

Germany-Brake: Basic inorganic chemicals
OJ S 252/2022 30/12/2022
Contract award notice – utilities
Supplies

Legal Basis:

Directive 2014/25/EU

Section I: Contracting entity

I.1. Name and addresses

Official name: Oldenburgisch-Ostfriesischer Wasserverband

Postal address: Georgstraße 4

Town: Brake

NUTS code: DE94G Wesermarsch

Postal code: 26919

Country: Germany

Contact person: Einkauf und Logistik

E-mail: beschaffung@oowv.de

Telephone: +49 44019160

Fax: +49 4401916176

Internet address(es):

Main address: <https://www.oowv.de/home/>

I.6. Main activity

Water

Section II: Object

II.1. Scope of the procurement

II.1.1. Title

Lieferung von Fällmitteln

Reference number: 2022-02825

II.1.2. Main CPV code

24310000 Basic inorganic chemicals

II.1.3. Type of contract

Supplies

II.1.4. Short description

Lieferung von Fällmitteln

II.1.6. Information about lots

This contract is divided into lots: no

II.1.7. Total value of the procurement

Value excluding VAT: 309 384,96 EUR

II.2. Description

II.2.3. Place of performance

NUTS code: DE94 Weser-Ems

Main site or place of performance: Verbandsgebiet des Auftraggebers gemäß den jeweiligen Losen, Kläranlage Jaderberg 26349 Jaderberg, Kläranlage Oldenburg 26123 Oldenburg, Kläranlage Eckwarden 26969 Eckwarden, Kläranlage Lindern 49699 Lindern, Kläranlage Bösel 26219 Bösel, Kläranlage Großheide 26532 Großheide, Kläranlage Bakum 49456 Bakum, Kläranlage Sandstedt 27628 Sandstedt, Kläranlage Essen (Oldenburg) 49632 Essen (Oldenburg), Kläranlage Lohne-Rießel 49393 Lohne-Rießel, Kläranlage Twistringen 27239 Twistringen, Kläranlage Lastrup 49688 Lastrup, Kläranlage Burhave 26969 Burhave, Kläranlage Cappeln 49692 Cappeln, Kläranlage Varel 26316 Varel, Kläranlage Neuharlingersiel 26427 Neuharlingersiel, Kläranlage Esens 26427 Esens, Kläranlage Molbergen 49696 Molbergen, Kläranlage Dinklage 49413 Dinklage, Kläranlage Hohenkirchen 26434 Hohenkirchen, Kläranlage Hooksiel 26434 Hooksiel, Kläranlage Scharrel 26683 Scharrel, Kläranlage Barßel/ Harkebrügge 26676 Barßel/Harkebrügge, Kläranlage Riepe 26632 Riepe, Kläranlage Bösel 2621...

II.2.4. Description of the procurement

Die Belieferung des OOWV mit Fällmitteln ist von besonderer Bedeutung für die Sicherstellung des Entsorgungsauftrags. Der OOWV sucht daher einen Auftragnehmer, der auch bei Lieferengpässen partnerschaftlich agiert und den OOWV nach besten Kräften unterstützt. Der OOWV benötigt an verschiedenen Standorten für seine Kläranlagen Fällmittel. Der OOWV beabsichtigt, die dafür erforderlichen Lieferleistungen in einem EU-weiten Verfahren zu vergeben. Jeder Bieter kann Fällmittel für die in Lose aufgeteilten Kläranlagen anbieten. Für jedes Los können verschiedene Fällmittel angeboten werden. Vorgesehen ist eine Vergabe von insgesamt 45 Losen. Jeder Bieter kann auf jedes Los bieten. Eine Los- bzw. Zuschlagslimitierung findet nicht statt.

II.2.5. Award criteria

Price

II.2.11. Information about options

Options: yes

Description of options:

Verlängerungsoption: Die Laufzeit des Vertrages beträgt beginnend ab dem 01. Januar 2023 zwölf Monate. Der Vertrag verlängert sich bis zu sieben Mal um jeweils weitere zwölf Monate. Weitere Einzelheiten sind dem Vertrag (Anlage C01) der Vergabeunterlagen zu entnehmen. Nach dem Vertrag sind verschiedene Preisanpassungsmodalitäten vorgesehen.

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 IV: Procedure

IV.1. Description

IV.1.1. Type of procedure

Open procedure

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

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.2.1. Previous publication concerning this procedure

Notice number in the OJ S: [2022/S 192-545331](#)

IV.2.8. Information about termination of dynamic purchasing system

IV.2.9. Information about termination of call for competition in the form of a periodic indicative notice

Section V: Award of contract

Lot No: 1

Title:

Keine Auftragsvergabe Los 1: Eisen-II-sulfat Lose - Kläranlage Schillig (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 2

Title:

Keine Auftragsvergabe Los 2: Eisen-II-sulfat Lose - Kläranlage Elsfleth (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Title:

Keine Auftragsvergabe Los 3: Eisen-II-sulfat Lose - Kläranlage Oldenburg (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 4

Title:

Keine Auftragsvergabe Los 4: Eisen-II-sulfat Lose - Kläranlage Tossens (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 5

Title:

Keine Auftragsvergabe Los 5: Eisen-II-sulfat Sackware - Kläranlage Baltrum (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 6

Title:

Keine Auftragsvergabe Los 6: Eisen-II-sulfat Sackware - Kläranlage Ovelgönne (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 7

Title:

Keine Auftragsvergabe Los 7: Eisen-II-sulfat Sackware - Kläranlage Spiekeroog (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 8

Title:

Keine Auftragsvergabe Los 8: Eisen-II-chlorid im Container - Kläranlage Bramstedt (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 9

Title:

Keine Auftragsvergabe Los 9: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Hude (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 10

Title:

Keine Auftragsvergabe Los 10: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Holdorf (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 11

Title:

Keine Auftragsvergabe Los 11: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Lohne Nordlohne (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 12

Title:

Keine Auftragsvergabe Los 12: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Hartwarden (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 13

Title:

Keine Auftragsvergabe Los 13: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Brake (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 14

Title:

Keine Auftragsvergabe Los 14: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Damme (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 15

Title:

Keine Auftragsvergabe Los 15: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Sandkrug (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 16

Title:

Keine Auftragsvergabe Los 16: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Dornumersiel (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 17

Title:

Keine Auftragsvergabe Los 17: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Uthwerdum (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 18

Title:

Keine Auftragsvergabe Los 18: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Bassum (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 19

Title:

Keine Auftragsvergabe Los 19: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Bösel (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 20

Title:

Keine Auftragsvergabe Los 20: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Riepe (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 21

Title:

Keine Auftragsvergabe Los 21: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Barßel/Harkebrügge (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 22

Title:

Keine Auftragsvergabe Los 22: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Barßel (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 23

Title:

Keine Auftragsvergabe Los 23: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Scharrel (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 24

Title:

Keine Auftragsvergabe Los 24: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Hooksiel (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 25

Title:

Keine Auftragsvergabe Los 25: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Hohenkirchen (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 26

Title:

Keine Auftragsvergabe Los 26: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Dinklage (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 27

Title:

Keine Auftragsvergabe Los 27: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Molbergen (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 28

Title:

Keine Auftragsvergabe Los 28: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Esens (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 29

Title:

Keine Auftragsvergabe Los 29: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Neuharlingersiel (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 30

Title:

Keine Auftragsvergabe Los 30: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Oldenburg (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 31

Title:

Keine Auftragsvergabe Los 31: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Varel (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 32

Title:

Keine Auftragsvergabe Los 32: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Cappeln (77.080,68 EUR) (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 33

Title:

Keine Auftragsvergabe Los 33: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Burhave (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 34

Title:

Keine Auftragsvergabe Los 34: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Lastrup (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 35

Title:

Keine Auftragsvergabe Los 35: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Twistringem (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 36

Title:

Keine Auftragsvergabe Los 36: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Lohne-Rießel (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 37

Title:

Keine Auftragsvergabe Los 37: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Essen (Oldb.) (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 38

Title:

Keine Auftragsvergabe Los 38: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Sandstedt (Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 39

Title:

Keine Auftragsvergabe Los 39: Eisen-III-Chloridsulfatlösung 41 % - Kläranlage Bakum
(Aufhebung)

A contract/lot is awarded: no

V.1. Information on non-award

The contract/lot is not awarded

No tenders or requests to participate were received or all were rejected

Section V: Award of contract

Lot No: 40

Title:

Auftragsvergabe BÜFA Chemikalien GmbH & Co. KG

A contract/lot is awarded: yes

V.2. Award of contract

V.2.1. Date of conclusion of the contract

08/12/2022

V.2.2. Information about tenders

Number of tenders received: 1

Number of tenders received from tenderers from other EU Member States: 0

Number of tenders received from tenderers from non-EU Member States: 0

Number of tenders received by electronic means: 1

The contract has been awarded to a group of economic operators: no

V.2.3. Name and address of the contractor

Official name: BÜFA Chemikalien GmbH & Co. KG

Postal address: An der Autobahn 14

Town: Hude

NUTS code: DE94D Oldenburg, Landkreis

Postal code: 27798

Country: Germany

The contractor is an SME: no

V.2.4. Information on value of the contract/lot

V.2.5. Information about subcontracting

V.2.6. Price paid for bargain purchases

Section V: Award of contract

Lot No: 41

Title:

Auftragsvergabe BÜFA Chemikalien GmbH & Co. KG

A contract/lot is awarded: yes

V.2. Award of contract

V.2.1. Date of conclusion of the contract

08/12/2022

V.2.2. Information about tenders

Number of tenders received: 1

Number of tenders received from tenderers from other EU Member States: 0

Number of tenders received from tenderers from non-EU Member States: 0

Number of tenders received by electronic means: 1

The contract has been awarded to a group of economic operators: no

V.2.3. Name and address of the contractor

Official name: BÜFA Chemikalien GmbH & Co. KG

Postal address: An der Autobahn 14

Town: Hude

NUTS code: DE94D Oldenburg, Landkreis

Postal code: 27798

Country: Germany

The contractor is an SME: no

V.2.4. Information on value of the contract/lot**V.2.5. Information about subcontracting****V.2.6. Price paid for bargain purchases****Section V: Award of contract**

Lot No: 42

Title:

Auftragsvergabe BÜFA Chemikalien GmbH & Co. KG

A contract/lot is awarded: yes

V.2. Award of contract**V.2.1. Date of conclusion of the contract**

08/12/2022

V.2.2. Information about tenders

Number of tenders received: 1

Number of tenders received from tenderers from other EU Member States: 0

Number of tenders received from tenderers from non-EU Member States: 0

Number of tenders received by electronic means: 1

The contract has been awarded to a group of economic operators: no

V.2.3. Name and address of the contractor

Official name: BÜFA Chemikalien GmbH & Co. KG

Postal address: An der Autobahn 14

Town: Hude

NUTS code: DE94D Oldenburg, Landkreis

Postal code: 27798

Country: Germany

The contractor is an SME: no

V.2.4. Information on value of the contract/lot

V.2.5. Information about subcontracting

V.2.6. Price paid for bargain purchases

Section V: Award of contract

Lot No: 43

Title:

Auftragsvergabe BÜFA Chemikalien GmbH & Co. KG

A contract/lot is awarded: yes

V.2. Award of contract

V.2.1. Date of conclusion of the contract

08/12/2022

V.2.2. Information about tenders

Number of tenders received: 1

Number of tenders received from tenderers from other EU Member States: 0

Number of tenders received from tenderers from non-EU Member States: 0

Number of tenders received by electronic means: 1

The contract has been awarded to a group of economic operators: no

V.2.3. Name and address of the contractor

Official name: BÜFA Chemikalien GmbH & Co. KG

Postal address: An der Autobahn 14

Town: Hude

NUTS code: DE94D Oldenburg, Landkreis

Postal code: 27798

Country: Germany

The contractor is an SME: no

V.2.4. Information on value of the contract/lot

V.2.5. Information about subcontracting

V.2.6. Price paid for bargain purchases

Section V: Award of contract

Lot No: 44

Title:

Auftragsvergabe BÜFA Chemikalien GmbH & Co. KG

A contract/lot is awarded: yes

V.2. Award of contract

V.2.1. Date of conclusion of the contract

08/12/2022

V.2.2. Information about tenders

Number of tenders received: 1

Number of tenders received from tenderers from other EU Member States: 0

Number of tenders received from tenderers from non-EU Member States: 0

Number of tenders received by electronic means: 1

The contract has been awarded to a group of economic operators: no

V.2.3. Name and address of the contractor

Official name: BÜFA Chemikalien GmbH & Co. KG

Postal address: An der Autobahn 14

Town: Hude

NUTS code: DE94D Oldenburg, Landkreis

Postal code: 27798

Country: Germany

The contractor is an SME: no

V.2.4. Information on value of the contract/lot**V.2.5. Information about subcontracting****V.2.6. Price paid for bargain purchases****Section V: Award of contract**

Lot No: 45

Title:

Auftragsvergabe BÜFA Chemikalien GmbH & Co. KG

A contract/lot is awarded: yes

V.2. Award of contract**V.2.1. Date of conclusion of the contract**

08/12/2022

V.2.2. Information about tenders

Number of tenders received: 1

Number of tenders received from tenderers from other EU Member States: 0

Number of tenders received from tenderers from non-EU Member States: 0

Number of tenders received by electronic means: 1

The contract has been awarded to a group of economic operators: no

V.2.3. Name and address of the contractor

Official name: BÜFA Chemikalien GmbH & Co. KG

Postal address: An der Autobahn 14

Town: Hude

NUTS code: DE94D Oldenburg, Landkreis

Postal code: 27798

Country: Germany

The contractor is an SME: no

V.2.4. Information on value of the contract/lot

V.2.5. Information about subcontracting

V.2.6. Price paid for bargain purchases

Section VI: Complementary information

VI.3. Additional information

Es erfolgen keine Angaben zum Wert der einzelnen Losaufträge gemäß Art. 70 Abs. 3 der Richtlinie 2014/25/EU.

Deshalb wurde bei der Frage zur Veröffentlichung von Auftragswerten bei den Losen 40 bis 45 "nein" in dieser EU-Bekanntmachung angegeben.

Der Wert der Gesamtbeschaffung über alle bezuschlagten Lose berücksichtigt die Laufzeit von 8 Jahren (inkl. Optionen).

Bekanntmachungs-ID: CXS0YYFYW899DNW2

VI.4. Procedures for review

VI.4.1. Review body

Official name: Vergabekammer Niedersachsen

Postal address: Auf der Hude 2

Town: Lüneburg

Postal code: 21339

Country: Germany

Telephone: +49 4131151334

Fax: +49 4131152943

VI.4.3. Review procedure

Precise information on deadline(s) for review procedures:

Für die Einlegung von Rechtsbehelfen ist § 160 des Gesetzes gegen Wettbewerbsbeschränkungen (GWB) zu beachten. § 160 GWB lautet:

(1) Die Vergabekammer leitet ein Nachprüfungsverfahren nur auf Antrag ein.

(2) Antragsbefugt ist jedes Unternehmen, das ein Interesse an dem öffentlichen Auftrag oder der Konzession hat und eine Verletzung in seinen Rechten nach § 97 Absatz 6 durch Nichtbeachtung von Vergabevorschriften geltend macht. Dabei ist darzulegen, dass dem Unternehmen durch die behauptete Verletzung der Vergabevorschriften ein Schaden entstanden ist oder zu entstehen droht.

(3) Der Antrag ist unzulässig, soweit

1. der Antragsteller den geltend gemachten Verstoß gegen Vergabevorschriften vor Einreichen des Nachprüfungsantrags erkannt und gegenüber dem Auftraggeber nicht innerhalb einer Frist von zehn Kalendertagen gerügt hat; der Ablauf der Frist nach § 134 Absatz 2 bleibt unberührt,

2. Verstöße gegen Vergabevorschriften, die aufgrund der Bekanntmachung erkennbar sind, nicht spätestens bis zum Ablauf der in der Bekanntmachung benannten Frist zur Bewerbung oder zur Angebotsabgabe gegenüber dem Auftraggeber gerügt werden,

3. Verstöße gegen Vergabevorschriften, die erst in den Vergabeunterlagen erkennbar sind, nicht spätestens bis zum Ablauf der Frist zur Bewerbung oder zur Angebotsabgabe gegenüber dem Auftraggeber gerügt werden,

4. mehr als 15 Kalendertage nach Eingang der Mitteilung des Auftraggebers, einer Rüge nicht abhelfen zu wollen, vergangen sind.

Satz 1 gilt nicht bei einem Antrag auf Feststellung der Unwirksamkeit des Vertrags nach § 135 Absatz 1 Nummer 2. § 134 Absatz 1 Satz 2 bleibt unberührt.

Der Auftraggeber ist im Falle eines Nachprüfungsantrags verpflichtet, die Vergabeakten, die auch die abgegebenen Angebote enthalten, der Vergabekammer zur Verfügung zu stellen. Gemäß § 165 GWB haben die Verfahrensbeteiligten unter Umständen Anspruch auf Akteneinsicht und können sich ggf. Ausfertigungen, Auszüge oder Abschriften erteilen lassen. Die Vergabekammer hat die Einsicht in die Unterlagen zu versagen, soweit dies aus wichtigen Gründen, insbesondere des Geheimschutzes oder zur Wahrung von Betriebs- oder Geschäftsgeheimnissen, geboten ist. Es ist daher im Interesse des Bieters oder Bieters, bereits mit der Abgabe des Angebotes eine entsprechende Kennzeichnung der Stellen vorzunehmen, die Fabrikations-, Betriebs- oder Geschäftsgeheimnisse enthalten.

VI.5. Date of dispatch of this notice

27/12/2022