

ECB - Editing of legal documents drafted in English and related services (D-Frankfurt-on-Main)

2010/S 12-014124

Contract notice

Section I: Contracting authority

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

European Central Bank, attention: Ezequiel Gomez, Kaiserstraße 29, 60311 Frankfurt-on-Main, GERMANY.
Tel. +49 691344-0 (central switchboard). 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.

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:

Editing of legal documents drafted in English and related services.

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

Services.

Service category: No 27.

Main place of 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 several operators.

Number: 10 to 20 if available.

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

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

The ECB's Lawyer-Linguists Division prepares ECB legal instruments in the official EU languages, ensuring that such texts are legally and linguistically consistent. It also publishes the ECB's legal framework on its website and other legal publications (e.g. the legal working paper series) in the relevant official languages of the EU. Moreover, lawyer-linguists provide expertise to the ECB on EU Member States' national laws, among other things for the ECB's convergence reports, verification reports and other official legal documents.

The Lawyer-Linguists Division currently has a team of 3 full-time English lawyer-linguists whose principal tasks are editing legal documents drafted in English (e.g. legislation, contracts, reports on legal topics) and translation into English from other EU languages. To help the Division cope with additional workload and cover for routine absences, it is now seeking applications from experienced freelance lawyer-linguists who edit legal documents drafted in English. Successful candidates will be awarded a framework service agreement and join a pool of established freelance lawyer-linguists. They will be invited from time to time to work with the Division's existing team, both in-house at the ECB's offices in Frankfurt-on-Main (e.g. covering for a staff member's absence on annual leave), and remotely, receiving jobs by e-mail. Such (individual) invitations to work with the ECB will be sent out following a rotation mechanism. It is an advantage if freelance lawyer-linguists can also translate legal documents into English from one or more other official EU languages and carry out work for the ECB's legal terminology database. It is also an advantage if those who are invited to work in-house at the ECB can provide expertise on English, Scottish, Northern Irish or Irish law and therefore support the Division's national law tasks, e.g. by reporting on legal developments relevant to the ECB and performing legal research.

Freelance lawyer-linguists who work in-house at the ECB should be motivated to work as part of a team and have excellent oral communication skills. Where the ECB considers it appropriate, they will receive training in the use of the ECB's computer-aided translation tools.

II.1.6) **Common procurement vocabulary (CPV):**
79530000.

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

II.1.8) **Division into lots:**
No.

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).

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;
- (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:

1. Candidates must demonstrate that they are eligible to participate in an ECB procurement procedure by declaring their compliance with the eligibility criteria outlined in Decision ECB/2007/5 of 3.7.2007 laying down the rules on procurement.
2. In addition, candidates will be selected for the next phase of this tender procedure following evaluation of their responses to the requirements indicated in Section III.2.3 below.

Candidates wishing to participate must provide information (including that indicated below) by requesting in writing, and completing, the ECB's application form from the address in I.1 above. The completed application form must be returned by the date indicated in IV.3.4 below.

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

III.2.3) **Technical capacity:**

Information and formalities necessary for evaluating if requirements are met:

1. Standard CV focusing on the minimum levels of standards required and declaration of availability.
2. Evidence of relevant qualifications (e.g. copies of certificates).
3. Description of previous experience, with a focus on the minimum level of standards required.
4. Evidence of adequate technical infrastructure.

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

Candidates are required to possess:

1. perfect command of English;
2. excellent knowledge of legal terminology, in particular English legal terminology;
3. law degree obtained in the United Kingdom or Ireland (Bachelor of Laws or equivalent obtained in the law of England and Wales, Scotland, Northern Ireland or Ireland);
4. good knowledge of EU law;
5. sufficient previous experience in editing legal texts for law firms and/or EU national authorities and/or EU or international institutions; and in performing legal research. Sufficient experience will be considered where experience of editing legal documents amounting to 2 000 standard pages (1 500 characters including spaces) and/or 3 years' professional experience can be demonstrated;
6. sound background knowledge of financial and economic affairs;
7. minimum technical equipment as specified in the application form referred to in Section III.2.1.

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:

Restricted.

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

Envisaged number of operators 30 to 40, where available.

Objective criteria for choosing the limited number of candidates:

The ECB will invite the candidates best meeting the selection criteria listed in Section III.2 of this contract notice to submit a tender.

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.

1. Quality. Weighting: 60 %.

2. Price. Weighting: 40 %.

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:

12031/L/LLI/2009.

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: 4.2.2010 (17:00).

Payable documents: no.

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

11.2.2010.

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:

No.

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 EU funds:**

No.

VI.3) **Additional information:**

The contract is intended for 4 years.

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

The deadline for questions or requests for clarification relating to the application form shall be 7 calendar days prior to the deadline for applications.

All communications, discussions and meetings will be conducted in English and no interpretation facilities will be provided. 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 applicant 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.

VI.4) **Procedures for appeal**

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

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**

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

5.1.2010.