EUROPEAN MEDICINES AGENCY
SCIENCE MEDICINES HEALTH

06 November 2018
EMA/721884/2018
European Medicines Agency
Administration and Corporate Governance Division

Ex ante publicity of a negotiated procedure

EMA/2018/40/FI – Bank accounts and online banking services for making and receiving payments in EUR mainly within the SEPA area

The European Medicines Agency (hereinafter referred to as "the Agency" or "EMA") intends to procure bank accounts and online banking services for making and receiving payments in EUR mainly within the SEPA area.

The scope of this contract shall be:

1. make most of the payments in EUR to beneficiaries holding an account within the EU and SEPA compliant (SEPA credit transfer (SCT)), make occasional non-SEPA compliant payments and make occasional payments to beneficiaries outside the EU;
2. receive and credit incoming funds in EUR from pharmaceutical companies mainly based in EU and occasionally receive and credit incoming funds from non-EU countries;
3. provide a secure, fast and efficient internet based on-line banking system;
4. provide additional services if specifically requested by the Agency, e.g. cash management services.

A negotiated tender with a maximum indicative budget of € 143,999 is planned to be launched in November 2018 and the contract awarded will be for a period of 12 months.

Interested economic operators meeting the minimum technical requirements and the criteria below may express their interest by sending an e-mail indicating the reference number and subject of the procurement to paola.samassa@ema.europa.eu together with the name, address and business details before **19 November 2018, 12:00HRS (noon).**

The following minimum technical requirements shall apply to this contract:

1. Compliance with applicable environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU.
2. The working language of the Agency is English and the contractor must confirm that it will be able to communicate with the Agency in English for seamless implementation and execution of all the services covered within the scope of the contract, including responsibilities resulting

from regulatory requirements such as Health and Safety and Data Protection, as well as for the efficient and timely response in respect to contract management.

3. Processing of personal data in connection with this service must comply with EU data protection legislation and in particular, Regulation (EU) 679/2016, the General Data Protection Regulation.

4. The establishment of your bank where the EMA bank account(s) will be located meets the operating conditions imposed by the competent supervisory authorities of a Member State of the European Union and has all the authorisations necessary to execute the required services in the country where the account(s) will be located.

5. Your bank undertakes to meet the following minimum technical requirements with respect to debit transactions:

    a. do not execute a payment or a transfer that would tip a bank account into debit on the value date. If your bank is requested by the Agency to make a payment or a transfer which would make the EMA bank account go into debit, such transactions shall not be carried out and your bank must contact the EMA in order to ask for instructions.

    b. provided the payment instruction has been received by your bank before the cut-off time indicated in Annex V and that condition 5.a) is respected, a value date given by the Agency has to be strictly respected by your bank;

    c. any charges invoiced to the Agency will be fixed and not depend on the amount of the transaction;

    d. no charge will be debited and the value date will be compensated for transfers between Agency's accounts. 'Compensated value date' means that the Agency's bank account is debited and the receiving Agency's account is credited with the same value date;

6. Your bank undertakes to meet the following minimum technical requirements with respect to credit transactions:

    a. any charges invoiced to the Agency will be fixed and not depend on the amount of the transaction;

    b. the value date for the Agency is the date when the funds are received, provided the respective order has been received by your bank before the cut-off time indicated in Annex V;

7. The bank must be able to sweep, to pool or offset balances across any number of EUR bank accounts maintained by the Agency with no action required by Agency's staff.

8. Your bank undertakes to meet the following minimum technical requirements with respect to the on-line banking system:

    a. provide a complete segregation of duties for the payment process, separating the creation task from the authorisation task;

    b. provide the highest level of online protection and enhanced security by employing authentication devices protected by a PIN code or equivalent user unique identifier;

    c. provide a report of the payment batches submitted and standard audit trail reports;

    d. it must be in English;

e. provide flexibility that enables system administrators to set levels of access and authorisations for individual users;

f. process without delay payment instructions, which must be accepted in batches, in a format which is compatible with the Agency’s financial system SAP. The Agency is currently using TXT via DME. If the TXT via DME file format cannot be supported than the details of an alternative file formats recognised as compatible with SAP must be provided;

g. enable the Agency, on the day following each transaction on the account, to download an individual electronic bank statement for each of the bank accounts. The electronic bank statement must be in a file format that is compatible for upload onto the Agency’s financial system SAP. The Agency is currently using BAI. If the BAI file format cannot be supported than the details of an alternative file formats recognised as compatible with SAP must be provided.

h. perform a validation of IBAN and SWIFT data and issue a warning message in case of discrepancies.

9. Your bank must assign a dedicated relationship manager to EMA, who will supervise and manage all services, ensure the smooth running of the contract, including regular and/or specific requests, or complaints from EMA. The dedicated relationship manager must be fluent in spoken and written English. The relationship manager shall be available during standard business hours and shall organise periodic meetings to be held at the Agency’s premises. Your bank has to ensure the back-up of the relationship manager during his/her absence.

10. Your bank must make available a technical support helpdesk as a first point of contact for any queries relating to day-to-day banking queries. The technical support helpdesk shall be available during standard business hours. The technical support helpdesk must be fluent in spoken and written English. In addition, the financial institution website must provide comprehensive on-line self-service help and guidance, i.e. FAQ, forms, guidance, etc. in English.

11. Your bank must have in place robust business continuity measures and procedures to safeguard service continuity in the event of disruption of business of either party.

12. Your bank will submit, within a reasonable time frame, a confirmation of Agency’s account balances, loans, signatures and any open items, as of December 31 of each year or at any other date, to the European Court of Auditors or to any other auditor named by Agency.

13. Your bank must undertake not to levy any charges and commissions other than those specified in this invitation to tender, unless explicitly authorised by the Agency.

Interested economic operators should comply, at least, with the following criteria:

- All tenderers must have authorisation to perform the contract under national law.
- All tenderers’ short term credit rating must be, as a minimum, one of these 3 ratings: either P-1 (Moody’s), or A-1 (S&P), or F1 (Fitch Ratings) at the time of the submission of the offer.
- All tenderers must have proven relevant previous experience in provision of services in the fields covered by this procurement procedure.

This publication does not constitute any obligation on the part of the Agency to invite any economic operator having expressed its interest to tender. Only the candidates invited to tender by the Agency will be admissible. Registering interest to receive an invitation to tender in a negotiated procedure of this type does not create any legal right or legitimate expectation on the part of any economic operator.