

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
the Prevention of Disadvantages
(Part A)**

1. Obligation to prevent disadvantages

The contractor commits to:

- 1.1. comply with the federal and state legal provisions regarding general non-discrimination, particularly the General Act on Equal Treatment (*Allgemeines Gleichbehandlungsgesetz – AGG*);
- 1.2. pay male and female employees the same remuneration for the same or equivalent work. This is without prejudice to the provisions of collective agreements.

2. Transfer of obligation to the subcontractor chain

- 2.1. The contractor commits to obligate its subcontractors and/or agencies providing employees to comply 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 supplying staff is not obliged 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. Upon request, the contractor is required to provide proof of the transfer of the obligation in accordance with 2.1. and 2.2. or to provide proof of exemption in accordance with 2.3.
- 2.5. 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.

(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.)