



**FAIR - Facility for Antiproton and Ion
Research in Europe GmbH**
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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 [Ordinance on the Award of Public Contracts (Procurement Ordinance)]

To whom it may concern,

FAIR - Facility for Antiproton and Ion Research in Europe GmbH (hereinafter referred to as "FAIR", "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 "[32/2600039531FAIR – Development and Series Production of Current-to-Frequency Converters for SIS100](#)" under the following conditions:

0. 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 A

warding Platform].

1. Tender Documents and Components of the Tender

NOTE: To clarify matters, Awarding Authority emphasises that the terms "Candidate", "Bidder", "Tenderer" and "Contractor" each refer to the same (legal) person.

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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.

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

- [Suitability_IFC4](#)
- [if applicable- SubContractor and Bidder Consortium_IFC4.docx](#)
- [Offer Form_IFC4](#)
- [Cost_Breakdown_IFC4](#)

If Bidder submits the Einheitliche Europäische Eigenerklärung "EEE" [transl.: European Single Procurement Document (ESPD)] in accordance with § 50 VgV, only the following of the aforementioned forms must be attached in addition:

- Form Company Presentation (completed, because of the additional data requested)
- Form Violations of the SchwarzArbG, the AEntgG, the AufenthG as well as the MiLoG
- Form Professional Liability Insurance
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In addition, FAIR would like to point out that in this case each member of Bidding Consortium and each subcontractor must complete an EEE.

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

- [Explanatory Notes on the Tender](#)
Bidder submits the tender with a document attached that explains the total tender price and the technical data of the scope of supply and services offered in detail. The information required under technical specifications must be documented. All system components must be listed and described in detail.
- [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 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. FAIR 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).

3. Formal Requirements for Tenders

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

Note: In Writing, Electronically

Tenders shall be submitted electronically within the deadline via the German awarding platform DTVP.

URL: <http://www.dtv.de/Center/>

The forms and other documents to be completed, provided by FAIR, may be

- either completed on the online tendering tool under the section "Documents to Be Completed" or
- created and compiled separately by Bidder together with the other components of the tender (concepts or explanations etc.), then uploaded under the heading "Own Documents".

However, Bidders should not fill in the forms online and upload them again separately, as this can result in transmission errors and increases the workload on both sides.

In order to comply with the text form (in writing) according to § 126b BGB [transl.: German Civil Code] when submitting tenders, Bidders must provide the following information:

- In the case of natural persons, the full name (first name and surname) must be given (name of the declaring person in the tender form).
- In the case of legal entities and commercial companies and corporations, the name of the company and its legal form must be stated. In addition, the full name of the employee who is submitting the tender on behalf of the company (name of the declaring person in the tender form) must be stated. The insertion of a company logo is not sufficient.
- In the case of Bidding Consortia, the declaring person according to § 126b BGB shall be the employee of the leading member who submits the tender on behalf of the Bidding Consortium; besides, the form "Bidding Consortium Declaration" must be submitted.

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 FAIR via DTVP and will be 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 English. 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 English version shall be binding; in this case, the German version shall only serve to improve comprehension of the document for bidders. In case of inconsistencies between the English version and the German translation, the English original text is legally binding.

If Bidder submits a tender and includes proof of suitability in another language, English 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.

FAIR reserves the right to invite the three Bidders with the highest scores for a presentation to verify the information and documents provided. There will be no negotiations.

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

see Document: [siehe „CSX 42 - Angebotswertungsmethoden und -kriterien.pdf“](#)

The following section explains the criteria by which the specified award criteria are evaluated:

6.1 Weighting of Award Criteria

The evaluation is based on the price-quotient method. Price and performance are assigned the weighting factors (see above). The Price-Quotient-Method can be shown as follows:

$$Z = G(\text{Performance}) * L(\text{Tender}) + G(\text{Price}) * \frac{L(\text{best}) * P(\text{lowest})}{P(\text{Tender})}$$

The individual components of the formula are specified as follows:

$Z(\text{Tender})$ = Weighted score for price/performance evaluation of the evaluable tender

$G(\text{Performance})$ = Weighting factor for the performance criteria of the evaluable tender according to the above chart

$L(\text{Tender})$ = Total score of the performance criteria of the evaluable tender as reference value

$G(\text{Price})$ = Weighting factor for the total bid price of the evaluable tender in accordance with the above chart

$L(\text{best})$ = Best overall score of the performance criteria of the evaluable tenders

$P(\text{lowest})$ = Lowest total tender price of the evaluable tenders

$P(\text{Tender})$ = Total tender price of the evaluable tender

6.2 Award Criterion "Total Tender Price"

For the award criterion "Total Bid Price," the total price listed on the bid form will be used for evaluation. Only the prices listed on the bid form/cost breakdown are applicable for the provision of services.

6.3 Valuation Standard for Performance Criteria

In the evaluation of the individual performance criteria, each criterion shall be evaluated on a continuous scale of 10 points for fulfilling a criterion completely, to 0 points for not fulfilling a criterion at all, as follows.

Points	Evaluation	Note
9-10	Very good	Particularly outstanding fulfilment of the performance criteria
7-8	Good	Fulfilment of performance criteria that is significantly above average despite minor deficiencies
5-6	Satisfactory	Fulfilment of performance criteria that still meet average requirements despite minor to moderate deficiencies
3-4	Adequate	Fulfilment of the criteria that suffers from considerable deficiencies and is generally barely usable
0-2	Deficient - Inadequate	Completely useless fulfilment of the required criteria

For each required performance criterion, questions and aspects are listed in the content specifications below that are to be developed conceptually or on the basis of technical specifications etc., depending on the criterion. The following degrees of target attainment apply to achievement of the individual point levels:

In the case of serious deficiencies in the explanation, the performance criterion is classified as unusable and thus as deficient or inadequate (0-2 points).

If the questions and aspects listed in the explanations show considerable shortcomings, the criterion is classified as barely usable fulfilment of the criteria and thus as sufficient but below average (3-4 points).

If all questions and aspects have been addressed at least briefly or if only minor to medium deficiencies are noted, the performance criterion is classified as average and thus as satisfactory (5-6 points).

If all questions and aspects have been dealt with exhaustively, with special attention paid to the highlighted areas, or if the criteria are still considered to be fulfilled to a good extent despite existing deficiencies, the performance criterion is rated as considerably above the average requirements and thus as good (7-8 points).

If additional aspects and ideas are included beyond the aforementioned, the performance criterion is rated as particularly outstanding and thus as very good (9-10 points).

The results of the individual performance criteria are calculated on the basis of the published weighting into a weighted total number of points that amount to the performance criteria for Bidder (see chart above). The tenders are then compared with the tenders of other Bidders and evaluated.

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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