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**Germany-Darmstadt: Gas-distribution network  
2023/S 200-626400**

**Contract notice**

**Supplies**

**Legal Basis:**

Directive 2014/24/EU

**Section I: Contracting authority**

**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:

Telephone: +49 6159713534

Fax: +49 6159713983

**Internet address(es):**

Main address:

**I.3) Communication**

The procurement documents are available for unrestricted and full direct access

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted electronically via:

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

Other type: large-scale research

**I.5) Main activity**

Other activity: research

**Section II: Object**

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

**II.1.1) Title:**

Transfer Line Bundle CWU to Branch Box

Reference number: 332/2600010923

**II.1.2) Main CPV code**

44161110 Gas-distribution network

**II.1.3) Type of contract**

Supplies

**II.1.4) Short description:**

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For the connection of the Branch Box BB of the Super-FRS accelerator system at FAIR to the Cooldown and Warmup Unit CWU about sixty meters of cryogenic and warm gas helium transfer lines have to be designed, produced and installed at the FAIR site. The process headers for the CWU supply (down to 80 K) and return (down to 20 K) are combined inside a DN 400 vacuum insulated main transfer line with a simple shield connected to the return. This main line is always accompanied by a DN 80 non-insulated 300 K helium warm gas supply line, and a DN 80 non-insulated current lead return line. These three parallel lines are called transfer line bundle (TLB).

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)**

42500000 Cooling and ventilation equipment

45231112 Installation of pipe system

II.2.3) **Place of performance**

NUTS code: DE711 Darmstadt, Kreisfreie Stadt

Main site or place of performance:

FAIR - Facility for Antiproton and Ion Research in Europe GmbH Planckstr. 1 64291 Darmstadt

II.2.4) **Description of the procurement:**

The Contractor shall design, manufacture, ship to FAIR, and install the following components:

A main line DN 400 of appr. 60 m, which is always accompanied by a DN 80 non-insulated 300 K helium warm gas supply line, and a DN 80 non-insulated current lead return line.

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: 22

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**

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:

- 2. Company presentation (To be submitted with the participation request by means of self-declaration): "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"
- 4. 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

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

List and brief description of selection criteria:

Supporting documents:

- 3. 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.
- 15. Proof of capability and expertise (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.
- 14. Information about technical equipment, QM/QS, R&D (To be submitted with the participation request by means of third party confirmation): Description of technical equipment, steps taken by the company to ensure quality and the company's investigation and research capabilities.

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

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

Supporting documents:

- 1. 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.
- 5. 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
- 8. 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"
- 9. Russia sanctions - Declaration on Regulation (EU) 833/2014 (To be submitted with the participation request by means of self-declaration): On 08.04.2022, the Council of the European Union adopted Regulation (EU) 2022/576 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine. This entered into force on 09.04.2022. As a regulation, it has direct legal effect in the member states and has a direct impact on the award of public contracts and concessions.
- 10. Declaration of compliance with data protection requirements (To be submitted with the participation request by means of self-declaration)

## **Section IV: Procedure**

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

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- IV.1.1) **Type of procedure**  
Competitive procedure with negotiation
- IV.1.3) **Information about a framework agreement or a dynamic purchasing system**
- IV.1.5) **Information about negotiation**
- 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: 14/11/2023  
Local time: 12:00
- IV.2.3) **Estimated date of dispatch of invitations to tender or to participate to selected candidates**  
Date: 21/11/2023
- IV.2.4) **Languages in which tenders or requests to participate may be submitted:**  
English

**Section VI: Complementary information**

- VI.1) **Information about recurrence**  
This is a recurrent procurement: no
- VI.2) **Information about electronic workflows**  
Electronic ordering will be used  
Electronic invoicing will be accepted  
Electronic payment 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:  
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 (Best possible rating is 10 and worst possible rating is 0)

40 % price

60 % performance criteria - Performance criteria: 60% are scaled to 100%

1. Quality of the offer & presentation = 25 %

2. Quality assurance, communication and documentation = 25 %

3. Time schedule = 25 %

4. Technical design & quality = 25 %

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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: CXS0YYEY1CZ7HQFC

#### 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:

Candidate/ Bidder is requested to clearly identify those sections of the participation application (and eventually of the tender, if applicable) that contain a trade or business secret. If Bidder fails to do so, the Public Procurement Tribunal may, in the case of a review procedure, assume that Bidder has agreed to have these documents inspected (§165 para. 3 GWB). As Awarding Authority, FAIR is obliged to make the tender file available to the Public Procurement Tribunal immediately when initiating a review procedure (§ 163 para. 2 cl. 3 GWB).

Candidates/ Bidders have a right to expect the contracting authority's compliance with the Bidder-protecting provisions re: the tender procedure (§ 97 para. 6 GWB). If Candidate/ Bidder interested in the contract considers

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that Bidder's rights have been infringed through failure to comply with award regulations, the infringement must be reported to FAIR within ten calendar days (§ 160 para. 3 cl. 1 nr. 1 GWB).

Infringements identifiable on the basis of the announcement or the award documents must be asserted against FAIR within the deadline for submission of applications (or tenders) specified in the announcement (§ 160 para. 3 cl. 1 nr. 2 - 3 GWB).

If FAIR informs Candidate/ Bidder that FAIR is unwilling to redress its complaint, it is possible to file an appeal for review with the aforementioned Public Procurement Tribunal within 15 days of receipt of the notification (§ 160 para. 3 cl. 1 nr. 4 GWB).

Bidders whose tenders are not to be considered for the award will be informed prior to the award according to § 134 GWB. A contract may only be concluded 15 calendar days after this information has been sent by FAIR. In the case of transmission by fax or electronic means, this period shall be ten calendar days. It commences on the day after dispatch of the information by FAIR. After this period has expired, a surcharge is possible, even if the deadline is not passed according to § 160 para. 3 GWB. An application for review would therefore have to be delivered to FAIR by the Public Procurement Tribunal before the expiry of the deadline according to § 134 GWB in order to prevent a surcharge.

According to § 135 para. 1 and 2 GWB, the ineffectiveness of a commission can only be established if it has been asserted in the review procedure within 30 calendar days of the conclusion of the contract but not later than six months after the conclusion of the contract. If the contracting entity has published the award in Official Journal of the European Union, the period unenforceability shall end 30 calendar days after announcement of the publication of the award in Official Journal of the European Union.

Information pursuant to Art. 13 GDPR on the processing of your personal data within the scope of our business relationship is available at:

VI.5) **Date of dispatch of this notice:**  
12/10/2023