

DK-Hillerød: financial markets administration services

OJ S 183/2012 22/09/2012

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1. Name and addresses

Official name: Arbejdsmarkedets Tillægspension

National registration number: CVR.nr. 43405810

Postal address: Kongens Vænge 8

Town: Hillerød

Postal code: 3400

Country: Denmark

Contact person: Arbejdsmarkedets Tillægspension

For the attention of: Data Manager Jesper Lorenzen

E-mail: atpdata2012@atp.dk

Telephone: +45 48204662

Internet address(es):

General address of the contracting authority: www.atp.dk

Additional information can be obtained from:

the abovementioned address

Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from:

the abovementioned address

Tenders or requests to participate must be submitted: the abovementioned address

I.2. Type of the contracting authority

Body governed by public law

I.3. Main activity

General public services

Economic and financial affairs

Social protection

I.4. Contract award on behalf of other contracting authorities

The contracting authority is purchasing on behalf of other contracting authorities: no

Section II: Object of the contract

II.1. Description

II.1.1. Title attributed to the contract by the contracting authority

Financial data supply service agreement.

II.1.2. Type of contract and place of performance or delivery

Services

Service category No 6: Financial services a) Insurances services b) Banking and investment services

Main site or place of performance: Arbejdsmarkedets Tillægspension, Kongens Vænge 8, 3400 Hillerød, DENMARK.

NUTS code DK013 Nordsjælland

II.1.3. Information about a framework agreement or a dynamic purchasing system

The notice involves a public contract

II.1.4. Information about framework agreement

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

Arbejdsmarkedets Tillægspension wishes to enter into a financial data supply service agreement for a period of 2-4 years to replace the present agreement which terminates on 5.10.2013.

Arbejdsmarkedets Tillægspension - which is a pension fund organized as an independent, self-governing institution governed by law - will be the contracting party. The contract will include data supply and associated services to Arbejdsmarkedets Tillægspension as well as its subsidiaries and schemes and entities administered or managed by Arbejdsmarkedets Tillægspension (collectively referred to as ATP in this notice).

The contract notice is divided into 5 parts (lots) as described in Section II.2.1). ATP wishes to have the possibility of choosing a vendor for one, more than one or all the parts. Therefore it is possible to request for participation and to participate regarding one part, more than one or all the parts.

The contracts are to compromise data supply and associated services regarding the portfolios held or managed by ATP at whatever time during the contract period or benchmark portfolios. We expect the contract(s) for which tenders are invited to comprise services relating to data supply, including the supply and quality assurance of price data, static data and security details, interest rates, FX rates and other reference data concerning securities portfolios and financial instruments.

We expect the vendor to adjust their services on an ongoing basis throughout the term of the contract in line with changes in the market, products and best practice for the data supply industry.

II.1.6. CPV code(s)

66150000 Financial markets administration services, 66170000 Financial consultancy, financial transaction processing and clearing-house services, 72300000 Data services, 72310000 Data-processing services, 73000000 Research and development services and related consultancy services, 79300000 Market and economic research; polling and statistics, 79310000 Market research services, 79311400 Economic research services, 79313000 Performance review services, 79330000 Statistical services

II.1.7. Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: yes

II.1.8. Lots

This contract is divided into lots: yes

Tenders may be submitted for one or more lots

II.1.9. Information about variants

Variants will be accepted: no

II.2. Scope of the procurement

II.2.1.

Total quantity or scope

The Financial data supply service Agreement will comprise deliverance of data regarding.

- (i) Security details & static data – listed or exchange traded securities on a global scale
- (ii) Pricing of listed or exchange traded securities on a global scale
- (iii) Interest rates on a global scale
- (iv) FX data: GMT 1600 exchange rates on a global scale
- (v) FX pips and settlement days on a global scale.

Vendors that do not deliver data for Danish bonds will be considered to satisfy the requirement to supply on a global scale in (i) and (ii).

Currently ATP daily receives around 5000 units of data, including around 3000 units on prices and 2000 units on interest rates etc. The type or number of units will differ from day to day.

Supply of static data will follow the number of units on prices and will therefore be around 3000 units.

II.2.2. Information about options

Options: yes

Description of options: ATP requires an option for the contract renewal of up to 2 x 12 months.

II.2.3. Information about renewals

This contract is subject to renewal: yes

Number of possible renewals: Range: between 1 and 2

In the case of renewable supplies or service contracts, estimated timeframe for subsequent contracts:

in months: 12 (from the award of the contract)

II.3. Duration of the contract or time limit for completion

Duration in months: 24 (from the award of the contract)

Information about lots

Lot No: 1

Lot title: Security details & static data – listed or exchange traded securities.

1) Short description

The service covers data supply of details, static data and other reference data on listed or exchange traded securities. We need daily scheduled updates and ad hoc updates when adding new positions to our portfolios.

2) CPV code(s)

66150000 Financial markets administration services, 66170000 Financial consultancy, financial transaction processing and clearing-house services, 72300000 Data services, 72310000 Data-processing services, 73000000 Research and development services and related consultancy services, 79300000 Market and economic research; polling and statistics, 79310000 Market research services, 79311400 Economic research services, 79313000 Performance review services, 79330000 Statistical services

3) Quantity or scope

The data must cover a global scale. Vendors that do not deliver data for Danish bonds will be considered to satisfy the requirement to supply on a global scale.

4) Indication about different time frame or duration

5) Additional information about lots

Lot No: 2

Lot title: Pricing of listed or exchange traded securities

1) Short description

The service covers data supply of prices - bid, mid and closing prices - on listed and exchange traded securities and index factors in respect of index-linked bonds, index values and prices.

2) CPV code(s)

66150000 Financial markets administration services, 66170000 Financial consultancy, financial transaction processing and clearing-house services, 72300000 Data services, 72310000 Data-processing services, 73000000 Research and development services and related consultancy services, 79300000 Market and economic research; polling and statistics, 79310000 Market research services, 79311400 Economic research services, 79313000 Performance review services, 79330000 Statistical services

3) Quantity or scope

The data must cover a global scale. Vendors that do not deliver data for Danish bonds will be considered to satisfy the requirement to supply on a global scale.

4) Indication about different time frame or duration

5) Additional information about lots

Lot No: 3

Lot title: Interest rates

1) Short description

The service covers data supply of interest rates:

- Swap rates,
- Repo rates,
- Deposit rates,
- Government rates,
- Inflation.

Both end of day rates and all quoted ticks should be available.

2) CPV code(s)

66150000 Financial markets administration services, 66170000 Financial consultancy, financial transaction processing and clearing-house services, 72300000 Data services, 72310000 Data-processing services, 73000000 Research and development services and related consultancy services, 79300000 Market and economic research; polling and statistics, 79310000 Market research services, 79311400 Economic research services, 79313000 Performance review services, 79330000 Statistical services

3) Quantity or scope

The data must cover a global scale.

4) Indication about different time frame or duration

5) Additional information about lots

Lot No: 4

Lot title: FX data: GMT 1600 exchange rates

1) Short description

The service covers data supply of GMT 1600 exchange rates.

2) CPV code(s)

66150000 Financial markets administration services, 66170000 Financial consultancy, financial transaction processing and clearing-house services, 72300000 Data services, 72310000 Data-processing services, 73000000 Research and development services and related consultancy services, 79310000 Market research services, 79311400 Economic research services, 79300000 Market and economic research; polling and statistics, 79313000 Performance review services, 79330000 Statistical services

3) Quantity or scope

The data must cover a global scale.

4) Indication about different time frame or duration

5) Additional information about lots

Lot No: 5

Lot title: Pips and settlement days

1) Short description

The service covers data supply of pips on different quotation times over the day. The pips shall include settlement days for the different terms. The pips have to be denominated in local currency.

2) CPV code(s)

66150000 Financial markets administration services, 66170000 Financial consultancy, financial transaction processing and clearing-house services, 72300000 Data services, 72310000 Data-processing services, 73000000 Research and development services and related consultancy services, 79300000 Market and economic research; polling and statistics, 79310000 Market research services, 79311400 Economic research services, 79313000 Performance review services, 79330000 Statistical services

3) Quantity or scope

The data must cover a global scale.

4) Indication about different time frame or duration

5) Additional information about lots

Section III: Legal, economic, financial and technical information

III.1. Conditions related to the contract

III.1.1. Deposits and guarantees required

None.

III.1.2. Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them

Quarterly payment in arrears.

III.1.3. Legal form to be taken by the group of economic operators to whom the contract is to be awarded

No particular legal form is required; however, clear allocation of responsibility and liability is a requirement. Where the Financial Data Supply Service Agreement is awarded to a grouping of service providers, the participants are required to be jointly and severally liable and to appoint a joint attorney-in-fact.

III.1.4. Contract performance conditions

The performance of the contract is subject to particular conditions: yes

Description of particular conditions: The tender must be able to provide 24 hours service in the period from Monday to Saturday.

III.2. Conditions for participation

III.2.1. Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers

List and brief description of conditions: A signed solemn declaration must be submitted with the request to participate in relation to unpaid, overdue payments to the public sector, cf. Consolidation Act no. 336 of 13.5.1997 (Act on limitation of debtors' participation in public works contracts, as amended), meaning that all candidates are required to produce a signed solemn declaration demonstrating that they have fulfilled obligations relating to the payment of (i) social security contributions under the law of any part of Denmark or of the relevant State in which the candidate is established and (ii) taxes under the law of any part of Denmark or of the relevant State in which the economic operator is established.

In accordance with 'Bekendtgørelse nr. 712 af 15. juni 2011 om fremgangsmåderne ved indgåelse af offentlige vareindkøbskontrakter, offentlige tjenesteydelseskontrakter og offentlige bygge- og anlægskontrakter' (Executive Order No. 712 of 15.6.2011 on procedures for the award of public works contracts, public supply contracts and public works contracts), all applicants will - on the date of submission of its tender - be asked to submit a signed solemn declaration that the applicant are not covered by the exclusion criteria in Article 45 in Directive 2004/18/EC of the European Parliament and of the Council of 31.3.2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, meaning that all tenders will be required to produce a signed solemn declaration demonstrating that:

(i) The tender are not bankrupt or the subject of an administration order, are not being wound-up, have not granted a trust deed, are not the subject of a petition presented for sequestration of their estate, have not had a receiver, manager or administrator appointed and are not otherwise apparently insolvent.

(ii) The tender, their directors, or any other person who has powers of representation, decision or control of the tender has not been convicted of conspiracy, corruption, bribery, or money laundering.

(iii) The tender have not been convicted of a criminal offence relating to the conduct of their business or profession.

(iv) The tender have not committed an act of grave misconduct in the course of their business or profession.

(v) The tender comply with the requirements of the State in which they are established, regarding registration on the professional or trade register. Failure to provide such a declaration will result in the candidate being declared ineligible and they will not be selected to participate in this procurement process.

Any tender found to be guilty of serious misrepresentation in providing any information required, may be declared ineligible and not selected to continue with this procurement process.

III.2.2. Economic and financial ability

List and brief description of conditions: A statement of the participants overall turnover for a maximum of the last three financial years available, depending on the date on which the

participant was set up or started its business, as far as the information on these turnovers is available. If the applicant is an association, the information must be provided for each part in the association.

Please note that ATP request certain additional information regarding the participant's economic and financial ability, cf. Section VI.3.

Minimum level(s) of standards possibly required: At least an overall turnover equal to or more than 2 000 000 EUR for the latest financial year of the participant.

III.2.3. Technical and professional ability

List and brief description of conditions:

- 1) A statement of the average annual manpower of the participant for the last 3 years
- 2) A reference list of the vendor's top20 significant similar customers the vendor has delivered or provided equal main services to in the last 5 years, with the sums, dates and recipients involved including a description of the services delivered. If the applicant is an association, the information must be provided for each part in the association.

Please note that ATP request certain additional information regarding the participant's technical capacity and/or professional ability, cf. Section VI.3.

Minimum level(s) of standards possibly required:

- 1) The candidate must have at least an average annual manpower of 50 persons employed the last financial year.
- 2) The candidate must have at least 20 similar customers the vendor provides equal services to in the last financial year.

III.2.4. Information about reserved contracts

III.3. Conditions specific to services contracts

III.3.1. Information about a particular profession

Execution of the service is reserved to a particular profession: no

III.3.2. Information about staff responsible for the performance of the contract

Obligation to indicate the names and professional qualifications of the staff assigned to performing the contract: no

Section IV: Procedure

IV.1. Type of procedure

IV.1.1. Type of procedure

Restricted

IV.1.2. Information about the limits on the number of candidates to be invited

Envisaged number of candidates: 5

Objective criteria for choosing the limited number of candidates: If the number of applicants who fulfill the qualifications required exceeds the number of applicants, the contracting entity will pre-qualify those candidates who demonstrate the best experience of providing services similar to that presented in accordance with Section III.2.3.

IV.1.3. Information about reduction of the number of solutions or tenders during negotiation or dialogue

IV.2. Award criteria

IV.2.1. Award criteria

The most economically advantageous tender in terms of Price is not the only award criterion and all criteria are stated only in the procurement documents

IV.2.2. Information about electronic auction

An electronic auction will be used: no

IV.3. Administrative information

IV.3.1. File reference number attributed by the contracting authority

FLS-30-12-13

IV.3.2. Previous publication concerning this procedure

no

IV.3.3. Conditions for obtaining specifications and additional documents or descriptive document

Payable documents: no

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

22.10.2012 - 13:00

IV.3.5. Estimated date of dispatch of invitations to tender or to participate to selected candidates

IV.3.6. Languages in which tenders or requests to participate may be submitted

Danish. English.

IV.3.7. Minimum time frame during which the tenderer must maintain the tender

IV.3.8. Conditions for opening of tenders

Section VI: Complementary information

VI.1. Information about recurrence

This is a recurrent procurement: yes

Estimated timing for further notices to be published: 2-4 years

VI.2. Information about European Union funds

The procurement is related to a project and/or programme financed by European Union funds:
no

VI.3. Additional information

1) Essential requirements for contract:

(i) During the term of the contracts, new institutions, schemes, entities, subsidiaries or subsidiary undertakings placed under the ownership, administration or management of Arbejdsmarkedets Tillægspension or one of the above institutions, schemes, entities or undertakings shall be covered by the contracts on the terms thereof.

(ii) ATP anticipates that the vendor has 5 or more years' experience in the relevant markets and in the tender process can prove an extended knowledge concerning the relevant markets under the lots the vendor participate in.

(iii) ATP anticipates that the vendor have a data delivery concept/technology that can be proven stable (statistics, customer satisfaction survey or equal).

2) ATP reserves the right to reject one or several services - or parts of the services.

3) Questionnaire regarding the tender's economic and financial ability, technical capacity etc.
(i) Please note that ATP asks for certain information regarding the tender's economic and financial ability, technical capacity and/or professional ability etc. in the Contract Notice and the ' Questionnaire regarding the operators legal form, economic and financial ability, technical capacity etc.' The questionnaire can be obtained by contacting the person mentioned under Section I.

(ii) To avoid any misunderstanding only the information required under the Section III.2.2 and III.2.3 in the Contract Notice will be used for evaluating if the requirements are met for prequalification. The information required in other parts of the Contract Notice and the questionnaire will only be used for preparation of the tender material and the contract and not be used for evaluating if the requirements are met for prequalification.

4) Other information:

(i) The tender must maintain the tender for a minimum period up to 30 June 2013

(ii) To avoid any misunderstanding the time limit for receipt of requests to participate set out in Section IV.3.4 is 13.00 CET on the 22 October 2012.

(iii) Any request to participate including statements, declarations, answers to questionnaire and any other documentation sent by post or courier must be forwarded in 5 copies.

5) Transmission and data delivery

(i) The data transmission is based on a request form ATP requesting prices or other market items in order to be capable of pricing and evaluating own portfolio. Therefore ATP expects to upload requests for prices or market items defined in the tenders above on a daily basis and receive an answer if a price or the item exists for the requested day.

(ii) It will be preferred if the data provider can receive a data request including the market items that ATP expects delivery of on daily basis, and that the provider delivers the expected data following a schedule defined between the data provider and ATP. The expected time of delivery is to be no less than 3 hours after closing of the individual market.

(iii) It will be preferred that the data vendor push data to ATP, but this is not mandatory.

(iv) The data vendor must have a support function that can handle eventual breaks at the time they take place according to the schedule defined.

(v) It is the data vendor that has the responsibility to react if data is not delivered as expected. The course of action that is needed differs within each part (lot). Lot two to four demands immediate action if data is not delivered on time. The action plan has to be defined between ATP and the vendor. It is preferred that the vendor takes the responsibility to react if any changes are found in data prior delivered to ATP. The reaction results in a new data delivery where the changed prices are included.

6) Quality management

(i) In order to ensure the best quality of data, it will be highly valued and a significant part of the award process, that the data vendor has proper data quality controls in place. These processes can either be data wash or other controls, and the vendor will be evaluated upon their Total Quality Management (TQM).

(ii) The evaluation of the quality of the data in the award process will be divided in two. First reference visits to other users of the vendor's data and second examination of the vendor's statistics data for measuring of quality of the data. This measure is used as a proxy for the quality of the TQM process.

(iii) During the term of the contract the data management team of ATP will have to have access to the vendor's data environment online or through other facilities in order to verify the correctness of data and to ensure the data quality process. This demand is a consequence of ATP's internal control environment where the data is evaluated.

(iv) During the term of the contract the ATP expects the vendor a) to generate statistics of the quality of data delivered to ATP (which is evaluated against own statistics), and b) the vendor

participates in a quarterly meeting at ATP where a part of the agenda is evaluating the quality of the data and the dataflow.

VI.4. Procedures for review

VI.4.1. Review body

Official name: Klagenævnet for Udbud
Postal address: Dahlerups Pakhus, Langelinie Allé 17
Town: København Ø
Postal code: 2100
Country: Denmark
E-mail: klfu@erst.dk
Telephone: +45 35291000
Fax: +45 33307799
Internet address: <http://www.klfu.dk/>

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: A company's complaint about not being pre-qualified shall be filed with 'Klagenævnet for Udbud' (the Complaints Board for Public Procurement) within 30 calendar days from the day following the day on which the contracting entity has sent a notification to interested applicants who have been pre-qualified. ATP will incorporate a standstill period at the point information on the award of the contract is communicated to tenderers. That notification will provide full information on the award decision. The standstill period, which will be for a minimum of 10 calendar days, provides time for unsuccessful tenderers to challenge the award decision before the contract is entered into. A complaint against the tender must be submitted to Klagenævnet for Udbud (the Complaints Board for Public Procurement) within 6 months from the day following the date of publication of the notice, cf. lov om håndhævelse af udbudsreglerne mv. § 7, stk. 2 (the Act on enforcement of procurement rules, section 7, second paragraph). At the same time the plaintiff shall in writing notify the tender of the complaint lodged with Klagenævnet for Udbud, and whether the application ask for a stay of execution pending the outcome of the complaint, cf. lov om håndhævelse af udbudsreglerne mv. § 6, stk. 3 (the Act on enforcement of procurement rules, section 6, third paragraph).

VI.4.3. Service from which information about the review procedure may be obtained

Official name: Konkurrence- og Forbrugerstyrelsen
Postal address: Carl Jacobsens Vej 35
Town: Valby
Postal code: 2500
Country: Denmark
E-mail: kfst@kfst.dk
Telephone: +45 41715000
Fax: +45 41715100
Internet address: <http://www.ks.dk/>

VI.5. Date of dispatch of this notice

19.9.2012