

October 21, 2022

Call for requests to participate

**Maintenance, monitoring and repair work for 5 x MM92 wind turbines
in Wœfling-lès-Sarreguemines, France**

Negotiated procedure with prior call for competition

Dear Sir or Madam,

Ferme Eolienne STEAG 1 SAS intends to award a contract for the maintenance, monitoring and repair of five (5) wind turbines of type MM92 at Wœfling-lès-Sarreguemines in France.

STEAG GmbH carries out certain procurement activities on behalf of Ferme Eolienne STEAG 1 SAS.

The contract will be awarded in a negotiated procedure with a prior call for competition.

1. Procurement documents and communication

1.1 The procurement documents can be downloaded at:

<https://www.steag.com/de/unternehmen/einkauf/aktenzeichen-2022-029-EU366>

The procurement documents comprise documents essential to the present award procedure in terms of procedural and contractual law both for the participation competition (1st stage of the procedure) and for the subsequent tendering phase (2nd stage of the procedure).

The invitation to tender will be issued by separate letter.

1.2 Communication between the contracting entity and candidates on candidate issues and their response is conducted exclusively electronically by email. Requests sent by other means will not be considered. Candidates' questions regarding the procurement documents are to be sent to

andre.snoeijer@steag.com

stating the document designation and outline number of the procurement documents by

November 11, 2022.

For this purpose, please use the "Tenderer questions" form in the procurement documents.

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Registered at Essen Local
Court under number B 19649

Relevant questions and information from the contracting entity will be made available to all candidates in anonymous form. The answers given by the contracting entity to the candidates' questions must be taken into account when preparing the requests to participate.

Interested parties must obtain the latest information themselves on the e-tendering platform.

1.3 If, in the opinion of the candidate, the procurement documents contain ambiguities, the candidate shall notify the contracting entity thereof in text form immediately upon receipt of the documents prior to submitting a request to participate.

1.4 The contracting entity expressly reserves the right to optimize / supplement the procurement documents if and to the extent that this turns out to be expedient or necessary as a result of the progress of the further procedure, in particular the negotiations and/or on the basis of information and questions from the candidates/tenderers.

1.5 The receipt of messages from the contracting entity must be confirmed in text form by the candidate / tenderer at the request of the contracting entity in each case.

2. Conduct of the procedure

(a) Competition for participation

The actual competition for award of the contract is preceded by a competition for participation.

The most recently published version of the participation documents shall be authoritative for the submission of the request to participate.

Interested parties must acquaint themselves with the respective current versions of the participation documents.

On expiry of the deadline for submission of requests to participate, all requests to participate will be checked for completeness and with regard to the absence of any formal grounds for exclusion (in particular, receipt in due form and time, and completeness). The contracting entity then checks the suitability of the candidates on the basis of the criteria set out in this call for requests to participate and the procurement documents (cf. section 4) and the documents submitted by the respective candidate and the absence of grounds for exclusion pursuant to Article L. 2141-1 to L. 2141-14 of French "*Code de la Commande Publique*" (CCP), if applicable, measures taken by the candidate for self-cleaning under the same provisions of CCP and, if applicable, excludes candidates from the award procedure.

The capability of a candidates' or tenderers' consortium to perform must be demonstrated as a whole, i.e. the evidence on the individual members is assessed in total. In contrast, the absence of grounds for exclusion pursuant to Articles L. 2141-1 to L. 2141-14 of CCP and, if applicable, measures taken by the member of the candidates' or tenderers' consortium for self-cleaning under the same provisions of CCP will be examined for each individual member of the candidates' or tenderers' consortium.

After evaluating the requests to participate, the contracting entity intends to invite all suitable candidates to submit bids.

(b) Tendering phase

The contract will be awarded following submission of the tenders by the suitable tenderers invited to do so within the framework of a negotiated procedure.

The tenderers remaining in the procurement procedure after the completed competition for participation and, if applicable, selected in accordance with the above requirements, are requested by the invitation to tender to submit a bid in accordance with the procurement documents.

The bid price sheets must be completed and submitted with the tender.

The contracting entity reserves the right to conduct negotiations with the tenderers after the binding tenders have been submitted.

The documents and records to be attached to the tenders shall be initialed and signed, if relevant and so intended.

The contracting entity will make its internal award decision on the basis of the final tenders.

After that, the information letter will be sent to the unsuccessful tenderers.

On expiry of the statutory waiting period, the contract is awarded in accordance with the law.

Note: Candidates/tenderers shall have no legal entitlement to compliance with the outlined procedure.

2.1 Changes to the procurement documents

The contracting entity reserves the right to amend or revoke the procedures and arrangements provided for in these procurement documents to the extent permitted by law. This applies in particular in the event that it backs away from individual components of the works during the negotiation procedure or adjusts further components and, as a result, the procurement documents are adjusted. All tenderers shall be notified of any changes as soon as possible before submitting their tenders.

2.2 Data protection requirements

By submitting their request to participate/their tender, the candidates/tenderers declare that they comply with the requirements and stipulations of the General Data Protection Regulation (GDPR, EU 2016/679) and the Law n° 78-17 of January 6, 1978 relating to data processing, files and freedoms “*loi Informatique et Libertés*” (LIL) as amended. In particular, they declare that they have obtained the necessary consents (Art. 6 (1) (a) GDPR) of the data subjects for the processing of their personal data in the context of the procurement procedure and, if applicable, have complied with their corresponding obligations to provide information (Art. 13 and 14 GDPR).

This declaration applies both with regard to the candidates'/tenderers' own employees and with regard to employees of other companies (e.g. contacts at reference providers).

3. Conditions of participation

By the time of expiry of the application deadline for submitting the request to participate, the candidate shall submit the evidence and declarations listed in TED SIMAP to demonstrate its suitability. The submission of copies is permissible. Foreign candidates are to submit equivalent certificates in accordance with the regulations of their country of origin. Unless otherwise required, declarations may be submitted as self-declarations.

4. Requests to participate

4.1 Submission by email

All requests to participate are to be sent to the following email address

aktenzeichen-2022-029-EU366@steag.com

Tenders must be submitted exclusively via the e-tendering platform RIsource.

4.2 Deadline for submission of requests to participate

The request to participate with the other required information, documents and declarations shall be submitted in English in electronic form or with an advanced or qualified electronic signature by no later than

November 23, 2022 (end of participation period)

to the email address

aktenzeichen-2022-029-EU366@steag.com

The entire request to participate should not exceed a size of 50 MB. The maximum size of one email must not exceed 10 MB.

Electronic documents must be submitted in common file formats. Common file formats include .PDF, Microsoft Office and Open Office documents, RTF, plain text or .JPG, .JPEG, .GIF or .TIFF image files.

Other file formats are not generally permitted and can in any case only be considered with the prior consent of the contracting entity.

Requests to participate received after the expiry of the aforementioned participation period will be excluded from the evaluation. Requests to participate may be withdrawn up to the expiry of the participation period.

4.3 Reasons for exclusion

Requests to participate that do not meet the required conditions may be excluded. In addition, the following reasons in particular will lead to exclusion:

- Requests to participate that have not been received in due form or time, unless the candidate is not responsible for this
- Requests to participate that do not contain the required or subsequently requested documents

5. Notes on the compilation of tenders

5.1 Submission of tenders by email

All tenders must be submitted exclusively via the e-tendering platform RIsource.

Postal, telephone or fax submission of the tender is not permitted.

Access to the e-tendering platform RIsource will be set up by the contracting entity for the candidates selected in the course of the participation competition prior to the invitation to tender.

A corresponding application form will be made available to all candidates after the expiry of the participation period. Information from the contracting entity on technical questions and problems with the e-tendering platform RIsource:

Contact for technical support:

Nina Dohle

Tel.: +49 (201) 801-3720

Email: nina.dohle@steag.com

5.2 Award criteria

Pursuant to article L. 2152-7 CCP, the contract will be awarded in response to the tender which is expected to provide the best possible performance. The award criteria are scope of services (weighting 20%), availability (weighting 30%), remuneration system (weighting 30%), warranty (weighting 10%) and service location (weighting 10%).

6. Other notes

Where reference is made in this procurement procedure to national standards, specifications and quality marks, these shall be understood to mean that “or equivalent” may also be offered, whereby this equivalence must be demonstrated by the tenderer at the time of submission of the tender.

Please check the procurement documents for completeness as soon as possible after receipt. If, in your opinion, the documents are incomplete or contain contradictions or ambiguities, please inform the contracting entity in writing without delay.

The request to participate must be drawn up in English. Correspondence with the contracting entity is to be conducted in English.

The French legal regulations apply in addition to the procurement documents. Candidates from other EU member states must observe the special VAT regulations for intra-Community acquisition of goods or services.

If, contrary to expectations, the award procedure is cancelled – e.g. due to changes in the procurement requirements of the contracting entity which were not yet known or foreseeable at the time of the invitation to tender – claims for compensation by the tenderers are excluded. There is no protection of confidence for the tenderers in the performance of an award procedure. The participation documents submitted by the tenderers, including any submitted samples, shall remain with the contracting entity. They will not be returned to the tenderers. All documents and information which a candidate or tenderer receives from the contracting entity in the course of this award procedure must be treated confidentially. Duplication, publication or disclosure to third parties are not permitted.

The annexes to the technical procurement documents have been listed accordingly in a list of annexes. As the contents contain confidential information, they will only be sent together with the invitation to tender to the tenderers remaining in the award procedure after the completed participation competition and, if applicable, selected in accordance with the above requirements. The receipt of these documents requires the conclusion of a confidentiality agreement with the contracting entity.

The contracting entity reserves the right to claim damages.

If possible, the forms, pre-printed forms or samples enclosed with the procurement documents should be used for submission of the request to participate, if available.

The candidate or tenderer is obliged to ensure that the transfer of personal data by the candidate or tenderer to the contracting entity is lawful. To the extent necessary, the candidate or tenderer must inform the data subjects about the transfer of the data to the contracting entity and its processing for the purposes of the award procedure and obtain the consent of the data subjects. The contracting entity will not provide separate information to the data subjects.

By submitting its request to participate or its tender, the candidate or tenderer agrees that the personal data and documents provided by it for the procurement procedure will be stored and processed by the contracting

entity. The contracting entity points out that it may use external service providers (e.g. operators of electronic platforms, legal advisors, external expert advisors, if applicable) for the implementation of the procurement procedure and, if applicable, pass on the documents provided to the contracting entity (including personal data contained therein) to these third parties for processing for the purposes of implementing the procurement procedure.

In all other respects, please refer to the call for requests to participate in the TED SIMAP information system of the European Union.