



General Conditions for applying

For tendering procedures

TABLE OF CONTENT

1. GENERAL INFORMATION ON THE TENDERING PROCEDURE 3

1.1. CLIENT 3

1.2. AWARD PLATFORM 3

1.3. QUESTIONS, INFORMATION AND COMMUNICATION IN THE PURCHASE PROCEDURE 3

1.4. CHECKING THE TENDER DOCUMENTS 3

1.5. PROCEDURE LANGUAGE 4

1.6. AWARD AND BINDING PERIOD 4

2. SUBMISSION OF OFFERS 4

2.1. ELECTRONIC SUBMISSION OF OFFERS 4

2.2. SAMPLES AND EXAMPLES 5

2.3. CHANGES TO THE OFFER 5

2.4. CONTENT OF THE OFFERS 5

2.5. SECONDARY OFFERS, PROPOSALS FOR CHANGES AND MULTIPLE MAIN OFFERS 5

2.6. PRICES AND DISCOUNTS 6

3. INFORMATION ABOUT THE APPLICANT/BIDDER AND SUITABILITY 6

3.1. COMPANY INFORMATION 6

3.2. DECLARATION AND EVIDENCE OF SUITABILITY 7

3.3. COMPANY REFERENCES 7

3.4. COORDINATOR AND KEY PERSONNEL 7

4. EVALUATION OF THE OFFERS 7

4.1. OPENING OF THE OFFERS 7

4.2. GENERAL INFORMATION ON THE AWARD CRITERIA 7

4.3. EVALUATION ACCORDING TO THE AWARD CRITERION "PRICE" 7

4.4. GENERAL REQUIREMENTS FOR CONCEPTS 8

4.5. GENERAL REQUIREMENTS FOR WORK SAMPLES 8

4.6. SUBSEQUENT REQUEST 8

4.7. CLARIFICATION 8

5. MISCELLANEOUS 9

5.1. CONFIDENTIALITY 9

5.2. CONFIDENTIALITY OF OFFERS 9

5.3. BIDDERS' INTELLECTUAL PROPERTY RIGHTS 9

1. GENERAL INFORMATION ON THE TENDERING PROCEDURE

Unless otherwise specified, these application conditions supplement the invitation to tender and the other award documents as well as (if applicable) the contract notice, any answers from the contracting authority to bidders' questions and additional information to the bidders during the award procedure. Applicants/bidders must also observe the application conditions when preparing and submitting their applications to participate/bids.

1.1. CLIENT

The contracting authority is, unless otherwise specified in the invitation, the Indo-German Chamber of Commerce (IGCC). The IGCC is not a public contracting authority within the meaning of Section 99 GWB. The provisions of the GWB in conjunction with the VgV do not apply to the IGCC.

1.2. AWARD PLATFORM

The contracting authority's tenders are generally published on the IGCC India website.

Interested companies must register with Sapna Bhosle (sapna.bhosle@indo-german.com) to participate in the procurement process. Only by expressing interest in the respective procurement process will interested companies receive complete information relevant to the process, such as answers to bidder questions, deadline extensions, etc., and in the event of changes to the procurement documents, notification of the change and the current version of the procurement documents.

If an interested party fails to express interest and retrieves the procurement documents for the procurement process, the resulting risk of incomplete, outdated or delayed information lies with them.

1.3. QUESTIONS, INFORMATION AND COMMUNICATION IN THE PURCHASE PROCEDURE

The correspondence between the client and the participants in the procurement process during the procurement process must take place exclusively via email. Other forms of contact, especially with other employees in connection with this tendering procedure, are not permitted and will be considered a tendering violation, which regularly leads to the bidder not being considered or excluded from the further procedure.

Any process-relevant information about tender documents or the submission of offers, deviating stipulations in the tendering procedure and answers to bidder questions are provided in writing by the named contact person.

The inquiries from interested companies are collected and answered anonymously. The questions must be asked in such a way that it is not possible to identify the person asking the question. The answers provided become part of the tendering/contract documents.

1.4. CHECKING THE TENDER DOCUMENTS

By submitting the offer, the applicant/bidder declares that he has fully worked through, checked and accepted the tender documents.

If, in the bidder's opinion, the tender documents contain ambiguities, gaps, contradictions or errors that could affect the preparation of the application to participate/offer, including the price determination, or if the applicant/bidder has doubts about the legal, technical or mathematical accuracy of the tender documents (collectively referred to as "errors"), he must inform the contact person immediately in order to clarify the matter as early as possible before submitting the application to participate/offer.

Conditions for applying

The client reserves the right to make corrections and additions to the tender documents within the tender period and to make them available to all interested companies by email. The applicant/bidder is obliged to regularly check whether the tender documents have been updated. If the scope or timing of the additions makes it necessary, the client will extend the tender period.

If an offer was submitted before the tender documents were updated or supplemented, the applicant/bidder is obliged to check the final tender documents again (after the aforementioned date) and, if necessary, adjust or resubmit their offer. Failure to make the appropriate adjustment/renewal may result in the offer being excluded.

1.5. PROCEDURE LANGUAGE

The procedure language is English. The offer and all its attachments as well as any information and documents requested by the awarding authority after the offer has been submitted must be written or submitted in English. Documents in other languages (e.g. evidence or confirmations from foreign bodies) must always be accompanied by a translation into English. The client reserves the right to request or subsequently request an officially certified translation or translation by a state-sworn translator to ensure the accuracy of the translation.

1.6. AWARD AND BINDING PERIOD

The award and binding period begins with the expiry of the offer period. If the client extends the tender period, the award and binding period is postponed by the period by which the tender period is extended, even if its expiry is set for a specific date or time, unless otherwise agreed.

The bidder is bound to his tender from the time he submits his tender until the expiry of the binding period. The award and binding period ends at midnight on the last day. To meet the deadline, it is sufficient for the client to send a declaration of award to the bidder who is to be awarded the contract (email, post). Any office or working hours of the bidder are not relevant.

If the bidder is asked to extend the binding period of his tender within the award and binding period, the bidder must check before declaring/agreeing to the extension of the binding period and inform the client of the extent to which a delay in awarding the contract will affect the execution periods offered.

2. SUBMISSION OF OFFERS

2.1. ELECTRONIC SUBMISSION OF OFFERS

Electronic submission of offers by email is mandatory, unless an offer in another form is expressly permitted or required in accordance with the invitation to submit an offer. For the formal submission of electronic applications to participate or offers, text form in accordance with Section 126b of the German Civil Code is sufficient. In exceptional cases, the awarding authority may allow them to be sent by post. The forms specified by the client must be used for the offer. The offer must be submitted by the expiry of the participation or offer deadline specified by the awarding authority. The risk of the offer being received on time is borne by the applicant/bidder, unless he is not responsible for the delay. Applications to participate/offers that arrive late are marked as such and excluded. An offer that is not submitted in the correct form or on time will be excluded.

If the applicant/bidder believes that a part of the offer is not suitable for being submitted electronically by email, he must inform the contact person immediately. This is particularly the case if a component, due to its special nature, is not compatible with generally available or widespread information and communication technology devices and programs or requires file formats that cannot be processed with generally available or

Conditions for applying

widespread programs or that are protected by licenses other than free and generally available ones or requires the use of (office) equipment that is assumed not to be generally available or contains data that is particularly worthy of protection.

2.2. SAMPLES AND EXAMPLES

Samples and examples that cannot be submitted electronically with the offer must be submitted by post by the end of the offer period. They must be adequately marked as part of the offer. Samples and examples from offers that have not been considered will only be returned if this is announced in the invitation or requested within 15 working days after the end of the binding period. The client is not liable for any reduction in value or loss of samples and examples if this occurs without gross negligence as a result of necessary tests or during return to the bidder. If the return has not been announced and the bidder does not request the return within the deadline, the samples and specimens become the property of the client.

2.3. CHANGES TO THE OFFER

The offer can be withdrawn up to the end of the offer period, subject to the formal requirements.

Any subsequent changes or corrections by the bidder to the offer already submitted are permitted up to the end of the offer period and are subject to the same formal requirements as the offer itself. When submitting a revised offer, it must be made clear which offer or parts of the offer are valid. The clarification should clearly indicate that this is neither another main offer nor another secondary offer.

After the offer period has expired, changes or withdrawals of a submitted offer are excluded. Once the offer period has expired, the bidder is bound to his offer until the end of the award period (binding period), unless something different is expressly stipulated in the tender documents (e.g. for indicative offers in a negotiated procedure).

2.4. CONTENT OF THE OFFERS

All available tender documents must be observed. The offer must be complete, coherent, consistent and in English. For an offer to be in compliance with the tender, the specified text in the tender documents may not be changed or supplemented. Failure to observe or change the documents in places not expressly provided for will result in the offer being excluded. The applicant/bidder must enter the information requested in the appendices and enclose the required declarations fully completed. In addition, the additional offer components specified in the invitation must be enclosed with the offer. If explanations appear necessary to better assess the offer, they can be enclosed with the offer in a special appendix.

The offer must fully comply with the requirements of procurement law. The awarding authority expressly refers here to the reasons for exclusion in accordance with the relevant procurement law standards.

An offer that is not submitted in the correct form or on time will be excluded. A self-made copy or short version of the list of services is permitted. The list of services or the service description specified by the client is binding.

If, as an exception, a paper offer can be submitted by post, the offer must be sealed in an envelope and sent to the contact person with sufficient identification. The fully completed enclosures must be dated, signed and stamped with the company stamp in the specified places.

The bidders are liable for the completeness and accuracy of all information provided in the offers.

2.5. SECONDARY OFFERS, PROPOSALS FOR CHANGES AND MULTIPLE MAIN OFFERS

If partial and secondary offers are not expressly excluded, the following rules apply:

Conditions for applying

If secondary offers are permitted, they must be submitted as a separate attachment and clearly marked as such. If there are minimum requirements for secondary offers, these must be met; otherwise they must be of equivalent quality and quantity to the service description. Compliance with the minimum requirements or equivalence must be proven when the offer is submitted.

The bidder must describe the services included in secondary offers clearly and exhaustively; the structure of the service description should be retained as far as possible. Alternative offers must include all services that are required for the proper execution of the service.

Alternative offers must be broken down by quantity and individual price (even if they affect partial services (items) of the service description (change, replace, omit, require additional services) (including if remuneration is based on a lump sum).

Alternative offers that do not meet these requirements will be excluded from the evaluation. If the bidder offers a service whose execution is not regulated in the tender documents, he must provide appropriate information about the execution and nature of this service in the tender.

Suggestions for changing the binding specifications in the tender documents (proposals for changes) are not permitted in the tender (unless they are an approved alternative offer) and usually lead to the exclusion of the tender unless the client has expressly requested suggestions for changes (e.g. in the negotiated procedure). If suggestions for changes have been expressly requested, these must be submitted in a separate, appropriately labelled attachment to the tender; they are not part of the offer and, unless expressly agreed otherwise (e.g. in the context of negotiations), do not become part of the contract in the event of an order.

2.6. PRICES AND DISCOUNTS

The prices (unit prices, flat rates, billing rates, etc.) must be stated with tax and, unless otherwise specified, with a maximum of two decimal places. The tax amount (if applicable) must be added at the specified place or at the end of the offer, based on and showing the applicable tax rate.

Only price discounts that are granted without conditions as a percentage (%) of the invoice amount and are listed at the specified place in the bidder's declaration will be taken into account.

Price discounts that are not to be taken into account (e.g. cash discounts) nevertheless remain part of the offer and become part of the contract in the event of an order.

Mixed calculations are not permitted unless they are expressly permitted or specified in the individual case in the tender documents and will lead to the offer being excluded. For the services described in a service item, the item price must be entered in full in the space provided for this service item.

Price information such as "-", "/" or "not applicable", unless they are clearly identifiable as missing price information, is deemed to be "0.00 rupees" with the provision that the services in question are offered and (if ordered) provided by the bidder without separate remuneration. Prices of 0.00 rupees or with a negative sign must be clearly explained in the offer as to how they came about.

3. INFORMATION ABOUT THE APPLICANT/BIDDER AND SUITABILITY

3.1. COMPANY INFORMATION

The offer must contain clear and complete information about the bidder's company (in particular: company name, legal form, registered office, address, email address, name of contact person). The information must be up-to-date.

Conditions for applying

3.2. DECLARATION AND EVIDENCE OF SUITABILITY

The suitability of the bidder is checked on the basis of expertise and professional and technical performance.

The declarations and evidence of the absence of grounds for exclusion and of suitability required in the contract notice and/or the invitation to tender and its attachments must be submitted by the applicants/bidders with the offer, unless expressly stated otherwise.

In the event of criminal offenses or misconduct in accordance with the relevant procurement law standards, applicants/bidders can also provide evidence that sufficient measures have been taken to ensure that the offer/application is not excluded despite the existence of a relevant ground for exclusion. This proof of self-cleaning must be attached to the application or offer together with the self-declaration.

3.3. COMPANY REFERENCES

The requirements for suitability in the form of a company profile can be found in the invitation to tender.

3.4. COORDINATOR AND KEY PERSONNEL

If required, the applicant/bidder must name the key personnel (coordinator) intended for the provision of the service. Multiple nominations (i.e. naming several people for one function or naming one person for several functions) are permitted. The key personnel (teachers) must be available during the award procedure and afterwards, during the provision of the service. The applicant/bidder confirms the availability of the staffing from the time the contract is awarded. The minimum requirements for the suitability of the teachers can be found in the invitation to tender.

4. EVALUATION OF THE OFFERS

4.1. OPENING OF THE OFFERS

The opening of the offers takes place after the participation or offer deadline has expired. The bidders are not permitted to take part in the opening.

The offers submitted by the applicants/bidders on time on the basis of these tender documents will be examined to ensure that there are no grounds for exclusion (including completeness of the offers and compliance with all mandatory requirements of the service description) and that the eligibility criteria are met.

The contracting authority will ultimately award the contract to the bidder who submits the most economical offer in accordance with the invitation and the provisions contained therein for evaluating the offer.

4.2. GENERAL INFORMATION ON THE AWARD CRITERIA

In the event of a tie, the contract will be awarded to the bidder whose offer has achieved the higher number of points according to the criteria set out in the invitation.

If a decision has to be made between the companies mentioned above because both meet the requirements mentioned, the decision will be made by drawing lots.

4.3. EVALUATION ACCORDING TO THE AWARD CRITERION "PRICE"

The evaluation of the price criterion is carried out according to the specifications of the invitation letter/price sheet.

Conditions for applying

Discounts or price reductions must be included in the prices. All incidental costs must be included in the prices offered.

The prices for the service object described in more detail in the tender documents must be given as a fixed price for the duration of the contract processing, unless otherwise requested. A fixed price is a price that remains unchanged even if the price basis changes (such as collective agreements, material prices, social expenses).

A flat rate must be specified, unless otherwise requested. No costs may be charged in excess of a flat rate. The only exceptions to this flat rate are expenses that are separately commissioned by the client.

4.4. GENERAL REQUIREMENTS FOR CONCEPTS

If requested in the invitation, the bidder must submit a concept. As an essential part of the offer, the bidder must set out the conceptual approach and the essential steps for successful language acquisition in the concept to be developed. The minimum content is specified in the invitation and service description.

The written concept can consist of graphic representations and/or text elements. It must address the sub-criteria mentioned.

4.5. GENERAL REQUIREMENTS FOR WORK SAMPLES

If requested in the invitation, the bidder/bidder consortium must submit work samples. Unless new work samples are to be explicitly prepared for the respective award procedure, existing work samples from projects already completed by the bidder can be submitted. The specified minimum requirements for work samples are specified in the invitation.

4.6. SUBSEQUENT REQUEST

The awarding authority reserves the right to request documents and declarations that were not enclosed with the bid or that do not formally meet the requirements within a specified time period. The same applies to price information for insignificant individual items whose individual prices do not change the total price or the evaluation order and do not affect the competition. Bidders are not entitled to a subsequent request.

If a submission with the bid is not already required after the contract notice and/or the invitation to submit a bid, the client can request further information and documents from the bidder or from the subcontractors and other companies named by the bidder (qualification loan) during the course of the bid review.

The offer can be excluded if the bidder has not fully complied with the request by the end of the additional request period.

4.7. CLARIFICATION

The awarding authority is entitled to clarify the offers and the suitability and the absence of grounds for exclusion, also with regard to any subcontractors and other companies (loan of suitability). In particular, explanatory, supplementary or clarifying information can be requested from the bidder for clarification.

The offer can be excluded if the bidder has not fully complied with the request for clarification by the end of the clarification period. The client is also entitled to provide clarification independently.

By submitting the offer, the bidders declare their consent for the client to obtain information on the subject of the proof from the bodies that the bidders have specified to prove their suitability or the absence of grounds for exclusion. The bidders are also responsible for obtaining the corresponding consent from any subcontractors and other companies (loan of suitability).

5. MISCELLANEOUS

5.1. CONFIDENTIALITY

The applicant/bidder undertakes to keep the tender documents and all other non-obvious information that he becomes aware of through participation in the tender procedure confidential during and after the completion of the tender procedure. This obligation of the applicant/bidder applies without any geographical or temporal restrictions and also to companies associated with the applicant/bidder. The applicant/bidder acknowledges that the text of the tender documents is protected by copyright.

In addition, the applicant/bidder undertakes not to provide any information about his participation, the status of the tender procedure or other circumstances of the tender procedure, including to the media, until the contract is awarded. A breach of this confidentiality obligation can lead to the exclusion of the applicant/bidder in question. This obligation also applies to third parties commissioned or involved by the contractor (e.g. any subcontractors).

5.2. CONFIDENTIALITY OF OFFERS

By submitting his offer, the bidder agrees that, in the event of his offer being awarded a contract, his name and general company details, the date of the contract conclusion, the contract value, the subject matter of the contract and the features and advantages of the offer relevant to the award decision may be passed on to third parties or published in the course of the notification of the non-consideration of the offers to the other bidders, in a public announcement about the contract awarded. If there are reasons against such announcements, these must be communicated when the offer is submitted.

5.3. BIDDERS' INTELLECTUAL PROPERTY RIGHTS

If the bidder is considering using information from his offer to register an industrial property right or if such protection rights exist in relation to the subject matter of the contract or have been applied for, he must state this in the attachments (bidder declaration).