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Date: July 2024

**Open procedure according to VgV, Invitation to tender No.: 012/2024L  
Submission of an offer for the delivery, installation and commissioning of a ARPES  
system**

Dear Sir or Madam,

Within the scope of an open procedure we request you to submit your offer within the deadline for the delivery, installation and commissioning of ARPES system (Annex 2).

**Deadline for tenders:** 03<sup>th</sup> September 2024, 10:00 am  
**Binding period and deadline for awarding contract:** 30<sup>th</sup> September 2024

In order for your offer to be taken into consideration with the assessment we request you to note that it is **absolutely essential that** the following **tender conditions are complied with:**

**1. Offer, documents and declarations that are to be enclosed:**

- 1.1** The enclosed **Contractual Terms and Conditions** (Annex 1), which are to be signed legally bindingly, shall apply.
- 1.2** The annexes must be named in the offer.
- 1.3** Samples and specimens of the bidder must be marked as belonging to the offer.
- 1.4** Consortiums and other joint bidders have to submit a declaration signed legally bindingly by all members with their offer:
  - in which the formation of the consortium is declared in the event that an order is placed,
  - in which all members are listed and the representative authorised for the execution of the contract is designated,
  - that the authorised representative represents the members towards the Customer legally bindingly,
  - that all members shall be liable as joint and several debtors.

- 1.5** In the event that services are forwarded to subcontractors the bidders have to submit a list of the subcontractor services and the subcontractors that have already been proposed for this purpose with the submission of the offer. If no subcontractors have been reported, the offered services are principally to be carried out by the Contractor itself and in its own plant in the event that the order is placed.
- 1.7** According to Section 3 Saxon Public Procurement Act [*Sächsisches Vergabegesetz - SächsVergabeG*] and Section 42 et seqq. German Public Procurement Regulation [*Vergabeverordnung - VgV*] as **proof of the suitability and efficiency** of the bidder the following documents are to be submitted with the offer:
1. Trade registration and, if applicable, the change in trade registration (trade approval).
  2. Proof of the entry in the professional or commercial register respectively in the Register of Craftsmen (with craftsmanship companies) according to the legal regulations of the country of origin of the company.
  3. Proof of corresponding business or professional liability insurance coverage.

The self-declarations relating to the following contents are to be confirmed as final and binding by the signatures of authorised employees or the managing director (Annex 5).

1. Self-declaration that no insolvency proceedings have been opened over the assets of the company as well as its shareholders, managing directors and – if available – authorised signatories that no application has been filed for the opening of insolvency proceedings or insolvency proceedings were not opened in the absence of assets that cover the costs.
2. Self-declaration that the company is not in liquidation.
3. Self-declaration that no serious misconduct was committed as proven by the company, which raise questions about its reliability as a candidate.
4. Self-declaration that the company has properly fulfilled its obligation to pay taxes and duties and has properly fulfilled its obligation to pay the contributions to the statutory social insurance.
5. Self-declaration that the company complies with the regulations of the German Minimum Wage Act [*Mindestlohngesetz - MiLoG*].
6. Self-declaration that the company has NOT been sentenced to imprisonment owing to illegal employment of workers (Section 404 Third Book of the German Social Code [*Sozialgesetzbuch - Drittes Buch, SGB III*], Sections 15, 16 of the German Personnel Leasing Act [*Arbeitnehmerüberlassungsgesetz - AÜG*] as well as Section 1 of the German Act to Combat Undeclared Work and Illegal Employment [*Gesetz zur Bekämpfung der Schwarzarbeit und Illegalen Beschäftigung - SchwarzArbG*]) of more than three months or a fine of more than 90 per diem rates or a fine or more than EUR 2,500 was imposed on the company.
7. Self-declaration that the company has not submitted any wilfully incorrect declarations in the contract awarding procedure with regard to its specialist expertise, efficiency and reliability.
8. Self-declaration that the company is registered with the trade association.

It is additionally essential to provide the following documents:

- a) List of the bidder of at least three equivalent, comparable deliveries and services with details regarding the order value, time or order as well as customers (with contact, his contact data) in the last three fiscal years (references).
- b) Details regarding the average number of employees of the last three fiscal years broken down according to professional groups.
- c) Details regarding the revenue of the company in the last 3 fiscal years, insofar as it relates to services, which are comparable with the service for which a contract is to

be awarded, by including the share with services carried out together with other companies.

- d) Details regarding the personnel available to the entrepreneur for the execution of the delivery or service for which a contract is to be awarded and description of the available technical equipment as well as its measures for quality assurance.
- e) Other proof, in particular suitable for the examination of the specialist expertise.

In case of foreign candidates adequate certificates of the country or origin shall apply in a certified German translation.

- 1.8** Electronic offers are permitted. Please upload the electronic offer at evergabe.de. Please send written offers in a sealed envelope with the following information to the following address:

IFW Dresden e. V.  
Purchasing department  
Helmholtzstr. 20  
01069 Dresden, Germany

Please do not open!  
Invitation to tender-no. 012/2024L  
Deadline for tenders: 03<sup>th</sup> September 2024, 10:00 am

- 1.9** **Subsequent corrections or changes** to the offer, which may be received until the deadline for tenders, must be sent in the same form as the offer. The following is to be affixed to the front clearly visible:

**Offer correction for the invitation to tender No. 012/2024L**

- 1.10** All offers are only to be written in the **German or English language**. Furthermore, all written correspondence with regard to the invitation to tender and the awarding of the contract for the service is to be conducted in the German language. All **prices** are in Euro, fractions to be stated in full Euro cent. The value added tax amount is to be added at the end of the offer based upon the applicable tax rate.
- 1.11** The bidder text supplementations (Point sequences) in the individual positions of the service specification are to be completed with regard to a full offer for the purpose of the precise possibility for examination and comparison by the bidder with the required details.
- 1.12** The framework conditions, functions and performance values stated in the directory of services are to be fulfilled. Restrictions are inadmissible.

- 2. Offers are excluded:**
  - 2.1** for the assessment of which essential **price details are missing**,
  - 2.2** in which **changes** of the bidder to its entries **are not doubt-free**,
  - 2.4** Offers, with which **changes or supplementations** have been made to the tender documents,
  - 2.5** Offers, which contain the **Business Terms and Conditions of the bidders**,
  - 2.6** which **were received late**,
  - 2.7** from bidders, which with regard to the contract awarding reached an **inadmissible, competition- restricting agreement**,
  - 2.8** which **deviate from our service specifications** (secondary offers/proposals for changes), insofar as not explicitly allowed according to margin note 4.
  - 2.9** which have not submitted the required references with regard to three comparable services.
- 3. In addition, the following can be excluded:**
  - 3.1** Offers, which **do not include the required details and self-declarations**,
  - 3.2** Offers from bidders, which can be excluded from the participation (**insolvency proceedings**, serious misconduct, **default with taxes and duties**, submission of incorrect returns),
  - 3.3** **Secondary offers/proposals for changes, which have not been provided on a special annex** or have not been clearly marked as such,
  - 3.4** Offers, with which Annexes 1 - 6 **have not been signed legally bindingly**.
- 4. Secondary offers/changes** (each deviation from the required offer) are not permitted.
- 5.** If the tender documents contain unclear points in the opinion of the bidder then the bidder has to point this out to the Customer in writing without delay before submission of the offer **or by using electronic means (fax or email)**. Misgivings about the offered construction or type of construction are to be reported in writing. Useful information can be sent to the contract awarding department until **28<sup>th</sup> August 2024**. In the interest of all bidders' questions which arise must, however, be asked without delay so that sufficient time remains for the bidders to take the answers into consideration with the creation of the offer. Questions and answers will be sent, in the interest of faster processing, in the form of an email to all potential bidders, which have requested the tender documents. The answers will become part of the tender documents.
- 6.** It is essential to adhere to the **date of submission of the offer**.
- 7.** Your offer will not be taken into consideration if no order is placed by the expiry of the binding period and deadline for the awarding of contracts.
- 8.** With the submission of an offer the bidder confirms that it has checked the tender documents in full, that these are a sufficient basis for its calculation and that it can assess the services that are to be provided as well as the thus associated costs with the necessary accuracy. The Customer will explicitly not adopt a false or erroneous calculation or other errors or false estimations in the bidder's offer, which the Customer did not recognise, by the acceptance and checking of the offer.

9. Body, which the candidate or bidder can contact for the subsequent examination of claimed breaches of procurement provisions:

Vergabekammer Sachsen  
Landesdirektion Leipzig  
Brauhastr. 2  
04107 Leipzig, Germany

No reimbursement of the incurred costs will be given for the creation of offers.

I request you to return all documents relating to this letter if you do not submit any offer. I request you not to tack, pin or bind offer documents.

Yours sincerely,

By order

Kristin Schwencke  
Head of Purchasing

Annexes:

- Annex 1: General Contractual Terms and Conditions
- Annex 2: Service specifications
- Annex 3: Price sheet
- Annex 4: Assessment criteria
- Annex 5: Clearance declaration Self-declarations
- Annex 6: Declaration regarding the forwarding of services
- Annex 7: Breakdown of the documents that are to be submitted