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Review procedures

Heruntergeladen am 26.06.2025

<https://fimportal.de/xzufi-services/S1000020010000002498/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99070002000000
Leistungsbezeichnung I	Review procedures
Leistungsbezeichnung II	Hamburg Public Procurement Chamber at the Finance Authority
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hamburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	<div lang="en-x-mtfrom-de">award approval</div>, <div lang="en-x-mtfrom-de">award chamber</div>, <div lang="en-x-mtfrom-de">review procedures</div>, <div lang="en-x-mtfrom-de">request for review</div>
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	

Modul	Sachverhalt
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	02.08.2023
Fachlich freigegeben durch	
Handlungsgrundlage	<p>The statutory provisions of §§ 155 et seq. GWB apply to the review procedure. The substantive public procurement law depends on the respective subject matter (GWB, VgV, SektVO, KonzVgV, HmbVgG, etc.).</p> <p>URL: https://www.gesetze-im-internet.de/gwb/_155.html</p>
Teaser	<p>Participants in a procurement procedure for public contracts and concessions of the Free and Hanseatic City of Hamburg can contact the public procurement chamber at the tax authority to have any violation of public procurement law checked.</p>
Volltext	<p>The public procurement chamber at the tax authority is responsible for reviewing the procurement procedures of all clients in accordance with Section 98 GWB in Hamburg, which concern public contracts or concessions for deliveries or services above the respective EU thresholds (Section 159 Paragraphs 2 and 3 GWB). (In contrast, the Public Procurement Chamber at the Authority for Urban Development and Housing is responsible for reviewing construction procurement procedures that concern construction work in accordance with the VOB, construction concessions and contracts with architects, engineers, urban planners and construction experts. Link: https://www.hamburg.de/authorityfinder/info/11725154/) As long as the contract has not yet been awarded, the participants in a Europe-wide procurement procedure can submit a written application for review to the responsible public procurement chamber under the conditions of Sections 160 and 161 GWB. As part of a review procedure that is already pending, an additional urgent application can also be submitted in accordance with Section 169 (2) GWB in order to have the prohibition on awarding the contract lifted.</p>
Erforderliche Unterlagen	

Modul

Sachverhalt

Voraussetzungen

The public procurement tribunal is an independent adjudicatory body that – similar to a court – decides in the first instance on legal disputes in procurement procedures according to the GWB, the VgV, SektVO and KonzVgV. For the initiation of a review procedure before the Public Procurement Chamber, the application requirements of §§ 160, 161 GWB must be met and the advance payment of EUR 2,500 must be paid. The accessory urgent application is possible under the legal requirements of Section 169 (2) GWB.

Kosten

Verfahrensablauf

The court-like review procedure is based on the statutory provisions of §§ 155 et seq. GWB. Like the courts, the public procurement tribunal decides independently and on its own responsibility. The duration of a review procedure depends, among other things, on the subject of the dispute and the course of the procedure. The five-week standard period of § 167 GWB can be extended according to the respective requirements. The costs depend, among other things, on the subject of the dispute (§ 182 GWB). The advance on costs paid will be offset against the procedural costs if necessary. An additional urgent application according to Section 169 (2) GWB increases the costs of the main proceedings (Section 182 GWB).

Bearbeitungsdauer

Frist

weiterführende Informationen

https://fhh1.hamburg.de/Dibis/merk/Datenschutzerklaerung_Vergabekammer_Finanzbehoerde_Stand_15.07.2019.pdf
https://www.hamburg.de/Dibis/merk/Datenschutzerklaerung_Vergabekammer_Finanzbehoerde_Stand_15.07.2019.pdf

Hinweise

For the same-day transmission to the contracting authority, the application for review must be in the office of the public procurement tribunal by 12 noon at the latest. Requests for review that arrive later can only be sent on the next working day (thus triggering the ban on awarding contracts under Section 169 (1) GWB). E-mails and e-faxes are only received during the

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	<p>business hours of the public procurement tribunal (MON-FRI 10 a.m.-2 p.m.). An application by simple e-mail does not satisfy the written form requirement of Section 161 GWB (cf. Section 3a VwVfG). It is recommended to announce the application to the office of the public procurement tribunal by telephone. Office of the procurement chamber at the tax authority (FB VK/GS): Telephone: +49 40 428 23-1690 Email: vergabekammer@fb.hamburg.de E-fax: +49 40 427 9-23080</p>
Rechtsbehelf	Immediate complaint to the Hanseatic Higher Regional Court (§§ 171 ff. GWB)
Kurztext	<p>The public procurement tribunal is an independent adjudicatory body that – similar to a court – decides in the first instance on legal disputes in procurement procedures according to the GWB, the VgV, SektVO and KonzVgV. For the initiation of a review procedure before the Public Procurement Chamber, the application requirements of §§ 160, 161 GWB must be met and the advance payment of EUR 2,500 must be paid. The accessory urgent application is possible under the legal requirements of Section 169 (2) GWB.</p>
Ansprechpunkt	
Zuständige Stelle	Financial Authority - Public Procurement Chamber (FB VK)
Formulare	
Ursprungsportal	Behördenfinder Hamburg, Authority finder Hamburg (Currently this link is only available in german)