Technical University of Munich

Open Procedure

Procurement and procedure description

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1. Specifications

See Annex V _ Technical description confocal microscope

2. Terms and conditions of the contract

The General Terms and Conditions of the Contract for the Performance of Services (VOL/B) shall apply in the version as valid at the time of the submission of the tender.

For the procurement of IT services, the EVB-IT General Terms and Conditions corresponding to the service description and the nature of the order, as amended from time to time, shall be incorporated into this agreement. These terms are available at:

www.cio.bund.de or directly via the following link:

https://www.digitale-verwaltung.de/Webs/DV/DE/aktuelles-service/it-einkauf/evb-it-und-bvb/aktuelle_evb-it-node.html

In the event of any conflict between the provisions of this agreement, the following order of precedence shall apply:

a. The specifications (Annex V)

b. The applicable contractual provisions, in particular the EVB-IT General Terms and Conditions (EVB-IT AGB)

d. The provisions of VOL/B

e. The provisions of the German Civil Code (Bürgerliches Gesetzbuch).

3. Terms and Conditions of the procurement procedure

3.1 General

3.1.1 Procedure type

The procurement procedure is conducted in accordance with the provisions of the German Act against Restraints of Competition (Gesetz gegen Wettbewerbsbeschränkungen – GWB) and the German Regulation on the Award of Public Service Contracts (Vergabeverordnung – VgV). The contract is awarded in an open procedure according to § 15 VgV.

3.1.2 Electronic availability of procurement documents/procurement platform

Internet address for unrestricted and full direct access free of charge to the procurement documents

https://www.dtvp.de/Satellite/notice/CXP4YK0MTE3

For technical information on platform usage see **Annex I**

3.1.3 Timeline (preliminary)

E-notice published	20.11.2026
Time limit tenders	22.12.2026, 9.00 Uhr
Evaluation tenders, information result	22.12.2026
Contract award	03.01.2027

3.1.4 Confidentiality

The procurement documents shall be treated confidentially and remain the property of TUM. They may only be used for the purpose of issuing tenders in this procedure. Any publication and any disclosure to third parties, also in extracts, or any use for any other purpose not covered by the above-mentioned use shall not be permitted without the express prior written consent of TUM.

If no application or no tender is submitted, the procurement documents shall be destroyed in the own responsibility of the tenderer.

Non-observance of the confidentiality requirements - without prejudice to further consequences - will inevitably have an influence on the assessment of the reliability of the tenderer, in particular also for future procurement procedures of TUM.

3.1.5 Processing of personal data, data protection

See **Annex II**

3.1.6 Additions / revisions of the procurement documents

TUM reserves the right to amend, supplement, rectify or clarify the procurement documents or information at any stage of the procedure.

Those adjustments are made available to all economic operators in the same way as the original procurement documents. All tenderers are therefore obliged to regularly check

the communicated platform address (see 3.1.2) for updates or additions to the procurement documents.

3.1.7 Questions / communication of ambiguity in the procurement documents

All tenderers shall check the completeness of the procurement documents and request missing documents from TUM.

If the procurement documents contain ambiguities or other deficiencies or questions arise concerning the procedure or the contract, the tenderer shall immediately inform TUM via the communication tool on the procurement platform (see 3.1.2).

Answers to questions are made available to all economic operators in the same way as the original procurement documents. All tenderers are therefore obliged to regularly check the project room on the platform (see 3.1.2) for updates or additions to the procurement documents and answers to questions.

3.1.8 Compensation for the tenders

No compensation will be granted for the preparation of tenders.

3.1.9 Body responsible for review procedures

Vergabekammer Südbayern
Maximilianstrasse 39
80538 Munich
Germany
Tel: +49 8921762411
Fax: +49 8921762847
E-Mail: vergabekammer.suedbayern@reg-ob.bayern.de
https://www.regierung.oberbayern.bayern.de/behoerde/mittelinstanz/vergabekammer/

3.1.10 Review procederes/time limits

The application for a review procedure at the review body as set out in section 3.1.9 is inadmissible pursuant to § 160 (3) GWB if

1. the tenderer has recognized the alleged infringement of public procurement rules prior to the submission of the petition for review and has not issued a complaint to TUM within a period of ten calendar days;

2. infringements of public procurement rules which are discernible on the basis of the contract notice are not notified to TUM at the latest by the expiry of the time limit specified in the contract notice for the tender,

3. infringements of procurement rules which are discernible on the basis of the procurement documents are not notified to TUM at the latest by the expiry of the time limit specified in the contract notice for the tender, or

4. more than 15 calendar days have elapsed after receipt of the notification by TUM to not remedy a complaint of the tenderer.

3.2 Requirements for tenders

Economic operators intending to participate in the procedure are required to submit a tender as indicated below.

3.2.1 Form and time limit

Tenders must be submitted

- in electronic form (text form, § 126b German Civil Code (BGB), via e-mail (submissions in paper form or Fax are not admissible and will lead to the exclusion of the tender!).
- with all templates and components filled as requested; there is no signature needed, with the exception of:

    - Tender form, **Exhibit 2**: applicable only if tenderer is group of economic operators: **signatures by all members and pdf scan required**
    - Tender form, **Exhibit 3**: in case entity providing capacities to tenderer according to Exhibit 6 is foreseen: **signature of entity and pdf scan required**
    - Tender form, **Exhibit 7**: applicable only in case entity providing capacities to tenderer according to Exhibit 6 is foreseen: **signature of entity and pdf scan required**
    - Tender form, **Exhibit 9**: applicable only for subcontractors providing capacities to tenderer according to Exhibit 8: **signature of subcontractor and pdf scan required**
    - Tender form, **Exhibit 10**, Self-declaration

- in the English or/and German language,
- including all documents, information and explanations required in this section 3.2 of this document,

by the latest until **the date set out in the contract notice** via the procurement platform (see 3.1.2).

Tenders must be issued on the basis of the procurement documents, including annexes, and comprise all required documents, (price) information, and explanations, with a binding period of 2 months from the expiry of the tender period.

3.2.2 Groups of economic operators

Groups of economic operators have to submit a declaration **with the tender**, signed by all members and uploaded as pdf scan,

- in which all members are listed and the representative authorized for the award procedure and the contract is designated,
- confirming that the authorized representative represents the members in a legally binding manner vis-à-vis TUM,
- confirming that each member commits to providing its capacities to tenderer for the performance of the contract
- in which the formation of a consortium of all members is declared in the case of the contract award, and
- confirming that all members of the group of economic operators are jointly and severally liable.

3.2.3 Exclusion grounds, selection criteria and means of proof

See **Annex III**

3.2.4 Reliance on the capacities of other entities

With regard to the selection criteria a tenderer may rely on the capacities of other entities, regardless of the legal nature of the links which it has with them.

Where a tenderer intends to rely on the capacities of other entities in order to obtain the necessary capacity or expertise, the tenderer must **in its tender:**

- name those entities,
- indicate the nature and scope the tenderer relies on the capacities of those other entities,
- include the self-declarations required to prove the fulfillment of the selection criteria for which the tenderer relies on the capacities of those other entities,
- prove to TUM that it will have at its disposal the resources necessary, for example, by producing a commitment by those entities to that effect, and

- include a self-declaration of each of those entities for the absence of grounds for exclusion.

Where a tenderer relies on the capacities of other entities with regard to criteria relating to economic and financial standing pursuant to section 3.2.3, the tenderer and those entities have to declare **in the tender** to be jointly liable for the execution of the contract.

With regard to criteria relating to the relevant professional experiences, the tenderer may only rely on the capacities of other entities where the latter will actually perform the supplies for which these capacities are required, in the case of award of the contract to the tenderer.

3.2.5 Price and further information

With the tender the tenderer has to submit the completely filled price form, containing the lump sum price for the complete supply of the Confocal Microscope (DDP Incoterms 2020), including all expenses and ancillary services such as packaging, freight, insurance, assembly, installation, integration, test run, acceptance, documentation etc. as well as supplements for extra, late, night, weekend or holiday work, expenses, accommodation and travelling expenses, subsistence expenses and all other cost arising from the contractual supplies and services based on the procurement documents or common industry standards.

All prices are to be indicated in Euro net, exclusive of VAT.

Discounts will not be considered in the evaluation of the tender but remain content of the tender and become element of the contract in case of contract award.

3.2.6 Subcontracting

If a tenderer intends to award parts of the contract to third parties by subcontracting, the nature and extent of the services to be performed by those subcontractors must be indicated in the tender.

The tenderer is to designate the proposed subcontractors and to prove to TUM that it will have at its disposal the resources necessary, for example, by producing a commitment by those subcontractors.

3.2.7 Extract from the competition register (Wettbewerbsregister)

For any contract with a value of €50,000 or more (net), the contractor shall request an extract from the Competition Register (Wettbewerbsregister) pursuant to Section 6 (1)

of the German Competition Register Act (WRegG) for the bidder whose offer is intended to be awarded.

3.2.8 Self-declaration regarding sanctions package against Russia

See **Annex IV**

3.3 Assessment of tenders

The assessment of the tenders is carried out in accordance with §§ 56 ff. Vergabeverordnung (VgV). Tenders that do not meet the requirements of § 57 VgV will be excluded, in particular:

1. tenders which have not been received in good time or in due form unless the tenderer is not responsible for the default,
2. tenders that do not contain the requested documents,
3. tenders in which the tenderer's amendments to its entries are not unequivocal,
4. tenders containing changes or amendments to the procurement documents, in particular tenders not fulfilling the minimum requirements set out in section 1,
5. tenders not containing the required price information, unless it concerns insignificant individual items without effect on the total price or the ranking and competition, or
6. tenders with variations not allowed in the procurement documents.

Where a tender is or appears to be incomplete or erroneous or where specific documents are missing, TUM reserves the right – but is not obliged – to request the tenderers concerned to submit, supplement, clarify or complete the relevant information or documentation within an appropriate time limit, provided that such requests are made in full compliance with the principles of equal treatment and transparency. The information or documentation must be submitted by the tenderer within the set period of time. In case the tenderer does not fully comply with this request its tender is excluded from the procedure.

If the price or the cost of an tender appears unusually low in relation to the service to be provided, TUM requests clarification from the tenderer, § 60 VgV. If the tenderer does not satisfactorily explain the low level of the price or the costs in the course of the information, TUM may refuse to accept this tender, § 60 (3) 1 VgV.

3.4 Award criteria

Tenders admissible will be evaluated according to the criteria below:

No.	Award criteria	Points (max) (1)	Weighting (2)	Weighted points (max) (1) x (2)
1.	lump sum price (net)	4	3	12
2.	quality	4	7	28
	Weighted points in total			**40**

Criterion no. 1 is rated as follows:

Tenderer's Score = 4 x (2 – (lump sum price offered (net) / lowest lump sum price (net)))

The tender scoring the highest amount of weighted points in total will be awarded the contract.

In case two (or more) tenders are scoring the same weighted points in total and are joining the highest ranks, the tender with the lowest lump sum price (net) will be awarded the contract.

Criterion no. 2 is rated as follows:

- If there is a fast single scan spectral separation with the multi array detector, +1 point. If there is no fast single scan spectral separation with the multi array detector, +0 points.
- If the detector has an optimised emission area by using hexagonal emission elements, +1 point. If there is no optimised emission area by using hexagonal emission elements, +0 point.
- If there is a method for reliable spectral identification and separation of fluorescent dyes based on their characteristic emission spectra with a single excitation and a direct spectral unmixing during acquisition (no post processing needed), + 0.5 point. If there is no such method, + 0 point.
- If the epifluorescence excitation light source shall incorporate a monitor photodiode to ensure continuous monitoring and stable, reproducible excitation intensity during the lifetime of the light source, + 0.5 point. If there is no such measure in the epifluorescence light source, +0 point.

- If there is an automated AI-based sample location wizard for easy sample location, +0.5 point. If there is no such software feature, +0 points.
- If there is an advanced image analysis software included in the price (e.g. Imaris, Arivis Pro or similar) for 1 year or more, +0.5 point. If no additional advanced software is included, +0 points.

Annex I

Instructions for electronic tendering process via platform

Annex II

Data Protection

Annex III

Tender form

Annex IV

Self-declaration Russia

Annex V

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