evaluating if requirements are met:

Candidates must provide the information and documents specified in the application form and in particular:

a. the human resources that the candidate intends to use to perform the contract;

b. the candidate's professional experience during the last 3 years in providing services similar to those covered by this tender;

c. the ability to provide the products currently in use at the ECB, and in addition, a range of products technically similar;

d. the candidate's technical resources.

Minimum level(s) of standards possibly required:

Minimum of 3 years in providing the requested supplies and services described in the contract notice.

The description of 3 reference projects/contracts should be provided as evidence.

III.2.4) Reserved contracts:

No.

III.3) Conditions specific to services contracts

III.3.1) Execution of the service is reserved to a particular profession:

No.

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:

Negotiated.

Candidates have already been selected: no.

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

Envisaged minimum number: 0, maximum number: 6.

Objective criteria for choosing the limited number of candidates:

(a) the candidate's general capacity to carry out the requested supplies and services in terms of technical and human resources (composition of staff and qualifications of staff members in general) (weighting of this criterion: 25 %); and

(b) the candidate's general experience and expertise (as listed in the contract notice in Section III.2.3), assessed on the basis of the candidate's past experience and its reference contracts which are comparable in terms of size and complexity (weighting of this criterion: 75 %).

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

Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated: yes.

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.

1. Price. Weighting: 60 %.
2. Quality. Weighting: 35 %.
3. Contract terms. Weighting: 5 %.

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:**

'11804/IS/OPS/2009 Tender for supply and maintenance of server hardware and operating systems'.

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: 21.10.2009.

Payable documents: no.

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

28.10.2009. (In case of hand delivery tenderers shall submit the tender by 17:00.)

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:**

Duration in months: 6 (from the date stated for receipt of tender).

IV.3.8) **Conditions for opening tenders:**

Place: Tenders shall be opened shortly after the deadline for receipt of tenders has expired, at the address in I.1.

Persons authorised to be present at the opening of tenders: no.

Members of staff of the ECB only.

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:**

Applicable rules:

The tender procedure is conducted in accordance with the European Central Bank Decision of 3.7.2007 laying down the Rules on Procurement (ECB/2007/5), amended by the European Central Bank Decision of 27.1.2009 (ECB/2009/2). Both Decisions were published in the Official Journal of the European Union (respectively OJ

L 184 of 14.7.2007, p. 34 and OJ L 51 of 24.2.2009, p. 10) and are available on the ECB website at: <http://www.ecb.europa.eu/ecb/jobsproc/proc/tenders/html/index.en.html>

Contract:

The contract is intended for 4 years. The contract shall be governed by and interpreted under German civil law.

Subcontracting:

Candidates may rely on the capacities of other entities as subcontractors, in particular with regard to the technical capacity (see III.2.3), regardless of the legal nature of the links which they have with them. A candidate relying on subcontractors must prove that it will have at its disposal the resources necessary, for example, by producing an undertaking by those entities to that effect.

The use of subcontractors does not modify the candidate's responsibility and liability for due performance of all obligations under the works contract. The ECB reserves the right to refuse any subcontractor for valid reasons taking into account the principles of transparency, equal access, publicity and equal treatment. The replacement of a major subcontractor and the subcontracting of additional major works will require the ECB's prior approval.

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 application 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 is not liable for any costs nor shall it reimburse any expenses or losses which candidates incur or suffer in connection with the tender procedure, including in the event of a cancellation.

VI.4) **Procedures for appeal**

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

European Central Bank — Procurement Review Body — c/o Legal Advice Team, Kaiserstraße
29, 60311 Frankfurt-on-Main, GERMANY. Tel. +49 691344-0. Fax +49 691344-6886. E-mail:
LegalAdviceTeam@ecb.europa.eu Internet: <http://www.ecb.int>

VI.4.2) **Lodging of appeals:**

Precise information on deadline(s) for lodging appeals:

15 days from the receipt of the notification of the award decision or from the receipt of further information on the award decision (Article 28(3) of the Decision ECB/2007/5 laying down the Rules on Procurement).

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

21.9.2009.