

**Germany-Darmstadt: Particle accelerators**

**OJ S 46/2022 07/03/2022**

**Contract notice**

**Supplies**

**Legal Basis:**

Directive 2014/24/EU

**Section I: Contracting authority**

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**I.1. Name and addresses**

Official name: FAIR - Facility for Antiproton and Ion Research in Europe GmbH

Postal address: Planckstr. 1

Town: Darmstadt

NUTS code: DE711 Darmstadt, Kreisfreie Stadt

Postal code: 64291

Country: Germany

E-mail: [proekf33@gsi.de](mailto:proekf33@gsi.de)

**Internet address(es):**

Main address: <http://www.fair-center.de>

**I.1. Name and addresses**

Official name: GSI Helmholtzzentrum für Schwerionenforschung GmbH

Postal address: Planckstraße 1

Town: Darmstadt

NUTS code: DE711 Darmstadt, Kreisfreie Stadt

Postal code: 64291

Country: Germany

E-mail: [proekf33@gsi.de](mailto:proekf33@gsi.de)

**Internet address(es):**

Main address: <http://www.gsi.de>

**I.1. Name and addresses**

Official name: Forschungszentrum Jülich GmbH

Postal address: Wilhelm-Johnen-Straße

Town: Deutschland

NUTS code: DEA26 Düren

Postal code: 52428

Country: Germany

E-mail: [proekf33@gsi.de](mailto:proekf33@gsi.de)

**Internet address(es):**

Main address: <http://www.fz-juelich.de/zea-1/>

**I.2. Information about joint procurement**

The contract involves joint procurement

The contract is awarded by a central purchasing body

**I.3. Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at: <https://www.dtyp.de/Satellite/notice/CXS0YYEYR7F/documents>

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted electronically via: <https://satellite.dtv.de/Satellite/notice/CXS0YYEYR7F>

**I.4. Type of the contracting authority**

Other type: Major research facility

**I.5. Main activity**

Other activity: Research

**Section II: Object**

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**II.1. Scope of the procurement**

**II.1.1. Title**

Controller for NEG pumps

Reference number: 33F/RV\_Controller for NEG pumps\_2022FAIR

**II.1.2. Main CPV code**

31643000 Particle accelerators

**II.1.3. Type of contract**

Supplies

**II.1.4. Short description**

The Facility for Antiproton and Ion Research (FAIR) will be one of the leading-edge particle accelerator facilities for basic research as well as applied science experiments. The FAIR project is an international collaboration of 16 partner organisations. The project is currently being built at the GSI complex and is designed to work in conjunction with the existing GSI system. To generate and maintain the operating pressures required in the FAIR and GSI accelerators, NEG (non-evaporable getter) pumps will be used. These pumps were already procured in the framework agreement 33\_RV\_NEG-pumps\_2020. Now the controllers required to operate the pumps will be procured.

These controllers are required for different accelerator parts at FAIR, GSI and FZ Jülich (third).

**II.1.5. Estimated total value**

**II.1.6. Information about lots**

This contract is divided into lots: no

**II.2. Description**

**II.2.2. Additional CPV code(s)**

38570000 Regulating and controlling instruments and apparatus, 42124320 Parts of vacuum pumps, 42992000 Special-purpose electrical goods

**II.2.3. Place of performance**

NUTS code: DE711 Darmstadt, Kreisfreie Stadt

NUTS code: DEA26 Düren

Main site or place of performance: FAIR - Facility for Antiproton and Ion Research in Europe GmbH Planckstr. 1 64291 Darmstadt, GSI Helmholtzzentrum für Schwerionenforschung GmbH Planckstraße 1 64291 Darmstadt, Forschungszentrum Jülich GmbH Wilhelm-Johnen-Straße 52428 Jülich

#### **II.2.4. Description of the procurement**

The Facility for Antiproton and Ion Research (FAIR) will be one of the leading-edge particle accelerator facilities for basic research as well as applied science experiments. The FAIR project is an international collaboration of 16 partner organisations. The project is currently being built at the GSI complex and is designed to work in conjunction with the existing GSI system. To generate and maintain the operating pressures required in the FAIR and GSI accelerators, NEG (non-evaporable getter) pumps will be used. These pumps were already procured in the framework agreement 33\_RV\_NEG-pumps\_2020. Now the controllers required to operate the pumps will be procured.

These controllers are required for different accelerator parts at FAIR, GSI and FZ Jülich (third). Framework agreement - over four years. Maximum scope of 150 pieces.

#### **II.2.5. Award criteria**

Price is not the only award criterion and all criteria are stated only in the procurement documents

#### **II.2.6. Estimated value**

#### **II.2.7. Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months: 48

This contract is subject to renewal: no

#### **II.2.10. Information about variants**

Variants will be accepted: no

#### **II.2.11. Information about options**

Options: no

#### **II.2.13. Information about European Union funds**

The procurement is related to a project and/or programme financed by European Union funds: no

#### **II.2.14. Additional information**

### **Section III: Legal, economic, financial and technical information**

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#### **III.1. Conditions for participation**

##### **III.1.1. Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers**

List and brief description of conditions:

Supporting documents:

- Self-declaration of suitability pursuant to Sections 123, 124 GWB (To be submitted with the participation request by means of self-declaration): Self-declaration of possessing the knowledge pursuant to Sections 123, 124 GWB is incorrect and that the cases mentioned therein do not apply - FAIR preprinted form
- With the information asked for on the FAIR preprinted form, the number of employees over the previous three years - on the FAIR preprinted form under Company presentation"
- Information on overall revenues and order-specific revenue

Declaration of the total company turnover and the turnover in relation to the particular type of service to which the award relates, in both cases, in relation to the last 3 financial years - on the FAIR preprinted form under Company presentation.

### **III.1.2. Economic and financial standing**

List and brief description of selection criteria:

Supporting documents:

- Creditworthiness check (To be submitted with on request of contracting authority by means of third party confirmation): Carried out by FAIR GmbH as part of the suitability check.
- Proof of compulsory commercial/professional liability insurance (To be submitted with the participation request by means of self-declaration): Information about the insurance provider and the amount of coverage on the FAIR preprinted form
- Proof of commercial liability insurance (To be submitted with the participation request by means of self-declaration): "Proof of a commercial liability insurance must be provided with the following coverage:

- for material damage of EUR 5.0 million per claim
- for damage to persons of EUR 5.0 million per claim"

Minimum level(s) of standards possibly required:

"Advance payments required within the realm of a contract to be concluded (down payments) shall only be paid upon the presentation of an unlimited suretyship with assumption by principal debtor.

As a general rule, FAIR GmbH only accepts suretyships which meet the following minimum conditions:

- Guarantees with debts owed as a principal debtor waiving the defence of §§ 770, 771 BGB
- only suretyships under German law
- suretyships are irrevocable
- free of charge for FAIR GmbH
- issued by a reputable international, preferably European bank
- usually for an indefinite period or a period linked to the date ownership transfer took place"

### **III.1.3. Technical and professional ability**

List and brief description of selection criteria:

Supporting documents:

- Description of reference projects (To be submitted with the participation request by means of self-declaration): Description of three comparable reference projects, including the project data asked for on the FAIR preprinted form.
- Certification according to DIN EN ISO 9001 (or comparable certification)

Minimum level(s) of standards possibly required:

Form References, with the following minimum requirements for the references:

- 3 reference projects in which these controllers were used on accelerators or other vacuum systems.
- Track record of at least 5 years for corresponding controllers.

## **III.2. Conditions related to the contract**

### **III.2.2. Contract performance conditions**

Supporting documents:

- Act Regulating a General Minimum Wage (Mindestlohngesetz - MiLoG) (To be submitted with the participation request by means of self-declaration): Declaration as per Section 19 (3) MiLoG - FAIR preprinted form
- Proofs for subcontractors (To be submitted with the participation request by means of self-declaration): "The name and address of each intended subcontractor must be given when submitting the tender.

Each subcontractor used must meet the same suitability criteria as the primary contractor.

Suitable proof for each subcontractor must be submitted.

The subcontractor must also submit

- A declaration of availability (see Declaration of availability preprinted form) together with the request to participate/tender. - FAIR preprinted form"
- Participation - General declaration within the meaning of Section 126b (German Civil Code - BGB) (To be submitted with the participation request by means of self-declaration): General declaration of the person making the declaration within the meaning of Section 126b BGB. If the person making the declaration is not named in the request to participate, the request to participate will be deemed to have not been submitted.

## **Section IV: Procedure**

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### **IV.1. Description**

#### **IV.1.1. Type of procedure**

Competitive procedure with negotiation

#### **IV.1.3. Information about a framework agreement or a dynamic purchasing system**

The procurement involves the establishment of a framework agreement

Framework agreement with a single operator

#### **IV.1.4. Information about reduction of the number of solutions or tenders during negotiation or dialogue**

Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated

#### **IV.1.5. Information about negotiation**

The contracting authority reserves the right to award the contract on the basis of the initial tenders without conducting negotiations

#### **IV.1.8. Information about the Government Procurement Agreement (GPA)**

The procurement is covered by the Government Procurement Agreement: yes

### **IV.2. Administrative information**

#### **IV.2.2. Time limit for receipt of tenders or requests to participate**

Date: 04/04/2022 Local time: 12:00

#### **IV.2.3. Estimated date of dispatch of invitations to tender or to participate to selected candidates**

Date: 07/04/2022

#### **IV.2.4. Languages in which tenders or requests to participate may be submitted**

English

## **Section VI: Complementary information**

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### **VI.1. Information about recurrence**

This is a recurrent procurement: no

### **VI.2. Information about electronic workflows**

Electronic ordering will be used

### **VI.3. Additional information**

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

Note: In Writing, Electronically

Participation applications 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 Candidate together with the other components of the participation application or tender (concepts or explanations etc.), then uploaded under the heading "Own Documents".

However, Candidates 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 participation applications, Candidates 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 participation application 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 participation application on behalf of the company (name of the declaring person in the participation application 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 participation application 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 participation applications are transmitted in encrypted form via the awarding platform (cf. information on eVergabe). Submitting the participation application via email is not sufficient.

In the case of incorrect/ incomplete information that violates the aforementioned formal requirements, participation applications will be excluded unless Candidate cannot be held responsible (§ 57 para. 1 nr. 1, para. 3 VgV).

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Note: Weighting

40 % price

60 % performance criteria  
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Note: Communication with Candidates

Communication with Candidates 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.  
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Note: Electronic Invoicing

"The XInvoicing format is accepted with additional transmission of the invoice as a -pdf-."

Bekanntmachungs-ID: CXS0YYEYR7F

#### **VI.4. Procedures for review**

#### **VI.4.1. Review body**

Official name: Vergabekammer des Bundes  
Postal address: Villemomblerstr. 76  
Town: Bonn  
Postal code: 53123  
Country: Germany

#### **VI.4.3. Review procedure**

Precise information on deadline(s) for review procedures:

The competent investigating authority is as follows

Vergabekammer des Bundes

Villemombler Str. 76

D-53123 Bonn, Germany

Tel.: 0228 9499-0

Fax: 0228 9499-163

Email: [vk@bundeskartellamt.bund.de](mailto:vk@bundeskartellamt.bund.de)

Web: <http://www.bundeskartellamt.de/SharedDocs/KontaktDaten/DE/Vergabekammern.html>

The applicant is requested to clearly identify those parts of the request to participate (and any subsequent bid) containing company/business secrets. If this does not happen, the public procurement tribunal will assume consent to inspect the documents as required in the case of carrying out a review procedure (Section 165 (3) Act against Restraints of Competition (Competition Act - GWB)). As the awarding authority, FAIR is required to provide the public procurement tribunal with immediate access to the files when a review procedure is initiated (Section 163 (2) sentence 3 GWB).

Applicants/bidders have the right to demand that the Contracting authority comply with the provisions on the award procedure protecting bidders (Section 97 (6) GWB). Applicants /bidders with an interest in the public contract who believe their rights have been violated by non-compliance with the provisions governing the awarding of public contracts, must raise an objection about the violation to FAIR within ten calendar days (Section 160 (3) sentence 1 no. 1 GWB).

Violations known from the tender notice or tender documents must be claimed vis-a-vis FAIR before the time limit given for submission of applications (offers) (Section 160 (3) 1 No. 2 - 3 GWB).

If FAIR informs the applicant/bidder that it is unwilling to redress the objection, an application for review may then be filed with the public procurement tribunal above within 15 days of receipt of the notification (Section 160 (3) sentence 1 no. 4 GWB).

Bidders whose bids are not to be considered for the award of the contract will be notified before the awarding of the contract pursuant to Section 134 GWB. A contract may only be concluded 15 calendar days after FAIR has sent out this information. This period is ten calendar days when transmission is by fax or email. The period commences on the day following the dispatch of the information by FAIR. After this time period has expired, an award is possible even if a time limit pursuant to Section 160 (3) GWB has yet to expire. Therefore, in order to prevent an award, a request for review needs to have been served upon FAIR by the public procurement tribunal before the expiry of the time limit under Section 134 GWB.

Pursuant to Section 135 (1) and (2) GWB, the invalidity of an award can only be established if it has been asserted in the review procedure within 30 calendar days from the date on which there was notification on the conclusion of the agreement, though no later than six months after the agreement was concluded. If the Contracting authority published the tender notice in

the Official Journal of the European Union, the time limit for claiming ineffectiveness shall expire 30 calendar days after the publication of the tender notice in the Official Journal of the European Union.

**VI.4.4. Service from which information about the review procedure may be obtained**

Official name: Vergabekammer des Bundes

Postal address: Villemomblerstr. 76

Town: Bonn

Postal code: 53123

Country: Germany

**VI.5. Date of dispatch of this notice**

02/03/2022