

Terms and conditions for application of the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH for the award of contracts for services and work below the EU threshold

December 2018

These conditions apply unless different conditions are set out in specific tender procedures.

1. Submission of bids and requests to participate

Requests to participate or bids must be submitted in electronic form before the deadline stated in the covering letter, using the editable templates provided on GIZ's eProcurement Tender Platform, <https://ausschreibungen.giz.de>.

To submit bids or requests to participate, please proceed as follows:

Only if you are not yet registered:

Register at the address <https://ausschreibungen.giz.de> (Note: in order to register, you will be sent to the page <https://www.dtv.de>. Here it is sufficient to select the free BASIC model.)

After you have registered:

1. Use your access details to log in at <https://ausschreibungen.giz.de>.
2. Select the required tender procedure and click on the button to the right entitled 'Informationen zu diesem Projekt' ('More information about this project'). This will give you an overview of the process in question.
3. Click on the 'Jetzt teilnehmen' ('Join now') button.
4. In the left-hand menu click on 'Kommunikation' ('Communication'). Check there for answers to questions from bidders that were published before your participation. If answers are given in the future, you will automatically be notified by email that new answers are available.
5. In the left-hand menu, click on 'Angebote' ('Bids') or 'Teilnahmeanträge' ('Requests to participate').
6. Click on the 'Bietertool starten' ('Launch bidder tool') button. The bidder tool will then open.

Note

Please make sure **well in advance** that your computer meets the necessary specifications for running the bidder tool (**in particular, that Java is installed**). You can obtain further assistance by clicking on the button 'Online help' or at <https://support.cosinex.de/unternehmen/> and click on "English instructions" (last bullet on the left navigation bar)

Notes on preparing and submitting the bid using the “Bietertool” (“bidder tool”)

- a. **General information:** You will find general information here on the tender procedure, including the name of the procedure and the deadline for submission.
- b. **Tender documents:** You will find all the tender documents for the procedure here.
- c. **Basic information for the bid:** Enter the name of the contact person under the 'Allgemeine Angaben' ('General information') tab. When bidding as part of a consortium, the name of the bidding consortium must be entered.
- d. **Documents for the bid:**

Under the 'Auszufüllende Dokumente' ('Documents to be filled out') tab:

 - The documents provided here must be filled out and they become an integral part of the bid or request to participate.
 - Word and Excel documents are filled out online and saved. You can find detailed information on how to fill out and save the documents online directly in the bidder tool at 'Zur Bearbeitung dieser Dateien gehen Sie bitte wie folgt vor' ('Please proceed as follows to process these files').

Under the 'Eigene Dokumente' ('Own documents') tab:

 - Upload all other documents you would like to become an integral part of the bid or request to participate (in particular, the specialist bid including the declaration of integrity and a scan of the bidding consortium declaration).
- e. **Submission:** As soon as your bid or request to participate is ready to be submitted, click on the 'Abgabe' ('Submission') section, then the 'Textform' ('Text form') tab and start the submission wizard by clicking on the 'Abgabe-Assistent starten' ('Start submission wizard') button.

According to Section 126 b of the German Civil Code (BGB), the details required are as follows: Last name, first name, company name of person responsible for the submission.

2. No remuneration or reimbursement of costs

GIZ will not provide any remuneration or reimbursement to cover participation in presentations or the preparation of requests to participate or bids

3. Terms and conditions of contract

Bids are subject to the General Terms and Conditions of Contract ('Terms and Conditions') for supplying services and works on behalf of the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH. These will form part of the contract at the point when the contract is awarded to the selected bidder.

Further to this, the conditions of contract contained in the tender documents will apply to the implementation of the assignment.

4. Questions about the tender procedure and the tender documents

Any commercial, technical or procedural questions shall be raised promptly, and no later than four working days before the deadline for submission. Questions must be submitted using GIZ's eProcurement Tender Platform for the award of contracts. During ongoing tender procedures, applicants/bidders may not enter into contact with people involved in the procedure, apart from GIZ Contract Management. Insofar as they are of general interest, questions and answers will be made available in anonymous form to all applicants/bidders on GIZ's eProcurement Tender Platform. Questions and answers that are relevant to only one applicant/bidder will be answered to that applicant/bidder alone.

Note

Only if you are registered with our eProcurement Tender Platform, and after you have logged in and clicked on the link 'Join now', will you be sent emails automatically with new information relevant to the procedure. We strongly recommend you register. This does not oblige you to take part in an award procedure.

5. Eligibility

In procedures with prior calls for competition or in open tender procedures, the assignment will only be entrusted to companies with the required expertise and capacity (eligible companies), which meet the required criteria listed in the document 'Self-declaration of eligibility' and which are not excluded under the terms of sections 123 or 124 of the German Act against Restraints of Competition (GWB), or who can prove restoration of their integrity in line with section 125 of the same act. In procedures without calls for competition, the bidder shall submit a declaration that there are no grounds for exclusion in accordance with sections 123 or 124 GWB via the covering letter for the bid, which must be attached, as a mandatory requirement.

If there is a previously announced limit to the number of applicants, an assessment of suitability will be carried out according to the relevant evaluation grid included in the tender documents.

6. Contents of the technical bid

The requirements for the technical bid are laid out in the terms of reference.

- 6.1. If CVs are required for the proposed experts, these must be submitted in the standard EU format (Europass or EuropeAid):

<http://europass.cedefop.europa.eu/en/documents/curriculum-vitae/templates-instructions>

or

<https://www.giz.de/en/workingwithgiz/4065.html>

CVs of proposed experts are to be submitted in German, English or the language used in the tender documents.

- 6.2. Should any of the proposed experts have an existing work contract or development service contract with GIZ, or an existing subsidy agreement as an integrated expert, the bid must specify the contract/agreement end date.

7. Declaration of integrity

The declaration of integrity must be submitted together with the technical bid. In this way, the bidder confirms acknowledgement of an agreement with the binding nature of the declaration.

8. Price bid

- 8.1 The price bid must be in euros and structured in accordance with the price sheet and GIZ's General Terms and Conditions of Contract; all items must be costed in accordance with the costing requirements.
- 8.2 The price bid must contain the specification of inputs as required in the terms of reference (number of experts and number of corresponding expert days/expert months).
- 8.3 All prices are to be quoted with their net value. Any VAT incurred should be indicated separately.

9. Legislation on public sector pricing

In its commissions to GIZ, the German Federal Government requires the application of Regulation PR 30/53 on the Prices for Public Contracts of 21 November 1953 – Bundesanzeiger (federal gazette) No. 244 of 18 December 1953 – with the Guiding Principles for Pricing on the Basis of Prime Costs. These commissions are accordingly subject to price auditing by the competent price authority.

10. Evaluation of bids

Bids are first rated on their technical merits in accordance with the technical assessment grid for offers specified in the tender documents.

Following the technical evaluation, only the prices of technical bids awarded more than 500 points will be included in the evaluation of price bids. Technical bids that fail to reach this cut-off point will be regarded as unsuitable. The technical bid is weighted at T: 70%, the price bid at F: 30%. Weighting is based on the formula:

$$= \frac{\text{Technical assessment of bidder} \times 70}{\text{Assessment of best technical bid}} + \frac{\text{Lowest price bid} \times 30}{\text{Bidder price}}$$

11. Bidding and service delivery consortia

Bidding consortia must designate a lead member and authorise this member to represent the consortium and receive payments in discharge of GIZ's liability towards all members of the consortium. A formal agreement to this effect must be signed by each member of the consortium and attached to the request to participate or – if the open tender procedure or procedure without a prior call for competition is used – to the bid. This must be done using the specimen supplied by GIZ.

12. Subcontractors and deferred eligibility

12.1 Subcontractors with loan of eligibility

If applicants/bidders intend to make use of the capacities of another company to implement a contract, they are required to provide a letter of intent declaring that the relevant capacities are at their disposal to implement the contract or will be delivered by the subcontractor in question.

12.2 Subcontractors

If a bidder intends to let a subcontractor implement some of the services, the nature and extent of these services must be stated with the submission of the bid, and the subcontractor must be mentioned by name.

13. Changes

13.1 Changes to the tender documents

Changes or supplements to the tender documents are not permitted and will result in the bid being excluded from the tender, in accordance with the Regulation on sub-threshold procurement (UVgO) – Section 38, para 10 number1 and Section 42, para 1 number4.

If the bidder's terms of business or terms of payment are attached to the bid, this will be viewed as a change to the tender documents and will result in the exclusion of the bid.

Secondary bids are **not** permitted. Any secondary bids submitted will be excluded, but this will not result in the exclusion of the main bid.

13.2 Changes to requests to participate or bids

Corrections of, or changes to requests to participate or bids must be submitted in the same form as the original request to participate or bid. They must be unequivocal, otherwise the bid will be excluded in accordance with UVgO Section 42, para. 1 number 3.

14. Storage and use of personal data

The bidder must ensure that any personal data passed on to the commissioning party for the purposes of submitting their bid was collected in accordance with data protection laws, (in particular that it is being submitted with the consent of the individuals concerned) and that these individuals have been informed about the use of the data for the submission.

The commissioning party will use personal data only to the extent that it is necessary for legal documentation and storage requirements or in relation to the award procedure and the implementation of the contract. This refers to individual personal data, in particular to names, address, scope of work, qualifications, location/measure of assignment, evaluation of results and the contract and conditions agreed with the contractor.

15. Other provisions

If the list of proposed experts includes GIZ employees or former GIZ employees who were involved in drawing up the tender documents, the bidder must draw attention to this fact in the bid.

16. Applicable statutory provisions

The award procedures are implemented in accordance with the valid provisions of the German Act against Restraints of Competition (GWB) and the Regulation on sub-threshold procurement (UVgO).