



EUROPEAN CENTRAL BANK

16 September 2003

ADMINISTRATIVE CIRCULAR 08/2003

ECB PROCUREMENT RULES

Rules for selecting suppliers and awarding contracts

1. Scope

Procurement for the purposes of this Circular shall mean obtaining goods, services and works, whether leased, rented or purchased. The purpose of the procurement process is to acquire all goods, services¹ and works needed by the ECB in line with the principles laid down in Chapter 2 below. Whereas the entire procurement process can include planning, identifying and selecting a supplier, awarding contracts, delivery, payment, usage, maintenance and disposal, this Circular covers planning, supplier searching and selection and awarding contracts. It shall apply to all goods, services and works. It shall not apply to the recruitment of staff members.

Whereas neither Community procurement directives nor national procurement legislation apply to the ECB, this Circular is drawn up in accordance with the basic principles set out in the Rules of Procedure of the ECB² and in Community directives on public procurement.

2. Principles

When procuring goods, services and works for the ECB, the staff in charge shall observe the fundamental principles of **transparency, equal access, and publicity³, and shall not discriminate against any bidder on grounds of nationality.**

In all dealings with suppliers and prospective suppliers, all responsible staff shall adopt the **highest ethical standards** in accordance with the ECB Code of Conduct⁴. Honesty, integrity, impartiality and objectivity shall govern the performance of procurement duties.

The ECB seeks **cost-efficiency** in its procurement policy. All ECB staff involved in the procurement of goods, services and works for the ECB shall continuously strive for internal co-operation and co-

¹ Includes financial services.

² Available on the Euroweb.

³ Publicity is a mandatory requirement for procurement opportunities for amounts above the thresholds for public tender.

⁴ Available on the Euroweb, under Human Resources.

ordination in order to obtain the best possible **value for money** from the procurement of goods, services and works. Value for money is understood as the best combination of price, life-cycle costs (including internal costs), quality, and fitness for purpose for the ECB's needs.

Competition among suppliers shall be fostered in order to promote the above principles.

Wherever appropriate, the ECB will use information technology to increase the efficiency of the procurement process.

3. General responsibilities

The organisational unit with budgeting responsibility shall undertake the following.

- Launch the appropriate procurement procedure and, when required, establish a Procurement Committee⁵. Procurement procedures shall be initiated with sufficient time to carry the procedure chosen (see [chapter 4](#) below, and [Annex 2](#)).
- Involve from the outset any other business unit with centralised responsibility⁶ for the procurement of the required goods, services and/or works, whenever the latter is not leading the procurement (e.g. in the case of projects).
- Create the specification of the goods, services and works to be purchased. Specifications shall be tested critically for need and cost-efficiency. Before discussing specifications with suppliers, for example in the context of a feasibility study, the Area Head and if relevant a procurement committee (according to the value), shall be consulted to ensure that procedural procurement considerations can be taken into account at an early stage.
- Ensure that sufficient funds are available in its budget to cover the expenditure for the proposed procurement. In any case, no commitment shall be made with suppliers before sufficient funding sources have been identified.
- Ensure that all relevant documents generated along the process are properly archived⁷. In the case of projects, and in all cases where a procurement committee is involved, a folder with all relevant documents shall be sent to Archives promptly after the contract has been signed or the purchase order(s) signed. In other cases, the responsibility for filing the documentation remains with the budget holder. All relevant documents shall be maintained for at least six years after the end of the contract.

⁵ See Chapter 7 Procurement Committee.

⁶ A list of business units with centralised procurement responsibility may be found attached to the [Rules for Orders and Invoices](#) (AC 04/2002).

⁷ "Properly archived" means that the files are complete and in such an order that the ECB can access them easily and rely on them if needed (e.g. in litigation).

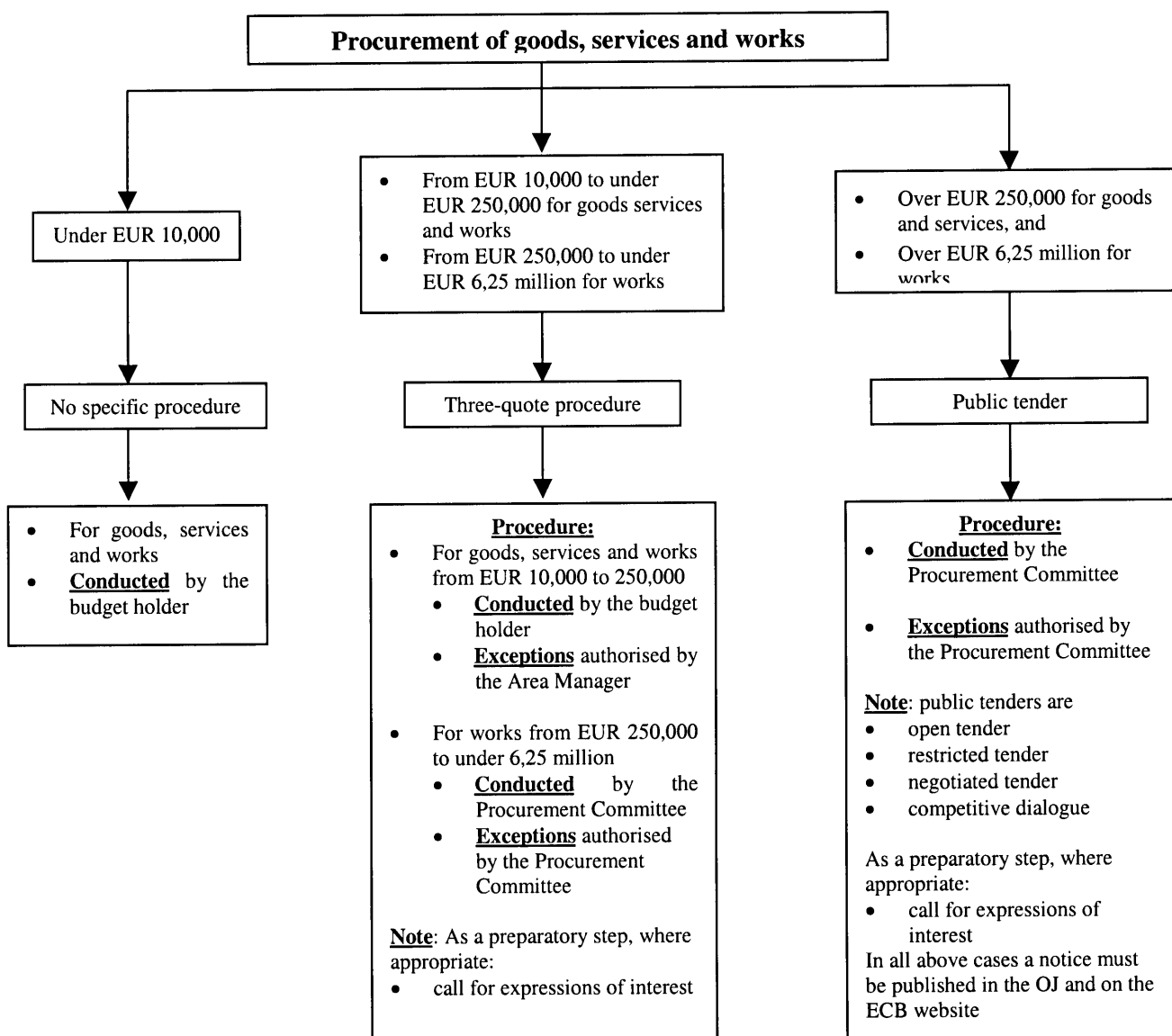
- Contribute, to the extent necessary, to the ECB-wide procurement monitoring and performance measurement activities that may be required in support of the procurement-related decision-making processes.
- Avoid potential conflicts of interest that may arise from the involvement of suppliers in the ECB's procurement decision-making process.
- Establish the appropriate mechanisms both to inform those responsible for signing the intended contracts of the commencement of a procurement procedure and to request from the respective business area nomination of the appropriate representatives in the procurement committees in which they may be represented.

4. Choice of procedures for selecting suppliers

4.1 Overview

This Circular requires different procedures to be used according to the value of the goods, services and/or works to be procured. The basis for calculating such value is set out in [Chapter 5](#) below.

Where the ECB limits the number of suppliers invited to participate in a competitive procedure, it shall always be enough to ensure proper competition⁸. This normally implies a minimum of three competitors, unless market constraints impose a lesser number.



The thresholds in the graph above shall be updated from time to time following recommendations from the ECB Procurement Committee to the Executive Board.

⁸ In the case of procurements under EUR 10,000 the number of competitors can be reduced to fewer than three.

In the case of acquisition or rental of immovable property (e.g. land or buildings), a procedure different from those specified in this Chapter may be used to identify and select suppliers, and to award contracts. In any case, comparable offers shall be sought and documented in order to provide for a transparent and cost-efficient process.

4.2 Procedures

The following standard procedures shall be used to obtain competitive offers and to select a supplier. The steps are detailed in Annex 2. For improved transparency and cost-efficiency, the body responsible for the conduct of such procedures may enhance these procedures on a case-by-case basis.

4.2.1 Procurements of less than EUR 10,000 for goods, services and works

No special procedures have to be followed for procurements up to EUR 9,999. Details of costs shall be kept on file.

4.2.2 Procurements from EUR 10,000 and up to, but not including, EUR 250,000 for goods, services and works

Three-quote procedure: the ECB invites three or more suppliers of its choice to submit written quotes. Where a list of qualified suppliers has been drawn up (e.g. after a call for expression of interest procedure - see 4.2.7) for the same goods, services and/or works, suppliers from the list shall be contacted.

4.2.3 Procurements of EUR 250,000 and over for goods and services

Two procedures shall be followed for procurements in this value range.

Open tender: following publication by the ECB of a contract notice in the *Official Journal of the European Union* (OJ) and on the ECB website, all interested suppliers may request the tender documentation and submit tenders.

Restricted tender: following publication by the ECB of a contract notice in the OJ and on the ECB website, the ECB shall invite a specified number⁹ of applicants who, having met all qualifying criteria, best meet the selection criteria specified in the notice, to submit tenders.

If the specifications of a particular procurement cannot be defined with sufficient detail, or in the case of the procurement of complex services, the following two additional procedures shall be available:

Negotiated tender: following publication by the ECB of a contract notice in the OJ and on the ECB website, the ECB shall invite a specified number of applicants¹⁰ who, having met all qualifying criteria, best meet the minimum selection criteria stated in the notice, to submit tenders. The terms of the contract may be negotiated with all or some tenderers. Negotiations may be conducted in consecutive selective stages.

⁹ At least three.

¹⁰ At least three.

Competitive dialogue: following publication by the ECB of a contract notice in the OJ and on the ECB website, the ECB shall invite a specified number of applicants¹¹ who, having met all qualifying criteria, best meet the selection criteria stated in the notice, to start a competitive dialogue. This dialogue shall be aimed at identifying suitable solutions that meet the stated business needs. Once solutions have been identified, the dialogue shall be closed and formal tenders requested from the candidates.

4.2.4 *Procurements from EUR 250,000 and up to, but not including, EUR 6.25 million for works*

Three-quote procedure: the ECB invites three or more suppliers of its choice to submit written quotes. Where a list of qualified suppliers has been drawn up (e.g. after a call for expression of interest procedure -see 4.2.7) for the same goods, services and/or works, suppliers from the list shall be contacted.

4.2.5 *Procurements of EUR 6.25 million and over for works*

The procedures in 4.2.3 shall apply.

4.2.6 *Special procedure*

Where no satisfactory tender has been obtained after having conducted an open or restricted tender, the ECB may declare the tender process closed and enter into negotiations directly, without re-publishing a notice, with those suppliers who, having satisfied the formal criteria of the tender procedure, meet some minimum qualification criteria.

4.2.7 *Accompanying procedures*

- *Call for expression of interest*: this procedure shall be used as a preparatory step for forthcoming procurements. Following publication by the ECB of a contract notice in the OJ and/or on the ECB website¹², the ECB shall draw up a list of suppliers that may be used for up to three years for recurring purchases. It may also be used for the purpose of a market survey to identify suppliers of certain goods, services or works.
- *Indicative Notice*: in order to reduce the time-frames for public tenders, the ECB may choose to publish an indicative notice in the OJ in advance of the procurement process announcing a particular procurement that will commence within 12 months from the date of the notice.
- *Notification to tenderers*: the ECB shall notify to all companies competing for ECB contracts the outcome of the procurement procedures in due course after the award of any contract. In the case of public tenders where a contract notice was published at the outset of the procedure, the ECB shall publish an award notice in the OJ and on the ECB website, stating the outcome of the procurement.

¹¹ At least three.

¹² Publication shall not be mandatory if the value of the intended procurements is below EUR 250,000 (goods and services) or EUR 6,25 million (works)

5. Calculation of the value of a procurement contract (excluding VAT)

The calculation of the value of a procurement contract for goods, services and/or works shall be based on the following.

- Total procurement
 - If contracts are divided into several lots, or if several contracts to be awarded are strictly interrelated and have the same tasks as their objective, the total value of all lots or individual contracts shall be considered¹³.
 - All accessory costs such as costs in relation to option clauses, premium payments, interest, commission, travel costs, prizes or payments to candidates, etc. shall be included when calculating the value of the procurement.
- Duration of the contract(s)
 - Total estimated value over the whole duration of the contract, including renewal periods.
 - Where the duration of the contract cannot be defined, the value shall be the estimated monthly value multiplied by 24.
 - For existing regular contracts for the same category of goods, services and works, or contracts which are to be renewed within a given time, the value may be established on the basis of the actual aggregate costs of similar contracts for the same category of goods, services or works awarded over the previous 12 months, taking into account adjustments to quantity or value where appropriate.

No procurement may be split up with the intention of avoiding the application of these procedures. The value of a procurement may not be estimated in such a way that it is deliberately kept below a threshold. Depending on the threshold in question, either the procurement committee core members¹⁴ (estimated EUR 250,000 and over) or the area head with budgeting responsibility (estimated below EUR 250,000) shall be consulted in case of doubt.

If during the procurement process it becomes evident that the thresholds that define the procedure to be applied (see Chapter 4 above) will be exceeded, the Area Head or the procurement committee, as appropriate and if necessary established for this purpose, shall decide on the future procedure. Unless the ex-ante estimate was established inappropriately (e.g. because of the timing of the estimate and/or method followed) the initial procedure may be continued.

¹³ In the case of the procurement of works, 'work', means the outcome of building or civil engineering, works taken as a whole that is sufficient in itself to fulfil an economic and technical function. Where a work is subdivided into several lots, each one the subject of a contract, the value of each lot must be taken into account when calculating the value of the procurement. Where the aggregate value of the lots is not less than EUR 6.25 million, the procedure in Chapter 4.2.5 applies to all lots. It is, however, possible to depart from this provision for lots whose estimated value (net of VAT) is less than EUR 1,000,000, provided that the total estimated value of all the lots exempted does not exceed 20% of the total estimated value of all lots.

¹⁴ See Chapter 7 Procurement Committee.

6. Exemptions

An exemption to the procedures set out in Chapter 4, or to specific features of them, shall be authorised by the Area Head with budgeting responsibility (for procurements below EUR 250,000) or by the procurement committee (for procurements of EUR 250,000 and over). In all cases the exemption applied and the choice of alternative procedure shall be fully substantiated in writing.

Exemptions shall be allowed in the following circumstances:

- 1) if there is only one supplier of the goods, services and/or works in the market;
- 2) if a particular procurement cannot reasonably be separated from an earlier choice of supplier;
- 3) if the contents of the procurement are confidential;
- 4) if, owing to time constraints, complying with these procedures puts the procurement at risk;
- 5) in the case of supplies provided by national central banks that are members of the ESCB.

Regardless of the value of the contract, the Directorate Planning and Controlling shall be informed of all exemptions granted. They shall, in co-operation with the other core members¹⁵ of the Procurement Committee, keep a centralised register for the whole ECB and report from time to time to the Executive Board via Management Committee.

Advice on the application of the exemptions set out above may be obtained from the core members of the Procurement Committee at any time.

7. Procurement Committee (PRC)

A procurement committee (PRC) shall be established where the value of an individual procurement, or of a series of procurements strictly interrelated, is EUR 250,000 and over (excluding VAT). The PRC shall be convened with sufficient time to allow for the conduct of any procedure that it may choose.

A PRC shall be established at the commencement of any activity in which the estimated procurement of goods services and works of the same type or strictly interrelated exceeds EUR 250,000.

In special cases a PRC may be established upon request of an organisational unit for procurements the estimated value of which is below EUR 250,000.

The PRC shall check that its composition is appropriate for the performance of its duties. Any member of the PRC with a conflict of interest in the intended procurement shall, at the earliest possible moment, inform the other PRC members.

The PRC shall be responsible for the choice of procedure, for authorising exceptions to the present rules in accordance with Chapter 6, for the conduct of the chosen procedure, for evaluating the offers/tenders,

¹⁵ See Chapter 7 Procurement Committee.

for selecting the successful candidate and for overseeing the terms of the final contract. The signed contract shall be made available to all PRC members.

A PRC shall be composed of the following members:

- the Chair, plus relevant experts, from the organisational unit with budgeting responsibility, and
- mandatory core members from the following areas:
 - ◆ Office Services Division, and
 - ◆ Institutional Law Division, and
 - ◆ Directorate Planning and Controlling, and
 - ◆ when dealing with information technology procurement: Directorate General Information Systems, and
- representatives of other areas, where deemed appropriate by the PRC.

In case of unavailability, members of the PRC may appoint an alternate or proxy.

The organisational unit with budgeting responsibility shall be responsible for ensuring adequate secretarial services to the PRC, and shall co-ordinate the administrative tasks related to the PRC. Any relevant information for meetings, approvals and decisions to be made shall be distributed to all members of the PRC allowing sufficient time in advance of the meeting and/or date for approval or decision.

The PRC may seek additional internal or external expert advice¹⁶ at any stage of the process. Whenever suppliers are engaged to assist or advise on aspects of an intended procurement, the PRC shall decide on the potential restriction on their participation in the subsequent procurement procedure, e.g. where potential conflicts of interest are identified.

The PRC shall try to reach unanimous agreement at each step of the process. If an agreement cannot be obtained, the reasons for the dissent shall be recorded and forwarded to the Area Head with budgeting responsibility, who may add their opinion and recommendation. Where the dissent persists, a copy of the different opinions and reasoning together with the appropriate supporting documentation shall be submitted to the Executive Board via Management Committee for final decision.

8. Advertisement of procurement opportunities

All procurements with an estimated value of EUR 250,000 and over (for goods and services) or of EUR 6.25 million and over (for building works) shall be published in the OJ and on the ECB website. Whenever appropriate, the ECB may place advertisements in any other relevant media, such as

¹⁶ Regarding writing specifications, evaluating tenders, visiting tenderers' facilities, negotiating tenderers and drafting contracts etc.

newspapers or professional journals. Announcements on the website and/or other media shall not precede submission of the notice to the OJ.

Procurements the value of which is below the thresholds indicated in the paragraph above may be published in the OJ and/or on the ECB website and/or other relevant media, at the discretion of the relevant person/body responsible for such procurement(s).

Advice on publication of procurement opportunities may be obtained from the PRC core members.

9. Contracts

The nature and scope of the intended contracts shall be clear, precise, and described in full to limit the scope for dispute.

Only under exceptional circumstances shall the ECB grant suppliers the right to use the ECB's name in any promotional material or activity.

The terms and conditions of the contracts, or if possible, a sample of a standard contract¹⁷, shall be included in the tender documentation, or at least an indication shall be made to the suppliers that the ECB will not a priori be bound by their sales conditions. This is especially important for larger and more complex contracts. In accordance with AC 5/1998 on the contracts to be entered into by the ECB, any contractual document received from suppliers, or modifications to ECB standard contracts or to existing contracts, shall be sent to DG-L for review before being signed.

Should a change or amendment to the terms of an existing contract be needed, approval shall be sought from the decision-making body responsible for the award of the original contract.

10. Contractual term, renewals and subsequent procedure

Generally, contracts shall be awarded for periods of up to five years. Longer periods for an initial contract can be granted in well justified cases, as assessed and agreed upon by the decision-making authority for the individual procurement.

Contracts awarded for the continuing supply of goods, services or works may be awarded for indefinite periods of time.

Evolutions in the markets, best commercial practice, past performance, reflection of market conditions and alignment with the ECB's objectives and priorities shall be taken into account in setting the duration of any contract, and when considering renewals of contracts. If a contract is open-ended, these considerations shall be made at the latest at the end of the third year after signing the contract, and in periods of two years thereafter. The respective documentation shall be prepared by the Budget Centre Manager concerned and copied to his/her Area Head and the Director Planning and Controlling.

¹⁷ Available on the Euroweb.

The decision on a renewal shall be made by the relevant party, i.e. the Area Head or the Procurement Committee, as applicable. It shall be timed to allow for, if needed, the appropriate procedure to appoint a new supplier. The decision shall be communicated to the suppliers in writing. A renewal may be made, in general, for a period not longer than that of the original contract.

The initial contract period plus renewal periods should not exceed 10 years. Further contracts should result from a new competitive procedure unless the relevant decision-making body decides otherwise.

11. Publicity of these rules

A summarised version of this Administrative Circular shall be published on the ECB website.

12. Annexes to this Administrative Circular

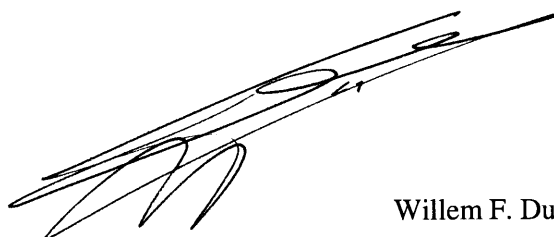
The present Circular has two annexes containing operational procedures for implementing the provisions in this Circular.

Annex 1 contains a glossary on procurement and Annex 2 provides a step-by-step description of the procurement procedures specified in Chapter 4.

Should the need for additional annexes be identified, they shall be issued by, or under supervision of, the core members of the Procurement Committee, in co-operation with the relevant business areas, and submitted to the Executive Board for approval.

Done at Frankfurt am Main on 16 September 2003¹⁸.

For and on behalf of the Executive Board



Willem F. Duisenberg
President

¹⁸ This Administrative Circular shall replace Administrative Circular 01/1998/3b (rev.) "Procurement Rules" of 17 June 2002.

PROCUREMENT RULES

GLOSSARY

This chapter includes a glossary of terms and explanations of specific terms to help understand and apply these rules.

- **Applicant.** A supplier requesting participation in a tender procedure that includes a pre-qualification stage (e.g. restricted and negotiated procedures, competitive dialogue or calls for expression of interest). The documentation submitted in support of a request to participate is called an **application**.
- **Award criteria** are the criteria chosen by the ECB as essential or important for the successful delivery of contract specifications. Tenders/quotes are evaluated individually against these criteria and the contract awarded to the tenderer/bidder that receives the highest ranking. The criteria must be communicated to all candidates in the invitation to tender.
- **Award notice.** Official advertisement of the outcome of ECB public tenders. Such notice must be placed in the OJ and on the ECB website. It gives general information regarding the final decision on the selected tender after a public tender procedure has finished.
- **Bidder.** A supplier participating in a three-quote procedure.
- **Candidate.** An applicant selected to be on the shortlist and to be invited to tender or participate in further stages of a procurement procedure.
- **Contract notice.** Official advertisement of a requirement for goods services or works required by the ECB. For public tenders a notice must be placed in the OJ and the ECB website. The notice in addition to describing the goods/services/works required must describe the tender procedure and state the qualifying and/or selection criteria and if appropriate the award criteria.
- **Invitation to tender (ITT).** An ITT is an invitation sent to tenderers in which the terms, conditions and specifications are described in detail (e.g. specification, proposed contract, service level agreement, and others).
- **Organisational unit** includes business units, projects, committees, or any other entity that may need to procure goods, services and works on behalf of the ECB.
- **Qualifying criteria** are those chosen by the ECB that state the minimum technical capacity (e.g. staff and physical resources and/or experience) and financial capacity (e.g. turnover in the respective goods or services) required from companies competing for ECB contracts.
- **Quote or offer** (used interchangeably). A statement of costs, and other delivery terms, from a vendor for a defined good, service or work in response to a **request for quote (RFQ) or request for proposal (RFP)**. An approximate price is usually referred to as an **estimate**.

- **Selection criteria** are the criteria chosen by the ECB under which the more qualified suppliers may be selected for a shortlist in the event that there are too many applicants that meet the qualifying criteria.
- **Tender.** A formal offer from a potential supplier in a tender procedure. A **tender procedure** is a procurement procedure governed by formal rules in which suppliers make a formal offer in response to a detailed invitation to tender (ITT). At the ECB it generally means a public tender procedure requiring formal advertisement in the *Official Journal of the European Union* (OJ) and on the ECB website.
- **Tenderer.** A supplier who has submitted a tender in an open tender procedure, or in the tendering stage of a restricted tender, negotiated tender or competitive dialogue.
- **Works.** (Building and civil engineering works). For the purposes of this Circular, 'works' means contracts the object of which is either the execution of works (building and civil engineering works) and/or the combined execution and design of the works. This definition excludes 'design' on its own. Therefore consultants, architects, electrical or other engineering consultants, and project management services, that do not include the execution of the works, shall be considered as services.

PROCUREMENT RULES

**OPERATIONAL PROCEDURES FOR SELECTING SUPPLIERS AND AWARDING
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A. GENERAL

The procedure described in Chapter C applies to the procurement of goods, services and works the value of which is from EUR 10,000 and up to, but not including, either EUR 250,000 - for goods and services - or EUR 6.25 million - for works.

Procedures under Chapters D to I are public tender procedures applying to the procurement of goods and services with an estimated value of EUR 250,000 and over, and to the procurement of works with an estimated value of EUR 6.25 million and over. The open and restricted tender procedures should be preferred whenever appropriate.

The special procedure described in Chapter J details the steps where no satisfactory tender results from an open or restricted tender procedure.

The call for expressions of interest (Chapter K) is a preparatory step to be used whenever a series of similar or identical procurements are envisaged over a certain period of time. A list of qualified suppliers can be established from whom offers will be requested whenever needed. It also caters for other procurement needs such as market surveys to identify existing and interested suppliers in the market for a particular good, service and/or work.

The tables in Chapter B show the standard time limits for the different public tender procedures, as well as the possibilities and procedures for reducing those time limits if necessary.

B. TIME-FRAMES FOR PUBLIC TENDER PROCEDURES

The following tables provide an overview of the time-frames for the different stages of the public tender procedures. The time-frames below refer only to the time to be given to suppliers to prepare their applications and/or tenders, i.e. no internal ECB time (for preparation, analysis, etc) is included. They include both the standard time-frames and the different possibilities for reducing them. All days in the tables below are calendar days. The procurement committee ensures in all cases that the deadlines for the different stages of the procedures allow the potential tenderers sufficient time to prepare and submit the tenders, and request additional information or clarification if necessary.

Table 1. Open tenders

	<i>From submission of the notice to the OJ until receipt of tenders</i>		
<i>Standard time-frame</i>	52 days		
<i>Down to</i>	1*	If tender documents are available on the ECB website (- 5 days)	47 days
	2*	If the notice is sent electronically to the OJ (-7 days)	45 days
	3*	By accumulation of 1* and 2* (-12 days)	40 days
	4*	If an indicative notice has been published (-14 days)	38 days
	5*	By accumulation of 1* and 4* (-19 days)	33 days
	6*	By accumulation of 2* and 4* (-21 days)	31 days
	7*	By accumulation of 1*, 2* and 4* (-26 days)	26 days

Table 2. Restricted tenders, negotiated tenders and competitive dialogue

	<i>Pre-qualification phase</i> ¹⁹		<i>Shortlist creation (internally)</i>	<i>Tender phase</i> ²⁰	
<i>Standard time-frame</i>	37 days			40 days	
<i>Down to</i>	If the notice is sent electronically to the OJ (- 7 days)	30 days		If tender documents are available on the ECB website (- 5 days)	35 days
				If an indicative notice had been published (-14 days)	26 days
				By accumulation of reductions in the two previous boxes (-19 days)	21 days

The deadlines for the pre-qualification phase of the call for expressions of interest are the same as those for the restricted tenders.

The time reductions outlined in the tables above cannot be applied whenever the procedure chosen is the accelerated restricted tender or the accelerated negotiated tender described under Chapters F and H. In these cases, the time limits for the pre-qualification phase will be 15 days and the time limits for the tender phase will be 10 days. No further reductions of these time limits are allowed.

¹⁹ From submission of the notice to the OJ to the receipt of applications.

²⁰ From submission of the invitation to tender to the receipt of tenders.

C. THREE-QUOTE PROCEDURE

This procedure is used for procurements with estimated values of between EUR 10,000 and, but not including, EUR 250,000 for goods and services and EUR 6.25 million for works²¹.

Step	Three-quote procedure
Preliminaries	Establish need and budgetary funds, and verify, if possible, contract value
Identify possible suppliers	Wherever possible, particularly at the higher end of the value range, a minimum of three quotes should be obtained. To achieve this it may be necessary to seek more than three quotes
Prepare specifications	A clear and sufficiently detailed specification of the ECB's requirements must be available to be sent to potential suppliers
Prepare the contract	Identify any special contract terms which may be required. ECB standard contracts are to be used. Consult DG-L as necessary
Plan procedures including selection and award	Identify which procedures other than the receipt of written offers may be necessary to evaluate the offers (e.g. interviews or negotiations). Also decide on the objective criteria to be used to make the award
Select suppliers to be asked for quotes	Select sufficient suppliers to obtain a suitable number of offers appropriate to the goods, services or works to be supplied. Where a list of qualified suppliers has been drawn up (e.g. after a call for expression of interest procedure - see Chapter K) for the same goods, services and/or works, the responsible unit contacts suppliers on such list
Send documentation to bidders	The same identical documents must be sent to all bidders These must contain all information regarding the specification, buyback/part exchange requirements, price/discount quotations required, the steps to be followed and negotiation procedures, if applicable. The deadline for the receipt of offers is chosen to allow all bidders to prepare and submit their offers and request additional information if needed
Send additional information	Provided it has been requested in good time, additional information relating to the procurement can be sent not later than six days before the final date fixed for receipt of offers. All bidders must receive the same information and must be given equal opportunities to amend their offers
Receipt of offers	Offers are opened in the presence of two members of staff, and their content recorded at the same time after the deadline for their receipt
Evaluate the offers	A comparison of the offers is made against the criteria previously indicated to the bidders. Where negotiations are entered into, equal treatment of all bidders must be ensured
Award contract	A recommendation for award and the relevant documents are sent to the persons responsible for signing the contract. If no additional criteria have been stated in the documentation sent to bidders, then the selection is based on price only

²¹ In the case of procurement of works of values between EUR 250,000 and, but not including, EUR 6,25 million, a procurement committee is established at the outset of the procedure. The Procurement Committee is responsible for the conduct of the procedure until the award of the contract(s).

D. OPEN TENDER PROCEDURE

Step	Open tender (OT)
Establish Procurement Committee (PRC)	The unit with budgeting responsibility for the procurement establishes the PRC. The Chair is responsible for all administrative procedures. Minutes must be taken at all meetings. The PRC is responsible for decisions during the entire procedure
Choose procedure	The PRC approves the OT procedure. No justification is required for this choice
Draft notice	The notice template is available in Word under file, new, procurement and on the Euroweb
Publish the contract notice	The OJ publishes the notice not later than 12 days after receiving it from the ECB. The notice is also placed on the ECB website, after submission to the OJ
Advertise in other media (optional)	The ECB may advertise in any other media provided: a) the adverts contain the same information as the OJ; and b) the advert is published after the ECB's submission of the notice to the OJ
Receive applications	The Chair of the PRC ensures that a log of all contacts, requests and responses is maintained
Distribute the ITT	The invitation to tender and attached documentation must be sent to every tenderer not later than five days after being requested. The criteria to be used for the award of the contract must be included in the ITT
Produce additional documentation	Provided it has been requested in good time, additional information relating to contract documents may be sent not later than six days before the final date fixed for receipt of tenders. Any additional information provided to one tenderer must be sent to all other tenderers
Time limit for receipt of tenders	The standard time limit is not less than 52 days from the day the ECB submitted the notice to the OJ. See possibilities for reduction in Chapter B
Open tenders	Two members of the PRC must be present. Tenders may not be opened before the final date for receipt of tenders. All tenders must be opened at the same time and their contents recorded
Exclude inadmissible tenders	Tenders received may be inadmissible on technical or procedural grounds. The PRC adopts and documents any decisions in this respect
Evaluate the tenders	Tenders must be evaluated against the criteria previously communicated to tenderers. This is normally done by an evaluation team, to be nominated upon by the PRC
Award contract	The PRC members must agree on the results of the evaluation. A recommendation for award and the relevant documents should be sent to the persons responsible for signing the contract. If no additional criteria have been stated in the documentation sent to tenderers, then the selection is based on price only An award notice is published in the OJ and on the ECB website with the outcome of the tender

E. RESTRICTED TENDER PROCEDURE

This procedure is appropriate where:

- it is necessary to restrict the number of tenders for administrative reasons, or the nature of the procurement requires pre-qualification of interested suppliers, and
- the requirements are known in detail, and
- the comparison of the tenders and the subsequent selection of the preferred tender may be executed without the need for negotiations with tenderers.

Step	Restricted tender
Establish Procurement Committee (PRC)	The unit with budgeting responsibility for the procurement establishes the PRC. The Chair is responsible for all administrative procedures. Minutes must be taken at all meetings. The PRC is responsible for decisions during the entire procedure
Choose procedure	The PRC must record and approve the justification for the choice of procedure
Draft notice	The notice template is available in Word under file, new, procurement and on the Euroweb. The tender notice must contain details of the qualification and/or selection criteria for evaluating and comparing applications
Publish the notice	The OJ publishes the notice not later than 12 days after receipt from the ECB. The notice is also placed on the ECB website after submission to the OJ
Advertise in other media (optional)	The ECB may advertise in any other media provided: a) the adverts contain the same information as the OJ notice; and b) it is published after the ECB submits it to the OJ
Time limit for applications	The standard time limit for receipt of applications is 37 days from the date the ECB submitted the tender notice to the OJ. See possibilities for reduction in Chapter B
Open applications	Two members of the PRC must be present when the applications are opened. All applications must be opened at the same time, not before the deadline indicated in the notice, and their contents recorded
Evaluate applications	The applications received are evaluated against the selection criteria indicated in the notice. The number of applicants invited to tender should be at least three. The result of the evaluation must be agreed by the PRC and filed
Distribute the ITT	The ITT must be sent simultaneously to all selected tenderers, together with all supporting documentation (e.g. contract, service level agreement, quality plan, or other). It must contain the award criteria to be used to award the contract
Send additional information	Provided it has been requested in good time, additional information relating to tender documents may be sent not later than six days before the final date fixed for receipt of tenders. All tenderers must receive the same information.
Time limit for receipt of	The standard time limit is not less than 40 days from the date the ECB sent the ITT. See possibilities for reduction in Chapter B

tenders	
Open the tenders	Two members of the PRC must be present. Tenders may not be opened before the deadline for receipt of tenders. All tenders must be opened at the same time and their contents recorded
Exclude inadmissible tenders	Tenders received may be inadmissible on technical or procedural grounds. The PRC adopts and documents any decisions in this respect
Evaluate the tenders	Tenders must be evaluated against the criteria previously communicated to tenderers. This is normally done by an evaluation team, whose composition has to be approved by the PRC
Award contract	The PRC members must agree on the results of the evaluation. A recommendation for award together with the relevant documents should be sent to the persons responsible for signing the contract. If no additional criteria have been stated in the documentation sent to tenderers, the selection is based on price only An award notice is published in the OJ and on the ECB website with the outcome of the tender

F. RESTRICTED TENDER – ACCELERATED PROCEDURE

Limitation - accelerated procedure for services only in cases of urgency

The steps of this procedure are exactly the same as for a normal restricted procedure. The differences between the two are:

- the OJ publishes the notice of accelerated procedures no later than five days after receipt from the ECB. The time limit for standard procedures is from seven to 12 days,
- the time limit for receipt of applications is 15 days in accelerated procedures, instead of 37 days for a standard procedure,
- the time limit for receipt of tenders is 10 days in accelerated procedures, instead of 40 days for standard procedures.

G. NEGOTIATED TENDER PROCEDURE

Negotiated tenders may be used when the following specific criteria are met:

- the nature of the procurement does not allow a precise definition of specifications in the tender documentation and/or do not allow prior overall pricing, making it therefore impossible to compare tenders without entering into negotiations with tenderers, and
- the nature of the procurement requires pre-qualification of interested suppliers.

Step	Negotiated tender
Establish Procurement Committee (PRC)	The unit with budgeting responsibility for the procurement establishes the PRC. The Chair is responsible for all administrative procedures. Minutes must be taken at all meetings. The PRC is responsible for decisions during the entire procedure
Choice of procedure	The reasons for the choice of this procedure must be documented
Define the extent of negotiations	The PRC determines the stages at which negotiation is appropriate for each individual procedure. The OJ notice must clarify whether negotiations will be conducted with only a shortlist of the candidates. Negotiations should not extend the scope of the published tender
Draft notice	The notice template is available in Word under file, new, procurement and on the Euroweb. The tender notice must contain the qualification and/or selection criteria chosen for the evaluation and comparison of applications
Publish the notice	The OJ publishes the notice not later than 12 days after receipt from the ECB. The notice is also placed on the ECB website after submitting it to the OJ
Other advertising	The ECB may advertise in any other publication provided: a) the adverts contain the same information as the OJ; and b) it is published after the ECB submits the notice to the OJ
Time limit for applications	The standard time limit is not less than 37 days from the day the ECB sent the notice to the OJ. See possibilities for reduction in Chapter B
Open the applications	Two members of the PRC must be present when the applications are opened. All applications must be opened at the same time, not before the deadline indicated in the notice, and their contents recorded
Evaluate applications and create a shortlist	The applications are evaluated against the qualification/selection criteria indicated in the notice. A shortlist of suppliers must be created for at least three applicants. The result of the evaluation must be agreed by the PRC and filed
Distribute the ITT	The invitation to tender must be sent simultaneously to all tenderers, together with all supporting documentation. It must indicate the type and extent of negotiations to take place, as well as the criteria for identifying and selecting proposals
Time limit for receipt of tenders	The standard time limit is not less than 40 days from the day the ECB sent the ITT. See possibilities for reduction in Chapter B

Receive tenders	Tenders must be kept secure until expiry of the deadline for submission. Subsequently, in the presence of two PRC members, tenders must be opened and their contents recorded
Evaluation and negotiations	Tenders must be evaluated against the criteria previously communicated to the tenderers. The PRC may decide to hold interviews, presentations and/or negotiations with the tenderers in order to clarify the proposals. The PRC is responsible for ensuring an even-handed approach in the conduct of negotiations. Negotiations can take place in stages ²² in order to focus only on tenderers capable to meet the specifications A record of all meetings, interviews and negotiations must be kept
Amendments to tenders	Amendments may be requested to all remaining tenderers. No amendments, however, may be requested or accepted in respect of the scope of the contract. The PRC must ensure that the tenders are protected by the highest degree of confidentiality
Award contract	The PRC members must agree on the results of the evaluation. A recommendation for award together with the relevant documents should be sent to the persons responsible for signing the contract. If no additional criteria have been stated in the documentation sent to tenderers, then the selection is based on price only An award notice of the outcome of the tender is published in the OJ and on the ECB website

²² A choice may be made between 'consecutive negotiations' (the ECB evaluates tenders, establishes a ranking and negotiates with the highest ranked tenderer. If negotiations fail, the ECB can start negotiations with the second highest, etc.) or 'simultaneous negotiations' (the ECB evaluates tenders, establishes a ranking and starts negotiations at the same time with those tenderers proven to be fully capable of meeting the ECB's specifications).

H. NEGOTIATED TENDER – ACCELERATED PROCEDURE

Limitation - an accelerated procedure for services only in cases of urgency

The steps of this procedure are exactly the same as for a normal negotiated procedure. The differences between the two are:

- the OJ publishes the notices of accelerated procedures no later than five days after receipt from the ECB. The time limit for standard procedures is from seven to 12 days,
- the time limit for the receipt of applications is 15 days in accelerated procedures, instead of the 37 days for a standard procedure,
- the time limit for the receipt of tenders is 10 days in accelerated procedures, instead of 40 days for standard procedures.

I. COMPETITIVE DIALOGUE

This procedure may be used when the following criteria are met:

- the nature of the procurement does not allow a precise and objective definition of the specifications in the tender documentation without discussions and/or consultations with specialised suppliers aimed at the identification of solutions, and
- the nature of the procurement justifies pre-qualification of interested suppliers.

Step	Competitive dialogue
Establish Procurement Committee (PRC)	The unit with budgeting responsibility for the procurement establishes the PRC. The Chair is responsible for all administrative procedures. Minutes must be taken at all meetings. The PRC is responsible for decisions during the entire procedure
Choice of procedure	The reasons for the choice of this procedure must be documented
Draft notice	The notice template is available in Word under file, new, procurement and on the Euroweb. The tender notice must contain details of the qualification and/or selection criteria for evaluating and comparing applications
Publish the notice	The OJ will publish the notice not later than 12 days after receipt from the ECB. The notice is also placed on the ECB website, after submission to the OJ
Other advertising	The ECB may advertise in any other publication provided: a) the adverts contain the same information as the OJ; and b) it is published after the ECB submits the notice to the OJ
Time limit for applications	The standard time limit is not less than 37 days from the date the ECB submitted the notice to the OJ. See possibilities for reduction in Chapter B
Open the applications	Two PRC members must be present when the applications are opened. All applications must be opened at the same time after the deadline indicated in the notice, and their contents recorded
Evaluate applications and create a shortlist	The applications received are evaluated against the selection criteria indicated in the notice. A shortlist of suppliers must be created for at least three applicants
Produce and send the ITT to shortlist candidates	The ITT must be sent simultaneously to all tenderers, together with all supporting documentation. It must include an indication on the type and extent of dialogue to take place, as well as the criteria for identifying and selecting proposals and awarding the contract
Start dialogue with tenderers	In order to identify the most suitable proposals, all aspects of the intended contract may be discussed during the dialogue. An even-handed approach to all tenderers must be ensured in order to provide equal treatment. The dialogue may be organised in successive stages, in order to effectively identify the best solutions and cut costs for all parties. Proposals from tenderers must be treated with the highest confidentiality

Identify suitable solutions and close the dialogue	The dialogue continues until at least two solutions are identified. Subsequently the dialogue must be officially closed, and communicated to all tenderers
Request final tenders	Once the dialogue is closed, the ECB may request remaining tenderers to submit their final tenders based on the solutions identified and specified during the dialogue
Receive tenders	Tenders must be opened at the same time and in the presence of at least two PRC members. Their content must be recorded
Evaluate tenders	The tenders must be evaluated against the same criteria communicated to all tenderers. The PRC agrees the composition of the evaluation team
Award contract	The PRC members must agree on the results of the evaluation. A recommendation for award together with the relevant documents should be sent to the persons responsible for signing the contract. If no additional criteria have been stated in the documentation sent to tenderers, the selection is based on price only An award notice of the outcome of the tender is published in the OJ and on the ECB website

J. SPECIAL PROCEDURE

This procedure may be used in conjunction with an open or restricted tender in the absence of any satisfactory tender.

Step	Special procedures
Closing a tender procedure and opening a negotiated procedure without publication of a notice in the OJ	If responses to an open or restricted tender are irregular or unsatisfactory and the original contract terms have not substantially changed, negotiations may take place without prior notice in the OJ provided all participants invited to submit a tender satisfying the formal criteria and some minimum qualification criteria are included in the negotiations
Closing a tender	All tenderers must be informed in writing of the closure of the tender procedure
Negotiations	Enter negotiation process. The PRC defines the procedures to be followed before entering into negotiations and ensures records of negotiations and recommends an award An award notice of the outcome of the tender is published in the OJ and on the ECB website

K. CALL FOR EXPRESSIONS OF INTEREST

This procedure is a preparatory step where:

- it is intended to award a series of consecutive contracts for the same or similar activities during a certain period of time, but the date for the commencement of the contracts is uncertain, or a quick decision on the appointment of suppliers will be needed, and/or
- the market for a particular good, service and/or work is insufficiently known to identify suppliers able to satisfy the specifications.

Notices must only be published where the value of one or more of the intended procurement contracts is from EUR 250,000 for goods and services or from EUR 6.25 million for works. Where an optional notice is to be published, the responsible unit contacts the Office Services Division and if needed the other PRC core members, for advice in the preparation and distribution of such notice.

Step	Call for Expressions of Interest
Establish Procurement Committee (PRC)	The unit with budgeting responsibility for the procurement establishes the PRC. The Chair is responsible for all administrative procedures. Minutes must be taken at all meetings. The PRC is responsible for decisions during the entire procedure. This step applies if the value of one or more intended procurements is over EUR 250,000
Approval of the procedure and limits to the value of contracts	A call for expressions of interest is used to establish a list of qualified suppliers The list may then be used for recurring purchases of an identical or similar nature without additional notices The tender notice must clearly state the scope of the contracts covered The PRC must document and approve an explanation of the chosen procedure and the authorised values of intended contracts
Draft notice	A notice template is available in Word under file, new, procurement and on the Euroweb. The notice must contain the qualification and/or selection criteria to be used for the list of qualified suppliers
Publication	See Chapter 8 ' <u>Advertisement of procurement opportunities</u> '
Time limit for first use of the list	If the value of the first procurement contract is over EUR 250,000 for goods and services or EUR 6.25 million for works, 37 days from the day the ECB submitted the tender notice to the OJ will be allowed for receipt of applications. This can be reduced in accordance with <u>Chapter B</u> of this Annex. It must be documented If the value of the first procurement contract is below the thresholds in the previous paragraph, the time to be given to applicants to prepare and submit applications is normally not less than 15 calendar days. The responsible unit ensures that it is sufficient to prepare and submit applications
Receive, open and evaluate applications	Applications may be opened and evaluated against the qualification and/or selection criteria as they are received. They must be logged. Only qualified applicants should be included in the list published on the ECB website
Information for applicants	Applicants must be informed of the result of the evaluation of the applications they have submitted. Unsuccessful applicants are informed of the reasons for

	rejection and given a chance to re-apply to be included in the list
Validity of list	A list established under a call for expressions of interest may be used for the period announced in the notice (normally two to three years)
Add suppliers to the list	The list is open throughout its validity period for new applicants. Upon request, any interested supplier is evaluated against the same selection criteria published in the original notice
Use the list	If the value of the intended procurement is above the EUR 250,000 threshold, a PRC is convened
Request offers from suppliers in the list	Candidates are chosen according to their qualifications for the specific contract. The number of suppliers invited to compete is not less than three, if possible Identical invitations must be sent simultaneously to all selected candidates
Additional information	When additional information relating to tender documents is provided upon request to one tenderer, the same information is provided to all the other tenderers
Time limit for receipt of tenders/quotes	This must be sufficient for preparing and submitting offers. Whenever possible the time limit should be similar to the restricted procedure time limit of 40 days
Open tenders/quotes	All tenders/quotes must be opened at the same time, after the deadline indicated in the documentation sent to tenderers, and their contents recorded
Evaluate tenders/quotes	The tenders/quotes received are evaluated against the awarding criteria indicated in the request for tenders/quotes
Negotiations	If applicable, negotiations commence with bidders ²³
Award contract	A recommendation for award together with the relevant documents should be sent to the persons responsible for signing the contract. If no additional criteria have been stated in the documentation sent to bidders, then the selection is based on price only
Renewal of the list	If a list of suppliers is needed after the end of its validity period, suppliers in the list, and if necessary new suppliers, will be invited to re-apply to be included in the new list. Where the creation of the previous list has been publicly announced and/or if the new list will be used for contracts over EUR 250,000 for goods and services or over EUR 6.25 million for works, a notice is published accordingly

²³ A choice may be made between 'consecutive negotiations' (the ECB evaluates tenders, establishes a ranking and negotiates with the highest ranked tenderer. If negotiations fail, the ECB can start negotiations with the second highest, etc.) or 'simultaneous negotiations' (the ECB evaluates tenders, establishes a ranking and starts negotiations at the same time with those tenderers proven to be fully capable of meeting the ECB's specifications).

L. INDICATIVE NOTICE

The ECB may publish an indicative notice before starting the actual procurement procedure. Such notice includes general information about a forthcoming procurement procedure, in accordance with the template available on the Euroweb. As a consequence the standard deadlines for the receipt of tenders in open, restricted and negotiated tenders, and competitive dialogues, may be reduced by 14 days (See Chapter B).

Step	Indicative notice
Establish Procurement Committee (PRC)	The unit with budgeting responsibility for the procurement establishes the PRC. The Chair is responsible for all administrative procedures. Minutes must be taken at all meetings. The PRC is responsible for decisions during the entire process
Draft the indicative notice	The PRC approves the notice to be published in the OJ and on the ECB website The notice should contain at least the information requested in the template on the Euroweb
Timing	The notice must be sent to the OJ not later than 52 days before the start of the procurement procedure, and not earlier than 12 months before the start of the procurement procedure. It is also published on the ECB website after submission to the OJ
Tender procedure	When the actual tender procedure takes place, the notice in the OJ must mention the previously published indicative notice