

TUB transaction number OV-252-26
Description of requirement Procurement of an optical measurement system for volumetric, time-resolved fluid and structural measurements in water

**Special Contract Conditions Regarding Minimum Hourly
Rates of Pay and Observation of Collective Wage
Agreements (Part A)**

Annex: Collective Agreement Brochure(s) on Remuneration Subject to Collective Agreement Compliance Requirements (see index of annexes)

1. Obligation to pay specific minimum hourly rates of pay and specific collectively agreed wages

1.1. The contractor commits to pay its employees deployed for the performance of the contract the following minimum hourly rates of pay for work and/or collectively agreed wages throughout the performance of the contract:

1.1.1. At least the remuneration, including the minimum remuneration, as made binding for the service in question under the Minimum Wages Act (*Mindestlohngesetz*), a collective agreement declared generally binding under the Collective Agreements Act (*Tarifvertragsgesetz*) with the effects provided for by the Posted Workers Act (*Arbeitnehmer-Entsendegesetz*), or a statutory ordinance issued on the basis of Section 7, Section 7a, or Section 11 of the Posted Workers Act, or a statutory ordinance issued on the basis of Section 3a of the Act on Temporary Agency Work (*Arbeitnehmerüberlassungsgesetz*),

1.1.2. Irrespective of the headquarters of the company and the place of performance of the work, at least the remuneration (including overtime rates) in accordance with the provisions of the collective wage agreement applicable to the relevant trade in the State of Berlin; specifically, the remuneration provisions of the attached "Collective Agreement Brochure(s) on Remuneration Subject to Collective Agreement Compliance Requirements" listed in the annex of these contract conditions are agreed upon.

1.1.3. Employees shall be paid at least the minimum gross hourly rate of EUR 14.84; trainees are excluded from this provision.

1.2. If more than one of the obligations under 1.1.1, 1.1.2, and 1.1.3 apply to the contractor, then the most favorable arrangement for employees shall apply.

1.3. These obligations do not apply to work performed abroad.

2. Transfer of obligation to the subcontractor chain

2.1. The contractor commits to conclude an agreement with its subcontractors and/or agencies providing employees to ensure compliance with the obligation in 1. above.

2.2. The contractor commits to obligate its subcontractors and/or agencies providing employees to conclude an agreement in accordance with 2.1. with any further subcontractors so as to ensure compliance with the requirements throughout the entire subcontracting chain.

2.3. A subcontractor and/or agency providing employees is not obligated to comply with these agreements if:

2.3.1. The subcontract in question is exempted from public procurement law on the grounds of Sections 107, 109, 116, 117, 137, 140, and 145 of the Competition Act (*Gesetz gegen Wettbewerbsbeschränkungen*);

2.3.2. The contractor or subcontractor further subcontracting the work is required to accept the contract conditions of a subcontractor in order to perform the service;

2.3.3. The value of the subcontract for a deliverable or service is less than EUR 75,000 (excluding VAT) or in the case of construction work, less than EUR 500,000 (excluding VAT).

2.4. Notwithstanding 2.3.3., a subcontractor and/or agency providing employees is required to comply with the obligation set forth in 1.1.2. if the value of the subcontract in question reaches EUR 1,000 (excluding VAT) and one of the collective agreements specified in 1.1.2. applies to the services to be provided by the subcontractor and/or agency providing employees. The exceptions set forth in 2.3.1. and 2.3.2. remain unaffected.

2.5. Upon request, the contractor is required to provide proof of the transfer of the obligation in accordance with 2.1., 2.2., and 2.4., or to provide proof of exemption in accordance with 2.3.

2.6. Any infringements by a subcontractor or agency providing employees of the agreed obligations in accordance with 2.1. and 2.2. regarding the contractor's obligation under 1. shall be attributed to the contractor.

Wirt-214.1

(Special Contract Conditions Regarding Minimum Hourly Rates of Pay and Observation of Collective Wage Agreements – Part A)

(Note: The contract conditions regarding inspections of these obligations and the possible sanctions in the event of infringements, as well as a link to the template for transferring these obligations to the subcontractor, are provided in Part B – Wirt-2144.)

Index of annexes

Collective Agreement Brochure(s) on Remuneration Subject to Collective Agreement Compliance Requirements in accordance with 1.1.2.