

Call for tenders' details

Title: Selection of banks for the deposits of amounts in EUR

Start date: 02/02/2018

Time limit for receipt of tenders: 15/03/2018

Contracting authority: European Commission, DG Budget (BUDG)

Status: Closed

Call for tenders question list

Call for tenders questions summary

| # | Submission date | Publication date | Question subject | Question | Answer |
|---|---------------------|---------------------|---------------------|---|---|
| 1 | 14/02/2018 11:56 | 15/02/2018 13:55 | Scope of the tender | <p>We understand from your Call for Tenders - Open Procedure BUDG/17/PO/01 that only EUR deposits on current account, bank accounts with 35 days' notice and fixed term deposits are in scope. Any alternative short-term investment with an equivalent risk might be considered for future specific offers (Annex II, paragraph 4.2.3 Other short-term investments).</p> <p>1) Is an offer to the current tender (Annex II, Paragraph 4.2.1 and 4.2.2) a pre-condition to pitch for other short-term investments (4.2.3)?</p> <p>2) If not, would you like to discuss the alternative short-term investment opportunities bilaterally when the current tender-procedure has been completed or will this topic be covered by a new Call for Tenders to be issued in the future?</p> | <p>15/02/2018</p> <p>For evaluation purposes, in order to select the tenderers to which the framework contracts will be awarded, the Commission requests the remuneration offered for EUR deposits on current account, bank accounts with 35 days' notice and fixed term deposits.</p> <p>After the signature of the framework contracts with the selected banks, each time a particular amount needs to be deposited all the selected banks will be requested to provide a specific offer. In that context, alternative short-term investments may be considered, if they meet the Commission's requirements for the specific request. All types of investments will be evaluated then and (a) specific contract(s) will be concluded with the bank(s) offering the best conditions, within the Commission's risk management framework.</p> |

Call for tenders questions summary

| # | Submission date | Publication date | Question subject | Question | Answer |
|---|---------------------|---------------------|--|--|---|
| 2 | 14/02/2018 16:45 | 15/02/2018 14:06 | demande d'informations complémentaires : | Les 200.000.000 € sont-ils un plafond maximum de dépôt auprès de chacune des banques ? | 15/02/2018 The evaluation of the offers for the award of the framework contract will be based on the assumption that 200.000.000 EUR will be deposited with each tenderer. After signature of the contracts the maximum amounts that could be deposited by the Commission with each of the selected banks will be calculated on the basis of the bank's balance sheet figures and in accordance with the Commission's risk management framework, unless the selected bank requests to establish a lower ceiling. |

Call for tenders questions summary

| # | Submission date | Publication date | Question subject | Question | Answer |
|---|---------------------|---------------------|--|--|---|
| 3 | 14/02/2018 16:45 | 15/02/2018 14:08 | demande d'informations complémentaires : | Les banques peuvent-elles répondre pour un plafond maximum inférieur à 200.000.000 € ? | <p>15/02/2018</p> <p>In order for the Commission to be able to comply with the principles of transparency and equal treatment that are common to all public procurement procedures, the evaluation of all offers must be performed on the same basis and assumptions; therefore the conditions offered should be valid for six months after the final date for submission (15/03/2018), and applicable during this period, as a minimum remuneration, for the deposit of an overall amount of up to EUR 200 000 000 with each selected tenderer.</p> <p>As regards the specific contracts that will be concluded after 15.09.2018 following each request for offers by the Commission, depending on its future deposit needs, your bank could each time decide whether to submit a specific offer, not to submit an offer at all or submit an offer for a particular maximum amount of its choice.</p> |

Call for tenders questions summary

| # | Submission date | Publication date | Question subject | Question | Answer |
|---|---------------------|---------------------|--|--|--|
| 4 | 14/02/2018 16:45 | 15/02/2018 14:10 | demande d'informations complémentaires : | Les banques peuvent-elles proposer des rémunérations différentes par tranche ? Si oui, comment l'encoder dans une réponse à l'appel d'offre? | 15/02/2018 The indicative amount of 200.000.000 EUR that will be used for the evaluation of the offers is split in smaller tranches between different type of deposit options (please refer to Annex II – Tender Submission Form). The remunerations offered for each of the deposit options shall be valid for at least the respective amounts considered for the evaluation, (whose total is 200.000.000 EUR). For specific contracts to be concluded after 15.09.2018 following a request for offers by the Commission the selected banks could provide different pricings per tranche. |
| 5 | 14/02/2018 16:45 | 15/02/2018 14:10 | demande d'informations complémentaires : | Les banques peuvent-elles proposer des intérêts négatifs ? | 15/02/2018 The banks are requested to offer a spread to a reference rate. The calculation formula may result in a positive or negative remuneration. |

Call for tenders questions summary

| # | Submission date | Publication date | Question subject | Question | Answer |
|---|---------------------|---------------------|--|--|---|
| 6 | 21/02/2018 16:15 | 22/02/2018 14:55 | Demande d'informations complémentaires | Les frais de transactions (incoming / outgoing payment) incluent-ils les coûts Swift ? | <p>22/02/2018 For the purpose of evaluation of the offers received and award of the framework contracts only deposits in EUR will be considered, the latter being the main scope of the current procedure. During the lifetime of the contracts, deposits in other currencies than EUR might also be instructed occasionally. In such case, specific offers will be requested to all banks to which framework contracts have been awarded.</p> <p>22/02/2018 The transaction cost for incoming and outgoing payments should include all charges to be borne by the Commission in this respect. Costs quoted must not include VAT if any is applicable. Please note that according to the Protocol on Privileges and Immunities of the European Union, the Commission is exempt from all taxes and duties. Please note that this section does not apply to transfers between accounts of the Commission (please refer to Annex I – Tender Specifications, condition No 5 on page 9).</p> |

Call for tenders questions summary

| # | Submission date | Publication date | Question subject | Question | Answer |
|---|---------------------|---------------------|--|--|---|
| 7 | 21/02/2018 16:09 | 22/02/2018 15:17 | Demande d'informations complémentaires | Concernant le pricing des dépôts à terme, pouvez-vous nous confirmer que le spread établi par maturité n'est valable que pour les 6 premiers mois du contrat ? | <p>22/02/2018</p> <p>In order for the Commission to be able to comply with the principles of transparency and equal treatment that are common to all public procurement procedures, the evaluation of all offers must be performed on the same basis and assumptions; therefore the conditions offered should be valid for six months after the final date for submission (15/03/2018), and applicable during this period, as a minimum remuneration, for the deposit of an overall amount of up to EUR 200 000 000 with each selected tenderer.</p> <p>The indicative amount of 200.000.000 EUR that will be used for the evaluation of the offers is split in smaller tranches between different type of deposit options (please refer to Annex II – Tender Submission Form).</p> <p>The remunerations offered for each of the deposit options shall be valid for at least the respective amounts considered for the evaluation (whose total is 200.000.000 EUR). In this respect, should any maximum ceiling be fixed by a bank it shall be at a higher amount than the ones indicated in Annex II.</p> <p>As regards the specific contracts that will be concluded after 15.09.2018 following each request for offers by</p> |

Call for tenders questions summary

| # | Submission date | Publication date | Question subject | Question | Answer |
|---|-----------------|------------------|------------------|----------|---|
| | | | | | <p>following each request for offers by the Commission, depending on its future deposit needs, your bank could each time decide whether to submit a specific offer, not to submit an offer at all or submit an offer for a particular maximum amount of its choice.</p> <p>22/02/2018 The remuneration formulas, including the margins offered must remain valid for a period of six months after the final date for submission of tenders (15.03.2018), i.e. until 15.09.2018. After this date, whenever the Commission needs to deposit an amount, all selected banks will be contacted by e-mail and invited to submit a specific offer.</p> |

Call for tenders questions summary

| # | Submission date | Publication date | Question subject | Question | Answer |
|---|---------------------|---------------------|--|---|--|
| 8 | 21/02/2018 16:00 | 22/02/2018 15:26 | Demande d'informations complémentaires | Le pricing des opérations dans cet appel d'offres concerne-t-il uniquement les comptes en EUR ? | 22/02/2018 For the purpose of evaluation of the offers received and award of the framework contracts only deposits in EUR will be considered, the latter being the main scope of the current procedure. During the lifetime of the contracts, deposits in other currencies than EUR might also be instructed occasionally. In such case, specific offers will be requested to all banks to which framework contracts have been awarded. |

Call for tenders questions summary

| # | Submission date | Publication date | Question subject | Question | Answer |
|---|---------------------|---------------------|--|---|---|
| 9 | 21/02/2018 16:06 | 22/02/2018 15:28 | Demande d'informations complémentaires | Peut-on définir - dès la réponse à l'appel d'offres - un plafond maximum de dépôts, appliqué sur chaque typologie (dépôts à vue sans préavis / dépôts à vue à préavis - dépôts à terme) ? | <p>22/02/2018</p> <p>In order for the Commission to be able to comply with the principles of transparency and equal treatment that are common to all public procurement procedures, the evaluation of all offers must be performed on the same basis and assumptions; therefore the conditions offered should be valid for six months after the final date for submission (15/03/2018), and applicable during this period, as a minimum remuneration, for the deposit of an overall amount of up to EUR 200 000 000 with each selected tenderer.</p> <p>The indicative amount of 200.000.000 EUR that will be used for the evaluation of the offers is split in smaller tranches between different type of deposit options (please refer to Annex II – Tender Submission Form).</p> <p>The remunerations offered for each of the deposit options shall be valid for at least the respective amounts considered for the evaluation (whose total is 200.000.000 EUR). In this respect, should any maximum ceiling be fixed by a bank it shall be at a higher amount than the ones indicated in Annex II.</p> <p>As regards the specific contracts that will be concluded after 15.09.2018 following each request for offers by</p> |

Call for tenders questions summary

| # | Submission date | Publication date | Question subject | Question | Answer |
|----|---------------------|---------------------|------------------|--|--|
| | | | | | following each request for offers by the Commission, depending on its future deposit needs, your bank could each time decide whether to submit a specific offer, not to submit an offer at all or submit an offer for a particular maximum amount of its choice. |
| 10 | 09/03/2018 08:54 | 09/03/2018 16:20 | Article II.12. | With reference to Article II.12. (Assignment) under the general conditions for the framework contract for services, please note that OP Corporate Bank plc is a part of OP Group whereby OP Cooperative acts as its parent company. Taking into account OP (Cooperative) Group structure, could you kindly confirm whether OP Corporate Bank plc, in the event that it would be chosen as a Contractor, could assign liabilities and obligations to another financial institution within OP Group without a prior written authorization from the Commission. You may assume that the assignee would of course have all required permits and licenses to provide the services in accordance with the framework contract for services. | 09/03/2018 In the context of the current procurement procedure, Article II.12 of the draft framework contract is not applicable. |

Call for tenders questions summary

| # | Submission date | Publication date | Question subject | Question | Answer |
|----|---------------------|---------------------|--|---|--|
| 11 | 09/03/2018 09:01 | 09/03/2018 16:22 | Evidence upon request of Annex III Declaration of Honour | With reference to Article II – Situations of exclusion concerning natural persons with power of representation, decision-making or control over the legal person and Article VI – Evidence upon request of Annex III Declaration of Honour, kindly confirm whether the chosen contractor would have to provide necessary evidence that it complies with all of the requirements for each company director, member of management or supervisory board or body and each person that has the power to represent the Contractor solely or jointly? Is this necessary even if, as a result, the extent of the persons concerned would be over 100 taking into account that a vast number of employees may have the power to represent the company? Can the extent be limited to e.g. members of the board of directors of the respective Contractor? | 09/03/2018 After signature of (a) contract(s) with the selected tenderer(s), the evidence on situations of exclusion concerning natural persons with power of representation should be provided, upon request, only for the persons with power of representation which are involved in the implementation of the framework contract. |

Call for tenders questions summary

| # | Submission date | Publication date | Question subject | Question | Answer |
|----|---------------------|---------------------|--------------------|--|---|
| 12 | 12/03/2018 08:25 | 12/03/2018 10:40 | Submitting tenders | Is it sufficient to send AnnexII-TenderSubmission Form to the indicated E-mail in Section I.3)? or is physical delivery necessary? | 12/03/2018 The offer should include Annex I - tender specifications (to be signed by your bank), Annex II - Tender submission form (to be filled in and signed by your bank) and Annex III - Declaration on honour (to be filled in and signed by your bank), and should be sent either by regular post/courier or delivered by hand. For more details please refer to the Invitation to tender. |

Call for tenders questions summary

| # | Submission date | Publication date | Question subject | Question | Answer |
|----|---------------------|---------------------|--|--|---|
| 13 | 08/03/2018 11:30 | 14/03/2018 14:22 | Article II 8.4 of the General conditions | <p>With reference to Article II 8.4 of the General conditions for the framework contract for services, please note that according to Finnish Act on Credit Institutions (which is mandatory by its nature), both Bank as well as each of its employees are subject to banking secrecy regulated by the Finnish Act on Credit Institutions no. 610/2014 (as may be amended from time to time). Furthermore, each bank's employee has signed a separate confidentiality agreement with its employer whereby they commit to obey the relevant regulations regarding banking secrecy in accordance with the applicable Finnish legislation.</p> <p>In light of the above, kindly confirm whether bank should, if it would be chosen as a contractor, nevertheless obtain a separate commitment from each natural person (i.e. its employee) that has the power to represent it or take decisions on its behalf that they will comply with Article 8 of the General conditions for the framework contract for services?</p> | <p>14/03/2018</p> <p>It is up to the Contractor to consider whether the bank already meets the confidentiality obligations by complying with the national legislation.</p> |

Call for tenders questions summary

| # | Submission date | Publication date | Question subject | Question | Answer |
|----|---------------------|---------------------|------------------------|--|--|
| 14 | 08/03/2018 11:30 | 14/03/2018 14:22 | Personal data and GDPR | <p>In light of the terms and conditions for framework contract for services, it appears that Bank's role would be to act as a data processor with regard to personal data with respect to payments to be effected pursuant to the FWC. However, based on our own understanding of the GDPR, we have understood that it should merely act as data controller, not data processor under the GDPR with regard to personal data with respect to payments to be effected pursuant to the FWC. In order to avoid any ambiguity, could you kindly elaborate what is your view as regards to the role of bank in this respect? If you are of the opinion that bank would act as a data processor, could you kindly provide a written grounds for your view?</p> <p>Furthermore, if bank would be chosen as a contractor, would it be possible to amend the terms and conditions for framework contract for services by inserting a statement whereby it would be stated as follows: "As regards to any data with respect to any payments to be effected pursuant to and in accordance with the FWC, the Contractor shall act only as a data controller pursuant to Regulation (EU) of the European</p> | <p>14/03/2018 The processing of personal data under the FWC is governed by Regulation (EC) No 45/2001. In the context of the FWC to be awarded, it is the contracting authority that determines the purpose and means of the processing of personal data – it will thus act as "controller" within the meaning of Article 2. The chosen contractor will process personal data on our behalf and is therefore a "processor" within the meaning of Article 2 of that Regulation. On this basis, we are not in a position to accept the proposed modifications to the model contract (clause II.9). Please note that the new Regulation that will replace regulation 45/2001 has not yet entered into force.</p> |

Call for tenders questions summary

| # | Submission date | Publication date | Question subject | Question | Answer |
|---|-----------------|------------------|------------------|--|--------|
| | | | | Regulation (EU) of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC | |

Generated on the 23/04/2024 19:14:32 - Generation time 15 ms