

## - Check List -

The following information on legal protection in the award of public contracts applies to **award proceedings** which **began on 18 April 2016 or later, including** subsequent **review proceedings**:

***The application for review should contain the following information:***

**1. Award of the contract:**

The contract has not yet been awarded.

**2. Contract volume:**

Under the German Competition Act (Gesetz gegen Wettbewerbsbeschränkungen - GWB) legal protection in the award of public contracts is only provided for the award of contracts which reach or exceed certain thresholds (minimum contract values excl. VAT), see Section 106 (1) of the GWB.

**3. Contracting entity:**

The contracting authority is a public contracting entity. The contract is attributable to the Federal Government (otherwise a public procurement tribunal of the *Länder* is responsible).

**4. Objection:**

Objections to the violation of the provisions governing the award of public contracts must be made to the contracting entity *before* filing the application for review. Requirements for making a complaint are stipulated in Section 160 (3) GWB (see in particular Section 160 (3) 4 GWB). Please note that there can be a shorter time limit according to Section 134 (2) GWB (10 days).

**5. Violations of the provisions governing the award of public contracts:**

Please give details on the violation of the provisions governing the award of public contracts of which the contracting entity is accused.

**6. Loss:**

You should explain in the application what effects to your disadvantage the violation of the provisions on the award of public contracts may have: Did you have a reasonable chance of winning the award which was lessened by the violation? If possible, please state the outcome of the invitation to tender.

**7. Advance payment:**

The precondition for service of the application upon the contracting entity by the public procurement tribunal is an advance payment of a minimum fee of € 2,500 (cf. Section 182 (2) GWB). The payment can also be guaranteed in written notice.

The fee has to be paid to the federal treasury, quoting a specific transaction number. The account information as well as the transaction number must be requested from the Public Procurement Tribunal before each payment (+49 (0)228 94 99-578/-1343/-2869) and will then be transmitted in writing or in text form.

## 8. Evidence:

The application should contain the following enclosures:

- copies of the tender documents confirming the above information,
- a copy of the letter of objection and the comments of the contracting entity (if available),
- a copy of the preliminary information letter of the contracting entity under Section 134 (1) GWB,
- evidence that the above advance payment has been effected.

### The application for review should be sent to:

Bundeskartellamt  
Vergabekammern des Bundes  
Kaiser-Friedrich-Straße 16  
53113 Bonn  
Fax: +49 (0)228 94 99-163

Alternatively, the application for review can be sent by e-mail with a qualified electronic signature to: [vk@bundeskartellamt.bund.de](mailto:vk@bundeskartellamt.bund.de). Users who have registered with De-Mail providers also have the option of sending applications for review to [vk@bundeskartellamt.de-mail.de](mailto:vk@bundeskartellamt.de-mail.de) using their De-Mail account.

Note: More information with regard to **electronic communication** can be found [here](#).

The Office of the Public Procurement Tribunals is manned from Monday to Thursday from 9 am to 3 pm and Friday from 9 am to 2 pm.

Please submit the application for review within the information and waiting time limit specified under Section 134 (2) GWB, allowing for sufficient time for the Public Procurement Tribunal to review the application for evident inadmissibility or unfoundedness and to serve it upon the public contracting entities before this time limit expires. Therefore, please send your application for review at least one hour prior to the end of the above-mentioned business hours. The statutory prohibition to make the award is only activated upon the contracting entity's receipt of the application for review in writing. If the contracting entity rejects the complaint, please observe the 15 day time limit for filing the application for review indicated under Section 160 (3) No 4 GWB (cf. 4.).