AquaDuctus Pipeline GmbH

Procedure Letter No. 1: Benthic (benthos) Survey (TW and EEZ)

AquaDuctus Section 1 (Offshore)

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1 List of attachments (tender documents)

Procedure Letter No. 1

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Attachment B.5	Declaration of GDPR Obligation (to be completed in offer phase I and II)
Attachment B.6	Self-declaration Code of Conduct (to be completed in offer phase I and II)
Attachment B.7	Self-declaration scope (to be completed in offer phase I and II)
Attachment B.8	N/A
Attachment B.9	Self-declaration on Compliance with Collective Bargaining Commitment (to be completed in offer phase I and II)
Attachment B.10	Self-declaration vessel (to be completed in offer phase I and II)

2 Introduction

This document outlines the intended process as well as the general rules and formalities of the procedure. It is referred to as “Procedure Letter No. 1.” Subsequent procedure letters during the process will refer to this Procedure Letter No. 1.

3 Initial situation and description of the project

To address Europe's future energy demand, significant investments into hydrogen infrastructure are essential. One of the core components of this initiative is the development of a pan-European hydrogen pipeline network in the North Sea, designed to connect major hydrogen producers with key consumers across the continent. The AquaDuctus project is part of this future pipeline network. The AquaDuctus project consists of an offshore part (Exclusive Economic Zone (EEZ) and territorial waters of the German North Sea at the coastline of Lower Saxony) and an onshore part with a receiving terminal to make connection with the onshore grid.

The AquaDuctus project is planned as a large diameter pipeline (48 inch) with a transport capacity of 20 GWH_2 and a design pressure of 120 bar. The conceptual design of the pipeline enables the connection of neighbouring European hydrogen infrastructures and the planned production facilities in the German EEZ (SEN-1 Area).

As part of the permit application process, the Federal Maritime and Hydrographic Agency of Germany (Bundesamt für Seeschifffahrt und Hydrographie (BSH)) authorizes the recording and description of infauna and epifauna as well as the seabed substrates as a basis for verifying biotope and habitat types within the scope of the environmental impact assessment (EIA). There surveys shall be carried out in accordance with the survey design defined in the Standard Investigation Concept (StUK4) of the BSH, as well as the requirements of the Lower Saxony Department for Water, Coastal and Nature Conservation (Niedersächsischer Landesbetrieb für Wasserwirtschaft, Küsten- und Naturschutz (NLWKN)), the Lower Saxony Wadden Sea National Park Administration (Nationalparkverwaltung Niedersächsisches Wattenmeer (NLPV)), and Gemeinsame Übergangsbestimmungen zum Umgang mit Baggergut in den Küstengewässern (Joint Transitional Arrangements for the Handling of Dredged Material in German Federal Coastal Waterways (GÜBAK)) to ensure compliance with EIA and spatial planning laws.

The selected contractor shall plan, prepare and execute the surveys as detailed in **Attachment B.1** Scope of Work. The services include all activities required to perform grab sampling and beam trawl surveys in accordance with StUK4 and the requirements of NLWKN and NLPV, as well as the provision of the necessary equipment, including all associated ancillary costs.

Within the coastal waters up to the 12-nautical-mile limit, additional samples (250m to either side) shall be collected in the planned dredging trench area using a Van Veen grab, in accordance with GÜBAK.

The scope of work includes an optional component covering vessel charter (DP1) for conducting additional infauna and epifauna sampling at storage areas. The optional work will envisage vessel charter (DP1) mobilisation/demobilisation at lump sum cost and additional days of sampling works at day and unit rates.

This procurement procedure is subject to the **Federal Tariff Compliance Act (Bundestariftreuegesetz – BTTG)** of 30 April 2026 (Federal Law Gazette 2026 I No. 119).

Applicants are advised that the performance of this contract is contingent upon the obligation to grant the employees deployed in the execution of the contract at least the collectively agreed working conditions stipulated in a statutory ordinance issued pursuant to Section 5 BTTG that is applicable to the activities being performed.

By submitting a tender, bidders must provide a corresponding declaration (**Attachment A.1** Forms and Proofs (Eligibility) – **Form 12 Self-Declaration on Compliance with the collective Bargaining Commitment** (Eigenerklärungen zur Einhaltung des Tariftreuevesprechens).

This obligation shall become a binding contractual performance condition.

4 Contracting authority and awarding office

The contracting authority and awarding office is:

AquaDuctus Pipeline GmbH
Kölnische Straße 108-112
34119 Kassel
Germany
Website: www.aquaductus-offshore.de

In the context of this procurement procedure, GASCADE Gastransport GmbH acts as a general service provider for AquaDuctus Pipeline GmbH. However, the contractual partner of the successful tenderer is solely AquaDuctus Pipeline GmbH. Any legally relevant actions or omissions by the personnel of GASCADE Gastransport GmbH in connection with this procurement procedure are attributed solely to AquaDuctus Pipeline GmbH. The GASCADE Gastransport GmbH personnel acts exclusively as representative for AquaDuctus Pipeline GmbH.

Worley Projects GmbH is the EPC-M Contractor for AquaDuctus Pipeline GmbH and acts as the project manager for the assigned tender packages.

StreamTec Solutions AG is the subcontractor to Worley Projects GmbH (EPC-M Contractor) and is engaged to provide support to the EPC-M Contractor for the assigned tender packages.

5 Language

The procedural language is English. This effects the procurement procedure, contract documents, communication and contract execution. Negotiations will be primarily conducted in English.

There are elements of the project where use of the German language is required, especially obtaining project approvals; coordination with German and/or any other relevant Governmental Authorities; any relevant law or regulation applicable to the project including but not limited to the relevant sector regulations e.g. Sektorenverordnung (SektVO).

If there are any discrepancies/disputes in the wording between the original German legal texts (regulations, provisions) quoted in this document and the English translations, the German legal text shall prevail in case of doubt.

The procurement documents consistently use the German titles of the applicable laws.

6 Type of procedure

The procurement procedure is conducted as a negotiated procedure with prior call for competition in accordance with §§ 119 (5), 141 (1) Gesetz gegen Wettbewerbsbeschränkungen (GWB) and § 15 (1) Sektorenverordnung (SektVO).

7 Schedule

The negotiated procedure with prior call for competition is structured in 4 phases:

Phase 1: Call for competition (requests for participation)

Phase 2: Offer phase I (initial offers)

Phase 3: Negotiation phase

Phase 4: Offer phase II/best and final offer (BAFO) and award decision

Please note that the contracting authority reserves the right to award the contract without negotiations, based solely on the initial offers. Therefore, the initial offers must not include any modifications to the procurement documents, ensuring they can be accepted without prior negotiations.

The outlined process and the following dates represent the current planning status only. They are not binding — except for the deadlines for submitting questions within the call for competition and the submission of the participation application and may be changed by the contracting authority at any time. In particular, the contracting authority reserves the right to conduct further rounds of negotiations.

The current schedule is as follows:

Date/period	Process
05/11/2026	Dispatch of the Europe-wide contract notice in the supplement to the Official Journal of the European Union and the notification of the procurement procedure on “Deutsches Vergabeportal – DTVP” (DTVP)
26/11/2026	Deadline for applicants' questions (call for competition)
07/12/2026	Provision of a final questions and answers catalogue to applicants (call for competition)
14/12/2026 03:00 PM (CET)	Deadline for submitting requests for participation
13/01/2026	Notification of applicants about the outcome of the call for competition. Sending of the invitation to submit Offer phase I (initial offer) to the qualified tenderers
22/02/2027 (CW 8 2027)	Offer phase I submission
22/02/2027 – 12/04/2027 (CW 8 – CW 15)	If necessary, negotiation dates with the tenderers or selection of the best tenderer/awarding of the contract/conclusion of the contract
12/04/2027 – 03/05/2027 (CW 15 – CW 18)	If necessary, Offer phase II
03/05/2027 – 15/06/2027 (CW 18 – CW 24)	If necessary, selection of the best tenderer/awarding of the contract
02/07/2027	Contractual binding period

7.1 Announcement and participation competition

The procurement procedure begins with the public contract notice in the supplement to the Official Journal of the European Union and the invitation to submit requests for participation. The contract notice refers to the “DTVP” tendering portal via a link.

The **Attachments A.1 to A.6** are published on the tendering portal.

An exception applies to all **"B" - Attachments (B.1 to B.10)** (see list of Attachments). These are part of the tender documents and contain particularly confidential and sensitive information. Therefore, the contracting authority asks the tenderers to submit a Non-Disclosure Agreement (NDA) **(Attachment A.4)** (see § 5 (3) sentence 2 SektVO). This must be signed in text form according to § 126b Bürgerliches Gesetzbuch (BGB) and submitted via DTVP's message function. The tenderer will then be provided with the particularly confidential procurement documents via the DTVP message function shortly after receipt of the signed NDA.

Based on the tender documents (**Attachments A. and B.**), the tenderers or bidding consortium prepare a request for participation.

The deadline for submitting requests for participation ends on 14/12/2026 03:00 PM (CET). The requests for participation will then be opened and examined. Based on the declarations and supporting documents submitted by the applicants, only four (4) suitable applicants who meet the published eligibility criteria will be selected from among the applicants and invited to submit an initial offer (Offer phase I of the tender process).

The basis of the eligibility assessment are the conditions specified in the contract notice and this Procedure Letter No. 1 under No. 15. Four (4) suitable applicants will be invited to submit an initial offer, provided that a sufficient number of requests for participation by suitable applicants have been submitted. These four (4) applicants will be determined based on the selection criterion/criteria described in **Attachment A.5** (Eligibility Evaluation), meaning applicants with the highest scores will be ranked, and the top four applicants will be invited to submit an initial offer. Applicants who are not among the top-ranked candidates will no longer be considered for the further procurement procedure and will be informed promptly. In the event that two or more applicants achieve identical scores affecting the selection of the top four, the final determination among those tied applicants will be made by drawing lots.

7.2 Offer phase I (initial offers)

The tender documents may be further specified and updated with the invitation to submit an initial offer. With the invitation to submit an initial offer, the tenderers may receive additional tender documents.

The initial offers will be reviewed and evaluated on the basis of the announced award criteria.

7.3 Negotiation Phase

The conclusion of offer phase I marks the beginning of the negotiation phase.

The contracting authority invites those tenderers who have submitted an admissible initial offer to a negotiation meeting.

The purpose of the negotiations is to improve the content of the offers. In principle, the subject of the negotiations may include the scope of the contract, the contractual terms, and all components of the offers - except for the tender requirements and award criteria defined in the procurement documents, as well as the identity of the procurement object. Items can be raised for clarification / negotiation using the clarification matrix (**Attachment B.4**). Any comments or changes to the original contract text must be clearly marked as traceable mark-ups directly within the copied original text in the list of negotiable clauses (**Attachment B.4**).

At the end of the negotiation phase, with the invitation to submit the final offers, the tenderers are provided with the same standardized contract.

The contracting authority reserves the right to successively reduce the number of tenderers during the negotiation phase in accordance with the published award criteria.

The negotiations are expected to take place in **February 2027**. Negotiations will be conducted on-site in the GASCADE Gastransport GmbH Office at Kölnische Straße 108-112, 34119 Kassel, Germany or online. The

contents of the offers are kept secret, and the negotiations are conducted separately with the respective tenderers individually.

The scheduling of the negotiation meetings will be communicated via individual invitations. Immediately upon receipt of the invitation, tenderers must notify which persons will participate in the negotiations.

7.4 Offer phase II (Best and Final Offer (BAFO)) and awarding decision

The contracting authority will declare the conclusion of the negotiation phase and invite the remaining tenderers to submit final offers within a specified uniform deadline, based on the results of the negotiation and any revised tender documents.

The final offers received are checked for completeness and accuracy. If necessary, an explanatory round will be held to clarify any ambiguous or imprecise information in the offers. Subsequently, the offers will be evaluated based on the published award criteria, and the most economically advantageous offer will be identified. This offer will be awarded the contract.

After submitting their final offers, tenderers are bound by their offers and their contents up to and including 02/07/2027 (binding period). Offers may not be withdrawn or modified during this period. If, due to delays, the contract cannot be awarded within the binding period, the contracting authority reserves the right to request an extension of the binding period from the tenderers.

Tenderers who were unsuccessful based on the published award criteria will be informed electronically in text form in accordance with § 134 (1) GWB. A separate notification of the contract award will be provided in accordance with § 56 SektVO.

If the contract cannot be awarded or the procurement procedure must be cancelled for other reasons, the tenderers will be informed electronically in text form.

8 Communications (DTVP)

Communication between the contracting authority and the tenderers takes place via the tendering platform DTVP throughout the entire period of the procurement procedure.

8.1 Form of Communications and Notices

Further information on this procurement procedure, changes to the tender documents, answers to tenderers' questions or other information relevant to the procurement procedure will be provided on DTVP.

All questions must be asked via DTVP. For the deadlines, please refer to No. 7.

Any other contact with the contracting authority or with employees of the contracting authority is not accepted and can lead to exclusion from the procurement procedure (principle of procedural integrity). Personal or telephone inquiries will not be answered.

8.2 Data Processing

As part of the present procurement procedure, personal data of natural persons involved in the process are collected and processed. This includes, among other things, names, address details, and information regarding professional activity and qualifications.

9 Provision of Tender Documents

Except for **Attachments from B.1 to B.10**, the tender documents can be accessed free of charge, unlimited, fully and directly on DTVP in accordance with § 41 (1) SektVO.

It is possible to retrieve the tender documents on DTVP without prior registration, but active participation in the procurement procedure, in particular communication with the contracting authority and the electronic submission of an offer by the tenderer, requires registration.

For questions regarding the use of the DTVP procurement portal, particularly technical issues, the applicant/tenderer must contact the operator of the portal:

email: support@cosinex.de

phone +49 900-3-243837 (subject to charges)

The technical supports service hours are Monday to Friday from 07:00 AM to 05:00 PM.

Failure to register and/or to take note of information provided by the contracting authority on DTVP in connection with this procurement procedure - such as changes to the procurement documents, responses to tenderer inquiries, or other procedure-relevant information - is the sole responsibility of the respective tenderer.

Attachments from B.1 to B.10 contain particularly confidential and sensitive information. Therefore, the contracting entity requests the tenderers to submit a confidentiality agreement (**Attachment A.4** (Non-Disclosure Agreement)) (§ 5 (3) sentence 2 SektVO). This can be signed in text form according to § 126b Bürgerliches Gesetzbuch (BGB) and submitted via DTVP's message function. **Attachments B.1 to B.10** will then be made available to the tenderer via the DTVP messaging function shortly after receiving the signed Non-Disclosure Agreement.

10 Information regarding the requests for participation

The requests for participation must be submitted electronically via DTVP no later than

14/12/2026, 03:00 PM (CET)

Applicants must use the bidding tool to submit their requests for participation. The bidding tool is a desktop application that installs automatically using web start technology if the process for submitting an electronic participation application is initiated from the virtual project room of the respective procurement procedure.

When submitting a request for participation, the size restriction for the maximum allowable file size must be observed. The size of the electronic request for participation submitted using the bidding tool is limited to 500 MB.

Please note that the contracting authority does not allow the submission of participation applications by post, email, or fax. Any participation applications submitted by post, email or fax will be excluded from the procurement procedure.

An advanced or qualified electronic signature is not required. The participation applications and offers must be submitted in text form according to § 126b Bürgerliches Gesetzbuch (BGB).

Unlike written form, a handwritten signature is not required; however, the company name and the name of the authorized natural person making the declaration must be clearly identifiable.

This information applies to the entire request for participation and is legally binding. With the complete upload of the compliant request for participation, all other submitted documents are considered legally submitted by the applicant.

In the case of requests for participation from a bidding consortium, the participation application or the offer must be submitted and uploaded in text form according to § 126b BGB by the authorized member of the bidding consortium.

Any necessary declarations from third parties must be submitted in text form according to § 126b Bürgerliches Gesetzbuch (BGB) and attached to the application/offer by the applicant/tenderer. Third parties in this context refer to third parties, whose capacities the tenderer may rely upon, such as subcontractors, in order to provide eligibility. Third parties in this context do not include bidding consortium members whose declarations may have to comply with other form requirements.

11 Required Documents

11.1 Required Documents for participation application

With the request for participation, the following documents must be completed and submitted along with the corresponding and mentioned proofs insofar as applicable:

- **Attachment A.1** (Forms and Proofs (Eligibility)),
  completed and/or signed insofar as required

At this stage of the procedure, **no offers must be submitted, only the request for participation**. The offer-related documents are only provided for information purposes in accordance with the legal requirement under § 41 (1) SektVO.

12 Bidding consortium

Bidding consortiums may only submit offers in this tender procedure if their formation does not constitute a violation of competition law.

Pursuant to § 50 (2) sentence 1 SektVO, bidding consortiums are treated as individual tenderers.

Each bidding consortium must submit a declaration of all members with its offer,

- in which the formation of a consortium in the event of an assignment is declared,
- listing all members and designating one authorized representative per consortium throughout the award procedure and, in the event of the award of the contract, for the entire term of the contract,
- declaring that the authorized representative represents the members vis-à-vis the contracting authority in a legally binding manner,
- declaring that all members are jointly and severally liable.

In addition to the bidding consortium declaration, the documents specified in the form for the bidding consortium declaration (**Attachment A.1** (Forms and Proofs (Eligibility), Form 1.2) must be submitted for each member.

The bidding consortium declaration must comply with the formal requirements provided for Form 1.2 in **Attachment A.1** Forms and Proofs (Eligibility).

The capacities of all members of the bidding consortium count for the eligibility of the bidding consortium as a whole. For instance, references may be submitted by all consortium members (without the need of an eligibility loan within the meaning of section 14 of this Procedure Letter). Each bidding consortium member must submit at least one reference meeting the minimum criteria for that part of the services which it is to perform within the bidding consortium.

Members of a bidding consortium may only participate in one consortium. Participation in multiple consortia is not permitted. In the event of a violation, the respective consortiums will be excluded.

The contracting authority will exceptionally refrain from excluding a request for participation/tender if, at the time of submission, plausible reasons for the multiple participation are provided and the respective bidding consortium demonstrates that there has been no violation of the principle of fair competition.

13 Use of subcontractors (in the case the subcontractors do not provide eligibility)

In addition, the documents specified in the aforementioned form (**Attachment A.1** (Forms and Proofs (Eligibility)), Form 2) must also be submitted for the named subcontractor.

The award of subcontractors after the conclusion of the contract requires the prior consent of the client.

Reference is made to the principles of involving subcontractors pursuant to § 34 SektVO. The contracting authority expressly reserves the right to require the replacement of a subcontractor within a deadline set by the contracting authority prior to the award of the contract, if there is a compulsory exclusion ground under § 123 GWB or a facultative exclusion ground under § 124 GWB with respect to the subcontractor.

When awarding subcontracts, the main contractor must give particular consideration to the interests of small and medium-sized enterprises.

14 Eligibility loan

If the applicant intends to rely on the economic, financial, technical, or professional capabilities of other companies to fulfil this contract in accordance with § 47 SektVO ("eligibility loan"), they must specify the services/capacities involved in their request for participation and submit the required documents for the other company as well. In particular, the name and contact details of these companies must be provided, along with corresponding declarations of commitment (**Attachment A.1** Forms and Proofs (Eligibility), Forms 4 and 5).

A company within the meaning of § 47 SektVO may not only be an independent entity that is legally distinct from the applicant/tenderer (e.g., a subcontractor). This also includes affiliated or group-related companies.

If the applicant/tenderer relies on the capacities of other companies with regard to the criteria for economic and financial standing pursuant to § 47 SektVO, these companies must be jointly liable for the execution of the contract in accordance with the scope of the eligible loan; the declaration of liability must be submitted at the same time as the declaration of commitment (**Attachment A.1** Forms and Proofs (Eligibility), Form 5).

However, the applicant can only rely on the capacities of other companies for the necessary technical and professional abilities, such as qualifications and evidence of relevant professional experience (e.g., references), if those companies will provide the services for which these capacities are required (see § 47 (1) sentence 3 SektVO). This means that the respective third company must be used as a subcontractor.

The applicant or tenderer must replace other companies within a period set by the contracting authority if the companies are subject to exclusion grounds or do not meet the relevant eligibility criteria. If such obligation is not fulfilled by the applicant or tenderer within a set period, the contracting authority evaluates the eligibility of the applicant or tenderer without taking into account the capacities of company subject to exclusion grounds or do not meet the relevant eligibility criteria. Reference is otherwise made to § 47 SektVO.

15 Eligibility

In accordance with § 122 GWB, public contracts shall be awarded to skilled and efficient (eligible) undertakings that have not been excluded under § 123 or § 124 GWB.

Applicants must demonstrate eligibility for the services to be awarded. Applicants must submit the required documents in either German or English with the request to participate to prove their eligibility and to prove that there are no grounds for exclusion. The documents to be submitted and the criteria can be found in **Attachment A.1** (Forms and Proofs (Eligibility)).

Eligibility requirements are specified in **Attachment A.1** (Forms and Proof (Eligibility)). For additional information, please consult the document.

16 Award criteria and offer evaluation

The contract will be awarded to the most economical offer. The offered price is not the only award criteria. See **Attachment A.2** (Evaluation Matrix).

17 Confidentiality

Sector contracting authorities may not disclose any information provided by companies and marked as confidential by them, pursuant to § 5 (1) of SektVO. This includes, in particular, trade and business secrets as well as the confidential aspects of the submitted documents.

Disclosure of information to the contracting authority's advisors who are professionally bound to confidentiality (e.g., auditors, tax advisors, and external lawyers) is expressly permitted.

Applicants/tenderers are requested to clearly mark on each relevant page the parts of their request to participate/offer that contain trade or business secrets.

If this is not done, the contracting authority and the legal remedy body may assume, in the event of a legal remedy procedure, that the applicant/tenderer consents to access by other participants in the procedure (e.g., other tenderers).

Throughout all communication, as well as during the exchange and storage of information, the contracting authority ensures the integrity of the data and the confidentiality of the requests to participate and offers, including their annexes.

The requests to participate and offers, including their annexes, as well as the documentation of their opening, examination and evaluation, will be treated confidentially even after the conclusion of the procurement procedure.

In return, the companies participating in the procurement procedure undertake not to disclose any documents or information provided by the contracting authority to third parties and to treat all received documents and information as confidential.

The contracting authority receives – while safeguarding the applicant's/tenderer's trade and business secrets – all rights to the submitted documents (ownership rights to the documents).

By submitting the request to participate, the applicant agrees to this transfer of rights.

18 Duty to raise complaints

The tender documents must be checked by the interested companies for completeness and legibility upon receipt/download.

If the contract notice, the tender documents or any other documents or information communicated, handed over or made accessible to the applicants/tenderers contain ambiguities or violate applicable law, the applicants/tenderers are obliged to notify the contracting authority immediately.

Unresolved ambiguities must be considered by the applicants/tenderers as risks to be accounted for in their offers.

Any procedural complaints (in German: Rügen) must be clearly marked as such. Applicants/tenderers are expressly reminded of their obligation to raise complaints under § 160 (3) GWB.

Furthermore, the contracting authority expressly points out the legal remedy deadline under §160 (3) sentence 1 no. 4 GWB.

According to this, a request for review (in German: Nachprüfungsantrag) is inadmissible if more than 15 calendar days have passed since receipt of the contracting authority's notification that it does not intend to remedy the complaint.

§ 160 GWB states:

> ***§ 160 GWB Initiation of the Proceedings, Application***
>
> *(1) The public procurement tribunal shall initiate review proceedings only upon application.*
>
> *(2) Every undertaking that has an interest in the public contract or the concession and claims that its rights under § 97 (6) have been violated by non-compliance with the provisions governing the awarding of public contracts has the right to file an application. In doing so, the undertaking must show that it has been or risks being harmed by the alleged violation of public procurement provisions.*
>
> *(3) The application is inadmissible if*
>
> *1. the applicant became aware of the claimed violation of public procurement provisions before filing the application for review, but did not complain to the contracting authority within a time limit of 10 calendar days; the expiry of the time limit under § 134 (2) remains unaffected,*
>
> *2. violations of public procurement provisions which become apparent from the tender notice are not notified to the contracting authority by the end of the time limit for the application or the submission of a tender specified in the notice,*
>
> *3. violations of public procurement provisions which only become apparent from the procurement documents are not notified to the contracting authority by the end of the time limit for the application or the submission of a tender specified in the notice,*
>
> *4. more than 15 calendar days have expired since receipt of notification from the contracting entity that it is unwilling to redress the objection.*
>
> *Sentence 1 shall not apply to an application under § 135 (1) no 2 to have the contract declared ineffective. § Section 134 (1) sentence 2 shall remain unaffected.*

19 Review Proceedings

According to § 160 (2) GWB, any company that has an interest in the public contract and claims a violation of its rights under § 97 (6) GWB due to non-compliance with procurement regulations is entitled to submit a request for review to the competent public procurement tribunal.

In doing so, the company must demonstrate that it has suffered or is likely to suffer damage as a result of the alleged violation of procurement regulations. Complaint obligations under No. 18 must be met.

Competent legal remedy body:

Vergabekammer des Bundes
Kaiser-Friedrich-Straße 16
53113 Bonn
fax: +49 228 9499 163
email: vk@bundeskartellamt.bund.de
Website: Bundeskartellamt - Vergaberecht

20 Supplementary provisions

20.1 Subsequent requests

The contracting authority reserves the right to request additional documents pursuant to § 51 SektVO. The requested documents must be submitted by the affected applicant/tenderer within the deadline set by the contracting authority. The contracting authority is not obliged to carry out a subsequent request.

20.2 Prohibited Restrictions of Competition

Requests for participation or offers from applicants/tenderers who participate in prohibited restrictions of competition in connection with this procurement procedure will be excluded. To combat anti-competitive practices, affected applicants/tenderers must, upon request, provide information on whether and how they are economically and legally affiliated with other companies.

20.3 Alternative offers

Alternative offers are not permitted.

20.4 Exclusion

The contracting authority may, in accordance with § 51 (3) SektVO and the principles of transparency and equal treatment, request the applicants or tenderers to submit missing documents or to supplement, explain, complete or correct incomplete or incorrect documents within a set period. Request for participation/offers that even after clarification or revision, continue to fail to meet the requirements/specifications set out in the tender documents will be excluded.

20.5 Compensation

No reimbursement of costs/expenses or compensation for participation in the procurement procedure will be granted.

20.6 Cancellation of the procedure

In particular, if no requests to participate or offers meeting the contracting authority's requirements are received on time, if a fundamental amendment to the tender documents becomes necessary, or if other serious reasons exist, the contracting authority reserves the right to cancel the procedure (§ 57 SektVO). In the event of cancellation, the contracting authority will inform the tenderers immediately, stating the reasons and, if applicable, the intention to initiate a new procurement procedure.

20.7 Applicants consent

By submitting a request to participate, the applicant agrees to all components of the present procedural conditions.

By participating in the procedure, the applicant confirms that the necessary consent of the data subjects has been obtained for the processing of personal data contained in the request to participate and/or the offer in connection with this procedure and contract performance.

The following data will be recorded: name, address, phone number, fax number, email address, and contact person. After the conclusion of the procedure, this data will be deleted in accordance with data protection regulations. See the data protection notice (**Attachment A.3** Information on Data Privacy).

20.8 Withdrawal of requests for participation/offers

A request for participation/offer that has already been submitted may be withdrawn until the end of the deadline for submitting requests for participation/offers by means of a declaration in text form pursuant to § 126b BGB. A new request to participate/offer may then be submitted until the deadline for submission of participation requests/offers.

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