

Germany-Frankfurt am Main: Provision of IPR Agent Services

OJ S 220/2023 15/11/2023

**Contract notice
Services**

Legal Basis:

Directive 2014/24/EU

Section I: Contracting authority

I.1. Name and addresses

Official name: European Central Bank
National registration number: PRO-009768
Postal address: Sonnemannstrasse 22
Town: Frankfurt am Main
NUTS code: DE712 Frankfurt am Main, Kreisfreie Stadt
Postal code: 60314
Country: Germany
Contact person: Ms Uta Elbers-Kesten
E-mail: procurement@ecb.europa.eu
Telephone: +49 69/13440
Fax: +49 69/13447110
Internet address(es):
Main address: <http://www.ecb.europa.eu>

I.3. Communication

The procurement documents are available for unrestricted and full direct access, free of charge, at: <https://www.ecb.europa.eu/ecb/jobsproc/sourcing/html/index.en.html>
Additional information can be obtained from the abovementioned address
Tenders or requests to participate must be submitted electronically via: <https://www.ecb.europa.eu/ecb/jobsproc/sourcing/html/index.en.html>
Tenders or requests to participate must be submitted to the abovementioned address

I.4. Type of the contracting authority

European institution/agency or international organisation

I.5. Main activity

Economic and financial affairs

Section II: Object

II.1. Scope of the procurement

II.1.1. Title

Provision of IPR Agent Services
Reference number: PRO-009768

II.1.2. Main CPV code

79100000 Legal services

II.1.3.

Type of contract

Services

II.1.4. Short description

Provision of patent agent services regarding current and future euro banknotes, specifically dedicated to banknote research and development activities and to Intellectual Property Rights (IPR) matters related to euro banknotes, the process of euro banknote development, euro authentication devices, euro banknote sorting and handling devices and all matters in the life cycle of euro banknotes. The tasks shall comprise: conducting preliminary IPR risks assessments for new technologies and freedom to operate (FTO) analyses for security features and design elements of banknotes; providing legal guidance and representing the ECB in cases of patent opposition claims and procedures; advising on IPR related issues for new banknotes; drafting, preparing and submitting patent applications and registrations; watching critical patents for existing and newly developed technology and managing patent renewals, annual patent review and annual fees to patent offices.

II.1.5. Estimated total value

Value excluding VAT: 2 400 000,00 EUR

II.1.6. Information about lots

This contract is divided into lots: no

II.2. Description

II.2.3. Place of performance

NUTS code: DE712 Frankfurt am Main, Kreisfreie Stadt

II.2.4. Description of the procurement

Please see Section II.1.4).

II.2.5. Award criteria

Price is not the only award criterion and all criteria are stated only in the procurement documents

II.2.6. Estimated value

Value excluding VAT: 2 400 000,00 EUR

II.2.7. Duration of the contract, framework agreement or dynamic purchasing system

Duration in months: 48

This contract is subject to renewal: yes

Description of renewals:

The contract will have an initial duration of 4 years (48 months) with the possibility for the ECB to extend for further periods of up to 4 years (48 months).

II.2.9. Information about the limits on the number of candidates to be invited

Envisaged number of candidates: 5

II.2.10. Information about variants

Variants will be accepted: no

II.2.11. Information about options

Options: no

II.2.13.

Information about European Union funds

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

II.2.14. Additional information

Section III: Legal, economic, financial and technical information

III.1. Conditions for participation

III.1.1. Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers

List and brief description of conditions:

As stated in the procurement documents.

III.1.2. Economic and financial standing

Selection criteria as stated in the procurement documents

III.1.3. Technical and professional ability

Selection criteria as stated in the procurement documents

III.2. Conditions related to the contract

III.2.1. Information about a particular profession

Execution of the service is reserved to a particular profession Reference to the relevant law, regulation or administrative provision:

— At least one lawyer currently admitted to the German patent bar and at least one additional lawyer currently admitted to the patent bar of a European country from the list of Germany, France, Italy, Spain, Austria or the Netherlands.

— At least one lawyer with experience with the Unitary Patent System (UPS).

— Amongst the team of lawyers, professional experience in chemistry, materials, engineering, biology and physics.

III.2.2. Contract performance conditions

In line with the terms and conditions of the draft contract. See details in the procurement documents.

III.2.3. 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

Section IV: Procedure

IV.1. Description

IV.1.1. Type of procedure

Competitive procedure with negotiation

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

The procurement involves the establishment of a framework agreement

Framework agreement with a single operator

In the case of framework agreements, provide justification for any duration exceeding 4 years:

Complex patent cases with long-term issues and/or litigation.

IV.1.5. Information about negotiation

The contracting authority reserves the right to award the contract on the basis of the initial tenders without conducting negotiations

IV.1.8. Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: no

IV.2. Administrative information

IV.2.2. Time limit for receipt of tenders or requests to participate

Date: 11/12/2023 Local time: 12:00

IV.2.3. Estimated date of dispatch of invitations to tender or to participate to selected candidates

Date: 31/01/2024

IV.2.4. Languages in which tenders or requests to participate may be submitted

English

IV.2.6. Minimum time frame during which the tenderer must maintain the tender

Duration in months: 6 (from the date stated for receipt of tender)

Section VI: Complementary information

VI.1. Information about recurrence

This is a recurrent procurement: no

VI.2. Information about electronic workflows

Electronic invoicing will be accepted

VI.3. Additional information

The total aggregate value of the orders under the framework agreement shall not exceed EUR 3 120 000,00.

This tender procedure is conducted via the ECB's electronic tendering system (e-tendering) which can be accessed via the following Internet address:

(<http://www.ecb.europa.eu/ecb/jobsproc/sourcing/html/index.en.html>).

If you have not used the ECB's electronic tendering system before, you need to register via the above link (click on 'Register'). Subsequently to the registration, you will receive an automated notification with your user credentials to log in (click on 'Login') and to access the tender documentation.

Please note that:

- a registration to the above system is only required once and you can use your user credentials in all future procedures of the ECB which are conducted via the above system. Therefore, please keep your user credentials for the future;
- in case you should have participated in previous ECB tender procedure(s) in the past which were conducted via the ECB's prior online system, you nevertheless need to register once to the ECB's electronic tendering system under the above address;
- your mere registration does not constitute an application/tender. You must submit your application/tender via the ECB's electronic tendering system as further instructed in the application/tender documentation.

The system reference number for the above procurement is: RFX-35Q-2023-000014: PRO-009768-R1-IPR agent

To download the tender documents, log on to the ECB's electronic tendering system with your login and password. Expand the field 'Public Tenders - Upcoming Events'. Click on 'Click to request an invitation to this event' for the above procedure and close the new window which opens. Once the request is completed (this can take a few minutes), the status of the participation request will change to 'Invited' and the RFX documentation will be accessible via the RFX tab.

Under the above link you also find user guides for detailed information on how to use the system and contact details for technical support.

Should you require technical help when using the system, please contact the ECB's technical support team at sourcing.support@ecb.europa.eu by quoting the reference number and the problem experienced.

Any other queries relating to this procurement procedure and the content of the procurement documentation shall be submitted as message via the ECB's electronic tendering system (under the tab 'Discussion').

The ECB endeavours to answer all queries as quickly as possible but cannot guarantee a minimum time response. The ECB shall not be bound to reply to queries received less than 7 calendar days before the time-limit for submission of tenders.

The tender procedure shall be open on equal terms to all natural or legal persons resident or located in the European Union and to all natural and legal persons resident or located in a country which has ratified the World Trade Organisation Agreement on Government Procurement or has concluded with the European Union a bilateral agreement on procurement under the conditions laid down in the said agreements.

The tender procedure is conducted in accordance with ECB Decision 2016/2 laying down the Rules on Procurement (as amended), available at (<https://www.ecb.europa.eu/ecb/legal/1001/procurement/html/index.en.html>) and in EUR-Lex (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02016D0002-2020501>).

VI.4. Procedures for review

VI.4.1. Review body

Official name: General Court of the European Union

Town: Luxembourg

Postal code: L-2925

Country: Luxembourg

E-mail: generalcourt.registry@curia.europa.eu

Internet address: <http://www.curia.europa.eu>

VI.4.2. Body responsible for mediation procedures

Official name: The European Ombudsman

Postal address: 1 avenue du Président Robert Schuman, CS 30403

Town: Strasbourg Cedex

Postal code: 67001

Country: France

VI.4.4. Service from which information about the review procedure may be obtained

Official name: Central Procurement Office of the European Central Bank

Postal address: Sonnemannstrasse 22

Town: Frankfurt am Main

Postal code: 60314

Country: Germany

E-mail: procurement@ecb.europa.eu

Telephone: +49 6913440

Fax: +49 6913447110

Internet address: <http://www.ecb.europa.eu>

VI.5. Date of dispatch of this notice

03/11/2023