

DIN 1960:2019-09 (E)

German construction contract procedures (VOB) - Part A: General provisions relating to the award of construction contracts

| Contents | Page |
|---|-------------|
| Foreword | 6 |
| German construction contract procedures Part A (VOB/A) Notes on VOB/A, 2019 edition | 13 |
| Notes on the revised Section 1 of VOB/A 2019 | 14 |
| Notes on the revised Sections 2 and 3 of VOB/A 2019 | 17 |
| Section 1 Basic specifications | 18 |
| § 1 Construction work (definition) | 18 |
| § 2 Principles of awarding contracts | 18 |
| § 3 Types of award | 18 |
| § 3a Prerequisites | 19 |
| § 3b Procedures | 20 |
| § 4 Contract types | 21 |
| § 4a Framework agreements | 21 |
| § 5 Integrated awards and awarding on a lot-by-lot basis | 22 |
| § 6 Participants in competitive tendering | 22 |
| § 6a Proof of suitability | 22 |
| § 6b Means of submitting proof of suitability, procedure | 23 |
| § 7 Specification of works | 24 |
| § 7a Technical specifications | 25 |
| § 7b Specification of works with a bill of quantities | 26 |
| § 7c Specification of works within a performance programme | 27 |
| § 8 Tender documents | 27 |
| § 8a General, Special and Supplementary Conditions of Contract | 28 |
| § 8b Regulation costs and trust, arbitration procedure | 30 |
| § 9 Periods of completion, separate periods, defaults | 30 |
| § 9a Penalties and early completion bonuses | 31 |
| § 9b Limitation periods for warranty claims | 31 |

| | |
|--|----|
| § 9c Surety | 32 |
| § 9d Amendment of contracted prices | 32 |
| § 10 Tendering, participation requests and binding periods | 32 |
| § 11 Principles of communication of information | 33 |
| § 11a Requirements for electronic means | 33 |
| § 12 Contract notice | 35 |
| § 12a Dispatch of tender documents | 37 |
| § 13 Form and content of tenders | 37 |
| § 14 Opening of tenders where only electronic tendering is permitted | 38 |
| § 14a Opening of tenders where written tenders are also permitted | 39 |
| § 15 Clarification of contents of tender | 41 |
| § 16 Exclusion of tenders | 41 |
| § 16a Requesting documents subsequently | 42 |
| § 16b Suitability of tenderers | 43 |
| § 16c Examination of tenders | 43 |
| § 16d Evaluation of tenders | 44 |
| § 17 Cancellation of an invitation to tender | 45 |
| § 18 Awards | 45 |
| § 19 Unsuccessful tenders and requests for participation | 46 |
| § 20 Documentation, duty of information | 46 |
| § 21 Award review | 48 |
| § 22 Modifications of contracts during their term | 48 |
| § 23 Concession contracts | 48 |
| § 24 Awarding contracts outside Germany | 48 |
| Annex TS Types of technical specification | 49 |
| Section 2 Provisions relating to the award of contracts falling within the scope of Directive 2014/24/EU (VOB/A - EU) | 51 |
| § 1 EU Scope | 51 |
| § 2 EU Principles of awarding contracts | 51 |
| § 3 EU Types of award | 52 |
| § 3a EU Prerequisites for selection of type of award | 53 |

| | |
|---|----|
| § 3b EU Procedures | 55 |
| § 4 EU Contract types | 60 |
| § 4a EU Framework agreements | 61 |
| § 4b EU Special instruments and methods | 62 |
| § 5 EU Integrated awards and awarding on a lot-by-lot basis | 63 |
| § 6 EU Participants in competitive tendering | 64 |
| § 6a EU Proof of suitability | 65 |
| § 6b EU Means of submitting proof of suitability, procedure | 66 |
| § 6c EU Quality assurance and environmental management | 68 |
| § 6d EU Capacities of other enterprises | 68 |
| § 6e EU Grounds for exclusion | 69 |
| § 6f EU Self-cleaning | 72 |
| § 7 EU Specification of works | 73 |
| § 7a EU Technical specifications, test reports, certificates, quality labels | 73 |
| § 7b EU Specification of works with a bill of quantities | 77 |
| § 7c EU Specification of works within a performance programme | 77 |
| § 8 EU Procurement documents | 78 |
| § 8a EU General, Special and Supplementary Conditions of Contract | 79 |
| § 8b EU Regulation costs and trust, arbitration procedure | 81 |
| § 8c EU Requirements relating to energy-related products, technical devices and equipment | 81 |
| § 9 Periods of completion, separate periods, defaults | 82 |
| § 9a EU Penalties and early completion bonuses | 83 |
| § 9b EU Limitation periods for warranty claims | 83 |
| § 9c EU Surety | 83 |
| § 9d EU Amendment of contracted prices | 83 |
| § 10 EU Time limits (Tendering, examination and binding periods) | 84 |
| § 10a EU For open procedures | 84 |
| § 10b EU For restricted procedures | 85 |
| § 10c EU For competitive procedures with negotiation | 87 |
| § 10d EU For competitive dialogues and innovation partnerships | 87 |
| § 11 EU Principles of communication of information | 87 |

| | |
|--|-----|
| § 11a EU Requirements for electronic means | 88 |
| § 11b EU Exceptions from the use of electronic means of communication | 89 |
| § 12 EU Prior information notice, contract notice | 90 |
| § 12a EU Dispatch of procurement documents | 92 |
| § 13 EU Form and content of tenders | 93 |
| § 14 EU Opening of tenders | 94 |
| § 15 EU Clarification of contents of tenders | 96 |
| § 16 EU Exclusion of tenders | 96 |
| § 16a EU Requesting documents subsequently | 97 |
| § 16b EU Suitability of tenderers | 98 |
| § 16c EU Examination of tenders | 98 |
| § 16d EU Evaluation of tenders | 98 |
| § 17 EU Cancellation of an invitation to tender | 101 |
| § 18 EU Awards | 101 |
| § 19 EU Unsuccessful tenders and requests for participation | 102 |
| § 20 EU Documentation | 103 |
| § 21 EU Award review by authorities | 103 |
| § 22 EU Modification of contracts during their term | 103 |
| Annex TS Types of technical specification | 106 |
| Section 3 Provisions relating to the award of contracts falling within the scope of Directive 2009/81/EC (VOB/A - VS) | 108 |
| § 1 VS Scope | 108 |
| § 2 VS Principles of awarding contracts | 109 |
| § 3 VS Types of award | 109 |
| § 3a VS Prerequisites for selection of type of award | 110 |
| § 3b VS Procedures | 111 |
| § 4 VS Contract types | 114 |
| § 4a VS Framework agreements | 114 |
| § 5 VS Integrated awards and awarding on a lot-by-lot basis | 116 |
| § 6 VS Participants in competitive tendering | 116 |
| § 6a VS Proof of suitability | 117 |
| § 6b VS Means of submitting proof of suitability, procedure | 118 |

| | |
|---|-----|
| § 6c VS Quality assurance and environmental management | 119 |
| § 6d VS Capacities of other enterprises | 119 |
| § 6e VS Grounds for exclusion | 120 |
| § 6f VS Self-cleaning | 122 |
| § 7 VS Specification of works | 123 |
| § 7a VS Technical specifications | 124 |
| § 7b VS Specification of works with a bill of quantities | 126 |
| § 7c VS Specification of works within a performance programme | 126 |
| § 8 VS Procurement documents | 127 |
| § 8a VS General, Special and Supplementary Conditions of Contract | 128 |
| § 8b VS Regulation costs and trust, arbitration procedure | 130 |
| § 9 VS Periods of completion, separate periods, defaults | 130 |
| § 9a VS Penalties and early completion bonuses | 131 |
| § 9b VS Limitation periods for warranty claims | 131 |
| § 9c VS Surety | 131 |
| § 9d VS Amendment of contracted prices | 132 |
| § 10 VS Time limits (Tendering, examination and binding periods) | 132 |
| § 10a VS not applicable | 132 |
| § 10b VS For restricted procedures | 132 |
| § 10c VS For competitive procedures with negotiation | 133 |
| § 10d VS For competitive dialogues | 134 |
| § 11 VS Principles of communication of information | 134 |
| § 11a VS Requirements for electronic means | 135 |
| § 12 VS Prior information notice, contract notice | 135 |
| § 12a VS Dispatch of procurement documents | 137 |
| § 13 VS Form and content of tenders | 137 |
| § 14 VS Opening of tenders | 139 |
| § 15 VS Clarification of contents of tenders | 140 |
| § 16 VS Exclusion of tenders | 140 |
| § 16a VS Requesting documents subsequently | 141 |
| § 16b VS Suitability of tenderers | 142 |

| | |
|--|------------|
| § 16c VS Examination of tenders | 142 |
| § 16d VS Evaluation of tenders | 142 |
| § 17 VS Cancellation of an invitation to tender | 143 |
| § 18 VS Awards | 144 |
| § 19 VS Unsuccessful tenders and requests for participation | 144 |
| § 20 VS Documentation | 146 |
| § 21 VS Award review by authorities | 146 |
| § 22 VS Modification of contracts during their term | 147 |
| Annex TS Types of technical specification | 149 |