

Information on the collection of personal data in accordance with Articles 13 and 14 of the GDPR

in AWARD PROCEDURES

The Federal Office for Building and Regional Planning (BBR) takes the protection of your personal data very seriously. Your personal data will be processed in accordance with the applicable data protection regulations, in particular the EU General Data Protection Regulation (GDPR) and the Federal Data Protection Act 2018 (BDSG).

Name and contact details of the controller

Bundesamt für Bauwesen und Raumordnung
(Federal Office for Building and Regional Planning)
Deichmanns Aue 31-37, 53179 Bonn
Tel.: +49 228 99401-0
or
Straße des 17. Juni 112, 10623 Berlin
Tel.: +49 030 18401-0

E-mail: zentrale@bbr.bund.de
De-mail: zentrale@bbr.de-mail.de

Contact details of the data protection officer

Datenschutzbeauftragte im Bundesamt für Bauwesen und Raumordnung
(Data Protection Officer at the Federal Office for Building and Regional Planning)
Deichmanns Aue 31-37, 53179 Bonn
Tel.: +49 228 99401-2423
E-mail: Datenschutz@bbr.bund.de

Purpose and legal basis for processing

Data is collected and processed for the purpose of conducting an award procedure, in particular for the purpose of responding to questions from bidders, checking and verifying the existence of grounds for exclusion, and checking and verifying suitability.

The legal basis for processing is

Art. 6 (1) lit. c, e GDPR in conjunction with § 3 BDSG, § 55 BHO (Federal Budget Code), §§ 97, 122 – 125, 127 GWB (Act against Restraints of Competition), §§ 46, 48, 58 VgV (Regulation on the Award of Public Contracts), §§ 31 to 36 UVgO (Ordinance on Under-Limit Tenders), Sections 16, 16a, 16b, 16c VOB/A (Construction Tendering and Contract Regulations), Sections 6a to 6f, 16 to 16d EU VOB/A, Sections 6 to 6f, 16 No. 4, 16a to 16d VS VOB/A.

Your information is voluntary, but failure to provide it will result in your application/offer not being considered in the award procedure.

Duration of storage and subsequent deletion

The duration of storage is determined by the retention periods under procurement and budgetary law.

The following must be retained in accordance with §§ 5 and 70 BHO in conjunction with No. 4.7 VV-ZBR BHO Administrative Regulation for Payments, Accounting and Financial Reporting (§§ 70 to 72 and 74 to 80 BHO) in conjunction with Section K 10 of the Guidelines for the Implementation of Federal Construction Tasks (RBBau):

1.) Accounting documents relating to major new construction, conversion and extension projects:

- 5 years after completion of the audit by the BRH or
- 7 years after accounting

2.) Accounting documents relating to minor new construction, conversion and extension work as well as building maintenance work:

5 years after the end of the year in which the accounts were presented.

The personal data to be stored includes information and statements relating to the bids that were awarded the contract and the bids that were not considered from the three lowest bidders, including the relevant documents. If the contract is not awarded to the lowest bidder, all lower-priced bids must be retained.

Documentation, award notices, tenders, requests to participate, expressions of interest and their annexes must be retained for three years from the date of award in accordance with § 6 (2) UVgO and § 8(4) VgV.

Recipients of the data

Access to the data within the BBR is restricted to the relevant employees of the procurement department A4 and the relevant employees of the specialist departments responsible for the project, as well as the architectural/engineering firms commissioned by the BBR for the project.

If you are to receive the contract award for orders worth 30,000.00 euros or more (€) excluding VAT, the BBR must, in accordance with § 19 (4) of the Minimum Wage Act (Mindestlohngesetz), § 21 (1) of the Act to Combat Illegal Employment (Schwarzarbeitsbekämpfungsgesetz) request information on you from the Federal Office of Justice in accordance with § 150a of the Trade Regulation Act (Gewerbeordnung) before awarding the contract.

If your bid is to be accepted in an EU-wide tender, the Federal Office for Building and Regional Planning must inform the other bidders and applicants whose bids/applications for participation are not to be considered, of your name in accordance with § 134 (1) of the GWB.

In all tenders, the Federal Office for Building and Regional Planning must, if the legal requirements are met, inform bidders who have not been considered for the contract award of the characteristics and advantages of your bid as the successful bidder/applicant and of your name, §§ 19 (2) (EU) VOB/A Part 1, § 19 (4) (EU) VOB/A, § 46 UVgO and § 62 (2) VgV.

If you are awarded the contract in an EU-wide tender, the Federal Office for Building and Regional Planning must submit a contract award notice to the Publications Office of the European Union in accordance with § 39 of the VgV for supplies and services. The content of the contract award notice is based on the model set out in Annex III of Implementing Regulation (EU) 2015/1986.

If you are awarded the contract in an EU-wide tender, the Federal Office for Building and Regional Planning must submit a contract award notice to the Publications Office of the European Union in accordance with § 18 (3) and (4) EU VOB/A for construction services. The content of the contract award notice is based on the model in Annex V D of Directive 2014/24/EU.

After awarding a contract in the construction sector in a restricted tender without competitive bidding with a contract value exceeding 25,000.00€ excluding VAT or a direct award with a contract value exceeding 15,000.00€ excluding VAT, the Federal Office for Building and Regional Planning must publish your name on www.bund.de for a period of six months in accordance with § 20 (3) VOB/A if you are awarded the contract.

Your rights

You have the following rights vis-à-vis the BBR with regard to your personal data:

- Right to information pursuant to Art. 15 GDPR
- Right to rectification pursuant to Art. 16 GDPR
- Right to rectification and erasure pursuant to Art. 17 GDPR
- Right to restriction of processing pursuant to Art. 18 GDPR
- Right to object to collection, processing and/or use pursuant to Art. 21 GDPR
- Right to data portability, Art. 20 GDPR

Furthermore, pursuant to Art. 77 GDPR, you have the right to lodge a complaint with the supervisory authority at any time.

In the above cases, please contact us preferably by email at: vergabe-bonn@bbr.bund.de or in writing to: Federal Office for Building and Regional Planning, Procurement Department A 4, Deichmanns Aue 31-37, 53179 Bonn, Germany, or to the Federal Office for Building and Regional Planning, Awards Department A 4, Straße des 17. Juni 112, 10623 Berlin, Germany, or to the contact details of the controller listed above.