

99120001107003

Public procurement - participate in a direct award or negotiated procedure

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<https://fimportal.de/xzufi-services/195612163/L100039>

Modul	Sachverhalt
Leistungsschlüssel	99120001107003
Leistungsbezeichnung I	Public procurement - participate in a direct award or negotiated procedure
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Rheinland-Pfalz
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Öffentliche Aufträge (120)
Verrichtungskennung	Vergabe (107)
SDG-Informationsbereich	

Modul	Sachverhalt
Lagen Portalverbund	Informationen zur öffentlichen Vergabe (2080100)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	https://mwvlw.rlp.de/de/themen/wirtschafts-und-innovationspolitik/wettbewerbspolitik/vergaberecht/europa-weite-vergabeverfahren/ https://www.gesetze-im-internet.de/gwb/_101.html https://www.gesetze-im-internet.de/sectvo_2016/index.html https://mwvlw.rlp.de/de/themen/wirtschafts-und-innovationspolitik/wettbewerbspolitik/vergaberecht/europa-weite-vergabeverfahren/ https://www.gesetze-im-internet.de/gwb/_101.html https://www.gesetze-im-internet.de/sectvo_2016/index.html
Teaser	
Volltext	<p>In a direct award procedure (national), the contracting authority (awarding body) invites selected companies to submit a tender. This also applies to the negotiated procedure (EU-wide). This must be carried out if the order volume exceeds the threshold value. The invited companies</p> <ul style="list-style-type: none"> • offer a service corresponding to the invitation to tender, • are already known to the contracting authority in advance and • are in regular contact with the contracting authority. <p>Note: Competition is very restricted. The usual formal requirements do not have to be observed here.</p> <p>In order to explore the group of applicants, the contracting authority can carry out a public competition in advance. In the negotiated procedure (EU-wide), a call for competition is mandatory.</p> <p>The planned contract award is made public through</p>

Modul

Sachverhalt

the competition. All interested companies can submit applications to participate. The awarding authority selects the applications and specifically invites bids. In doing so, it observes general procurement principles.

The public invitation to tender is advertised in special tender media.

Note: State tenders are published on the procurement marketplace; EU tenders are always published in the EU Official Journal.

Erforderliche Unterlagen

You can find out which documents, samples or specimens you need when submitting your tender from the awarding office.

Voraussetzungen

Direct award is only permitted in a few exceptional cases regulated by law. The same applies to the EU-wide negotiated procedure if the contract volume exceeds the threshold value. This is permissible, for example, if

- a value limit of EUR 10,000 is not exceeded for construction services,
- a larger service has already been awarded, a smaller one follows it and the two cannot be separated without disadvantage,
- only a specific contractor can provide the service due to special requirements (e.g. patent protection, special experience or equipment),
- the nature and scope of the service cannot be clearly and exhaustively defined before the contract is awarded,
- a new public or restricted invitation to tender does not promise an economical result,
- a service is particularly urgent,
- a service is subject to confidentiality regulations.

Kosten

The awarding authority does not reimburse any costs for processing the tender. However, if it requires the preparation of e.g. drafts, plans, drawings, it must reimburse all participants uniformly and appropriately.

Verfahrensablauf

Direct award differs from public and restricted tendering (Europe-wide: open and restricted procedure). Price negotiations with the bidding

Modul

Sachverhalt

company are permitted. There is no formal procedure.

The awarding authority may only invite companies that have the necessary

- expertise,
- capability and
- reliability

and reliability. It may request the necessary proof of suitability.

If it is also possible to return the documents electronically, you must provide them with an electronic signature and transmit the data in encrypted form.

Note: The awarding authority must allow sufficient time for tenders to be submitted.

It checks tenders received in due form and on time according to the following criteria

- completeness
- technical correctness and
- arithmetical correctness

It then informs unsuccessful bidders and publishes the award.

The direct award differs from the public and restricted invitation to tender (Europe-wide: open and restricted procedure). Price negotiations with the bidding company are permitted. There is no formal procedure.

If there is no call for competition, the contracting authority invites you informally to submit a tender. The contracting authority may only invite companies that have the necessary

- expertise,
- capability and
- reliability

and reliability. It may request the necessary proof of

Modul

Sachverhalt

suitability. The companies also submit their bids informally. The awarding authority examines the tenders and awards the contract. This can also be done informally.

In the case of public participation competitions, you can submit an application to participate in the competition to the awarding authority. If the awarding authority selects you, it will ask you to submit a bid. It will send you the relevant tender documents.

Sign and return the completed tender documents to the awarding authority. If it is also possible to return them electronically, you must provide the documents with an electronic signature and transmit the data in encrypted form.

Note: The awarding authority must allow sufficient time for tenders to be submitted.

The awarding authority may only open the tenders after the deadline has expired. It will examine tenders received in due form and on time according to the following criteria

- completeness
- technical correctness and
- arithmetical correctness

The awarding authority usually notifies the contract award in writing. It is also deemed to be the conclusion of the contract. It then informs unsuccessful bidders and makes the award publicly known.

Bearbeitungsdauer

The awarding authority must observe award and binding deadlines in the award procedure. It shall set the award period as short as possible. In the case of EU-wide procedures, the contract may only be awarded after expiry of the information period in accordance with Section 101a GWB.

Frist

weiterführende Informationen

Modul	Sachverhalt
Hinweise	
Rechtsbehelf	
Kurztext	
Ansprechpunkt	The awarding authority.
Zuständige Stelle	
Formulare	
Ursprungsportal	Public procurement - participate in a direct award or negotiated procedure, Öffentliche Vergabe - an freihändiger Vergabe oder Verhandlungsverfahren teilnehmen