

*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 Conditions for the Open Procedure According to § 9 UVgO [transl.: Regulation on Sub-Threshold Procurement]

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 § 9 UVgO for the tender "**80/2600037145 FPGA-Product from the Manufacturer "INTEL"**" 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 Awarding Platform].

#### 1. Tender Documents and Components of the Tender Application

**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 the other documents.

Geschäftsführung:  
Professor Dr. Thomas Nilsson  
Dr. Katharina Stummeyer  
Jörg Blaurock  
  
Vorsitzende des GSI-Aufsichtsrats:  
Ministerialrätin Dr. Andrea Fischer

Sitz: Darmstadt  
Amtsgericht Darmstadt HRB 1528  
USt-IdNr.: DE 111 671 917  
  
Landesbank Hessen/Thüringen  
IBAN DE56 5005 0000 5001 8650 04  
BIC HELADEF3333

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 03.Angbotsformblatt\_LOS1+LOS2 (DE+EN)**
- **Dokument 02.Eignungsformblätter\_LOS1+LOS2(DE+EN) mit folgenden Formblättern:**
  - **Self-Declaration of Suitability under Section §§ 123, 124 GWB**
  - **Self-Declaration MILOG**
  - **Business and Professional Liability Declaration**
  - **Weitere Angaben zum Bieter, wie**
    - **Nationale Identifikationsnummer**
    - **Größe des Wirtschaftsteilnehmers**
    - **Nationalität des Eigentümers**

to be completed only if applicable:

- **If applicable, form for the bidding consortium**
- **If applicable, subcontractor form, in the case of suitability loan, must be accompanied by the completed declaration of availability signed by the subcontractor**

The following documents must be prepared by the bidder and also submitted to the awarding authority as part of the bid:

- **If applicable, explanations of the offer (see section 8 below)**

The following documents are also part of the tender but remain with Bidder:

- **Specification/Technical Service description "FPGA product from the manufacturer "INTEL", as of 18.05.2026"**
- **Altera Arria V Device Datasheet**
- **"Altera\_Arria V Device Overview"**
- **General Terms and Conditions of Purchase of GSI, as of July 2022**
- **VOL/B in the current version**

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. GSI reserves the right to request additional documents once only within a period to be determined in the subsequential request in accordance with § 41 UVgO. Bidders cannot, however, rely on such a request being made. Ultimately incomplete tenders will be excluded (§ 42 para. 1 no. 2 UVgO).**

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, § 42 para. 1 no. 4 UVgO.

## **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 (§ 42 para. 1 no. 1 UVgO).

### 3. Formal Requirements for Tenders

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

**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 GSI, 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. Inserting 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 according to § 126 b BGB, tenders will be excluded unless Bidder cannot be held responsible (§ 42 para. 1 no. 1 UVgO).

#### **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 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 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.

#### **6. Award Criteria/ Tender Evaluation**

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

GSI 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:

##### **100% price for LOS1:**

**Valuation price = total of the price indications**

##### **100% price for LOS2:**

**Valuation price = total of the price indications**

**The offered solution fully fulfils the service description, for both LOS's.**

## 7. Alternative Tender, § 25 UVgO

Alternative tenders are not permitted.

## 8. 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.

**It is particularly important to the contracting authority that the bidders present their solution in detail and that it is recognizable how compliance with the service description is met.**

## 9. Industrial Property Rights, § 38 Para. 11 UVgO

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.

## 10. Competent Authority for Appeals, Other Information

A procurement review procedure is not available for sub-threshold awards, only general judicial protection by means of an emergency appeal or claim. Depending on value of claim, § 3 ZPO, the competent civil court is the following:

Amtsgericht Darmstadt  
Mathildenplatz 12  
64283 Darmstadt

Postal address:  
Postfach 11 09 51  
64224 Darmstadt

Tel.: 06151/9920  
Fax: 06151/9925050  
Email: [redaktion@ag-darmstadt.justiz.hessen.de](mailto:redaktion@ag-darmstadt.justiz.hessen.de)  
Website: <http://www.ag-darmstadt.justiz.hessen.de>

Landgericht Darmstadt  
Mathildenplatz 13/15  
64283 Darmstadt

Postal address:  
64278 Darmstadt

Tel.: 06151/121  
Fax: 06151/125917  
Email: [verwaltung@lg-darmstadt.justiz.hessen.de](mailto:verwaltung@lg-darmstadt.justiz.hessen.de)  
Website: <http://www.ag-darmstadt.justiz.hessen.de>

Even if the formal obligation to give notice of defects under § 107 GWB only applies to proceedings above the threshold, Bidders are requested to turn to GSI before initiating court proceedings for the violation of the principles of competition, equal treatment and transparency under public procurement law, in their opinion.

Bidder is requested to clearly identify those sections of the tender that contain a trade or business secret.

GSI will inform Bidders immediately after the award has been made, according to § 46 UVgO. The same shall apply with regard to the cancellation or renewed tender procedure including the reasons for this. Upon request of Bidder, GSI shall inform the unsuccessful Bidders immediately and within 15 days after receipt of the application and in compliance with the restrictions of § 30 para. 2 UVgO about the main reasons for the rejection of their tender, the characteristics and advantages of the successful tender as well as the name of the successful Bidder, and the unsuccessful Bidders about the essential reasons for their rejection.

Information pursuant to Art. 13 GDPR on the processing of your personal data within the scope of our business relationship is available at:

[www.gsi.de/data-protection](http://www.gsi.de/data-protection)

GSI Helmholtzzentrum für Schwerionenforschung GmbH