



FONDS DE COMPENSATION

TENDERING PROCEDURE AND GUIDELINES

Important information:

Proposals must be drafted in English (preference), German or French.

Proposals must be signed and submitted by electronic means via the Luxembourg Portal for Public Procurement Contracts (*Portail des marchés publics*) (the Portal). The Portal can be accessed using following web link (French and German only): www.pmp.lu

Deadline for electronic proposal remittance: 31 July 2024 at 4:00 p.m. CET.

General information on Luxembourg public procurement policies is available on www.marches-publics.lu (French only).

Disclaimer:

The Public Procurement Directorate (*Direction des Marchés publics*) within the Public Works Department (*Département des Travaux publics*) of the Ministry of Mobility and Public Works (*Ministère de la Mobilité et des Travaux publics*) is responsible for public procurement legislation and its implementation in practice, including online public procurement procedures. The use of the Portal, which was developed by the Department of Public Works with the assistance of the Government IT Centre (*Centre des technologies de l'information de l'Etat* (CTIE)), is mandatory for this purpose.

The Department of Public Works has taken responsibility for creating a structure that can be requested by all contracting authorities to enable them to carry out their procurement electronically. This structure is embodied in the Public Procurement Portal Coordination Unit (*Service coordinateur du Portail des marches publics*). The main tasks of the coordinating service are:

- manage users and their access rights on the Portal;
- monitor the publication of notices initiated by the various contracting authorities registered on the Portal;
- update the content of the information part of the Portal;
- assisting users with the functionality of the Portal;
- provide training for contracting authorities;
- operate the Portal;
- manage the maintenance of the Portal;
- manage developments through the implementation of new functionalities;
- cooperate at European level on procurement by electronic means.

In this context, tendering companies are fully responsible of the registration and authentication process with regard to the Portal as well as the modalities in relation to the electronic submission and electronic signature of proposals. Thus, FDC cannot be held liable for any delay in the electronic upload and/or signing process, submitting and/or electronic signature issues or other technical or operational issues linked to the use of the Portal.

FDC strongly advises any tenderer to familiarise well in advance with the Portal as well as the signing and submitting process and to avoid last-minute proposal uploads.

FDC will not accept any proposals submitted after the deadline or with a non-digitally signed or with an invalid/non-certified digital signature.

In this context, a handbook (Appendix 12) from the Portal is included within the tender documents. Further information can also be gathered by accessing following websites:

- <https://marches.public.lu/fr/procedures/dematerialisation.html>
- <https://marches.public.lu/fr/procedures/dematerialisation/authentication-signature.html>
- <https://pmp.b2g.etat.lu/?page=entreprise.EntrepriseHome>

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1 Preamble

1.1 Introduction

Fonds de compensation commun au régime général de pension (the **FDC**) was created with the purpose of letting the reserve of the Luxembourgish general pension insurance scheme benefit from financial markets movements by investing this reserve on the financial markets through a diversified portfolio subject to strict risk and return criteria.

To this end, FDC was created by the amended law of 6 May 2004 concerning the administration of the assets of the general pension insurance scheme. This law entrusted FDC with the management of the above mentioned reserve, in particular through the intermediary of one or more collective investment schemes. The aforementioned law was amended by the law of 13 May 2008 concerning the introduction of a unified statute for the different private sector employees.

FDC, as a public institution, is subject to the supervision of the Minister of Social Security exercised through the General Inspectorate of Social Security (*Inspection générale de la sécurité sociale*).

The Board of Directors that manages FDC is composed of twelve members. An Investment Committee of six members, including three external experts, assists the Board of Directors. The main task of this committee is to prepare the investment decisions for the Board of Directors (together the **Governing Bodies**).

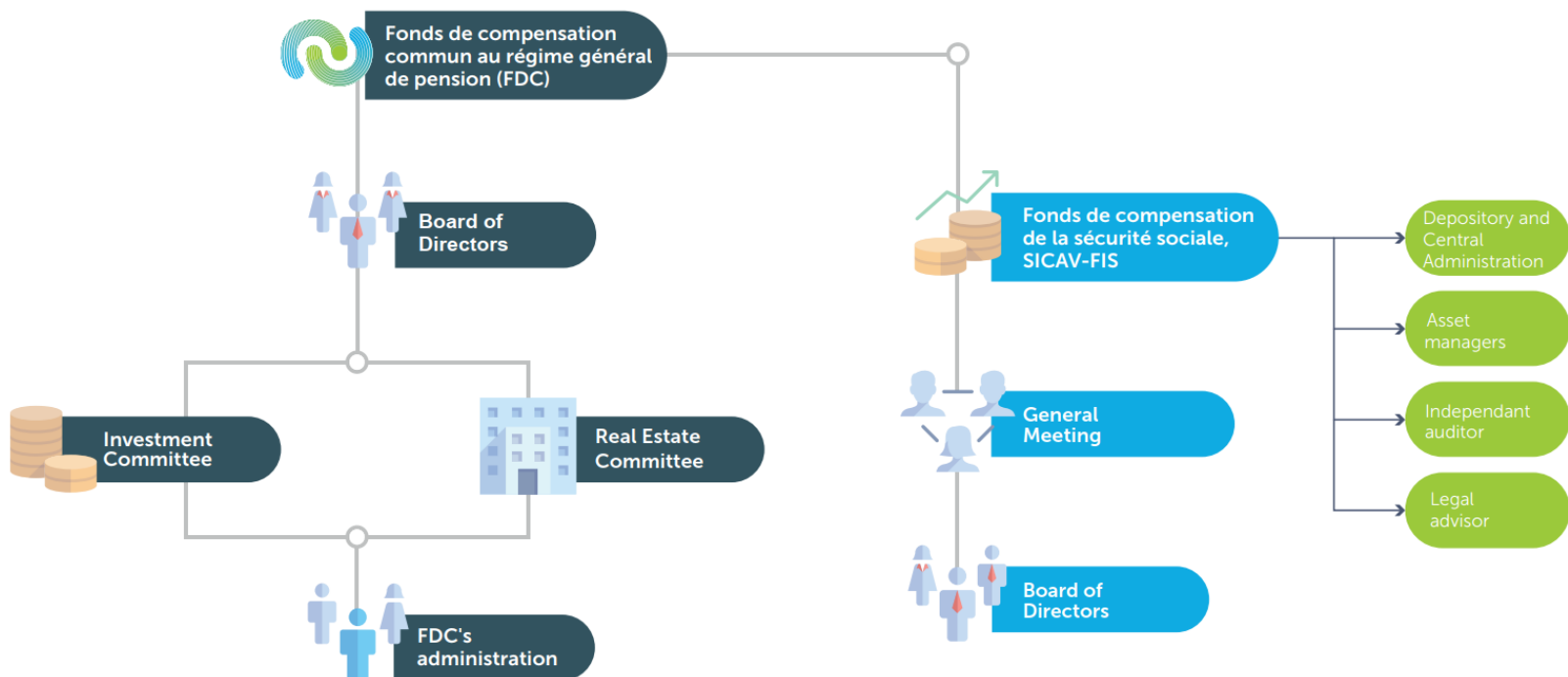
In July 2007, FDC created a collective investment scheme in the form of a unit trust (mutual fund), in accordance with the amended law of 13 February 2007 concerning specialised investment funds and with the status of a public limited company. This body, entitled *Fonds de Compensation de la Sécurité Sociale, SICAV-FIS* (the **SICAV**), became FDC's investment vehicle and is subject to the supervision of the Luxembourgish financial regulatory authority *Commission de surveillance du secteur financier* (the CSSF). From August 2007 onwards, the reserve entrusted to FDC has been gradually invested into the SICAV. As of 30 April 2024, the SICAV incorporated 26 sub-funds with a total value of approximately 25 billion euros. Currently, FDC is about to launch an additional sub-fund within the SICAV in relation to investments in unlisted infrastructure funds with focus on clean energy in Europe.

Statutory texts as well as any appendices in relation to FDC and its SICAV can be found by accessing FDC's website <https://www.fdc.lu>.

The mandate will be assigned in accordance with the Law of 8 April 2018 regarding public tenders, as amended, and the Grand Ducal Regulation of 8 April 2018 implementing the aforementioned law, as amended. All legislative texts in relation to public tenders can be found by accessing website <https://marches.public.lu/fr/legislation.html>.

The legislative texts in relation to FDC and the SICAV can be found on the legal portal of the Government of the Grand Duchy of Luxembourg by accessing the website <https://www.legilux.public.lu> or by accessing FDC's website <https://www.fdc.lu>.

1.2 Organisational chart



1.3 FDC strategic asset allocation

Asset Class (consolidated/individual)	Min.	Strategic quota	Max.
Money Market			
EUR denominated Money Market	0%	1%	45%
Bonds			
EUR denominated Bonds ¹	17%	22%	27%
Global Bonds (hedged)	14,5%	19,5%	24,5%
Emerging Markets Bonds	0%	2,5%	3,5%
Equities			
Global Equities ²	26%	32%	38%
Global Equities Small Cap	3%	5%	7%
Emerging Markets Equities	4%	6%	8%

¹ Loan portfolio of EUR 27.450.000 (as of 31 December 2023) directly held by FDC included.

² Unlisted equities of EUR 20.990.100 (as of 31 December 2023) of the SNHBM directly held by FDC included.

Real Estate			
Global Real Estate (unlisted)	2,5%	5%	7,5%
Luxembourg Real Estate (direct) ³	2,5%	5%	7,5%
Infrastructure			
Global Infrastructure (unlisted) ⁴	0%	2%	4%
Total assets		100%	

1.4 FDC strategic benchmarks

Asset Class	Benchmark
EUR denominated Money Market	FTSE Euro Deposit 3 Months
EUR denominated Bonds	Bloomberg Euro Aggregate ex Sec TR
	Bloomberg Euro Green Bond ex Sec TR
Global Bonds (hedged)	Bloomberg Global Aggregate ex Sec TR (EUR hedged)
Emerging Markets Bonds	JPM GBI-EM Global Diversified
Global Equities	MSCI DM World TR Net
Global Equities Small Cap	MSCI Small Cap World TR Net
Emerging Markets Equities	MSCI EM TR Net
Global Real Estate (unlisted)	IPD Global Quarterly Property Fund (or similar)
Global Infrastructure (unlisted)	Euro Short Term Rate 3 Months Compounded + 200 basis points
Luxembourg Real Estate (direct)	N/A

1.5 Management and investment of assets within FDC's SICAV

The following financial service providers are entrusted with the management and investment of the assets of each sub-fund of FDC's SICAV (asset manager level):

Sub-Fund	Asset Manager
FDC SICAV Global Equities – Active 1	Robeco Institutional Asset Management BV, with registered office at Weena 850 at 3014 AD Rotterdam

³ Directly held by FDC.

⁴ In implementation phase within the SICAV, planned allocation of 500 million EUR.

FDC SICAV Global Equities – Active 2	HSBC Global Asset Management (France), with registered office at Immeuble Cœur Défense, Tour A, 110, esplanade du Général de Gaulle at F-75419 Paris Cedex 08 (the financial management of the Sub-Fund has been sub-delegated to HSBC Global Asset Management (UK) Limited)
FDC SICAV Global Equities – Active 3	Union Investment Institutional GmbH, with registered office at Weissfrauenstraße 7 at D-60311 Frankfurt am Main
FDC SICAV Global Equities – Indexed	State Street Global Advisors Limited, with registered office at 20 Churchill Place, Canary Wharf at E14 5HJ London
FDC SICAV Global Equities – Indexed 2	UBS Asset Management (UK) Ltd., with registered office at 5 Broadgate at EC2M 2QS London
FDC SICAV Global Equities Paris Aligned – Indexed	State Street Global Advisors Europe Limited, with registered office at 78 Sir John Rogerson’s Quay at D02 HD32 Dublin 2 (the financial management of the Sub-Fund has been sub-delegated to State Street Global Advisors Limited (London))
FDC SICAV Global Equities Sustainable Impact – Active 1	BNP Paribas Asset Management, with registered office at 1 boulevard Haussmann at F-75009 Paris (the financial management of the Sub-Fund has been sub-delegated to Impax Asset Management Limited (London))
FDC SICAV Global Equities Small Cap – Active 1	Allianz Global Investors GmbH, with registered office at Bockenheimer Landstrasse 42-44 at 60323 Frankfurt am Main (the financial management of the Sub-Fund has been delegated to Allianz Global Investors UK Limited)
FDC SICAV Global Equities Small Cap – Indexed	State Street Global Advisors Europe Limited, with registered office at 78 Sir John Rogerson's Quay at D02 HD32 Dublin 2 (the financial management of the Sub-Fund has been sub-delegated to State Street Global Advisors Limited (London))
FDC SICAV EMMA Equities – Active 1	MFS Investment Management Company (Lux) S.à r.l., with registered office at 4, rue Albert Borschette at L-1246 Luxembourg (the financial management of the Sub-Fund has been sub-delegated to MFS International (U.K.) Limited)

FDC SICAV EMMA Equities – Indexed	Pictet Asset Management SA, with registered office at 60, route des Acacias at 1211 Genève 73
FDC SICAV EUR Bonds – Active 1	Allianz Global Investors GmbH (French Branch), with registered office at 3, boulevard des Italiens at F-75002 Paris
FDC SICAV EUR Bonds – Active 2	HSBC Global Asset Management (France), with registered office at Immeuble Cœur Défense, Tour A, 110, esplanade du Général de Gaulle at F-75419 Paris Cedex 08
FDC SICAV EUR Bonds – Active 3	Amundi Asset Management, with registered office at 91-93, boulevard Pasteur at F-75015 Paris
FDC SICAV EUR Bonds – Indexed	Credit Suisse Asset Management (Suisse) S.A., with registered office at Kalandergasse 4 at CH-8045 Zurich
FDC SICAV EUR Green Bonds – Active 1	Allianz Global Investors GmbH (French Branch), with registered office at 3, boulevard des Italiens at F-75002 Paris
FDC SICAV Global Bonds – Active 1	Franklin Templeton Investment Management Limited, with registered office at Cannon Place, 78 Cannon Street at London EC4N 6HL
FDC SICAV Global Bonds – Active 2	AXA Investment Managers Paris S.A., with registered office at Tour Majunga – La Defense, 6, Place de la Pyramide at F-92800 Puteaux
FDC SICAV Global Bonds – Active 3	Neuberger Berman Asset Management Ireland Limited, with registered office at 2 Central Plaza, Level 2, Dame Street at D02 T0X4 Dublin 2
FDC SICAV Global Bonds – Indexed	BlackRock Investment Management (UK) Limited, with registered office at 12 Throgmorton Avenue at EC2N 2DL London
FDC SICAV Global Bonds Paris Aligned – Indexed	BlackRock Investment Management (UK) Limited, with registered office at 12 Throgmorton Avenue at EC2N 2DL London
FDC SICAV EMMA Bonds – Active 1	Amundi Asset Management, with registered office at 91-93 boulevard Pasteur at F-75015 Paris (the financial management of the Sub-Fund has been sub-delegated to Amundi (UK) Limited)

FDC SICAV EMMA Bonds – Indexed	State Street Global Advisors Europe Limited, with registered office at 78 Sir John Rogerson's Quay at D02 HD32 Dublin 2 (the financial management of the Sub-Fund has been sub-delegated to State Street Global Advisors Limited (London))
FDC SICAV EUR Money Market – Active 1	AXA Investment Managers Paris S.A., with registered office at Tour Majunga – La Defense, 6, Place de la Pyramide at F-92800 Puteaux
FDC SICAV Global Real Estate – Active 1	LaSalle Investment Management, with registered office at 78 St James’s Street at SW1A 1JB London
FDC SICAV Global Real Estate – Active 2	CBRE Global Investment Partners Limited, with registered office at Third Floor, One New Change at EC4M 9AF London
<i>FDC SICAV Global Infrastructure – Active 1⁵</i>	<i>Ardian France, with registered office at 20 Place Vendôme at 75001 Paris</i>

Other service providers are:

- Depository and Central Administration: Citibank Europe plc, Luxembourg Branch
- Auditor: Deloitte Audit, Luxembourg
- Legal Advisor: Arendt & Medernach, Luxembourg

For more information on FDC’s guidelines on asset management and its SICAV, please carefully read the “FDC Directive concerning the principles and rules of asset management” (Appendix 6 within the tender documents) as well as the “SICAV Issue Document” (Appendix 7 within the tender documents).

1.6 FDC contact details

Physical address: Fonds de compensation
34-40, avenue de la Porte-Neuve, 1st floor
L-2227 Luxembourg

Telephone: +352 26 20 34 83

Fax: +352 46 25 66

Email: fondsdecompensation@fdc.lu

Website: <https://www.fdc.lu>

⁵ In implementation phase, planned allocation of 500 million EUR.

2 Purpose and characteristics of the tender

2.1 Purpose

FDC is considering to award a mandate (the **Mandate**) for the following services (services within category 6 “Financial services” of the common procurement vocabulary (CPV)):

- Investment strategy review.
- Advise and support on tenders for the selection of financial service providers.
- Investment controlling and consulting.

2.2 Investment strategy review

FDC is looking for a service provider to advise him on reviewing its investment strategy while offering the following services:

- Determination of **required return** (target return, minimum return) and **risk budget**.
- Determination of existing **risk capacity** and **risk tolerance**.
- Determination of **expected return** and **risk** (volatility, Value-at-Risk (VaR), expected shortfall) of the current investment strategy and asset allocation.
- **Comparison** of required **risk budget** with existing **risk capacity**.
- **Simulation** of the **future evolution** of **assets/reserves** using different risk budgets.
- **Assessment** of the **appropriateness** of the current **investment risks** and determination of any need for adjustment (e.g. equity and real estate quota, illiquidity, etc.).
- Discussion and analysis of the **opportunities** and **risks** of existing and potential new **asset classes**.
- Analysis of **inflation risks** and asset classes offering protection against inflation.
- Analysis of the **appropriateness** of **asset classes** in terms of **sustainability** and/or **ESG**.
- Discussion of **strategic alternatives** leading to an improvement of the risk/return characteristics while taking into account the current risk budget.
- **Historical simulations** based on different investment strategies over various time spans and periods of crisis.
- **Documentation** of all analyses.
- **Presentation** and **discussion** of analyses within the FDC and the Governing Bodies.
- As the case might be, **provision of other services** closely related to the services described above.

2.3 Advise and support on tenders for the selection of financial service providers

FDC wishes to receive the following services in the context of advice and support on tenders for the selection of financial service providers:

- Advise on the **selection** and/or **narrowing down** of **suitable providers** for public tender mandates.

- Assistance in tender processes in accordance with **EU regulations** and **national law and regulations** (i.e. Luxembourg Law of 8 April 2018 regarding public tenders and Grand Ducal Regulation of 8 April 2018 implementing the aforementioned law, as amended).
- **Preparation, review and delivery** of required **tender documents: catalogue of requirements** drafting, support in defining **mandate specifications** and/or **guidelines**, documentation of **legal requirements** and draw up of detailed **tender questionnaire(s)**.
- Systematic **evaluation** and transparent **assessment** of **proposals**, transparent assessment and delivery of a report on the tender results inclusive **best-ranked tenderers classification** in accordance with the set **evaluation criteria**.
- **Organisation, participation and moderation** of **clarification hearings, selection meetings** and/or **due diligence visits** with the best ranked tenderers, either at FDC's office or on-site.
- **Documentation** of all evaluation analyses.
- **Presentation and discussion** of analyses within the FDC and the Governing Bodies.
- **Support** during **contract negotiations** respectively for obtaining the necessary legal documentation and/or clarifications.
- As the case might be, **provision of other services** closely related to the services described above.

2.4 Investment Controlling

FDC and the Governing Bodies wish to receive within twelve (12) business days a monthly report with at least the following content:

- **Asset allocation controlling:**
 - review and breakdown of current and strategic asset allocation (absolute numbers and in percent);
 - review and breakdown of current asset allocation deviations compared to strategic quotas and bandwidths);
 - review and breakdown of asset allocation at asset manager level (absolute numbers and in percent of total assets and of asset class);
 - review and breakdown of cash flows;
 - review and breakdown of valuations (NAVs);
 - analysis and breakdown of active share (i.e. active risk);
 - analysis and breakdown of portfolio and benchmark duration, duration contribution per currency and yield respectively yield-to-maturity (YTM);
 - VaR and volatility indexe(s) analyses.
- **Performance controlling:**
 - Performance attribution at individual and total assets level (for month under review and on a rolling 12-month basis) with breakdown of performance sources, i.e. impact of asset allocation (tactical) decisions and implementation decisions (selectivity at fund manager level).

- At total assets level:
 - assessment of investment results (evaluation of absolute and relative investment performance, analysis of risk-adjusted performance (investment return and risk));
 - evolution of total assets and asset allocation compared to the investment strategy over time.
- At asset manager level:
 - assessment of the investment results (evaluation of absolute and relative investment performance, analysis of risk-adjusted performance (investment return and risk));
 - evolution of portfolios compared to portfolios' benchmarks;
 - evolution of portfolios compared to style benchmarks (e.g. value vs. growth);
 - performance attribution and evaluation;
 - rolling analyses;
 - analysis of investment strategy changes or style breaks.
- **Qualitative and quantitative assessment of asset managers (asset manager status):**
 - Qualitative review:
 - company: stability in the organisation, mergers, restructuring, etc.
 - human resources: change of key persons, change of the responsible portfolio manager, etc.
 - product and/or investment approach: changes in investment approach/investment style, significant outflows, etc.
 - processes: breach of investment guidelines, operational issues, etc.
 - Quantitative review:
 - actively managed mandates: analysis of risk-adjusted investment performance (e.g. information ratio);
 - passively managed mandates: analysis of replication accuracy (e.g. tracking error).
- **Comment on and evaluation of asset allocation and investment results, also in relation to financial markets performance and, as the case might be, recommendations on measures to be taken.**
- **Documentation of return and risk evaluations and statistics** (e.g. cumulative return, volatility, tracking error, Sharpe ratio, information ratio, alpha, etc.).

Additionally, FDC and the Governing Bodies wish to receive within twelve (12) business days a quarterly report with **following additions to the monthly data**:

- **Summary of investment activity** (i.e. management summary).
- **Controlling of tactical and selective investment performance:**
 - quarterly and YTD performance attribution with breakdown of performance sources, i.e. impact of asset allocation (tactical) decisions and implementation decisions (selectivity at fund manager level).

- **Performance controlling:**
 - at individual and consolidated asset class level:
 - assessment of investment results (evaluation of absolute and relative investment performance, analysis of risk-adjusted performance (investment return and risk));
 - evolution of total assets and asset allocation compared to the investment strategy over time;
 - comparison of investment results with results of similar institutions.
 - at asset manager level:
 - country allocation analysis;
 - sector allocation analysis;
 - currency allocation analysis;
 - analysis of best and worst contributors to performance;
 - valuation (NAV) evolution analysis;
 - yield-to-maturity (YTM) evolution analysis;
 - portfolio and benchmark duration analysis.
- **Summary** of qualitative and quantitative assessment of asset managers (asset manager status) and **changes in assessment** (inclusive historical statuses).
- **Report on breaches of investment restrictions:**
 - review of asset managers' confirmations on compliance with investment restrictions (e.g. maximal exposure limit, cash limit, etc.);
 - documentation of active breaches;
 - recommendation and, as the case might, measures to be taken in the event of active breaches.

Finally, FDC and the Governing Bodies may **periodically** request **special analyses**, e.g.:

- Analysis of significant deviations within passively managed mandates (management fees, transaction costs, index replication method, liquidity, tax treatment, one-off effects, etc.).
- Comparison of management costs at total assets level with other institutional investors (analysis of cost structure, evolution of costs, costs vs. performance).
- Detailed performance comparisons (return and risk) with other institutional investors.
- Real estate/Infrastructure benchmark analyses (breakdown by region, by sectors, performance, etc.).
- Complex analyses of mandates (style analyses, distribution analyses, factor models, growth vs. value, small cap, credit, duration, etc.).
- Engagement, voting rights and sustainability policy analyses of asset managers.
- Credit risk analyses of bond portfolios (ratings, credit spreads, credit default swaps, etc.).
- Closer monitoring of asset managers in crisis situations (e.g. liquidity or cash outflows during Covid-19, counterparty risks, portfolio liquidation period, positions at risk, etc.).
- Various other peer group comparisons (absolute/relative return, risks, strategic/tactical asset structure/allocation, implementation of sustainability policies, strategic implementation, etc.).

2.5 Investment Consulting

FDC wishes to receive the following external consulting services:

- **Competent point of contact** as an independent specialist in all matters relating to investments and asset management.
- Provision of **in-depth knowledge** regarding current best practices among institutional investors (legislation, supervisory authorities, good governance, etc.).
- Analysis of the **influence** of the **economic and financial market environment** on investments and asset management.
- Triggering **discussions** to **review** the **investment strategy**.
- **Discussion** of **opportunities** and **risks** with regard to **investment categories** and **asset classes**.
- Support and advise on **implementing** the **investment strategy** and on **monitoring** the **investment process**.
- Assessment of the **investment organisation** and recommendations on the **processes** and **procedures** of investments and asset management, notably on the basis of experience gathered through relations with other institutional investors.
- **Periodic review** of the appropriateness of **mandate specifications** and **investment guidelines**, while incorporating expertise in accordance with “best institutional practice”.
- **Periodic review** of the **issue document/prospectus** and underlying investment restrictions with regard to any modifications, adjustments and additions.
- **Support in discussions** with **asset managers** and, as the case might be, with other service providers.
- Participation to **performance reviews** with **asset managers** and, as the case might be, with other service providers.
- **Specific detailed analyses** of mandates (style analyses, distribution analyses, factor models, etc.).
- Advise on the **rebalancing mechanism/concept**.
- Advise on **investment styles** (active vs. passive).
- Advise on **mandate structures** (manager diversification, investment vehicles, etc.).
- Assessment of the suitability of **investment instruments**.
- Advise on the topic of **sustainability** and **ESG**.
- Carrying out various **peer group comparisons** (absolute and relative risk/return comparisons, fee comparisons, comparison of the asset structure/allocation and tactical allocation, implementation of sustainability policies, strategic implementation, etc.).
- **Review of fees**.
- Active and individual **preparation** and **participation** to **meetings** with the Governing Bodies as an independent advisor without voting rights.
- If required, **basic training** on **current topics** in the investment sector as well as **specific training** and **skills development** on **specific topics**.

2.6 Type of procedure

Within the meaning of the amended Law of 8 April 2018 regarding public tenders, the procedure of the present tender is qualified as a “European open procedure”. An open procedure is a procedure in which any interested economic operator may present a proposal.

Tenderers who do not have the desired profile and do not fulfil the minimum requirements for participation shall be immediately excluded from the tender.

There shall not be any negotiation with tenderers at any stage in the procedure.

2.7 Effective date of the Mandate

Effective date of the Mandate and provision of services as mentioned within section 2.1 of the Guidelines **have been set to 1st of January 2025.**

2.8 Term of the Mandate

According to applicable law at the time of publication of the contract notice related to the present tender and the drafting of the Guidelines, the term of the Mandate is in principle set at three (3) consecutive years with effect from the signature of the agreement with the possibility of renewal from year to year except in the case of early termination. **The duration of the Mandate may not exceed ten (10) years.** Each of the parties may terminate the agreement by means of three months’ notice by registered letter with acknowledgement of receipt.

2.9 Minimum requirements

Following minimum requirements (without prejudice to the other selection criteria set out in the tender documents) must be fulfilled:

- The tenderer (contracting entity) must be **established in a member state of the EU, in a member state of the European Free Trade Association (the EFTA) or in the United Kingdom (the UK).**
- The tenderer (contracting entity) must provide evidence of **provision of advisory and consulting services for institutional investors⁶ for at least ten (10) years.**
- The tenderer (contracting entity) must provide evidence of **minimum assets under advisement for institutional investors of 250 billion EUR** at proposal remittance.

⁶ Institutional investors: pension funds, insurance firms, treasury departments, central banks, supranational entities, etc. Distributors of financial products for private clients and managers of individual life insurance contracts are excluded.

3 Selection of tenderers

3.1 Main stages of the tendering procedure

The main steps of the tendering procedure are as follows:

- a) 3 June 2024 onwards: publication of the contract notice at the Portal, in the Official Journal of the European Union (OJEU), in the Luxembourg press and on-line publishing on FDC's website www.fdc.lu and tender documents available for download on the Portal.
- b) 3 June 2024 to 28 June 2024 until 4:00 p.m. CET: request to obtain the "Questionnaire" (Appendix 1 within the tender documents) using the "Model request to obtain the tender questionnaire" (Appendix 5 within the downloadable tender documents on the Portal).
- c) 31 July 2024 until 4:00 p.m. CET: deadline for submitting duly signed proposals by electronic means via the Portal.
- d) 1 August 2024 to 26 September 2024: examination and evaluation of submitted proposals.
- e) 27 September 2024: dispatch of invitations to the best classified tenderers for a clarification hearing⁷ at FDC's registered office or at the tenderer's registered office.
- f) 7 and 8 October 2024: clarification hearings with the best classified tenderers at the tenderer's registered office or, as the case might be, at FDC's registered office.
- g) 25 October 2024: dispatch of the tender result notifications with clear indication, where applicable, of the reasons why a proposal has been rejected.
- h) 11 November 2024 onwards: signature of the agreement with the awarded tenderer.
- i) 1 January 2025 onwards: start of service provision.

3.2 Selection criteria

The selection will be based on qualitative and quantitative criteria of which the tenderers bear witness by responding to a questionnaire. Proposals will be evaluated and classified based on following criteria:

- a) **Tenderers experience, expertise and resources** dedicated to the management of the Mandate: weighting of **20%**.
- b) Overall **advisory/consulting services**: weighting of **60%**.
- c) **Fees**: weighting of **20%**.

⁷ The hearings are only for clarification purposes. The clarifications hearings cannot lead to a better score of the respective tenderer.

3.3 Procedure for obtaining the tender documents

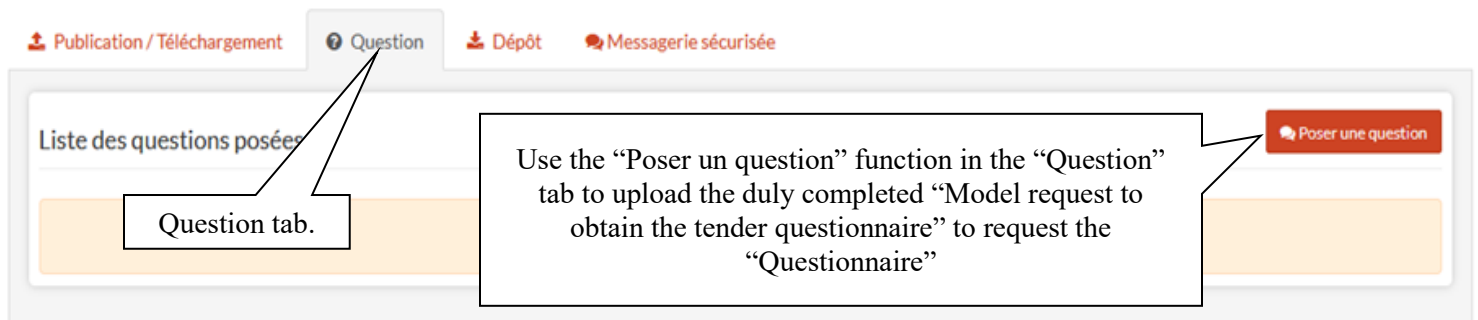
Firstly, the tender documents should be downloaded. The tender documents are available for download on the Portal in the “Publication/Téléchargement” tab, except the “Questionnaire” (Appendix 1 within the tender documents). How to access a tender via the Portal or how to download tender documents on the Portal is described in detail in the Portal’s handbook (tenderers should note that the download section of the Portal also offers access to a test section, FDC encourages tenderers to make use of this testing section).

Download section of the tender documents on the Portal



Once the tender documents downloaded, the “Questionnaire” should be requested while using the “Model request to obtain the tender questionnaire” (Appendix 5 of the downloaded tender documents). In order to protect the confidentiality of the information made available in the “Questionnaire”, this document needs to be requested separately via the Portal. In order to do so, tenderers should go to tab “Question” and use the “Poser une question” button while uploading the duly completed “Model request to obtain the tender questionnaire”.

Question section on the Portal



Tenderers will receive the requested documents within two (2) working days following their request.

The above mentioned tender documents can be requested until **28 June 2024 at 4:00 p.m. CET** at the latest.

3.4 Deadline and procedure for the proposal remittance

The duly signed proposals must be remitted by electronic means via the Portal by **31 July 2024 at 4:00 p.m. CET** at the latest.

Proposals that are uploaded after this deadline will not be considered. In this context, the date/time stamp of the Portal will serve as proof. The remittance of a paper version is not authorised (any received paper version will thus be rejected without any examination and evaluation).

If several proposals have been submitted by a tenderer, only the most recent submission will be taken into consideration.

3.4.1 Support elements of the proposals

All documents stated under section 3.4.2 of the Guidelines have to be submitted by electronic means via the Portal.

3.4.2 Content of the proposal

The proposal must contain following documents:

- a) **The duly completed and digitally signed Word Questionnaire referenced as Appendix 1 within the tender documents.** The Questionnaire should also bear the header of the tenderer.

Proposals with a missing signature or with an invalid signature will be rejected.

- b) **The duly completed and digitally signed undertaking declaration** referenced as Appendix 2 within the tender documents.

An authorised person must sign the undertaking agreement. The undertaking agreement commits the tenderer to the terms and conditions of this tender and all supporting document and their appendices.

- c) **An official document (less than three (3) months old) certifying the registration of the tenderer in the trade register or with the competent public authority that records commercial companies.**

It is up to the tenderer to provide documentary evidence of its registration under the conditions provided by the legislation of the state in which it is established.

- d) **The duly completed and digitally signed declaration swearing that the tenderer is not prohibited from participating in public tenders** referenced as Appendix 3 within the tender documents.
- e) **The duly completed and digitally signed declaration swearing that the tenderer has fulfilled the tax and social obligations of its country** referenced as Appendix 4 within the tender documents.

3.5 Language of the proposal

All the documents set out in section 3.4.2 of the Guidelines must be drafted in either English, French or German.

FDC will not accept a proposal that is not completed in one of the languages indicated above.

Any other document should also be drafted in one of the above mentioned languages or, if this is not the case, be accompanied by a certified true translation.

3.6 Important notices

Tenderers' answers will be considered as definitive in accordance with the public tender regulations and will not give subject to any subsequent negotiation.

The fees indication will be considered as definitive and will not give subject to any subsequent negotiation.

3.7 Clarification questions

Clarification questions must be addressed to FDC via a secure message using the "Question" tab on the Portal (cf. section 3.3 of the Guidelines). Such questions can be introduced until **24 July 2024 at 4:00 p.m. CET**. Questions introduced after this deadline will not be answered by FDC.

Questions must be written in English, French or German and may only be used to obtain clarification about the terms and the purpose of this tender and its appendices. They must be written in a non-personalised manner and may not under any circumstances contain information on the proposal a tenderer intends to make.

Questions related to the registration process, access management or handling of the Portal will not be answered by FDC. Such questions must be addressed to the Portal's contact details or Helpdesk.

3.8 Alternative proposals

No alternative proposals shall be considered.

3.9 Clarification hearings with the best classified tenderers

FDC proceeds to clarification hearings with the best classified tenderers. These hearings are for clarification purposes only and cannot lead to a better score of the respective tenderer(s). In this context, FDC will send to the concerned tenderers an invitation with an agenda setting out the sequence of the hearing session. All invited tenderers will receive the same agenda. **The hearings should take place with the persons that will be responsible for the Mandate.**

Please note that these clarification hearings might be held either at the tenderer's registered office or at FDC's registered office at the dates indicated in section 3.1 of the Guidelines.

Tenderers not invited for a hearing should refrain from contacting FDC at that moment of the tender process and wait for the notification of the awarding decision as foreseen in section 3.11 of the Guidelines.

3.10 Period of validity of the proposals

Proposals are valid for a period of five (5) months with effect from the closing day of the proposal remittance being **31 December 2024**.

3.11 Awarding of the contract

The awarding of the contract shall be pronounced by FDC's Board of Directors.

The awarding term should normally not exceed two (2) months from the opening of the proposals. Nevertheless, with regard to the scope and complexity of the current tender, FDC refers to article 49 (2) of the Grand Ducal Regulation from 8 April 2018 determining the modalities of the Law from 8 April 2018 regarding public tenders. The given article provides that the awarding term can be longer without exceeding five (5) months.

Thus, the notification of the awarding decision will be communicated on **25 October 2024** by FDC. Similarly, tenderers whose proposal has been rejected will also be informed. Such notification will **clearly indicate the reasons why a proposal has been rejected.**

In the event that FDC would find a divergence between the information provided by the tenderer and the reality of the situation, it may withdraw the awarding decision without this resulting in any entitlement to a compensation of any kind whatsoever. In this case the contract shall be assigned to the next tenderer as per the ranking classification.

4 Additional information

4.1 Applicable law

Luxembourg law is applicable to this tender.

4.2 Tender fees

FDC informs tenderers that it is not liable for any direct or indirect costs relating to the preparation, presentation or explanation of the proposals.

Tenderers shall bear all costs and expenses arising from this tender.

4.3 Confidentiality

- a) Tenderers are hereby informed that FDC will collect and process data on their behalf, their partners, employees and staff as it is deemed necessary for monitoring the tender process, the evaluation of the proposals and the awarding of the contract. The data shall not be communicated to any third party and shall be retained for the period provided by law. The persons concerned shall have the right to access and amend their data by contacting FDC.
- b) FDC and all its officials are required not to divulge any information in the context of this tender which is not already lawfully in their possession and which would be covered by or could adversely affect professional secrecy.
- c) The processing⁸ by FDC of personal data⁹ communicated by the tenderers relating to this tender is regulated by national and European legislation respectively, from May 25, 2018 onwards, by the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (the GDPR regulation).

In compliance with legal and contractual obligations binding FDC, communicated personal data may be transferred to a processor and/or subcontractor.

Tenderers are hereby informed that a transfer of personal data to a third country may take place where the European Commission has decided that the third country in question ensures an adequate level of protection. Such a transfer does not require any specific authorisation.

^{8, 5} As defined in article 4 of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.

The personal data are retained by FDC in compliance with the technical and organisational security measures necessary to avoid any personal data breach¹⁰.

The holder of personal data is entitled to ask the rectification and the erasure of its data within the limits set down by the GDPR regulation applicable from May 25, 2018 onwards.

Any breach of personal data will, from May 25, 2018 onwards, be notified by FDC to the competent supervisory authority as soon as possible and, if possible, seventy-two (72) hours at the latest after becoming aware of the breach.

¹⁰ As defined in article 4 of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.

5 List of Appendices

Appendix 1:	Questionnaire
Appendix 2:	Mandatory model of the undertaking declaration
Appendix 3:	Mandatory model of the declaration on honour on the absence of a prohibition on participating in public tenders
Appendix 4:	Mandatory model of the declaration on honour for tax and employer obligations
Appendix 5:	Model request to obtain the tender questionnaire
Appendix 6:	FDC Directive concerning the principles and rules of asset management (French only)
Appendix 7:	SICAV Issue Document
Appendix 8:	SICAV Audited Annual Report 2023
Appendix 9:	FDC Annual Report 2022 (French only)
Appendix 10:	FDC Sustainable Investor Factsheet 2022
Appendix 11:	FDC and SICAV Code of Conduct (French only)
Appendix 12:	Portal Handbook