GSI Helmholtzzentrum für Schwerionenforschung GmbH
Planckstraße 1
64291 Darmstadt

www.gsi.de

Intended to remain with candidate/bidder, not to be returned with the participation application or tender!

A Note on Gender:

For reasons of readability, the language forms male, female and diverse (m/f/d) are not used concurrently. All gender markings and pronouns apply equally to all genders

To All Bidders

Special Application Requirements for the Open Procedure According to § 15 VgV [transl.: Ordinance on the Award of Public Contracts (Procurement Ordinance)]

Geschäftsführung:
Prof. Dr. Thomas Nilsson
Dr. Katharina Stummeyer
Jörg Blaurock

Vorsitzende des GSI-Aufsichtsrats:
Ministerialdirigentin Dr. Andrea Fischer

Sitz: Darmstadt
Amtsgericht Darmstadt HRB 1528

VAT-ID: DE 111 671 917
Landesbank Hessen/Thüringen

IBAN DE56 5005 0000 5001 8650 04
BIC HELA DE FF

To Whom It May Concern,

GSI Helmholtzzentrum für Schwerionenforschung GmbH (hereinafter referred to as "GSI", "Awarding Authority" or "Client") conducts an open procedure according to § 15 VgV [transl.: Ordinance on the Award of Public Contracts (Procurement Ordinance)], § 119 para. 3 GWB [transl.: Act against Restraints of Competition] for the tender **„80/2600041978 – Strahlstromtransformator“** under the following conditions:

Notification of Ambiguities in the Tender Documents

After receiving the tender documents, Bidder must check them for completeness. If the tender documents are incomplete or if they contain ambiguities in Bidder's opinion, Bidder must immediately inform Awarding Authority before submitting the tender via DTVP [transl.: German Awarding Platform].

NOTE: To clarify matters, Awarding Authority emphasises that the terms "Candidate", "Bidder", "Tenderer" and "Contractor" each refer to the same (legal) person. The "Bidding Consortium" and the "Tenderer Consortium" are also used synonymously; for the sake of clarity, only the term "Bidding Consortium" is used in these documents.

1. **Tender Documents and Components of the Tender**

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The following forms provided by GSI together with the award documents must be completed and submitted to Awarding Authority as part of the tender:

- **Dokument 02. a) Eignung_2600041978 (DE+EN)**
- **Dokument 02. b) Eignung_UA & Bietergemeinschaft_2600041978 ((DE+EN)**
- **Dokument 03. Angebotsformblatt_2600041978 (DE+EN)**

The contracting authority accepts the Standard European Self-Declaration (EEE) in accordance with Section 50 of the VgV. If the contracting authority requests **additional** self-declarations beyond those required by the EEE, the bidder must submit them as supplements. These can be found in the document "GSI Eignung VgV."

The following documents must be completed by Bidder and submitted to Awarding Authority as part of the tender:

Explanatory Notes on the Tender

The bidder shall attach a document to the bid that provides a detailed explanation of the total bid price and the scope of services offered. The information required in the statement of work must be substantiated.

- Please note that your technical explanations regarding the provision of services must not contradict the provided award and contract documents.

- **A declaration that there are no customs tariff numbers yet, if applicable**

Bidder shall specify all relevant **customs tariff numbers** of the services included in the tender separately. If these are not available yet, Bidder must instead inform Awarding Authority of this in the tender. Awarding Authority reserves the right to request the customs tariff numbers once only. Bidder, however, is not entitled to this. Bidder can be excluded from the procedure if Bidder fails to designate existing customs tariff numbers.

Note: Safeguard Duty on Steel Products

Referring to the Implementing Regulations (EU) 2018/1013 of the Commission on 17 July 2018 re: imposing provisional safeguard measures on certain steel products, and 2019/159 of the Commission on 31 January 2019 re: imposing definitive

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safeguard measures on imports of certain steel products, in particular the recitals set out in those regulations, Awarding Authority points out the following:

When submitting a tenders, Bidder shall inform Awarding Authority that both or only one of the regulations would apply in the event of an award being made. The possibility of an exempted quota is irrelevant. Should Bidder fail to do so, contrary to the obligation stipulated herein, Bidder may be excluded from the procedure. Should Awarding Authority become aware after making the award that such a breach of obligations has occurred, Awarding Authority shall be entitled, at its sole discretion and without notice, to withdraw from the contract without this giving rise to any liability claims for the contractor.

It is up to the Bidder concerned to prove that the safeguard duty provided for in the regulations is not relevant, by means of a certificate of origin when submitting a tender.

The forms provided with the tender documents must be completed in full, depending on the tender. Failure to submit or incomplete submission of the required documents, as well as deliberate misrepresentation may result in exclusion of Bidder from the competition. GSI reserves the right to request additional documents once only within a period to be determined in the subsequential request in accordance with § 56 VgV. Bidders cannot, however, rely on such a request being made. Ultimately incomplete tenders will be excluded (§ 57 para. 1 no. 2 VgV).

Bidders may not base their tender on their own contractual conditions. Changes to the tender documents (e.g. deletions or additions to the documents in spaces not provided explicitly for this purpose) are not permitted and will result in exclusion from further proceedings, § 57 para. 1 no. 4 VgV.

2. Deadline for Submitting Tenders

The deadline set in the contract notice for the submission of tenders must be strictly observed. Tenders received late will be excluded from the procedure, unless Bidder cannot be held responsible (§ 57 para. 1 no. 1 VgV).

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3. Formal Requirements for Tenders

The only form of submission of tenders accepted by Awarding Authority is in writing, electronically.

It should be noted that in the case of electronic submission, the text form according to § 126b BGB is only observed if the tenders are transmitted in encrypted form via the awarding platform (cf. information on eVergabe). **Submitting the tender via email is not sufficient.**

In the case of incorrect/ incomplete information that violates the aforementioned formal requirements, tenders will be excluded unless Bidder cannot be held responsible (§ 57 para. 1 no. 1 VgV).

4. Communication with Bidders

Communication with Bidders takes place via the DTVP's tender platform. Questions must be sent to GSI via DTVP and will are answered via DTVP. Questions posed orally or by telephone regarding the documents or the contractual object will not be answered; answers given orally or by telephone are not binding.

5. Languages

The procedural and contractual language is German. The tender documents may be partly in German and English, specifications and technical equipment only in English in part. In the case of documents written in German and English, only the German version shall be binding; in this case, the English version shall only serve to improve comprehension of the document for foreign bidders. In case of inconsistencies between the German version and the English translation, the German original text is legally binding.

If Bidder submits a tender and includes proof of suitability in another language, German translations must also be submitted.

6. Award Criteria/ Tender Evaluation

The award shall be made to the most economically advantageous tender. Bidders accepted for evaluation shall be evaluated on the basis of the award criteria with the corresponding weighting indicated.

In compliance with the general principles of equal treatment and transparency, Awarding Authority has determined the following award criteria: **100% Price**

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To submit a price proposal, **the bid form** must be completed; the requirements for doing so are specified in detail in the bid form itself and in the **Technical Specifications.** Only the prices listed in the bid form shall be applicable for the provision of services.

7. Alternative Tender, § 35 VgV

Alternative tenders are not permitted.

8. Industrial Property Rights, § 53 para. 8 VgV

If industrial property rights exist for and apply to the subject of the tender or have been applied for by Bidder or others, this must be stated under Explanatory Notes on the Tender. If Bidder is considering making information from their tender the subject of an application for an industrial property right, this must be clearly stated under Explanatory Notes on the Tender.

9. Notice for economic operators from third countries (Non-EU) that have not concluded an international agreement with the EU in the field of public procurement.

The contracting authority reserves the right to exclude economic operators from third countries that have not concluded an international agreement with the EU in the field of public procurement at any time during the procedure – even without stating reasons. This also includes bidding consortiums in which at least one such economic operator is involved. However, it does not apply to cases in which such an economic operator is planned only as a subcontractor.

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