

**Ludwig-Maximilians-Universität Munich**

**Procurement Procedure**

**„Hot Isostatic Press“ (LMU-2026-EU-2)**

**Call for Tenders | Guidelines for the Procurement Procedure**

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## 1. Participation Requirements

### 1.1. Contracting Authority

**Ludwig-Maximilians-University Munich**  
**CALA Laser Infrastructure | Management Board**  
**Department of Physics**  
**Dr. Martin L. Groß**  
**Am Coulombwall 1 | DE-85748 Garching**  
**Tel: +49 89 289 14116**  
**Email: M.Gross@physik.uni-muenchen.de**

### 1.2. Point of Contact

The procurement procedure is conducted on behalf of the aforementioned Contracting Authority by the below-mentioned point of contact (“**POC**”):

**Christoph Richter, Attorney at Law**  
**LUTZ | ABEL Rechtsanwalts PartG mbB**  
**Brienner Str. 29 | DE-80333 Munich**  
**Tel: +49 89 544147-0**  
**Email: richter@lutzabel.com**  
**Fax: +49 89 544147-99**

Please note the guidelines for communicating with the POC in chapter 1.4.

### 1.3. Type & Language of the Procurement Procedure

The procurement procedure is conducted via an **open procedure** in accordance with Section 15 of the Ordinance on the Award of Public Contracts (Procurement Ordinance | *in German: Vergabeverordnung – “VgV”*). Any interested company may submit a tender. The entire procurement procedure will be conducted solely in **English**.

#### 1.4. Guidelines for Digital Procurement & Communication

The entire procurement procedure will be conducted solely digitally and web-based. The procurement documents are available for download on [www.dtvp.de](http://www.dtvp.de) (“**procurement platform**”).

Tenderers are recommended to **register on the procurement platform** at the time the documents are downloaded, in other words before submitting their tenders. Once registered, tenderers will be automatically notified via the procurement platform of any new information or changes to the procurement documents. Please note that tenderers who do not register on the procurement platform are obliged to regularly check for any changes on the platform themselves!

**Please note that, in principle, all tenders as well as all communication must be submitted solely via the procurement platform!** Only in the event of **technical difficulties in using the procurement platform, communication** may, as an exception, be conducted directly **with the POC** (see chapter 1.2) via email or telephone. However, it is generally not permitted to communicate directly with the Contracting Authority (see chapter 1.1).

#### 1.5. Questions

Questions regarding the procurement procedure, the service description or other procurement documents must be submitted **immediately, no later than 10 days before the expiry of the tender deadline**. Questions submitted in a timely manner will be answered no later than 6 days before the expiry of the tender deadline (cf. Section 20 para 3 VgV).

#### 1.6. Group of Economic Operators | Consortium

For the sake of clarification it is pointed out that groups of economic operators, including where they have come together in the form of a temporary association, may participate in this procurement procedure without it being necessary for them to take on a specific legal form. However, if a consortium is formed, a joint tenderers' declaration must be submitted under chapter 1.2 of the tender letter if the contract is awarded to this consortium.

#### 1.7. Guidelines for Relying on Third-party Capacities

With regard to eligibility criteria relating to economic and financial standing and to criteria relating to technical and professional ability as set out under chapter 2, a tenderer may, where appropriate, rely on the capacities of other undertakings, regardless of the legal nature of the links which it has with them.

A tenderer can call upon the capacities of other undertakings, provided that it proves that it actually has access to the resources required for the contract by submitting, for example, a declaration of commitment from these undertakings (cf. Section 47 para 1 VgV).

With regard to eligibility criteria relating to the educational and professional qualifications or to the relevant professional experience, tenderers may however only rely on the capacities of other undertakings where the latter will perform the works or services for which these capacities are required (cf. Section 47 para 1 VgV)

Where a tenderer relies on the capacities of other undertakings with regard to eligibility criteria relating to economic and financial standing, the tenderer and the other undertaking are obliged to jointly liable for the execution of the contract (cf. Section 47 para 3 VgV).

If a tenderer intends to rely on the capacities of other undertakings, it must specify under **chapter 1.6 of the form “Eligibility”** on which capacities it will rely on.

In this case, the tenderer must submit the following documents along with its tender:

- ➔ **Form “Eligibility” from each undertaking on whose capacity the tenderer intends to rely** (Please duplicate the form “Eligibility” for this purpose. The form concerning the other undertaking must be completed to the extent to which the tenderer intends to rely on that company’s capacity, e.g. with regard to references).
- ➔ **Declaration of commitment from each undertaking on whose capacity the tenderer intends to rely (Appendix 5 to the form “Eligibility”).**
- ➔ **Self-declaration from each undertaking on whose capacity the tenderer intends to rely regarding the absence of grounds for exclusion (Appendix 8 to the form “Eligibility”).**

#### 1.8. Guidelines for Subcontracting

If a tenderer intends to have parts of the contract performed by subcontractors, it must specify the nature and scope of the subcontracted services under **chapter 1.7 of the form “Eligibility”**.

In this case, the tenderer must submit the following documents along with its tender:

- ➔ **List of subcontractor services**, including the names of the third parties intended for subcontracting (**Appendix 6 to the form “Eligibility”**).
- ➔ **Proof of capacity**: Evidence that the tenderer will have the necessary resources of these third parties at its disposal, for example by submitting a corresponding letter of commitment from these subcontractors (**Appendix 7 to the form “Eligibility”**).
- ➔ **Self-declaration by the subcontractors** regarding the **absence of grounds for exclusion** (**Appendix 8 to the form “Eligibility”**).

#### 1.9. Anti-competitive Agreements

In accordance with Section 1 of the German Act against Restraints of Competition (“**GWB**”), agreements between undertakings, decisions by associations of undertakings and concerted practices which have as their object or effect the prevention, restriction or distortion of competition are prohibited. This likewise applies on the basis of Article 101 para 1 Treaty on the Functioning of the European Union (“**TFEU**”). Apart from that, anti-competitive agreements in connection with procurement procedures are a criminal offence under Section 298 of the German Criminal Code (“**StGB**”).

**Please note that tenderers who take part in an unlawful restriction of competition in connection with this procurement procedure (in breach of Section 1 GWB resp. Art. 101 para 1 TFEU) will be excluded.**

#### 1.10. Prohibition of Variant Tenders

Variant tenders are not permitted.

#### 1.11. Tender Validity Period

The tender validity period ends **three months** after the expiry of the tender deadline.

#### 1.12. Guidelines for Submitting Tenders

Please ensure that you follow the instructions below regarding the submission of tenders:

- ➔ The (digitised) documents must be submitted via the **procurement platform** ([www.dtyp.de](http://www.dtyp.de)) within the **tender deadline** (which can be seen on the procurement platform).
- ➔ Tenderers are **obliged to use the forms** provided by the Contracting Authority.
- ➔ Tenders must be submitted in **English**.

The following documents must be submitted with the tender:

- ➔ the (filled out) form “**eligibility**” (**Annex 3**) as well as the self-declarations, certificates and other documents required in the form
- ➔ the (filled out) form “**self-declaration re relations with Russia**” (**Annex 4**)
- ➔ the (filled out) form “**tender letter**” (**Annex 5**)
- ➔ the (filled out) form “**price sheet**” (**Annex 6**)

**Please note, that no additional documents may be included in the tender. If a tenderer submits documents which are not requested by the Contracting Authority, the tenderer may be excluded from the procurement procedure!**

#### 1.13. Subsequent Requests for Documentation

The Contracting Authority *may* request the tenderer, in accordance with the principles of transparency and equal treatment, to complete, send on or correct any incomplete, missing or incorrect business-related documents, particularly self declarations, statements, certificates or other means of proof, or to complete or send on any incomplete or missing documents related to the performance (cf. Section 56 para 2 VgV). Please note that tenderers have no legal entitlement to a subsequent request!

#### 1.14. Intellectual Property Rights

Tenderers may use the tender documents solely for the purpose of preparing a tender. Any use for other purposes is prohibited without the express written consent of the Contracting Authority. This does not apply to the disclosure of such documents to third parties for the purpose of verifying eligibility or awarding subcontracts.

1.15. Advice on applicable legal remedies

The competent authority for review proceedings is:

**Procurement Chamber of Southern Bavaria**  
**Maximilianstraße 39, 80538 Munich**  
**Tel: +49 89 2176-2411**  
**Fax: +49 89 2176-2847**  
**Email: [vergabekammer.suedbayern@reg-ob.bayern.de](mailto:vergabekammer.suedbayern@reg-ob.bayern.de)**  
**<https://www.regierung.oberbayern.bayern.de/behoerde/mittelin-stanz/vergabekammer/>**

Pursuant to Section 160 para 3 sentence 1 GWB, an application is inadmissible if

1. the applicant became aware of the claimed violation of public procurement provisions before filing the application for review, but did not complain to the Contracting Authority within a time limit of 10 calendar days; the expiry of the time limit under Section 134 para 2 GWB remains unaffected,
2. violations of public procurement provisions which become apparent from the tender notice are not notified to the Contracting Authority by the end of the time limit for the submission of a tender specified in the notice,
3. violations of public procurement provisions which only become apparent from the procurement documents are not notified to the Contracting Authority by the end of the time limit for the submission of a tender specified in the notice,
4. more than 15 calendar days have expired since receipt of notification from the Contracting Authority that it is unwilling to redress the objection.

Section 160 para 3, sentence 1 GWB does not apply to an application for a declaration of the contract's invalidity pursuant to Section 135 para 1, sentence 2 GWB. Section 134 para 1, sentence 2 GWB remains unaffected.

Pursuant to Section 134 para 1, sentence 1 GWB, contracting authorities shall inform the unsuccessful tenderers in text form and without delay of the name of the successful undertaking, the reasons for the rejection of their tenders and of the earliest date of the conclusion of the contract.



This shall also apply to candidates who were not informed of the rejection of their tenders before notification of the decision on the award was sent to the successful tenderers (Section 134 para 1, sentence 2 GWB).

A contract may be concluded at the earliest 15 calendar days after the information pursuant to Section 134 para 1 GWB has been sent. If the information is sent electronically or by fax, the standstill period shall be reduced to 10 calendar days. The standstill period shall begin on the day after which the Contracting Authority despatches the information; the date of receipt by the tenderer and candidate in question shall be irrelevant (cf. Section 134 para 2 GWB).

According to Section 135 para 1 GWB, a public contract shall be deemed ineffective from the outset if the Contracting Authority

1. has violated Section 134 GWB or
2. has awarded the contract without prior publication or announcement in the Official Journal of the European Union without this being expressly permissible in accordance with the law and this violation has been ascertained in review proceedings.

Ineffectiveness pursuant to Section 135 para 1 GWB can be established only if this is claimed in review proceedings within 30 calendar days after the Contracting Authority informs the affected tenderers concerning the conclusion of the contract, but at the latest six months after conclusion of the contract. If the Contracting Authority has published the award of the contract in the Official Journal of the European Union, the time limit for claiming ineffectiveness shall end 30 calendar days after publication of the notice of the award in the Official Journal of the European Union (cf. Section 135 para 2 GWB).

#### 1.16. Participation of tenderers from GPA contracting states

Please note that this procurement is covered by WTO's Agreement on Government Procurement ("**GPA**"). For this reason, tenderers from non-EU countries which are party to the GPA are, in principle, permitted to participate in this procurement procedure, provided they meet the participation requirements and eligibility criteria.

## 2. Eligibility Criteria

Pursuant to Section 122 GWB, public contracts shall be awarded to skilled and efficient, i.e. eligible undertakings that have not been excluded under Section 123 or Section 124 GWB. A tenderer or consortium is eligible if it meets the eligibility criteria defined and announced by the Contracting Authority for the proper execution of the public contract.

A tenderer or consortium must submit the following self-declarations, information, certificates and/or other evidence **using the form “Eligibility”** to demonstrate the absence of grounds for exclusion (see chapter 2.1) and compliance with the eligibility criteria (see chapter 2.2 – 2.5).

### 2.1. Absence of Grounds for Exclusion pursuant to Sections 123, 124 GWB

➔ **A self-declaration** that no person whose conduct is imputable to the tenderer's undertaking pursuant to Section 123 para 3 GWB has been convicted by a final judgment or a final administrative fine has been issued against the undertaking under Section 30 of the German Administrative Offences Act (*in German: Gesetz über Ordnungswidrigkeiten – “OWiG”*) for a criminal offence specified under **Section 123 para 1 GWB**:

- Section 129 of the German Criminal Code [Strafgesetzbuch] (forming criminal organisations), Section 129a of the German Criminal Code (forming terrorist organisations) or Section 129b of the German Criminal Code (foreign criminal and terrorist organisations);
- Section 89c of the German Criminal Code (financing of terrorism) or for participation in such a crime or for the provision or collection of financial resources with the knowledge that such financial resources will be used or are intended to be used, wholly or in part, to commit a crime under Section 89a(2) no 2 of the German Criminal Code;
- Section 261 of the German Criminal Code (money laundering);
- Section 263 of the German Criminal Code (fraud), provided that the criminal offence is directed against the budget of the European Union or against budgets administered by the European Union or on its behalf;

- Section 264 of the German Criminal Code (subsidy fraud), provided that the criminal offence is directed against the budget of the European Union or against budgets administered by the European Union or on its behalf;
- Section 299 of the German Criminal Code (taking and giving bribes in commercial practice), Sections 299a and 299b of the German Criminal Code (taking and giving bribes in the health sector);
- Section 108e of the German Criminal Code (taking of bribes by and giving of bribes to elected officials);
- Sections 333 and 334 of the German Criminal Code (granting benefits and giving bribes), each also in conjunction with Section 335a of the German Criminal Code (foreign and international officials);
- Article 2 Section 2 of the German Act on Combating International Bribery [Gesetz zur Bekämpfung internationaler Bestechung] (Bribery of Foreign Public Officials in International Business Transactions) or
- Sections 232, 232a (1) to (5), Sections 232b to 233a of the German Criminal Code (human trafficking, forced prostitution, forced labour, exploitation of labour, exploitation involving deprivation of liberty).

Notes regarding Section 123 para 1 GWB:

- The conduct of a person convicted by final judgement shall be imputable to an undertaking if that person has acted as the person responsible for the management of the undertaking; this also includes supervision of management or the exercise of control in another manner in a managerial position (cf. Section 123 para 3 GWB).
  - According to Section 123 para 2 GWB, a conviction or the issuance of an administrative fine under the comparable provisions of other countries are the equivalent of a conviction or the issuance of an administrative fine within the meaning of Section 123 para 1 GWB.
- ➔ **A self-declaration** that the tenderer has fulfilled its obligation to pay taxes, charges and social security contributions (cf. **Section 123 para 4 GWB**).
- ➔ **A self-declaration** that none of the facultative grounds for exclusion listed in **Section 124 para 1 No 1 - 4, 7 GWB** applies:

1. the undertaking has demonstrably breached applicable environmental, social or labour obligations in carrying out public contracts;
2. the undertaking is insolvent, an insolvency proceeding or a comparable proceeding over the assets of the undertaking has been filed or opened, the opening of such a proceeding has been denied for lack of assets, the undertaking is in liquidation proceedings or has ceased to do business;
3. the undertaking has demonstrably committed grave professional misconduct which renders its integrity questionable; Section 123(3) shall apply mutatis mutandis;
4. the Contracting Authority has sufficient indications that the undertaking has concluded agreements with other undertakings or engaged in concerted practices which have as their object or effect, the prevention, restriction or distortion of competition;
7. the undertaking has produced significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract or concession contract which led to an early termination, damages or other comparable sanctions.

## 2.2. Enrollment in a Professional or Trade Register

A tenderer or the members of a consortium have to provide a **documentation** to be enrolled in a professional or trade register in their state of origin, provided that registration is required under the laws of the country in which the tenderer or the consortium members are established. The documentation must reflect the current registration status. For this purpose, an extract of the enrollment must be submitted that is **no older than 3 months** at the time of submission of the tender. As an **alternative, a self-declaration** may be submitted stating that the submitted extract(s) reflect the current registration status.

## 2.3. Professional Indemnity Insurance

**Documentation** of professional indemnity insurance for the tenderer or the members of the consortium to cover all risks arising in connection with the services under the contract, with a **sum insured** of

- **at least EUR 1,000,000.00 for personal injury,**
- **at least EUR 1,000,000.00 for property damage and**
- **at least EUR 1,000,000.00 for financial loss.**

The insurance company providing the professional indemnity insurance must be **licensed in an EU Member State** or in a signatory state to the Agreement on the **European Economic Area**. As an **alternative**, the insurance company must **guarantee** that it will settle claims in accordance with the **insurance standards applicable within the EU**.

As an **alternative**, the tenderer or each member of the consortium must submit a **self-declaration** stating that, if awarded the contract, appropriate insurance will be obtained and proof of such insurance will be submitted to the Contracting Authority prior to the provision of services.

#### 2.4. Language Skills

**Self-declaration** regarding the language skills of the staff assigned to carry out the contract.

As a minimum requirement, the project manager and the staff assigned to perform the services and who will be in direct contact with the Contracting Authority must be fluent in spoken and written English.

#### 2.5. References

**Self-declaration** regarding suitable reference projects. For each reference project, the name, address and contact details of the client as well as the service period and a description of the services provided must be submitted. In addition, details must be provided regarding the comparability of the reference with the services covered by this tender (see Appendix 3a et seq. to the form "Eligibility").

The following **minimum requirements** apply to the reference projects:

- a) **At least one suitable reference must be submitted, but no more than three references may be submitted.**
- b) **The reference project must have been completed between January 1, 2023, and December 31, 2025. If the project is still ongoing as of December 31, 2025, it must have been running for at least three months.**
- c) **A reference is considered suitable if it is comparable, in terms of content, nature, scope and complexity, to the services covered by this tender (see service description, Appendix 1)**

Please note that the Contracting Authority will only consider the reference projects listed by the tenderer in **Appendix 3a et seq.** to the form “**eligibility**”. **If a tenderer submits information regarding references in other or additional documents, the tender must be excluded! A tender will also be excluded if a tenderer submits more than three reference projects!** A tender consortium may also submit a maximum of three reference projects in total. For each reference, at least one telephone number and one email address for the relevant department at the client’s office must be provided. The Contracting Authority reserves the right to verify the tenderer’s statements by contacting the reference client.

### **3. Award Criterion**

The submitted tenders will be evaluated solely on the basis of the award criterion “**tender price**.” The contract will be awarded to the tenderer with the lowest tender price.

### **4. List of Appendices**

Appendix 1	<b>Service Description</b>
Appendix 2	<b>Contract</b> ( <i>draft to be signed once the contract has been awarded</i> )
Appendix 3	<b>Eligibility</b> ( <i>form to be completed</i> )
Appendix 4	<b>Self-declaration re Relations with Russia</b> ( <i>form to be completed</i> )
Appendix 5	<b>Tender Letter</b> ( <i>form to be completed</i> )
Appendix 6	<b>Price Sheet</b> ( <i>form to be completed</i> )