



Appendix 01

Application Conditions

**Framework agreement for the delivery of English language
courses in the United Kingdom (UK) for teaching staff at
German higher education institutions**

Contract No. 100/2026



Table of Contents

1	Details of the service being tendered.....	3
a)	Brief description of the contract.....	3
b)	Start date and duration of the contract.....	3
c)	Options.....	4
d)	Lot allocation, alternative bids and multiple main bids.....	4
2	Information on the conduct of the procurement procedure.....	5
3	Evidence of suitability and absence of grounds for exclusion.....	5
a)	Mandatory and optional grounds for exclusion pursuant to Sections 123, 124 GWB, Section 19(1) MiLoG, Section 22(1) sentence 1 LkSG.....	5
b)	Qualifications and authorisation to practise the profession.....	5
c)	Economic and financial capacity.....	5
d)	Technical and professional competence.....	6
e)	Involvement of other companies; borrowing of capacity.....	8
i.	Subcontractors to demonstrate suitability (lending of suitability).....	8
ii.	Subcontracting without borrowing of qualifications.....	8
f)	Consortia.....	9
4	Content and form of tenders.....	9
a)	Content of tenders.....	9
b)	Form and deadline.....	12
5	Examination and evaluation of tenders.....	13
a)	Formal examination.....	13
b)	Examination of suitability and grounds for exclusion.....	13
c)	Determination of the most economically advantageous tender.....	14
(a)	Price	14
(b)	Concept	14
(c)	Team	15
d)	Unusually low bids.....	17
6	Reimbursement.....	17
7	Notification to tenderers.....	18
8	Enquiries and ambiguities.....	18



Contract extension:

The contract may be extended by the Client for a further 12 months prior to its expiry, provided that the Client notifies the Contractor of the extension in writing in accordance with Section 126b of the German Civil Code (BGB) at least six months before the contract expires.

The Client may make use of this contract extension __ times. The contract shall therefore end no later than on dd.mm.20yy.

This is a one-off service.

The contract is of indefinite duration. The termination provisions are set out in the terms and conditions of the contract.

The exact delivery/performance times are set out in the service description.

c) Options

Options are provided No Yes

Description of the option(s):

d) Lot allocation, alternative bids and multiple main bids

Division into lots planned: No Yes

Bids may be submitted for

- one lot
- lots,
- one/several/all lots

Alternative bids are permitted No Yes, for

- the total service
- for the following partial services:

Multiple main offers are permitted No Yes

2 Notes on the conduct of the procurement procedure

Please note that tenders are binding and the contracting authority may only request clarification from tenderers regarding the tender or their suitability. Negotiations, in particular regarding changes to tenders or prices, are not permitted.

3 Proof of suitability and absence of grounds for exclusion

In their tender, companies must demonstrate the absence of grounds for exclusion under Sections 123 and 124 of the German Act against Restraints of Competition (GWB), Section 19(1) of the Construction Contracts Act (MiLoG) and Section 22(1) sentence 1 of the Local Public Procurement Act (LkSG), as well as, and their suitability under Section 122 GWB.¹

To this end, the following supporting documents and evidence must be enclosed with the tender:

a) Mandatory and optional grounds for exclusion pursuant to Sections 123, 124 GWB , Section 19(1) MiLoG , Section 22(1) sentence 1 LkSG

- Completed self-declaration pursuant to Sections 123, 124 GWB, Section 19(1) MiLoG , Section 22(1) sentence 1 LkSG, **Annex 08**

b) Qualifications and authorisation to practise the profession

- Company profile (brief description of the company, history, portfolio, staff structure)
 Proof of entry in a professional or commercial register or comparable register²
 The tenderer must possess and provide evidence of the following authorisation: (...)

c) Economic and financial capacity

- Statement of total turnover and turnover in the field of activity covered by the contract over the last three financial years.

Please use the form in **Annex 09**.

If, for a valid reason, you are unable to provide turnover figures for the last three financial years, please inform us of this in the form so that we may, if necessary, request other suitable documents from you to assess your economic and financial capacity.

Minimum requirement:

- The applicant must have achieved an average annual turnover (gross) of at least **€400,000** over the last three financial years.

¹ The contracting authority shall apply the provisions of the GWB mutatis mutandis to the sub-threshold sector as well.

² For the Member States of the European Union, the relevant professional or trade registers and the certificates or declarations concerning the pursuit of the profession are listed in Annex XI to Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

The applicant must have achieved an average annual turnover (gross) of at least **€200,000** within the last three financial years in the area of activity covered by the contract (in the company's business sector relevant to the contract).

The requirement for an average total annual turnover of at least **€400,000 or €200,000** over the last three financial years serves as objective evidence that the selected service provider possesses the financial capacity, stability and experience to ensure the reliable, high-quality delivery of intensive English language courses, including the extensive cultural and regional studies support programme for around 70 university lecturers annually, whilst complying with all contractual obligations.

Due to the particular complexity and organisational requirements – particularly with regard to the coordination of a large number of participants, the development and implementation of diverse didactic and intercultural programme components, and the adherence to high educational standards – specific performance and default risks exist. The turnover requirement ensures that only providers with demonstrably sufficient financial standing and experience – particularly with turnover in the field of activity covered by the contract – are commissioned, and who can guarantee sustainable, continuous and professional service delivery even in the event of unforeseen challenges.

The form in **Annex 09** must be used.

Proof of existing professional or public liability insurance covering the scope of the contract,
or a declaration to take out appropriate insurance in the event of the contract being awarded and to maintain this for the entire duration of the contract.

The following types of damage must be insured with the following minimum cover amounts:

Personal injury and property damage: (...€)

Financial loss: (...€)

If proof of insurance with the required cover amounts cannot currently be provided, a self-declaration must be submitted to take out appropriate liability insurance in the event of the contract being awarded or to adjust existing liability insurance to the required cover amounts and maintain this for the entire duration of the contract.

- Bank statement
- Financial statements, if the tenderer is legally obliged to publish them
- (...)

d) **Technical and professional capacity**

Submission of suitable references for previously completed contracts in the form of a list comprising **only the significant services provided in the last three years**, stating the value, the date of delivery or performance, and the public or private client. A reference is considered suitable if the services provided were comparable to those advertised here,

i.e. services in the areas of organising and delivering introductory and advanced specialist English language courses, including support for working professionals with a supporting programme.

The form in **Annex 10** must be used for this purpose.

Minimum requirements:

- At least 3** suitable references must be provided.
- Work samples must be submitted for at least two references, provided that the tenderer is entitled to do so.
- The references submitted must cover at least the following areas of experience:
 1. Design and delivery of English language courses
 2. Teaching aimed at improving the language skills required to deliver courses in a higher education context
 3. Support for working professionals with a supporting programme
 4. A project for an internationally active client
 5. A project in an international academic environment

Areas 1 to 5 must each be substantiated by at least **two** references (**minimum requirement**). A single reference may cover several areas.

- Details of the technical staff or technical units to be deployed in connection with the provision of services, regardless of whether they belong to the company or not, and in particular those responsible for quality control
- Description of the company's technical equipment
- Description of the company's quality assurance measures
- Description of the company's research capabilities
- Details of the supply chain management and monitoring system available to the company for the fulfilment of the contract
- Evidence of education and training, as well as certificates of professional qualification for the owner or the company's management
- Details of the environmental management measures applied by the company during contract performance, **in a separate appendix (informal presentation)**, maximum 2 A4 pages in 12-point Times New Roman font; 1.5-line spacing, **or** proof of DIN ISO certification **or** equivalent
- A statement showing the average annual number of employees of the company, as well as specifically for the scope of this tender, over the last three years. Form **Annex 09** must be used.
- A statement setting out the facilities, equipment and technical resources available to the company for the performance of the contract
- Indication of which parts of the contract the company may intend to award as subcontracts (list of subcontractors in accordance with **Annex 11**)
- For supply contracts only:
 - Samples, descriptions or photographs of the goods to be supplied, the authenticity of which must be proven at the request of the contracting authority, or
 - Certificates issued by recognised institutes or official bodies for quality control,

confirming that the goods, precisely identified by appropriate references, comply with specific technical requirements or standards

e) **Involvement of other companies; proof of suitability**

If you wish to involve other companies (subcontractors) in the performance of the tendered service, please refer to this section. Please note that, under public procurement law, subcontractors also include companies affiliated with the tenderer under group law. A subcontractor may also be a natural person, e.g. a freelancer.

- The following critical tasks must be carried out directly by the tenderer itself or, in the case of a consortium, by a member of the consortium: **the organisation and delivery of the language courses.**

Such tasks must not be carried out by a subcontractor. The member of the bidding consortium designated to perform these critical tasks must be identified in the tender.

i. **Subcontractors for the purpose of proving suitability (suitability loan)**

If you intend to use a subcontractor to demonstrate your suitability in accordance with Section 3(b) to (d), this constitutes a 'loan of suitability' under Section 47 of the Public Procurement Regulation (VgV). In this case, you must submit several documents.

You must first demonstrate in your tender that the subcontractor's resources required for the contract will in fact be made available to you. You may use the template in **Annex 12** to provide this evidence.

Furthermore, you must submit supporting documents from the subcontractor to the extent that you rely on the subcontractor's suitability. If, for example, you involve a subcontractor in order to demonstrate compliance with the minimum reference requirements, then the subcontractor must complete the reference form and you must submit this to us with the tender.

Finally, the provider of the subcontractor's suitability must also submit the self-declaration referred to in (a) pursuant to Sections 123 and 124 of the German Act against Restraints of Competition (GWB), Section 19(1) MiLoG, Article 5k of Regulation (EU) No 833/2014 and Section 22(1) sentence 1 LkSG (**Annex 08**), and you must submit this with your tender.

You need only submit a joint declaration of liability if you are relying on the capacities of another company to demonstrate the required economic and financial capacity, for example, to demonstrate minimum turnover requirements. In this case, the form in **Annex 13** must be used.

All supporting documents must be submitted with the tender.

ii. **Subcontracting without a declaration of suitability**

If you intend to award parts of the contract to third parties by way of subcontracting without a declaration of suitability, as you can demonstrate your own suitability, then you must not name the subcontractors with the tender, but only before the contract is awarded, and you must demonstrate

that the necessary resources of these subcontractors are at your disposal, Section 36(1) VgV.

You may then use the template in **Annex 12** to provide this evidence.

f) Consortia

Section e) also applies to bidding consortia

In the case of a bidding consortium, the declarations and supporting documents referred to in 3 a) to c) must be provided by each member of the bidding consortium. Where minimum requirements are specified, these must be met by the bidding consortium as a whole and not by each individual member, unless otherwise stipulated in the tender conditions.

The bidding consortium must state in the tender whether and to what extent the members have already worked together in the past (**informal statement**).

In addition, the bidding consortium must submit a declaration signed by all members in a legally binding manner; **Annex 14** must be used.

4 Content and form of tenders

a) Content of tenders

Bids must contain at least the following supporting documents and materials:

- Cover letter**; the form in **Annex 07** must be used
- Completed **price table**; **Annex 05** must be used. The DAAD, a non-profit organisation of the higher education institutions of the Federal Republic of Germany, is usually granted **research discounts**. These must be taken into account in the price quotations in the price table where applicable.
- Teaching concept** in which bidders describe their teaching approach, the teaching materials to be used and the infrastructure of the training rooms. The DAAD expects bidders to provide clear and comprehensible explanations on at least the following points:
 - Justification for the use of teaching materials.
 - A clearly identifiable and progression-oriented approach.
 - Learner-centred approach, with scope for self-assessment, e.g. in the form of a learning guide or learner portfolio.
 - Internal differentiation of learning and exercise formats.
 - Form of feedback to course participants, tailored to the situation,
 - Form of feedback to course participants as an assessment of individual performance and development
 - Where applicable, further (innovative) ideas from the tenderer to promote learning, e.g. use of a learning app.
 - Use of a digital learning platform with a modular structure and

customisable learning content to support the courses:

- a) Integration of interactive materials (lecture notes, audiovisual media, exercises) as well as automated task and examination management.
- b) Provision of communication functions (forums, chat) to support interaction between teachers and learners.
- c) Implementation of a collection of resources and materials, including subject-specific texts, glossaries and bibliographies.
- d) Enabling individual monitoring of learning progress with a comprehensive feedback system and recommendations.
- e) Focus on user-friendly, responsive and accessible design for all user groups.
- f) Preliminary information including the programme schedule, details of the course venue, practical advice on public transport, and contact details.

The teaching concept must be supplemented by a list of the core teaching materials for each language level. For each level, examples of self-produced materials must be included with the proposal; for commercially available coursebooks, workbooks and exercise books, a bibliographic list is sufficient.

Formal notes: The proposal must be written in English and should make it as clear as possible how the tenderers will carry out the relevant tasks should the contract be awarded. The contracting authority asks bidders to take particular care to use unambiguous wording. In particular, the bidder must make it clear that, should the contract be awarded, they undertake to adhere to the described work steps and procedures. Any ambiguities shall be to the detriment of the bidder.

The presentation of the concept should not exceed **a maximum of 15 A4 pages**, using Arial font, 11-point font size and 1.5-line spacing. The page count includes visualisations such as screenshots, graphics and diagrams. No additional attachments should be included with the presentation. Please note that links to websites cannot be taken into account.

If the page limit is exceeded, the additional pages will not be assessed.

Supervision concept containing details on:

- The regional and cultural support programme
- Support available for organisational matters, including in the run-up to the course, e.g. accommodation, visas, etc.
- Support with organisational matters throughout the entire duration of the course.

The presentation of the concept should not exceed **a maximum of 5 A4 pages**, using Arial font, 11-point font size, and 1.5-line spacing. The page count includes visual elements such as screenshots, graphics and charts. No additional attachments should be included with the presentation. Please note that links to websites cannot be taken into account.

If the page limit is exceeded, the additional pages will not be assessed.

Infrastructure concept, which, **using photographs** that must not be **more than one year**

old at the time of submission, contains the following information regarding:

- Year of construction of the building in question – the year of construction is requested for information purposes only and has no bearing on the assessment.
- Condition of the rooms used by participants, including sanitary facilities
- Size and facilities of the designated training rooms
- Lighting conditions and options for darkening the rooms (e.g. via blinds)
- Air conditioning
- Technical equipment (in particular projectors, whiteboards, etc.) and the proportion of rooms in which this is available
- Other available resources
- Location of the course room and options for lunch (see service description in **Appendix 02**)
- Details of the available options regarding snacks and drinks, as well as catering during morning and afternoon coffee breaks and lunch breaks (see service description in **Appendix 02**)

The presentation of the concept should not exceed **a maximum of 5 A4 pages**, using Arial font, 11-point font size, and 1.5-line spacing. The page count includes visualisations such as screenshots, graphics and diagrams. No additional appendices should be attached to the presentation. Please note that links to websites cannot be taken into account.

If the page limit is exceeded, the additional pages will not be assessed.

- Qualification profiles** of the personnel to be entrusted with the execution of the contract; **Annex 06** must be used

Note: If you submit a qualification profile for a team member who is not permanently employed by you but works on a freelance basis, you must provide evidence, in addition to the qualification profile, that this team member will actually be available to you. A declaration of commitment in accordance with **Annex 12** may be submitted as proof.

Minimum requirements for qualification profiles:

- A minimum of 5 and a maximum of 8 qualification profiles must be submitted.

A **project manager**, a **deputy project manager** and **at least 3 teachers** must be named.

A person may be designated as both a project manager or deputy project manager and as a teacher. The same person cannot be designated for the roles of project manager and deputy project manager.

- English language skills at native speaker level / equivalent to C2 of the Common European Framework of Reference for Languages (CEFR) or comparable (**applies to teachers**)
- At least 3 years'** experience in the following field: teaching English as a foreign language to working adults (**applies to teachers**)



At least 5 years' experience in the following field: **project management experience** relevant to the required services (**applies to project management**)

Please note that purely professional experience without a project management role (i.e. activities exclusively as a team member without managerial responsibility) will not be considered; only proven activities involving project management responsibility will be taken into account (**applies to the project manager**).

The specified order must be adhered to.

Important note: Please ensure that all tenders comply with the formal requirements. Tenders are binding. No unauthorised changes or additions may be made to the tender documents. In particular, avoid making changes to the price table, the service description and the contract terms.

b) Form and deadline

The tender, as well as all supporting statements and further correspondence, must be drafted in English or German. A document drafted in another language must be accompanied by a certified translation or a translation produced by a publicly appointed or sworn translator or interpreter (a copy in PDF format is sufficient).

This does not apply to the teaching concept, which must be submitted exclusively in English (see above).

Disclosure of industrial property rights: The tenderer must state whether industrial property rights exist in respect of the subject matter of the tender, or whether such rights have been applied for by the tenderer or others or are the subject of legal proceedings (e.g. patent infringement proceedings). The tenderer must always state if they intend to use information from their tender to apply for an industrial property right (cf. Section 53(8) VgV).

Tenders may only be submitted electronically in text form. To do so, you must register once on the e-procurement platform www.evergabe-online.de

The tender and all required declarations and supporting documents must be uploaded to and submitted via the platform. The tender letter must, without fail, state the name of the natural person making the declaration (**Annex 07**). The tender must be received by the deadline specified in the invitation to tender at the latest.

Note pursuant to Section 11(3) VgV:

The electronic means to be used for the e-procurement platform are the clients and the AnA-Web web application, as well as the electronic tools of the e-procurement platform. These are made available via the menu items labelled 'Applications' on www.evergabe-online.de. For companies, these include the signature client for bidders (Sig-Client) for electronic signatures and the e-procurement app (Crypto-Client) for encrypting requests to participate and tenders. The technical parameters of the electronic means used for the submission of applications to participate; tenders and expressions of interest are determined by the AnA-Web web application and the electronic tools of the e-procurement platform. The encryption and time-stamping procedures used form part of the AnA-Web web application and the clients of the e-procurement platform, as well as the platform itself and the electronic tools of the e-

procurement platform.

Further information is available at <https://www.evergabe-online.info>.

5 Examination and evaluation of tenders

a) Formal examination

The contracting authority shall open the tenders after the deadline for submission has expired and shall first check them for completeness and technical accuracy.

<input checked="" type="checkbox"/>	The contracting authority reserves the right, in accordance with the principles of transparency and equal treatment, to request the tenderer to submit, complete or correct any missing, incomplete or incorrect company-related documents, in particular self-declarations, information, certificates or other evidence, within a specified period.
<input type="checkbox"/>	The contracting authority will not request any additional documents.

Tenders from companies that do not meet the eligibility criteria and tenders that do not satisfy the requirements of Section 4 shall be excluded from evaluation, in particular:

1. tenders that have not been received in the correct form or within the specified time limit, unless the tenderer is not at fault,
2. tenders that do not contain the required or subsequently requested documents,
3. tenders in which changes made by the tenderer to their entries are not beyond doubt,
4. tenders in which changes or additions have been made to the contract notice or the tender documents.
5. Tenders that do not contain the required price details, unless these relate to insignificant individual items whose unit prices do not alter the total price or affect the ranking order and competition, or
6. unauthorised ancillary bids.

Any general terms and conditions incorporated by the tenderer shall not apply at any time and shall not form part of the contract.

b) Verification of suitability and grounds for exclusion

The contracting authority shall assess the suitability of tenderers on the basis of the supporting documents and evidence of suitability specified above, and shall verify that none of the grounds for exclusion under Sections 123 and 124 of the German Act against Restraints of Competition (GWB), Section 19(1) of the German Act on the Transparency of Public Procurement (MiLoG) and Article 5k of Regulation (EU) No 833/2014 apply. In doing so, the contracting authority may request tenderers to explain the documents received. The contracting authority reserves the right to verify the references submitted.

c) Determination of the most economically advantageous tender

The most economically advantageous tender shall be determined on the basis of the best price-performance ratio. The following award criteria and weightings are provided for:

<input type="checkbox"/>	The sole award criterion is price/cost.		
<input checked="" type="checkbox"/>	Price/costs, maximum 40 points available <input type="checkbox"/> at the following fixed price/fixed costs: and:		
<input checked="" type="checkbox"/>	Qualitative award criteria, maximum 60 points available.		
	<input checked="" type="checkbox"/>	Teaching concept	15 points
	<input checked="" type="checkbox"/>	Support concept	15 points
	<input checked="" type="checkbox"/>	Infrastructure concept	15 points
	<input checked="" type="checkbox"/>	Team	15 points
<input type="checkbox"/>	Environmental award criteria, maximum ...		
<input type="checkbox"/>	Social award criteria, maximum ...		

(a) Price

A maximum of **40 points** can be awarded in the price evaluation. When determining the total evaluation price, any weightings specified in the price table and any discounts will be taken into account. The lowest acceptable total price receives the full score, i.e. 40 points. Prices following this (i.e. higher prices) receive correspondingly fewer points (proportionally, in relation to the lowest price).

Example (fictitious prices!):

Bidder 1 offers a (sufficient) total price of €1,000.00. It is assumed that Bidder 1 has submitted the lowest price offer. Bidder 1 therefore receives the full 40 price points.

Bidder 2 offers €1,235.00. The difference in this case is 23.5%. This bidder therefore receives 76.5%, corresponding to 30.6 price points (price points for Bidder 2 = 40 price points x (1 - ((Bidder 2's bid price - lowest bid price) / lowest bid price)))

The results are rounded to the first decimal place.

If the result is negative, the score is always 0.

		Difference in %	Points
Bidder 1	€1,000		40.0
Bidder 2	€1,235	23.50%	30.6
Bidder 3	€1,450	45.00%	22.0
Bidder 4	€1,825	82.50%	7.0

(b) Concept

The quality of the proposals will be assessed on the basis of the tenderers' responses to the requirements/criteria set out in section 4a). If minimum requirements are specified in section 4a) and a minimum requirement is not met, the tender will be rejected.

Points are awarded in accordance with the following scoring scheme.

<p>The tenderer's concept is particularly conducive to achieving the objectives. A score of 5 points is awarded if the tenderer's approach is particularly conducive to achieving the objectives (e.g. creative ideas) and this is presented in a coherent manner in every respect, thereby promising performance that exceeds expectations.</p>	<p>5 points</p>
<p>The tenderer's concept fully meets the requirements. A score of 4 points is awarded if the stated requirements are fully met and the tenderer's approach is presented in a coherent manner in every respect and promises success in terms of the measure's objectives.</p>	<p>4 points</p>
<p>The tenderer's proposal essentially meets the requirements. A score of 3 points is awarded if the specified requirements are essentially met and the tenderer's approach is presented in a coherent manner in terms of content and appears likely to succeed with only minor reservations in relation to the objective of the measure.</p>	<p>3 points</p>
<p>The tenderer's proposal meets the requirements with reservations. A score of 2 points is awarded if the specified requirements are met with restrictions and the tenderer's approach is presented in a largely coherent manner and promises at least adequate implementation with regard to the objective of the measure.</p>	<p>2 points</p>
<p>The concept meets the requirements only with significant restrictions. A score of 1 point is awarded if the specified requirements are met only with significant restrictions and the tenderer's approach is unclear in terms of content, meaning that the concept or part of the concept suggests only an inadequate delivery of the services.</p>	<p>1 point</p>
<p>The concept is awarded 0 points if, although it does not deviate from the requirements of the service description, the stated expectations are not met or the tenderer's approach has not been presented in a coherent manner. This also applies if the requirements are merely repeated in bullet points without further elaboration.</p>	<p>0 points</p>

<input checked="" type="checkbox"/>	<p>The score achieved for the respective concept is multiplied by a factor of 3. Thus, a maximum of 15 points can be achieved per concept.</p>
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(c) Team

The qualifications and experience of the personnel deployed are assessed in accordance with the qualification profiles required under Section 4a). If minimum requirements for personnel are specified

under Section 4a) and a minimum requirement is not met, the tender will be excluded.

The DAAD's evaluation criteria and expectations are set out in the table below:

Criterion	Expectations
(1) Teachers' experience with comparable language course participants from academic institutions	The references demonstrate experience in language teaching for academic target groups, including relevant experience in the design and delivery of theoretical and practical modules.
(2) Duration and scope of the teachers' professional experience (Minimum requirements must be strictly observed)	Experience far exceeding the minimum requirements (on average approx. 25 teaching hours per week in the field of activity: Teacher of English as a Foreign Language with a target group of working adults
(3) Formal qualifications and knowledge of team members	Verifiable educational qualifications and/or further training in subject areas relevant to the project, in particular: <ul style="list-style-type: none"> • Linguistics • Linguistics • English as a Foreign Language • Textual studies <p>In addition, the following skills:</p> <ul style="list-style-type: none"> • Excellent English language skills exceeding the minimum requirement (C2) (e.g. a PhD in this field) • Sound subject knowledge in the respective teaching modules
(4) Project management: Duration and scope of professional experience (Minimum requirements must be met)	Project management experience far exceeding the minimum requirement in relation to the required services

Points for each criterion are awarded according to the following scoring scheme.

The DAAD's expectations are exceeded	5 points
DAAD's expectations are fully met	4 points
The DAAD's expectations are largely met	3 points
The DAAD's expectations are almost fully met	2 points
The DAAD's expectations are met to a limited extent	1 point
The DAAD's expectations are not met at all	0 points

The total score is multiplied by a **factor of 0.75. A maximum of 15 points can therefore be achieved.**

The contracting authority shall award points for the performance criteria with the utmost care and in relation to all valid tenders. The scores achieved for the award criteria shall be added together.

The contract is awarded to the tenderer with the highest score. If two tenderers have the same score, the higher score for the price is decisive.

d) Unusually low tenders

If the price or costs of a tender appear unusually low ('insufficient') in relation to the service to be provided, the contracting authority shall request clarification from the tenderer.

As part of this clarification, the contracting authority shall examine the composition of the tender and take into account the documents submitted.

The examination may relate in particular to:

1. the cost-effectiveness of the manufacturing process for a supply contract or the provision of the service,
2. the technical solutions chosen or the exceptionally favourable conditions available to the company for the supply of the goods or the provision of the service,
3. the specific features of the goods or services offered,
4. compliance with the obligations under Section 128(1) of the German Act against Restraints of Competition (GWB), in particular the environmental, social and labour law provisions applicable to the undertaking, or
5. the possible granting of state aid to the undertaking.

If, following the examination, the contracting authority is unable to satisfactorily explain the low level of the price or costs offered, it may refuse to award the contract to that tender. It shall reject the tender if it has established that the price or costs of the tender are abnormally low because obligations under Section 128(1) of the German Act against Restraints of Competition (GWB) have not been complied with.

If the contracting authority determines that a tender is abnormally low because the tenderer has received state aid, the contracting authority shall reject the tender if the tenderer cannot demonstrate within the specified time limit that the state aid was lawfully granted.

6 Reimbursement of costs

No remuneration will be paid for the preparation of the tender. Expenses will not be reimbursed either.

7 Notification to tenderers

The contracting authority shall immediately inform those tenderers whose tenders are not to be considered, by electronic means or by fax, of the name of the company whose tender is to be accepted, the reasons for the intended rejection of their tender and the earliest date on which the contract is to be concluded. This also applies to candidates if they have not previously been informed of the rejection of their application.

The contracting authority shall not conclude the contract before the expiry of ten calendar days. The period shall commence on the day following the dispatch of the information by the contracting authority; the date of receipt by the tenderer and applicant concerned is irrelevant.

In the event that the successful tenderer is definitively unable to fulfil the contract before the services have been fully provided, whether due to termination, insolvency or any other reason, the contracting authority reserves the right to offer the remaining work to the other tenderers in the order of the tender results up to fifth place.

Any additional costs arising from this shall be borne by the previous contractor on the basis of substitute performance.

8 Enquiries and ambiguities

Should the tender documents, in the bidders' opinion, contain ambiguities or contradictions, they must immediately bring these to the attention of the contracting authority – for example, in the form of a question. Obvious ambiguities and contradictions which a bidder fails to point out despite being aware of them or due to gross negligence shall be at their own expense.

Questions and comments must be submitted exclusively via the e-procurement platform (www.evergabe-online.de).

Questions must be submitted by the deadline specified in the invitation to tender at the latest. Questions submitted after this deadline need not be answered.