



SRB –SINGLE RESOLUTION BOARD

Call for Tenders N° SRB/OP/5/2017

PROVISION OF LEGAL ADVICE

AWARD CRITERIA FOR THE MULTIPLE FRAMEWORK SERVICE CONTRACT

APPENDIX A

1. 1 INTRODUCTION

The Multiple Framework Service Contract (hereinafter referred to as the "FWC") will be awarded to the tenderers who submit the most economically advantageous offer (reaching the highest score) based on the "best quality-price ratio" method, thus considering the quality criteria and their associated weightings and the price criterion and its associated weighting.

2. AWARD CRITERIA FOR THE FWC:

THERE ARE 3 CRITERIA FOR THE QUALITY OF THE PROPOSAL:

1. Quality criterion 1 (Q1): Approach and methodology ($W_1 = 40\%$)
2. Quality criterion 2 (Q2): Assignment Management ($W_2 = 20\%$)
3. Quality criterion 3 (Q3): Resource Management & Retention ($W_3 = 10\%$)

THERE IS 1 PRICE CRITERION

Weighting for the Price criterion (P): 30%

2. QUALITY CRITERIA (WEIGHTING 70%)

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

Nr	Description of Quality Criteria	Weighting
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 6 A4 pages in total (minimum font size 11, minimum line spacing 1) with the filename "[Supplier Name]". Technical notes including annexes that exceed the 6 pages limit will not be taken into account.</p> <p>Scenario:</p> <p>A financial institution directly supervised by the ECB as part of a "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. The SRB has determined that the preferred resolution tool for the resolution is the 'sale of business tool', in the form of transfer of assets and liabilities, in conjunction with the 'asset separation tool'.</p> <p>The SRB may, inter alia, be confronted with the following questions:</p> <ul style="list-style-type: none"> • which arrangements to set with regard to the marketing of the assets, rights and liabilities pursuant to Article 24(2)(d) SRMR; • which assets, rights and liabilities are to be transferred to the asset management vehicle pursuant to Article 26(2)(a) SRMR; • whether to use the Single Resolution Fund (SRF) pursuant to Article 76 SRMR to ensure the effective application of the above resolution tools. <p>In the scenario described above, the SRB is looking for a legal advisor assisting it when establishing the resolution scheme. The task may comprise, inter alia, giving advice with regard to the legal specificities which the SRB shall take into account in respect of applying the above resolution tools, with a view to achieving the resolution objectives under Article 14(2) SRMR and while looking at the creditor hierarchy in insolvency.</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 proposed methodology, including the type of services you expect to render; 	40%

	<ul style="list-style-type: none"> • A description of the approach for delivering the services; • A description of the expected typical concerns raised during the project; • A description of areas of law to be taken into consideration when performing the services described; • A timeline to illustrate the way how the services will be delivered within the prescribed timescale noted above, including the demonstration of the different steps of the process; and • A description of the anticipated interaction with the SRB, the NRAs, the European Commission, the ECB, the group and any third party advisors (such as independent valuers and investment firms). <p>The tenderer must demonstrate in its response the following:</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; • Appropriate reporting procedures to guarantee the SRB is adequately informed; • Suitable quality assurance measures and control mechanism used to ensure the provision of high quality advice and related services; and • Ability to address potential uncertainties or challenges and 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 institution whilst maintaining their impartiality, objectivity and independence when providing their services.</p> <p>For this purpose, please demonstrate how you will manage the individual assignments and the relationships with the SRB and the financial institution 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) 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 FWC; b) A description of how you plan to ensure that the assignments are delivered on time and within budget; and c) 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 duration of the FWC.</p> <p>For this purpose, please provide a description of the proposed approach, whereby your answer should provide, as a minimum:</p> <ol style="list-style-type: none"> a) An outline of a resources plan reflecting the level and type of resources to be used across the various components of your approach / methodology; 	10%

	<p>b) 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 FWC and (ii) maximum benefit is delivered to the SRB;</p> <p>c) A description on how you will manage the risks associated to the key person(s); and</p> <p>d) A description of how you plan to ensure continuity of provision of services including during the resolution weekend.</p>	
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3. AWARD CRITERION – PRICE (WEIGHTING 30%)

Tenderers must provide hourly rates for all the following profiles:

Profile	Price per hour in EUR (including all expenses)
Partner	
Senior Associate	
Associate	
Junior	
Paralegal	

The hourly rate is a fixed price and shall include all expenses (direct and indirect, including including fees, meetings, administrative expenses, overheads, travel, accommodation and daily subsistence expenses).

The hourly rates that the tenderers commit to shall be the basis for the calculation of the prices for the Specific Contracts and are the maximum rates that the successful tenderers will charge under the Specific Contracts. Therefore, when quoting prices for the Specific Contract under the FWC, contractors must not exceed the hourly rates specified in the table above but can offer discounts.

EVALUATION OF THE PRICE:

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

Total hourly rate price = ((price for a Partner * 20%) + (price for a Senior Associate * 30%) + (price for an Associate * 25%) + (price for a Junior * 20%) + (price for a Paralegal * 5%))