

<p>European Stability Mechanism</p> 
<p>Request for Proposal</p>
<p>Ref. No.: FM/08/FMC/AG/22</p>
<p>FM Consultancy Services</p>
<p>02/11/2022</p>

Contents

1	Introduction	3
1.1	The European Stability Mechanism	3
1.2	Overview of this RFP	3
1.3	Overview of the Procurement Requirement	3
2	RFP Content	4
3	The RFP Process	4
3.1.	Type of Procurement Procedure.....	4
3.2.	Procurement Process Steps and Timelines.....	4
3.3.	Eligibility, Exclusion, Selection and Award Criteria.....	5
3.4.	The ESM “Sole Contact” Details.....	7
3.5.	Clarifications of the RFP	7
3.6.	Presentations	7
3.7.	Due Diligence Elements	8
3.8.	Notification of the ESM’s decision	8
3.9.	Agreement	8
4	Terms and Conditions of the RFP.....	8
4.1	Rights of the ESM.....	8
4.2	Cost of Participating in the Procurement Process	9
4.3	Materials and Documents.....	9
4.4	Validity of the Proposal.....	9
4.5	Compliance with Law	9
4.6	Trade Name, Logo and Marks.....	10
4.7	Confidentiality.....	10
4.8	Involvement of/Reliance on Third Parties	10
4.9	Transfer of Undertakings	11
5	Structure of the Proposal.....	12
6	Submission of the Proposal.....	13
	Section 3: Other Required Information and Documents	23
7	Annex 3 Selection and Award criteria.....	24
1.	Selection Criteria.....	25
2.1.	<i>Economic and financial standing</i>	25
2.2.	<i>Technical or professional ability</i>	26
2.3.	<i>Authorisation and suitability to carry out the relevant professional activity</i>	27
8	Annex 4 Commercial Response Template	30
9	Annex 5 Draft Agreement	31

1 Introduction

1.1 The European Stability Mechanism

The European Stability Mechanism (“**ESM**”) is a permanent crisis resolution mechanism established by the euro area Member States as an intergovernmental organisation under public international law. Its purpose is to ensure the financial stability of the euro area as a whole, and of its Member States experiencing severe financing problems, by providing financial assistance through a number of instruments.

More background information about the ESM may be found on the website: www.esm.europa.eu.

Neither Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 nor Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 (as amended) apply to the ESM. The ESM procures supplies, services and works on its own behalf and for its own account pursuant to the ESM Procurement Policy as published on the ESM website. Please refer to the ESM website for more information.

1.2 Overview of this RFP

This Request for Proposal (“**RFP**”) sets out the procurement requirement and procurement process of the ESM that parties are invited to respond to. The agreement to be awarded as a result of this procurement process (“**Agreement**”, “**Framework Agreement**” or “**Contract**”) will be awarded to the Candidate whose Proposal best meets the award criteria. The Agreement will include the requirements and obligations set out in the Terms of Reference, enclosed as Annex 1, and those set out in Annex 4 of this RFP.

For the purposes of this RFP, candidates who wish to participate in this procurement process are referred to as “**Candidate**” or “**Candidates**” and their response is referred to as a “**Proposal**” or “**Proposals**”.

Unless otherwise defined in this RFP, all capitalised terms used in this RFP have the meanings ascribed to them in the ESM Procurement Policy.

1.3 Overview of the Procurement Requirement

The ESM intends to conclude a single Agreement for the provision of the services with a single service provider (“**Service Provider**”) to support the service needs of the ESM as further detailed in the Terms of Reference provided in Annex 1 of this RFP (“**Services**”).

The ESM’s official working language is English and the Services must be provided in English.

The Agreement will be awarded for a four (4) year term.

2 RFP Content

The RFP package consists of the following documents:

No.	Document Title	Comment
1.	Request for Proposal – Core Document	This document
Annexes		
2.	Annex 1 – Terms of Reference	Below
3.	Annex 2 – Section 1: Declaration on the Exclusion Criteria, Economic, Financial, and Operating Capacity and Absence of Conflict of Interest Annex 2 – Section 2: Non-Collusion Declaration, Section 3: Cover Certification Form	Attached
4.	Annex 3 – Selection and Award Criteria and response elements	Below
5.	Annex 4 – Commercial Response Template	Attached
6.	Annex 5 – ESM Draft Agreement	Attached

3 The RFP Process

3.1. Type of Procurement Procedure

This procurement process is carried out by the ESM under an Open Procedure in accordance with Article 9.1 (2) of the ESM Procurement Policy and is referred to in this RFP as a procurement process or a procurement procedure.

3.2. Procurement Process Steps and Timelines

The ESM plans to carry out the procurement process in accordance with the steps defined in the table below. The ESM reserves, at its sole discretion, the right to vary the steps and timelines.

No.	Procurement Process Steps	Timeline
1.	Publication of the Contract Notice and the RFP	02/11/22
2.	Deadline for submission of clarifications/questions on the Contract Notice and the RFP	18/11/22 11:00 hrs (local Luxembourg time)
3.	Response to the clarifications/questions on the Contract Notice and the RFP	Regularly
4.	Deadline for submission of Proposals	05/12/22 11:00 hrs (local Luxembourg time)
5.	Target dates for Presentations of the eligible Candidates	12/12/22 – 16/12/22
6.	Target notification date of the ESM’s decision to advance/not advance the Candidate’s Proposal	28/02/23
7.	Agreement’s target commencement date	01/05/23

3.3. Eligibility, Exclusion, Selection and Award Criteria

In order to be eligible to participate in this procurement process, Candidates must be natural or legal persons and state that they are not subject to any of the exclusion situations listed in the declarations included in Annex 2 Section 1. If such circumstances arise in the course of the procurement process, the Candidate concerned must inform the ESM without undue delay.

Candidates may submit, and if requested by the ESM will submit, evidence to demonstrate their eligibility despite the existence of grounds for exclusion. The ESM may, in its sole discretion, decide whether such evidence is satisfactory.

Candidates must comply with all eligibility and exclusion criteria to be assessed further.

ELIGIBILITY AND EXCLUSION CRITERIA – elements of the evaluation		
Eligibility and Exclusion Criteria	Duly executed declarations as requested in Annex 2 Section 1	Pass / Fail

In order to assess a Candidate’s capacity to perform the contract the ESM will apply the following selection criteria (full information can be found in Annex 2 Section 2).

In the event that the Candidate submits an Application together with a third party/-ies and/or with sub-contractor(s), the combined capacities of the Candidate and all such third party/-ies and/or subcontractor(s) will be assessed for the purpose of meeting the selection criteria.

SELECTION CRITERIA – elements of the evaluation		
Selection Criteria	Economic and financial standing	Pass / Fail
	Technical or professional ability	Pass / Fail
	Authorisation and suitability to carry out the relevant professional activity	Pass / Fail

Candidates must achieve “pass” for all “pass/fail” criteria and must comply with all eligibility, exclusion and selection criteria to be assessed further.

The Proposals submitted by the Candidates will be evaluated, in accordance with the following award criteria.

AWARD CRITERIA			
QUALITY	%	PRICE	%
Criteria 1 Quality of Personnel	35%	Price*	30%
Criteria 2 Quality of Methodology	35%		
Score available	70%		30%
Total Score 100%			

*The Candidates’ Commercial response will be evaluated according to the following formula:

$$\text{Candidate's Commercial Score} = \frac{\text{Lowest offered TOTAL COST}}{\text{Candidate's Proposed TOTAL COST}} \quad * \text{Maximum Price score (i.e. 30)}$$

Technical proposals of those Candidates who received less than 50% of the maximum available score for the Quality (70%) will be deemed of insufficient quality and eliminated from further evaluation.

The average daily rate per Professional Day (as defined in the Terms of Reference) will be multiplied by the average discount.

The Contract will be awarded to the Candidate whose Proposal best meets the award criteria on the basis of the best price-quality ratio.

To determine the final score, the Candidates’ score for quality will be combined with their respective score for their Commercial Response and the Contract will be awarded to the Candidate whose Proposal best meets the quality/price ratio.

3.4. The ESM “Sole Contact” Details

Commercial, Legal and Procurement
European Stability Mechanism
6a, Circuit de la Foire Internationale
L-1347 Luxembourg
Email: procurement@esm.europa.eu
Attention: Asta Gerhardt

Unless notified otherwise, the person indicated above will be the Candidates’ single point of communication with the ESM for the duration of this procurement process (“**ESM Sole Contact**”).

The ESM will not be bound by and the Candidate agrees not to rely upon any written or verbal statements or representations of any other persons, whether employed by the ESM or not.

3.5. Clarifications of the RFP

The process for clarifications pertaining to this RFP will be as follows:

- a) Queries can be raised to the ESM Sole Contact as identified in this RFP.
- b) Queries can be raised on any matter in this RFP, including the Annexes. However, the ESM reserves the right not to answer any particular query.
- c) The ESM will endeavour to respond to all queries and issue responses in a timely and professional manner. The ESM reserves the right not to answer any queries received after the deadline for submission of the queries has passed.
- d) Subject to point e) below, responses to the queries will be uploaded on the ESM website if they are of relevance to all of Candidates.
- e) If the ESM receives a query from a Candidate which, in the sole discretion of the ESM, constitutes a query relevant to that Candidate only, the ESM will provide response to that Candidate only.

3.6. Presentations

The candidates meeting the minimum quality threshold provided in Section 3.3 will be invited to present their proposal to the ESM.

The ESM will coordinate the schedule of presentations promptly after the release of the RFP. These will likely occur in person at the ESM offices however if this is not feasible, presentations via video conference will also be allowed. The Candidates should ensure that qualified personnel are available during this period to present the case study and to answer questions from the ESM. Presentations are anticipated to take place over one hour.

The ESM envisages to schedule the presentations between the **12/12/22 – 16/12/22**. The ESM will contact the Candidates to arrange the meetings.

Note that no pricing information can be disclosed or discussed during the presentations.

3.7. Due Diligence Elements

In order to further ascertain the viability and acceptability of the proposal and of the Candidate, the ESM, in its sole discretion acting reasonably, reserves the right to request the preferred Candidate, and in responding to this RFP the Candidates agree to provide, make available, or facilitate verification of any information certified by the Candidate and any information the ESM deems necessary to assess any potential risks related to data protection, data location, IT security, information security and legal and regulatory matters. The ESM will review this information and assess its correctness and level of risk. In case the ESM deems, in its sole discretion acting reasonably, the level of risk as too high, the Candidate will be excluded from the procurement procedure.

3.8. Notification of the ESM’s decision

The ESM will notify in writing its decision to advance or not advance the Candidate’s Proposal. The notification is sent by electronic means at least fifteen (15) business days prior to the signing of the Agreement by the ESM. The Candidates whose Proposal did not advance can request, in accordance with the ESM Procurement Policy and timelines set within and in the ESM notification, a de-brief addressing the reasons for not advancing their Proposal. The de-brief will be limited to the reasons related to the unsuccessful Candidate’s Proposal and will not cover any information about other Candidates’ Proposals.

3.9. Agreement

The ESM agreement enclosed as Annex 5 to this RFP (“**ESM Agreement**”) will form the agreement between the ESM and the selected Candidate. The ESM views the ESM Agreement to be fair and balanced and expects that Candidates will agree to it without reservation. By submitting a Proposal, Candidates accept the ESM Agreement without reservation and acknowledge that none of their own agreements, contracts or terms and conditions will apply.

If Candidates would like to propose any changes to the ESM Agreement they must provide, for each proposed change, a counter-proposal and a clear explanation why they consider the proposed change necessary as part of their Proposal by the deadline for the submission of Proposals. The ESM will not accept any change requests received after the deadline for submission of Proposals. The ESM will also not accept any substantial revisions/redrafting of the ESM Agreement. Any potential changes to the ESM Agreement, if at all possible and agreeable to the ESM, will be minimal in order to ensure equal treatment of all Candidates. For the avoidance of doubt, the ESM is not obliged to make any changes to the ESM Draft Agreement. In case the ESM deems, in its sole discretion acting reasonably, that the Candidate’s change requests are not acceptable, the Candidate will be excluded from the procurement procedure.

4 Terms and Conditions of the RFP

4.1 Rights of the ESM

By submitting a Proposal, Candidates confirm that they have taken note and accepted all terms and conditions of this RFP.

The ESM reserves the right, at its sole discretion and in exceptional circumstances, to accept Proposals received after the deadline for submission of Proposals.

After the ESM opens Proposals, it may request Candidates to submit, supplement, clarify or complete information or documentation which is or appears missing, incomplete, inconsistent or erroneous within

an appropriate time limit. The ESM reserves the right at its sole discretion to reject from further consideration any such Proposal.

The ESM reserves the right to request that Candidates provide documentary evidence in support of the statements made in their Proposal.

Any effort by the Candidate to influence the ESM in the process of examination, evaluation and comparison of Proposals may result in the rejection of the Candidate’s Proposal.

The ESM may decide, at its sole discretion while respecting the general principles set forth in the ESM Procurement Policy, to cancel this procurement process in whole or in part at any time before the Agreement is signed. The cancellation does not give rise to any form of compensation for Candidates.

The ESM will ensure that the information provided by Candidates is treated and stored in accordance with the principles of confidentiality and integrity.

The ESM reserves the right at its sole discretion to disclose the contents of Proposals to its third party advisors (if applicable) who are bound by the same confidentiality and integrity obligations as the ESM.

If the ESM discovers, before the expiry of the deadline for submissions of Proposals, a lack of precision, an omission or any other type of error in this RFP, it will rectify the error and inform all Candidates in writing.

4.2 Cost of Participating in the Procurement Process

All costs relating to the participation in this procurement process, including in particular any costs in relation to the attendance at Presentations and of any other documents requested by the ESM and any subsequent follow-up will be borne exclusively by Candidates.

4.3 Materials and Documents

All materials and documents provided by the ESM during this procurement process will remain the ESM’s property. Nothing in this RFP or in any other document issued by the ESM in connection therewith will be construed as to grant Candidates any right or license to use these documents for any purpose, except the right to use them in as much as necessary to prepare their Proposals.

All materials and documents prepared by the Candidate, once submitted to the ESM in response to this procurement process, will become the property of the ESM and, irrespective of the outcome of the procurement process, may be retained by the ESM, and, in any case, the ESM will have the right to use any concept or ideas contained therein without incurring any costs or expenses or any liability whatsoever.

4.4 Validity of the Proposal

By submitting a Proposal, Candidates acknowledge and agree that their Proposal will remain valid for a period of 180 calendar days from the deadline for submission of Proposals.

4.5 Compliance with Law

Candidates are invited, but not bound to participate in this procurement process. Yet, the participation in this procurement process following the receipt of the RFP from the ESM implies the acceptance of the terms and conditions of the RFP and any other provisions of the RFP and any breach of these will be subject to appropriate remedies under the applicable law.

Before the Agreement enters into force, the successful Candidate undertakes to comply with all applicable laws and regulations and to obtain all relevant authorisations, permits and certificates required to provide the services described in this RFP.

Nothing in this RFP will be construed as implying a waiver, renunciation or modification by the ESM of any rights, privileges, immunities or exemptions from which ESM may benefit under the Treaty establishing the ESM or any applicable laws.

4.6 Trade Name, Logo and Marks

The ESM logo, covers, page headers, custom graphics, icons, other design elements and other words or symbols used to identify the description of the procurement requirement described are either trademarks, trade names or service marks of the ESM and its licensors, or are the property of their respective owners. These marks may not be copied, imitated or used, in whole or in part, without the explicit prior written consent of the ESM.

4.7 Confidentiality

All documents and information provided by the ESM in connection with this RFP constitute Confidential Information within the meaning of this section.

If the Candidate considers that any part of its Proposal or other documents/information submitted to the ESM include Confidential Information within the meaning of this section it must clearly mark such parts of Proposal or other documents/information as ‘confidential’.

Candidates are advised that their participation in this procurement process constitutes Confidential Information except for the announcement by the ESM of the successful Candidate on the ESM website in accordance with Article 9.17 (3) of the Procurement Policy.

Except if required in a judicial or administrative proceeding, or if it is otherwise required to be disclosed by any law or regulation, or where information is already in the public domain, the ESM or the Candidate will (a) not disclose the Confidential Information, (b) take all reasonable measures to preserve the confidentiality and avoid disclosure, dissemination or unauthorised use of Confidential Information, and (c) not use such Confidential Information for any purpose other than as is necessary in connection with this RFP. Confidential Information does not include information which (a) was known to the ESM or the Candidate prior to receiving the information from the Candidate or the ESM; (b) becomes rightfully known to the ESM or the Candidate from a third-party source not known to the ESM or the Candidate (after diligent inquiry) to be under an obligation to the Candidate or the ESM to maintain confidentiality; (c) is or becomes publicly available through no fault of or failure to act by the ESM or the Candidate; or (d) has been developed independently by the ESM or the Candidate or authorised to be disclosed by the Candidate or the ESM. Confidential Information may only be shared with third parties (e.g. contractors) that have a need to know the Confidential Information in relation to this procurement process and provided that such third parties comply with the confidentiality obligations provided in this section.

In addition, if the Candidate has signed an ESM confidentiality undertaking the Candidate agrees to comply with all obligations set forth in such confidentiality undertaking. If there is a conflict between such confidentiality undertaking and this RFP, the confidentiality undertaking will prevail.

4.8 Involvement of/Reliance on Third Parties

If the Candidate intends to involve a third party in the supply of the services offered to the ESM the Candidate has to ensure that any such third party is bound by the requirements set forth in this RFP.

If a Candidate submits its Proposal as part of a consortium with a third party/third parties, such Candidate must provide as part of its Proposal:

- a) a clear description of the proposed consortium, its organisational hierarchy and structure, the names of all consortium members and the roles, activities and responsibilities of the consortium leader and each consortium member;
- b) a document authorising the consortium leader to act on behalf of the consortium member(s) (e.g. power of attorney);
- c) a written undertaking from the consortium member(s) confirming that it/they will place, at the consortium leader's disposal, the resources necessary for the performance of the Contract. The written undertaking must be signed by an authorised representative of each such consortium member; and
- d) information on whether the consortium will form a legal entity and if yes, details of the actual or proposed percentage shareholding within such legal entity and other official documents confirming existence of such legal entity. If not, full details of the proposed consortium arrangement including submission of an executed consortium agreement.

If a Contract is awarded to a consortium, all consortium members will be jointly and severally liable towards the ESM for all obligations arising of or resulting from the Contract.

If a Candidate considers any changes in the consortium structure it must immediately notify the ESM in writing. The composition of a consortium (including the roles, activities and responsibilities of the consortium leader and each consortium member) cannot be modified or members of the consortium cannot be exchanged, whether during the course of this procurement process or during the term of the Contract, without the prior written consent of the ESM.

If a Candidate intends to subcontract some of the services offered to the ESM to a third party, the Candidate must provide as part of its Proposal:

- a) a clear description of the proposed subcontracting arrangement, in particular which tasks the Candidate intends to subcontract and their volume or proportion, the name(s) of the proposed subcontractor(s) and its/their roles, activities and responsibilities; and
- b) a document signed by a subcontractor stating its intention to collaborate with the Candidate should the Candidate be awarded a Contract.

If a Candidate subcontracts some of the services under the Contract to subcontractors, it will nevertheless remain fully liable towards the ESM for the performance of such services and responsible for the Contract as a whole. The ESM will have no direct legal commitments with the subcontractor(s).

Where the information provided to the ESM indicates that subcontractor(s) is/are to play a significant role in delivering the services offered to the ESM, any changes to the proposed subcontractors must be notified immediately to the ESM. Candidates cannot exchange or replace the subcontractors or modify the nature of the subcontracting arrangement (including the subcontracted tasks, their volume or proportion), whether during the course of this procurement procedure or during the term of the Contract, without the prior written consent of the ESM.

Moreover, any additional subcontractor(s) which was/were not assessed by the ESM during this procurement procedure may only be appointed if the ESM's has given its prior written consent.

4.9 Transfer of Undertakings

The Candidates acknowledge and accept the possibility that if they are awarded the Contract, the Contract may in some cases trigger the application of the relevant provisions of Luxembourg law or of a collective labour agreement regarding transfers of undertakings, in particular, but not limited to, Articles L.127- 1 to L.127-6 of the Luxembourg Labour Code as amended from time to time (collectively the

“Regulations”). Consequently, the Candidates acknowledge and accept the possibility that if they are awarded a Contract the staff employed by the existing service provider performing the services to the ESM (the “Employees”) may, if necessary, be taken over and/or transferred automatically, by the virtue of the Regulations.

The Candidates are therefore invited, if deemed appropriate and if not already included in the procurement documents, to request the ESM to provide any necessary information regarding the Employees. The ESM reserves the right to answer questions at a later stage of the procurement procedure if deemed appropriate in the ESM’s sole discretion.

Should the Regulations be applicable, the existing service provider and the successful Candidate will fully comply with all of their obligations under the Regulations and will take all necessary steps to facilitate the takeover and/or transfer of the Employees. Any discussions regarding potential takeover and/or transfer of the Employees will be directly between the existing service provider and the successful Candidate. All the costs incurred by the successful Candidate in relation to the application of the Regulations will be borne solely by such Candidate and will not give rise to any financial compensation from the ESM and will not affect in any way the financial proposal submitted by the successful Candidate.

5 Structure of the Proposal

When preparing Proposals, Candidates should observe the following:

- All documents must be submitted in English.
- Any deviations from the specified requirements of this RFP that cannot be satisfied by the Candidate, should be clearly identified in the Proposal.
- In some cases, page/word limits may be specified. Any response exceeding the specified limits may be disregarded beyond that limit.
- Answers should be as concise as possible, complete and comprehensive.
- The ESM does not wish to receive any marketing or other promotional materials.
- All digital copies of the Proposal should be submitted in compliance with the following guidelines:
 - a) One file per section as described in the “Proposal Structure” table below.
 - b) Any supporting or additional files should be clearly named.
 - c) All files should be named clearly with a sequential number and relevant file name.
 - d) All files should be provided in a standard non-editable format, such as PDF.

Proposal Structure			
#	Section	Template and instructions	Document format
1.	Cover Certification Form	Candidates are requested to provide completed, dated and signed by a duly authorised representative Annex 2 Section 3 – “Cover Certification Form”	Fully scanned copy with signature in PDF
2.	Declaration on the Candidate’s Exclusion Criteria, Economic, Financial and Operating	Candidates are requested to submit completed, dated and signed declaration, signed by a duly authorised representative Annex 2 Section 1 – “Declaration on the Candidate’s Exclusion Criteria, Economic and	Fully scanned copy with signature in PDF

	Capacity and Absence of Conflict of Interest	Financial Capacity and Absence of Conflict of Interest”)	
3.	Non-Collusion Declaration	Candidates are requested to submit completed, dated and signed by a duly authorised representative Annex 2 Section 2 – “Non-Collusion Declaration”	Fully scanned copy with signature in PDF
4.	Selection Criteria	Candidates are requested to address the requirements under the selection criteria listed in Annex 3	Fully scanned copy with signature in PDF
5.	Technical Proposal	Candidates are requested to address the requirements under the quality award criteria listed in Annex 3 in compliance with the Terms of Reference provided in Annex 1. Candidates are requested to submit their technical proposal as a separate attachment within the Proposal submission email.	Fully scanned copy with signature in PDF
6.	Commercial Proposal	Candidates are requested to address the requirements under the price award criteria listed in Annex 3 in compliance with the Terms of Reference provided in Annex 1. Candidates are requested to provide commercial proposal as a separate attachment within the Proposal submission email.	Fully scanned copy with signature in PDF and an writable Excel version

Forms to fill in	Candidate (including Consortium Lead)	Consortium members	Key Subcontractors
Declaration on Eligibility Annex 2 1.1	To be completed	To be completed	N/A
Declaration of Non-Collusion Annex 2 1.2	To be completed	To be completed	N/A
Cover Certification form Annex 3 3.1	To be completed	N/A	N/A
Consortium declaration Annex 3 3.2	To be completed	To be completed	N/A
Subcontractor commitment letter Annex 3 3.3	N/A	N/A	To be completed

6 Submission of the Proposal

Proposals must be submitted no later than by the “**Deadline for submission of Proposals**” specified at point No. 4 of the **Procurement Process Steps and Timelines** table in Section 3.2 of this RFP and must be submitted via email to:

Email: procurement@esm.europa.eu

Ref. No.: FM/08/FMC/AG/22

Attention: Asta Gerhardt

Only Proposals received through these means will be accepted.

Annex 1

Terms of Reference

1. BACKGROUND

The European Stability Mechanism (the “**ESM**”) is a permanent crisis resolution mechanism established by the euro area Member States as an intergovernmental organisation under public international law, with its seat and principal office at 6a, Circuit de la Foire Internationale, L-1347 Luxembourg (the “**KUBIK Building**”). Its purpose is to ensure the financial stability of the euro area as a whole and of its Member States experiencing severe financing problems by providing financial assistance through a number of instruments.

Currently, the ESM has rented the ground, first and second floors of the KUBIK Building, and some storage and archive areas on the first and second underground floors. The total rented area is approximately 8,500 m² (the “**Existing Area**”) and provides about 300 workspaces, 20 meeting rooms (capacity of 2-80 people), a conference area (capacity of 200 people on the first underground floor), language rooms, an interview room, and a creative/project area. In addition, there is a staff restaurant located on the ground floor and tea kitchens on the underground, ground, first and second floors. There are also gym facilities, nursing room and a quiet break room located on the first underground floor and several functional rooms (i.e. server / technical, sanitary, small storages, UPS etc.) throughout the KUBIK building.

The ESM’s Facilities Management team (the “**FM Team**”) consists of 4 members and 1 trainee. The ESM uses several external providers for provision of services such as security, cleaning, building technical and maintenance services, catering, plant maintenance, furniture, etc. Most of these providers are based in Luxembourg as is the property manager of the KUBIK Building contracted via the landlord.

2. OBJECTIVES

Where expert knowledge on complex facilities management (FM) topics is required, or during periods of high demand, the ESM supplements its internal FM Team capacity with temporary external resources.

The ESM therefore, intends to establish a framework agreement (the “**Framework Agreement**”) with a single service provider (the “**provider**”) which will support the FM Team, on a non-exclusive basis, by providing the following consultancy services:

- Advisory and project management on any FM topics.
- Resource backfilling.

together the “**Services**” which are described in detail in Section 3 below.

The ESM will sign implementing contracts (the “**Implementing Contracts**”) under the Framework Agreement defining the nature of such Services (individual assignments) to be performed by the provider (the “**Assignments**”).

3. SERVICES

3.1 Advisory, project management and operational requirements

On an ad-hoc basis, the ESM will require the provider to provide consultancy services on a range of FM-related subjects. All the below require expert knowledge in terms of current trends and developments as well as assessments and process improvements, including updating and/or setting up procedures, processes, policies, and documentation.

The Services will cover everything from advisory services, project management to daily operational requirements. The areas where expert knowledge might be required to focus on relates to all aspect of FM responsibility area and include, but are not limited to the below list:

- **Occupational Health & Safety & Emergency Response**
 - Make recommendations regarding best practices on occupational health and safety. Advise the ESM on any regulations that are relevant for the ESM's operations in general and/or in Luxembourg. Assist with the set-up of requirements in terms of resources and required documentation, licensing, inspections, reports, processes, etc.
 - Assist in conducting risk assessments and activities in relation to proper emergency response activities. Those include but are not limited to producing a risk assessment, an action plan for mitigation, scenario planning and analyses, organisation of drills, organisation of trainings required for proper response, following through via continuous monitoring and reporting, etc.
 - Advice, recommend and coordinate activities that relate to engagement of the local emergency services, such as police, fire department, communal services (water and electricity supplies, etc), public transportation, etc. Activities include but are not limited to common response plan, communication and coordination plans, joint activities, etc.
- **Space, Change & Asset Management**
 - Provide recommendations on how the ESM can optimise the use of available office space and storage.
 - Provide recommendations on how to optimize the space management processes in the ESM's current information system, ServiceNow etc., and/or propose new solutions and systems, if required by the ESM.
 - Develop an appropriate communication strategy for any changes that might occur for the ESM offices. This includes leading staff training sessions where required and preparing and distributing bulletins to the ESM staff covering topics such as: regular progress updates; notification of project related disruptions; motivation to accept the new workplace standards, etc. and making the changes as smooth and convenient as possible.
 - Plan and supervise internal moves, fit outs, and extension projects, if necessary.
- **Event Related Services**
 - Manage and coordinate the organisation and execution of high-level events with the ESM and the ESM's event management provider. Specific tasks in relation to this may include:
 - The organization of events with the ESM's event management provider.
 - The coordination of all involved parties.
 - The coordination of special security measures (special bodyguards, bug proofing, police, etc.).
 - The coordination of specialist services and equipment (catering, cleaning, special technology e.g., for translators, etc.) with the ESM's external providers.
 - General administrative tasks (contact with authorities, information letters, welcome screens, etc.).

- **Service Management**

The Service Provider may be required to support the FM Team in managing the customer service function for all FM related services, under the supervision of the ESM FM Team. The ESM FM Team will keep the overall responsibility for the customer service function and will ensure that the work from third party providers is delivered to the expected quality level.

Such function will coordinate all FM related activities, starting from communication with internal customers, defining the needs and taking steps, including the communication with external parties, to get the request met. The service desk support function will act as “a face to the customer”, and “one point stop” and will ensure that daily matters are solved with highest customer service and customer satisfaction.

If required, for a longer term, the Service Provider will deliver the FM customer support services with personnel selected by ESM, with six (6) months trial period. During this trial period, the customer service person will work in close collaboration with the FM Team until full handover of the activities is completed, to include but not to be limited to training on the services being provided, different service processes, ticketing system, etc. At the ESM’s sole discretion, the trial period may be extended by additional 3 months. The Service Provider will need to provide this training subsequently to any new staff in case of replacements.

The main tasks of the FM customer service function will include the following non-exhaustive list of tasks:

- Be the first point of contact for the ESM employees for the FM service support inquiries.
- Create tickets:
 - Create tickets for new requests/feedback/incident on behalf of the Service Provider or on behalf of someone else (e.g., an ESM member of staff).
- Accept and assign tickets:
 - Add required information to the ticket i.e. (room, category, sub-category, type, etc.).
 - If necessary, amend the short description field to summarize the ticket content.
 - Assign tickets to the appropriate assignment group and persons.
 - Communicate confirmation of receipt to the requestor.
 - Flag the FM responsible.
- Follow-up on due dates:
 - Push reminders to the assigned responsible party/person for tickets that have a due date that week.
 - Push reminders to the assigned responsible party/person for all overdue tickets.
- Follow-up on status with the ESM requestors and end users:
 - Ensure that the status of a ticket is clearly communicated with the ESM requestor and/or end user, e.g., when the work will be completed, what is the current progress of the work, etc.
- Close tickets.

The Service Provider performance of the customer service support services will be monitored by the ESM via the means of various reports generated from the ESM ticketing tool and via regular meetings. The reports and meetings may be required on ad-hoc, daily or monthly basis.

- **Vendor Management**

- Advise the FM Team on appropriate vendor management and monitoring approaches for services provided by external providers (SLAs, KPIs, management reporting, escalation points etc.).
- Review all the services which the FM Team delivers internally, either directly or through external providers, and make recommendations as to how these might be improved or optimised. Provide recommendations on improved procedures, SLA’s and KPI’s to be included in the agreements with external providers. Build business cases for offered options.

- **Contract and Procurement related services.**

In collaboration with the FM Team and the ESM’s Commercial Legal and Procurement team:

- Support the FM Team in the process of drafting technical specifications. In addition, the provider will execute and analyse current contracts with external providers to maximize operational and financial performance of the services provided to the ESM.
- Support the FM Team in the process of selecting external service providers, establishing relevant pricing schemes, analysing pricing proposals, strategic vetting, actual ordering of goods or services.
- **Security Management**
 - Conduct risk assessments in relation to the ESM physical security concept of the KUBIK Building and provide recommendations for optimisation based on the current and future threat levels.
 - Provide advice and support to the FM Team on managing the ESM’s travel security management process for the staff that goes on the missions and provide proposals for service optimisation.
- **Budgeting**
 - Provide recommendations for optimising the annual budgeting exercise jointly executed by the FM Team and Finance and Control division.
- **Quality Management**
 - Provide recommendations on how to further develop the ESM FM Team members, to include, for example, recommendation of trainings, site visits, workshops and on-the-job trainings.
 - Advise on methods for standardisation in procedures, processes, contracts execution, policies, etc.
 - Conduct internal control activities per topics or in general, to identify potential risks of failure and areas for improvement.
 - Review and provide advice on further improvements regarding ESM’s compliance on technical or other topics, by providing subject matter expertise and analysis of the root causes for any deviations and provide solutions for improvements.
 - Conduct risk assessments and evaluations, as requested.
- **Building Management & Smart Building Solutions**
 - Provide recommendations for optimising the current technical and building services (such as energy provision, HVAC, building automation system, lighting system, access control system, intrusion systems, etc.), including recommendations for SMART building technologies to optimise the use of the ESM offices.
- **Sustainability**
 - Make recommendations for the strategic framework and governance of ESG activities within the ESM and provide operational support in achieving best practices in environmental, energy and waste management policies. Offer innovative approaches to assist the ESM to excel in this area.
- **Provision of trainings**
 - Directly or via sub-contractor provide individual or group trainings, standard or customized, to the ESM FM Team and/or other ESM staff, as needed, to include but not to be limited to FM-related topics, organisational skills, technical competence trainings, safety, other competency-based trainings, etc. All training providers must be approved by the ESM.
 - Organize preparation courses for certifications, and coordinate certification process, as needed.

In addition, the ESM may require the provider to provide advice and support, or full project management with regards to special projects/tasks. Some examples of possible projects are provided below. The list is not all-inclusive and will depend on the needs of the ESM.

- **Project examples**
 - Electrical network resilience and other technical projects
 - Implementation of physical security information management system
 - Building automation system and other FM related tools and systems
 - Integrated workplace management systems
 - Renovation and/or redesign of the existing or additional space required for the ESM needs
 - Any other FM related projects.

3.2 Resource backfilling and additional resources

The ESM may from time to time require the provider to provide resources (the “**Resources**”) to cover for the absence of FM Team members. The provider will in such cases provide Resources of at least equivalent seniority and areas of expertise as those members of the FM Team they are covering for.

Normally, the resource backfilling will be required on an exceptional basis to provide cover for planned absences (long-term sick leave, parental leave, staff leaving the FM Team, etc.) where the ESM will be able to provide the provider with a notice of one week or longer. However, the provider should also have a capacity to provide the Resources on a short notice (within 2 working days) in emergency situations. The provider will be requested to provide additional resources on a level which satisfies the required level of knowledge, experience, and expertise.

4. PROVIDER EXPERTISE AND TEAM REQUIREMENTS

The Provider will be required to demonstrate the following:

- The ability to provide best practice advice and recommendations on all topics listed in Section 3 above.
- The ability to draft technical specifications and scope of work documents to support the FM Team throughout procurement activities.
- A strong understanding of the market environment and constraints in relation to all topics listed in Section 3 above.
- A strong knowledge of external providers providing services to the Luxembourg market is not a mandatory requirement but will be considered an advantage.
- Ability to provide the ESM with benchmark exercise including the price in relation to all topics listed in Section 3 above.
- Comprehensive knowledge of relevant regulations in the FM field in the European Union and in Luxembourg.
- Excellent written and spoken English, (the working language of the ESM) and the ability to communicate with external providers in French and/or German. At its sole discretion, the ESM may request the replacement of personnel whose English proves to be on unsatisfactory level.

The provider will ensure that the Services are performed to the highest standard and will have appropriate measures in place to monitor performance and delivery of the Services (e.g., key performance indicators).

The provider will be required to staff Assignments with resources (experts) with the following profiles:

Junior Consultant

- To provide support on project and advisory Assignments, with the ability to take the lead on some topics.
- A minimum of three years’ experience in the relevant stream of FM (operations and services, building extension or construction projects, relocation, and space planning projects, etc.).

- Junior consultants must hold a university degree (bachelor level) relevant for the Assignment.

Consultant

- To manage projects and advisory Assignments.
- A minimum of five years years’ experience in the relevant stream of FM (operations and services, building extension or construction projects, relocation, and space planning projects, etc.).
- Consultants must hold a university degree (bachelor level) relevant for the Assignment.

Senior Consultant

- To take the lead on project and advisory Assignments.
- A minimum of seven years’ experience in the relevant stream of FM (operations and services, building extension or construction projects, relocation, and space planning projects, etc.), including a minimum of three years in a leading role.
- Senior consultant must hold a university degree (bachelor’s level or higher) relevant for the Assignment.
- Senior consultant must hold at least IPMA C level (or equivalent) certification.

Subject Matter Expert

- For topics requiring a high degree of specialisation, the provider will provide the services of subject matter experts. Where the specific expertise is not available in-house, the provider may be allowed to sub-contract subject matter services. Subject matter expertise may be required in all fields of facilities management.

Project Manager

- To take overall responsibility for results, deadlines, and resources in the relation to all project and advisory Assignments.
- To take the lead on project and advisory Assignments.
- A minimum of ten years’ experience in the relevant stream of PM and FM (operations and services, building extension or construction projects, relocation, and space planning projects, etc.), including a minimum of six years in a leading role. Experience in a similar project would be preferred.
- Project managers must hold a university degree (bachelor’s level or higher) relevant for the Assignment.
- Project managers must hold IPMA B level (or equivalent) certification.

Project Assistant

- To provide mainly administrative and simple coordinative tasks.
- Project assistants are not required to hold any qualification but must have good organisational and MS Office skills.

Customer service support (front desk)

- A successful Customer service support candidate will have various prerequisite skills and qualifications that may include but are not limited to the following:
 - The ability to remain patient and calm during stressful situations.
 - The ability to work well under severe pressure and to handle criticism well.
 - Administration skills.
 - Customer service skills.
 - Excellent verbal and written communication skills.
 - Attention to detail.

- Strong report-writing and presentation skills, together with a familiarity with popular software packages such as Microsoft Office, Teams, etc.
- Self-motivation to use their initiative and to innovate, when required.

Based on the specific assignment, the ESM will have the right to select specific people based on their availabilities.

The ESM will have the right to request a change of personnel if the provided personnel does not meet the requirements of this terms of references and of the specific assignment.

5. DELIVERABLES AND DOCUMENTATION

All documentation deliverables will be prepared in English and provided to the ESM through its SharePoint Online workspace unless specifically agreed otherwise. The document management rules of the ESM must be respected, and documents must be provided in an editable and final format best suitable for the purpose of the document as required by the ESM. The deliverables for the Assignments will be defined in the relevant Implementing Contracts. Deliverables must be at the highest quality level and accepted by the ESM. In case of sub-level quality, provider will be required to upgrade the deliverable.

6. IMPLEMENTATION ARRANGEMENTS

The implementation arrangements for the Assignments will be governed by the related Implementing Contract. In general, the responsible person per topic within the FM Team will be the point of contact for the provider. When contacted by the ESM, the provider will need to respond to the request within the following timelines:

1. For simple requests: (catch-up, alignment on a specific topic or answer a question on a specific topic etc.) within two business days.
2. For complex topics: (quote for a specific work/project etc.) within two business days by providing a date by when the query will be answered.
3. Availability for online meetings: within two business days.
4. Availability for on-site presence: within five business days from the date of the notification by the ESM (based on standard urgency, can be shorter for defined high-priority topics and longer for low-priority and plannable topics)

Annex 2

Eligibility, Exclusion Criteria, and other required information and documents

1. Eligibility and Exclusion Criteria

- 1.1. Declaration on eligibility*
- 1.2. Non-Collusion Declaration*

Note: See the separate document with the above declarations

Section 3: Other Required Information and Documents

- 3.1. Cover certification form
- 3.2. Consortium declaration
- 3.3. Subcontractor commitment letter

Note: See the separate document with the above declarations

7 Annex 3 Selection and Award criteria

1. Selection Criteria

As part of their Application, Candidates are requested to address each item/question below and supply the requested evidence in the correspondingly named and numbered way.

The selection criteria apply to the Candidate as a whole, i.e. a consolidated assessment of the combined capacities of all involved entities will be carried out.

Please note that for the purpose of the evaluation of the Applications, the ESM will assess the responses provided to the items set out below in this Section 2.

2.1. *Economic and financial standing*

Candidates must comply with the following selection criteria in order to prove that they have the necessary economic and financial capacity to perform the Contract.

Item Number	Selection Criteria	Requirements	Evidence
1.	The Candidate must prove sufficient past revenue.	Annual, global revenue of at least € 1M. in each of the last two (completed) financial years generated from the provision of services similar to the services set out in Annex 1 to this RfP.	A signed self-attestation from the Candidate. No specific template is requested by the ESM.

2.2. *Technical or professional ability*

Candidates must comply with the following selection criteria in order to prove that they have the necessary technical or professional ability to perform the Contract.

Item Number	Selection Criteria	Requirements	Evidence
1.	The Candidate must prove experience in the field of FM consultancy services necessary for performance of the Contract.	<p>At least 3 years of relevant experience in the provision of services similar to the services set out in Annex 1 to this RfP.</p> <p>At least 3 successfully finalised or ongoing contracts similar in scope and complexity to the services set out in Annex 1 to this RfP, in the last five years preceding the submission deadline.</p>	<ol style="list-style-type: none"> 1) A signed self-attestation from the Candidate confirming the ability to fulfil the requirements set out under this item. No specific template is requested by the ESM. 2) A summary of 3 years of <u>relevant</u> experience. 3) A summary of the <u>relevant</u> contracts, including their scope, total annual value, client name or industry if name can't be disclosed, start and end date of the contract. No specific template is requested by ESM. 4) A concise description of the Candidate's company demonstrating that the Candidate is capable of providing the Services described in this RFP.
2.	The Candidate must be able to provide a team of experts/providers.	The candidate can provide personnel meeting the requirements described in Annex 1.	<ol style="list-style-type: none"> 1) A signed self-attestation from the Candidate confirming the ability to fulfil the requirements set out under this item. No specific template is requested by ESM. 2) Detailed CVs of the team members proposed. The ESM recommends submitting the CVs in the EU CV format

2.3. Authorisation and suitability to carry out the relevant professional activity

Candidates must comply with the following selection criteria in order to prove that they have the necessary authorisation and suitability to perform the Contract.

Item Number	Selection Criteria	Evidence
1.	The Candidate must prove that they have legal capacity to perform the Contract and the regulatory capacity to pursue the professional activity necessary to carry out the services subject to this procurement process.	<ul style="list-style-type: none"> • Copy of a proof of enrolment in a relevant trade or professional register. • Proof of authorisation that the candidate is authorised to perform the contract in Luxembourg • Copy of a proof that the Candidate is a member of a specific professional organisation.

1. Award Criteria

In their technical responses, Candidates should refer to the quality award criteria and instruction numbers before providing their answers.

The Candidates' technical response should then be sent to the ESM as a separate PDF attachment along with the other documents requested (see Section 5 'Structure of the Proposal').

Quality	70%
Criteria 1 - Quality of Personnel	35%
<p>1) Provide CVs of the core team you will send to the ESM whenever a need arises.</p> <p>As the ESM will award a framework agreement which does not involve any upfront commitment to specific work, therefore it is acknowledged that once the Agreement is signed and a need arises, if the personnel interviewed during the presentation is not available because of other commitments etc., other personnel of the same or higher qualifications will be proposed and vetted by ESM at that time.</p> <p>2) Provide minimum 2 CVs for each of the following profiles:</p> <ul style="list-style-type: none"> • Junior consultant • Consultant • Senior consultant • Subject matter expert • Project manager • Project assistant • Customer service support (front desk) <p>The CV's should at least include the following: the role, achievements, main projects that the consultant was involved and what was the contribution.</p> <p>3) Explain the roles and responsibilities these resources would have when working with the ESM.</p> <p>Note that at least one of the named personnel proposed (whose CV was submitted) for a project manager and a senior consultant will be required to attend the presentation.</p>	
Criteria 2 - Quality of Methodology	35%
<p>Quality of Methodology</p> <p>1) Explain the approach you would propose to apply when providing the services described in Annex 1 and how you can adapt it to the needs of the ESM.</p> <p>2) Explain based on your past experiences, what were the biggest obstacles in providing high-quality services and good collaboration? Explain your biggest obstacle with a client and how did you overcome this.</p> <p>3) If you were to think about the best collaboration examples you had with clients, what made this collaboration successful? What were they key success factors to achieve that?</p> <p>4) Explain how you will respond to short term requests and ensure the ESM receives the best advice at all times.</p>	

<p>5) Explain which FM norms and guidelines you follow.</p> <p>6) Explain if you have experience with local providers and local authorities that would benefit the ESM, and if this is not the case how you will intend to build this.</p> <p>7) Explain how you ensure the Services are performed to the highest standard. How do you ensure appropriate performance management of the Services and what measures do you put in place to monitor this? How do you ensure service continuity?</p>	
<p>Price</p>	<p>30%</p>
<p>Total</p>	<p>100%</p>

1.1 Price – Commercial Proposal Elements

In their commercial responses, Candidates should refer to the price award criteria and instruction numbers before providing their answers.

The Candidates’ commercial response should then be sent to the ESM as a separate PDF attachment along with the other documents requested (see Section 5 ‘Structure of the Proposal’).

8 Annex 4 Commercial Response Template

See attached

9 Annex 5 Draft Agreement

See attached