



SRB –SINGLE RESOLUTION BOARD

Call for Tenders N° SRB/OP/1/2015

**PROVISION OF ACCOUNTING ADVICE, ECONOMIC & FINANCIAL
VALUATION SERVICES AND LEGAL ADVICE**

LOT 3 – LEGAL ADVICE

AWARD CRITERIA FOR THE MULTIPLE FRAMEWORK SERVICE CONTRACT

APPENDIX C

1. 1 INTRODUCTION

The contract will be awarded to the tenderers who submit the most economically advantageous bid (those with the highest score) based on the quality criterion and their associated weightings:

2. AWARD CRITERIA FOR THE FRAMEWORK CONTRACT:

THERE ARE 3 CRITERIA FOR THE QUALITY OF THE PROPOSAL:

1. Quality criterion 1 Approach and methodology ($W_1 = 40\%$)
2. Quality criterion 2 Assignment Management ($W_2 = 20\%$)
3. Quality criterion 3 Resource Management & Retention ($W_3 = 10\%$)

and the price criterion and associated weighting:

4. Price of the bid ($W_{price} = 30\%$).

2. QUALITY CRITERIA (WEIGHTING 70%) LOT 3

The tenderer should provide a strategy document covering the following aspects.

Nr	Description of Quality Criteria	Weight
1	<p>Approach and methodology</p> <p>A technical note of the proposed methodology for delivering the services described in the scenario below must not exceed 5 A4 pages, minimum font size 11) minimum line spacing 1) with the filename "[Supplier Name] Lot 3:.</p> <p>Scenario for Lot 3:</p> <p>A financial institution directly supervised by the ECB as "significant supervised group" with presence in Member States both participating and not participating in the Banking Union and third countries, is determined 'failing or likely to fail' on a Friday evening, 22:00h Brussels, Belgium. The parent company is an operating, listed and privately owned stock corporation and participates in a deposit guarantee scheme.</p> <p>The SRB intends to implement an 'open bank model'-resolution scheme comprising the bail-in tool only (after write-down and conversion of capital instruments). The SRB may, inter alia, be confronted with the question whether to:</p> <ul style="list-style-type: none"> • exclude liabilities from the application of the write-down or conversion powers pursuant to Art. 27 para. 5 et seqq. of the SRM-R; • use the Single Resolution Fund. <p>Post application of the bail-in tool, the group shall satisfy the same capital and buffer requirements as before.</p> <p>In the scenario described above, the SRB is looking for a legal advisor assisting it when establishing the resolution scheme. The tasks may, inter alia, comprise, rendering due diligences, analysing whether debt is bail-inable, looking at the creditor hierarchy in insolvency and assessing the 'no creditor worth off'-principle.</p> <p>The estimated time commitment shall be 30 calendar days and may start already prior to the actual date as of which the 'failing or likely to fail'-determination is made.</p> <p>Requirements:</p> <p>Your response should include information on the following aspects:</p> <ul style="list-style-type: none"> • an outline of your approach and proposed methodology, including the type of services you expect to render; • likely areas of focus and typical concerns raised during the project; • areas of law to be covered; and • a timeline to demonstrate how the services will be delivered within the prescribed timescale noted above, including key milestones and interaction with the group, third party advisors (such as accountants) and the SRB, the ECB and the European Commission. <p>The tenderer must demonstrate the following <u>qualities</u> in its response:</p> <ul style="list-style-type: none"> • A deep understanding of the requirements by proposing a methodology that adequately takes into account the main concerns of the SRB. • Suitable quality assurance measures and control mechanism used to ensure that the advice and services provided are of a high quality. 	40%

	<ul style="list-style-type: none"> • Ability to address potential uncertainties or challenges and approach to manage them effectively. 	
2	<p>Assignment management</p> <p>(The answer must be maximum 3 A4 pages, minimum font size 11).</p> <p>Successful tenderers should be able to work effectively with the SRB and, where required, the financial institutions whilst also maintaining their independence when providing their services. Please demonstrate how you will manage the individual assignments and the relationships with the SRB and the financial institutions to ensure that maximum benefit is delivered to the SRB. Your response should provide, as a minimum:</p> <ol style="list-style-type: none"> A description of how your organisation will communicate with the SRB, their representatives and, where relevant, the financial institution, to ensure the correct functioning of both the individual assignments and the Multiple Framework Service Contract. A description of how you plan to ensure that the assignments are delivered on time and within budget. A description of your internal conflict check process and related timelines. 	20%
3	<p>Resource Management and Retention</p> <p>(The answer must be maximum 2 A4 pages, minimum font size 11).</p> <p>The successful tenderers should have in place mechanisms and policies for managing and retaining high quality resources throughout the life of this Multiple Framework Service Contract. Please provide a description of the proposed approach, whereby your answer should provide, as a minimum:</p> <ol style="list-style-type: none"> An outline of a resources plan analysing the level and type of resources to be used across the various components of your approach / methodology. A description of how you plan to ensure that (i) a high level of skills and expertise will be available for assignments for the duration of the Multiple Framework Service Contract and (ii) maximum benefit is delivered to the SRB. A description on how you manage key person risk. 	10%

3. AWARD CRITERION – PRICE (WEIGHTING 30%) LOT 3

Tenderers must provide hourly rates for the following profiles:

Profile	Price per hour in EUR (including all expenses but excluding travel)
Partner	
Senior Associate	
Associate	
Junior	

The hourly rates that the tenderer commits to (during this procurement process) are the maximum rates that the successful tenderers will be able to charge under the Specific Contracts. Moreover, when quoting a price for the Specific Contract under

the Multiple Framework Service Contract, contractors must not exceed the hourly rates specified in the table above but can offer discounts. The hourly rate is a fixed price and shall include all direct and indirect costs excluding travelling costs.

Travel Expenses

As mentioned in point 3.3 "Place of work" of the Tender Specifications, services may be delivered in places outside Brussels.

Where additional travel is required as part of an assignment under the Specific Contracts, expenses must have prior written approval by the SRB and will only be paid upon production of valid receipts.

The SRB reserves the right to cap a maximum amount for such expenses that will be paid.

Any other specific expenditure incurred in performance of the contract must have prior written approval by the SRB and will only be paid upon production of valid receipts.

EVALUATION OF THE PRICE:

For evaluation purposes only, the below **scenario for the price** of the team will be used to compare the bids. The percentages reflect the estimated involvement of the various profiles in the team.

Total hourly rate price = ((price for a Partner * 20%) + (price for a Senior Associate * 35%) + (price for an Associate * 25%) + (price for a Junior * 20%))