

Terms and conditions of tender of the Deutsche Bundesbank

Supplies and services/EU

for the award of supplies and services

Note:

The tender procedure shall be governed by the German Public Tender Regulation (*Vergabeverordnung – VgV*).

1 Notification of ambiguity in the tender documents

Where a tenderer deems the tender documents to contain ambiguities, omissions or errors, they shall report this immediately in writing to the procurement office before submitting a tender.

2 Unlawful restraints on competition

Any tenders submitted by candidates found to be engaging in an unlawful restraint on competition in connection with this tender procedure shall be disqualified.

To combat any such restraints on competition, the tenderer shall, upon request, disclose whether - and in what capacity - they are economically or legally affiliated with any other enterprises.

3 Tender

3.1 The tender must be submitted in German or English. Any explanations provided by third parties in a language other than German or English must be duly accompanied by a German or English translation.

3.2 The tender must be submitted using the forms provided by the procurement office and submitted by the deadline specified by the procurement office for the timely submission of tenders. Any tenders not submitted in the correct format or on time shall be rejected.

The tenderer is also allowed to submit a self-compiled copy or summary of the list of services to be provided.

3.3 The long version of the aforementioned list provided by the procurement office serves as the sole legally binding basis for any awarded contract.

3.4 Any documents requested by the procurement office following the tendering of a bid shall be submitted by the deadline specified by the procurement office.

3.5 All entries must be indelible.

3.6 Any tenderer whose tender distributes the specifically requested unit prices for individual items across various unit prices for other items shall be deemed as not quoting the requested prices. Therefore, any bids in which the tenderer distributes the unit prices for individual items across other items by way of a mixed calculation shall, as a general rule, not be considered for assessment.

3.7 All prices must be quoted in euro, and rounded to a maximum of three decimal places.

Prices (unit prices, flat-rate prices, charge rates, etc.) are to be stated excluding turnover tax (VAT). The VAT amount is to be calculated according to the applicable rate and added on at the end of the tender.

Price discounts shall only be assessed where these are

- granted unconditionally as a percentage of the invoice amount
- and
- indicated at the place specified in the letter of tender.

Any price discounts not subject to assessment shall remain part of the tender and, where a contract is awarded, be included in that contract.

4 Variant tenders

- 4.1 Variant tenders must meet the specified minimum requirements; this fact must be demonstrated upon submission of the tender.
- 4.2 The tenderer must describe clearly and exhaustively all of the services included in its variant tenders. Moreover, all items specified in the performance list must be adhered to as closely as possible.

Variant tenders must encompass all those services to be provided as the basis for completing their performance in full.

Where a tenderer is offering to provide a service, provision of which is not set out in the procurement documents, that tenderer must specify the relevant details, i.e. the nature and quality of this service, in its bid.

- 4.3 Where a variant tender impacts (i.e. modifies, replaces, removes or sets additional requirements for) the partial provision of any listed items, that tender is to be broken down by quantity and unit price (also in the case of flat-rate remuneration).
- 4.4 Variant tenders that fail to comply with points 4.1 and 4.3 will not be considered for assessment.

5 Tenderer consortia

- 5.1 Alongside its tender, the tenderer consortium shall submit a written declaration, issued by all its members (form 11031),
- stating that a working group will be formed, should the contract be awarded to that consortium,
 - listing all members of the consortium, and designating an authorised representative tasked with performing said contract,
 - confirming that the authorised representative shall legally represent its members vis-à-vis the contracting authority and
 - guaranteeing that all members shall be jointly and severally liable.

If requested by the procurement office, the entire body of consortium members shall submit a declaration, signed by each of them, or one bearing their advanced or qualified electronic signatures.

- 5.2 Where an invitation to tender is not public in nature, any tenders submitted by tenderer consortia that were not established by candidate enterprises until after the invitation to tender was issued shall not be accepted.

6 Capacities of other enterprises (subcontracting, fulfilment of criteria through subcontractors)

In the event that a tenderer intends to commission other/further parties to execute provision of the supplies and/or services, or to rely on third parties to secure the economic and financial standing and/or technical and professional ability needed to fulfil a contract, that tenderer must list in its bid all those supplies and services that it plans to subcontract / each capacity it intends to utilise for this purpose. The tenderer must, at the request of the procurement office, and at the point in time indicated by the latter, demonstrate that it is able to avail itself of the requisite capacities from the stated other enterprises, and confirm that these enterprises meet the suitability criteria. The tenderer shall provide the name, legal representative and contact details of each enterprise and submit the corresponding declarations of commitment from these enterprises.

Where the tenderer avails itself of capacities delivered by other enterprises in fulfilling the relevant economic and financial standing criteria, these third parties must be jointly and severally liable in their performance of the contract; their declaration of liability must be submitted at the same time as their declaration of commitment.

The tenderer shall remove and replace any third party enterprises where there are grounds for their exclusion or where they fail to meet the relevant suitability criteria within any given time period specified by the procurement office.

7 Selection criteria

To demonstrate their suitability to provide the supplies and/or services required, enterprises must submit

- **either** the documents indicated in the contract notice or the invitation to confirm interest (self-declarations, relevant details, necessary certification and any other required evidence)
- **or** a European single procurement document (ESPD) as preliminary evidence alongside their tender.

Where other enterprises are to be employed pursuant to number 6 above, the relevant documents/ESPD shall also be submitted for those enterprises, if specifically requested by the procurement office.

Should the tender be shortlisted, the availability of self-declarations (including those from any other named enterprises) shall, upon express request, be confirmed by submitting the specified certification

issued by the competent authorities. Certification drafted in languages other than German or English must be accompanied by a German or English translation.

The aforementioned obligation to submit self-declarations and certification shall not apply if compliance with the selection criteria (on the part of tenderers and any other named enterprises) has already been demonstrated during the pre-selection process.