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Release 17: New features and changes

The following notes provide a summary of the new features and changes in Release 17. They are listed under three main headings.

- 1) New dedicated support section
- 2) Effects of the revised public procurement legislation (BöB/VöB) as of 1.1.2021
- 3) Changes to sustainability forms

The new release will be available from 22 December 2020, with a transitional period for publications that will run until 31 December 2020.

If you have any questions regarding the technical changes, please contact our Support Team (support@simap.ch) from 1 January 2021 via the support form provided for this purpose.

Lucio Sacino

Application manager simap.ch

Bern, November 2020 Page 1/31



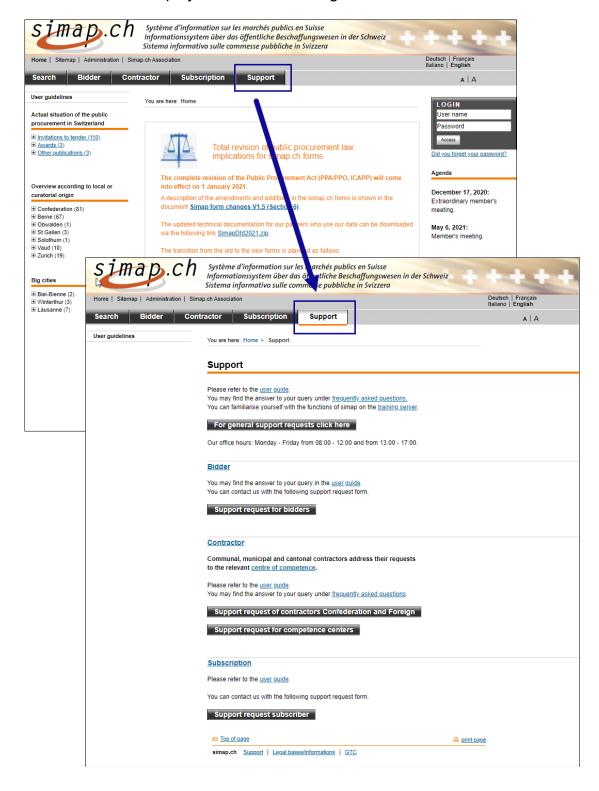
Release 17 – Contents

1	New de	New dedicated support section			
2	Effects of the revised public procurement legislation (BöB/VöB, IVöB) as of 1.1.2021				
	2.1	Scope of international treaties	4		
	2.2	Conditions for Non-Member States of the WTO Agreement	5		
	2.3	Essential requirements	5		
	2.4	Conduct of dialogue	6		
	2.5	Price (total price)	6		
	2.6	Description of renewals/options	8		
	2.7	Language of the procedure	9		
	2.8	Already involved tenderers permitted to take part in the procedure	9		
	2.9	Deadline for submitting offers	10		
	2.10	New reasons for cessation	11		
	2.11	Summary	11		
	2.12	Subject and scope of the contract (new field)	11		
	2.13	Price range of the received offers			
	2.14	On-site visit	14		
	2.15	Market access list	15		
	2.16	Lists of suitable tenderers (new page)	16		
	2.17	Procedures for appeal	18		
3	Change	s to sustainability forms	19		
	3.1	Sustainability form NH01 – Goods and services	19		
	3.2	Sustainability form NH02 – Building construction: planning work and competitions	24		
	3.3	Sustainability form NH03 – Building construction: building work	26		
	3.4	Sustainability form NH04 – Civil engineering: planning work and competitions			
	3.5	Sustainability form NH05 – Civil engineering: building work	30		



1 New dedicated support section

Previously, users (competence centres, contractors, bidders etc.) were able to submit support requests on various parts of the simap.ch. However, they frequently found this decentralised structure confusing. To simplify matters, a dedicated Support section has been created and is displayed in the main navigation menu.



Info 17.0-2020 / LS Page 3/31



2 Effects of the revised public procurement legislation (BöB/VöB, IVöB) as of 1.1.2021

Below is a comprehensive overview of the changes to the forms and content on simap.ch in order to bring them into line with the recent legislative amendments (entry into force: 1.1.2021).

2.1 Scope of international treaties

'According to GATT/WTO agreement, respectively to the international treaties' which appears on the first page of all forms is replaced by 'Scope of international treaties'.

Public procurement Contracts awarded DOC ID: 916255 Step 1 Step 2 Step 3 Step 4 Step 5 Step 6 Step 7 With * marked data are compellingly necessary. 0.1 Your file reference* Order for services 0.2 Type of order* Supply order O Construction order Open procedure 0.3 Type of procedure* Selective procedure O Direct award procedure Condition GPA, article XIX 5c) only for statistical purposes Please select ... Yes 0.4 Scope of international treaties* O No

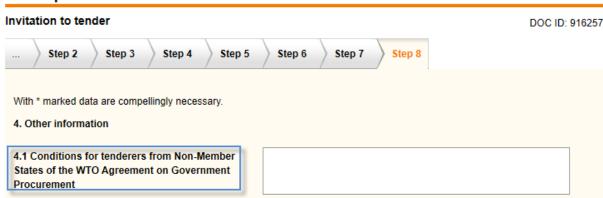
Info 17.0-2020 / LS Page 4/31



2.2 Conditions for Non-Member States of the WTO Agreement

In the Prior information notice (OB00), Invitation to tender (OB01) and Competition (OB07) forms, 'Conditions for countries not party to the WTO agreement' is replaced by 'Conditions for tenderers from Non-Member States of the WTO Agreement on Government Procurement'.

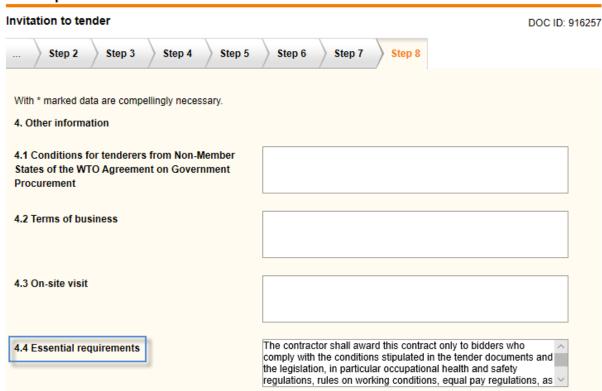
Public procurement



2.3 Essential requirements

In the Prior information notice (OB00) and Invitation to tender (OB01) forms, 'Basic procedural principles' is replaced by **'Essential requirements'**.

Public procurement



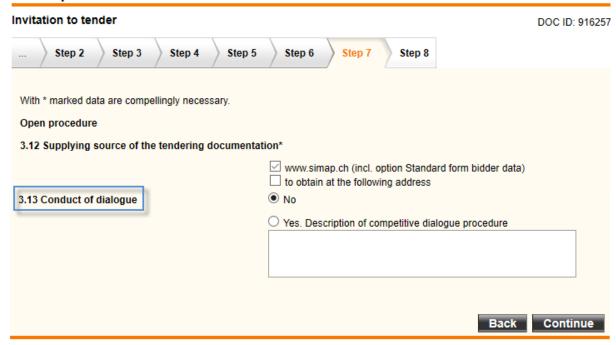
Info 17.0-2020 / LS Page 5/31



2.4 Conduct of dialogue

A new section '3.13 Conduct of dialogue' (for the selective procedure, Section 3.16) has been added to the Invitation to tender (OB01) and the Prior information notice (OB00, Section 3.11) forms.

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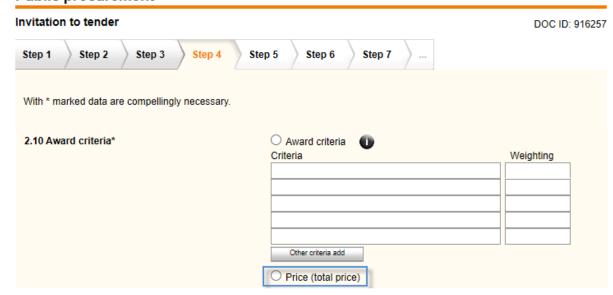


2.5 Price (total price)

'Price' has been replaced by 'Price (total price)'.

See Section 2.10 of the Invitation to tender form (OB01).

Public procurement

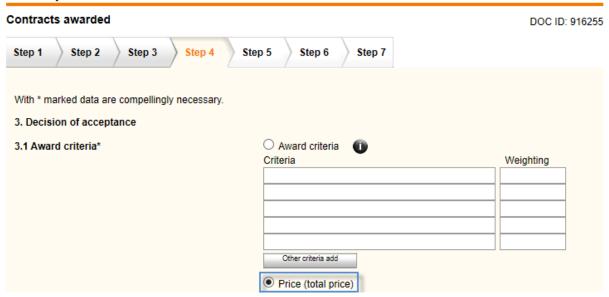


Info 17.0-2020 / LS Page 6/31



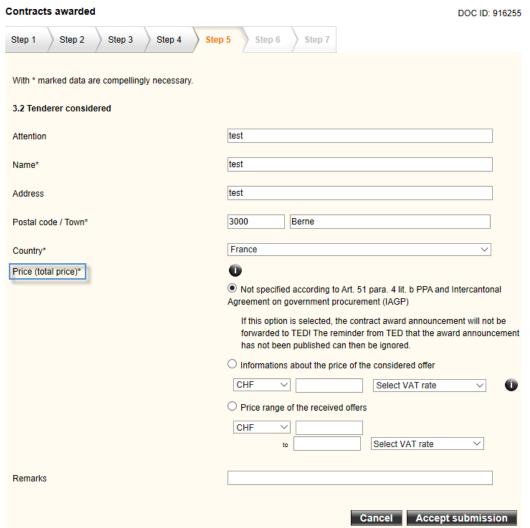
See Section 3.1 of the Contracts awarded form (OB02).

Public procurement



See also Section 3.2 of the Contracts awarded form (OB02).

Public procurement



Info 17.0-2020 / LS Page 7/31



2.6 Description of renewals/options

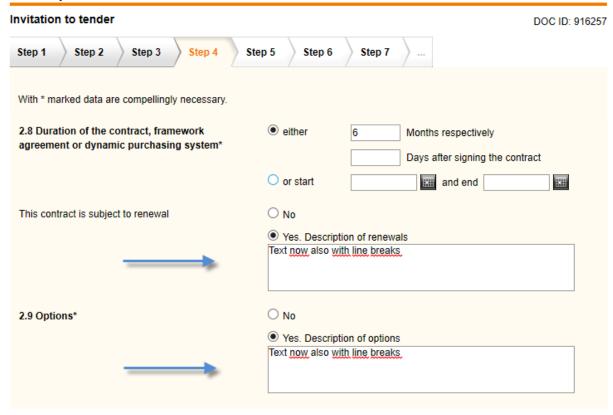
In the Invitation to tender form (OB01), the following fields have been amended:

2.8 'Description of renewals' and

2.9 'Options'

Line breaks are now enabled in both text fields.

Public procurement

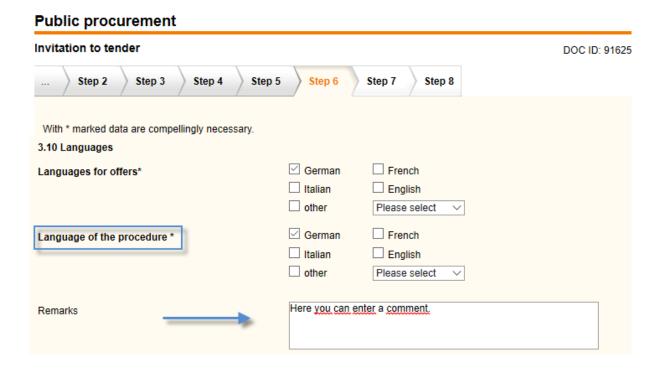


Info 17.0-2020 / LS Page 8/31



2.7 Language of the procedure

A new mandatory field **'Language of the procedure'** has been added to Section 3.10 in both the Invitation to tender (OB01) and Competition (OB07) forms. Additional information can now be entered in the new **'Remarks'** field.



2.8 Already involved tenderers permitted to take part in the procedure

A new field 'Section 4.5: Already involved tenderers permitted to take part in the procedure' has been added to the Prior information notice (OB00), Invitation to tender (OB01) and Competition (OB07) forms.

Invitation to tender Step 2 Step 3 Step 4 Step 5 Step 6 Step 7 Step 8 With * marked data are compellingly necessary. 4.5 Already involved tenderers permitted to take part in the procedure

Info 17.0-2020 / LS Page 9/31



2.9 Deadline for submitting offers

Section 1.4 'Deadline for submitting offers'

In the Prior information notice (OB00), Invitation to tender (OB01) and Competition (OB07) forms, the **deadlines have been amended**:

Public procurement Invitation to tender DOC ID: 916257 Step 1 Step 2 Step 3 Step 4 Step 5 Step 6 With * marked data are compellingly necessary. 1.4 Deadline for submitting offers* Date 16.12.2020 dd.mm.yyyy Time O or Days after publication Reduction of minimum period

Within the scope of international treaties:

- 40 days for the open procedure
- 25 days for the selective procedure
- 10 days where the 'Reduction of minimum period' box is checked

Outside the scope of international treaties:

Please see the applicable legislation for the relevant minimum time limits in open and selective procedures and for broadly standardised services. For open and selective procedures, the minimum period is 20 days, and five days for broadly standardised services at least five days.

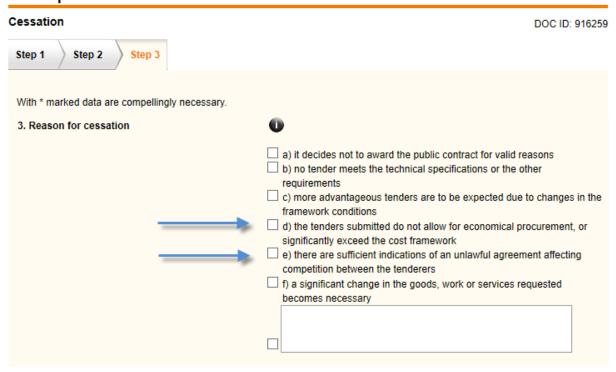
Info 17.0-2020 / LS Page 10/31



2.10 New reasons for cessation

Two **new reasons for cessation** – listed under **d)** and **e)** – have been added to Section 3 of the Cessation form (OB04). All six reasons are listed: a) through to f).

Public procurement



2.11 Summary

In the Prior information notice (OB00), Invitation to tender (OB01) and Competition (OB07) forms, the (automatic) summary in French is **no longer required** for a publication within the scope of international treaties.

You can enter a summary at the 'Submit publication' stage, or at a later date in the Project Manager. Please note that if a publication within the scope of international treaties is issued in German or Italian, a summary in French or English must also be provided. For exceptions to these cases, consult the applicable legislation.



2.12 Subject and scope of the contract (new field)

- Prior information notice (OB00) – In Section 2.4 'Detailed task description' is replaced by 'Subject and scope of the contract'.

Info 17.0-2020 / LS Page 11/31



- Invitation to tender (0B01) In Section 2.6 'Objects of procurement' is replaced by 'Subject and scope of the contract'.
- Participant selection (OB03) In Section 2.1 'Task description' is replaced by 'Subject and scope of the contract'.

This change also applies to Section 2.2. of the Cessation (OB04) and Correction (OB06) forms.

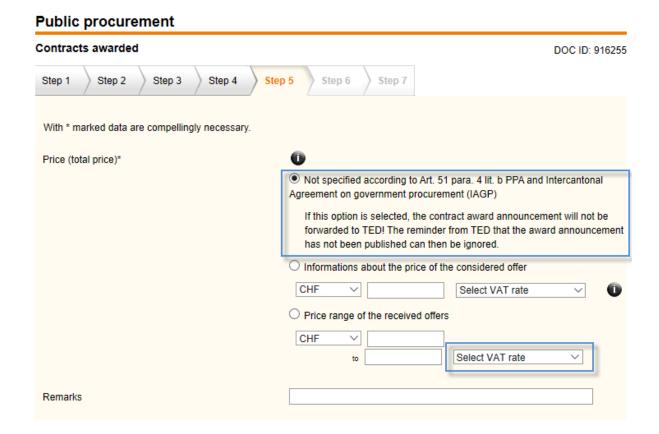
The **'Subject and scope of the contract'** field has been added to the Award form (OB02).

Info 17.0-2020 / LS Page 12/31



2.13 Price range of the received offers

A 'VAT' field has been added to the 'Price range of the received offers' field in the Award form (OB02).



Please note the addition of the legal text in the field: **Not specified according to Art. 51 para. 4 lit. b PPA and Intercantonal Agreement on government procurement (IAGP)**.

Info 17.0-2020 / LS Page 13/31



2.14 On-site visit

In the Prior information notice (OB00) and Invitation to tender (OB01) forms, 'Negotiations' is replaced by ${f 'On\text{-site visit'}}.$

Public procurement

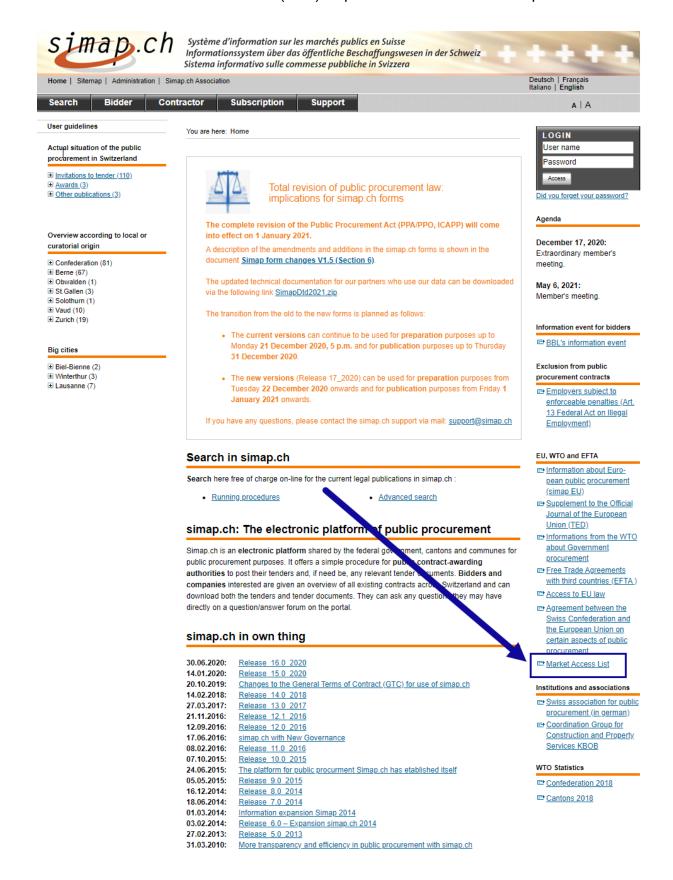
Invitation to tender		DOC ID: 916257
Step 2 Step 3 Step 4 Step 5	Step 6 Step 7 Step 8	
With * marked data are compellingly necessary. 4. Other information		
4.1 Conditions for tenderers from Non-Member States of the WTO Agreement on Government Procurement		
4.2 Terms of business		
4.3 On-site visit		

Info 17.0-2020 / LS Page 14/31



2.15 Market access list

A link to a 'Market access list' has been added to the simap.ch landing page. It contains the names of countries that have committed to grant Switzerland access to their markets. The new ordinance (VöB) requires that this list is made public.



Info 17.0-2020 / LS Page 15/31



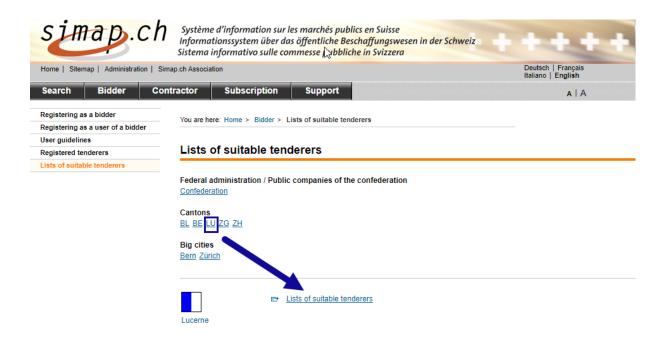
2.16 Lists of suitable tenderers (new page)

The competence centres may keep directories of bidders which, by virtue of their aptitudes, meet the award criteria for public contracts. The revised legislation requires that these lists are made public.

These lists can be consulted here:



Links are provided to lists created by the administrator in the given cantonal competence centre.



No link means that the administrator has not created a list.

Info 17.0-2020 / LS Page 16/31



Only **competence centre administrators** are authorised to create and publish a list of suitable tenderers.



Info 17.0-2020 / LS Page 17/31

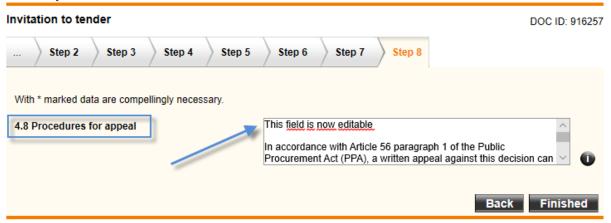


2.17 Procedures for appeal

<u>Federal contractors</u> (central/decentralised) can now <u>edit</u> both the 'Procedures for appeal' field and the preloaded text. This change applies to the following forms

- Invitation to tender (OB01)
- Contracts awarded (OB02)
- Participant selection (OB03)
- Cessation (OB04)
- Correction (OB06)
- Competition (OB07)
- Awarded competitions (OB08)
- Revocation (OB09)

Public procurement



Legal text for tenders within the scope of international treaties (WTO=YES)

In accordance with Art. 56 para. 1 of the Public Procurement Act (BöB), an appeal against this decision may be lodged in writing with the Federal Administrative Court, Postfach, 9023 St. Gallen, within 20 days of the notification of said decision. The appeal must be submitted in duplicate and must contain the application, a statement of reasons including evidence, as well as the signature of the person lodging the appeal, or their representative. A copy of the present decision and all available evidence must also be enclosed.

In accordance with Art. 56, para. 2 BöB, the provisions of the Administrative Procedure Act (VwVG) on the suspension of deadlines do not apply.

Legal text for tenders outside the scope of the international treaties (WTO=NO)

In accordance with Art. 56 para. 1 of the Public Procurement Act (BöB), an appeal against this decision may be lodged in writing with the Federal Administrative Court, Postfach, 9023 St. Gallen, within 20 days of the notification of said decision. The appeal must be submitted in duplicate and must contain the application, a statement of reasons including evidence, as well as the signature of the person lodging the appeal, or their representative. A copy of the present decision and all available evidence must also be enclosed. In accordance with Art. 56, para. 2 BöB, the provisions of the Administrative Procedure Act (VwVG) on the suspension of deadlines do not apply. Based on Art. 52, para 2 BöB, an appeal may be lodged only for the purposes of establishing that the present decision violates federal law; it may not be lodged for the purposes of repealing the decision.

Foreign contractors may only appeal if the state where they are domiciled grants reciprocal rights.

For publications of cantonal and communal contractors the 'Procedures for appeal' field has not been changed.

Info 17.0-2020 / LS Page 18/31



3 Changes to sustainability forms

Certain texts in the sustainability forms, depending on the category, have been changed/adapted. These are of relevance to <u>federal contractors</u>, both central and decentralised, namely: FOBL, FEDRO, armasuisse, ETHZ, EPFL, PSI, WSL, EMPA and Eawag.

3.1 Sustainability form NH01 – Goods and services

Step 3 – 4 textual amendments

Sustainability	
Goods and services	DOC ID: 6446956
Step 1 Step 2 Step 3 Step 4 Ste	ep 5
With * marked data are compellingly necessary.	
Social criteria	
authorisation requirements under the Federal Act of	safety regulations, rules on working conditions, as well as reporting and of 17 June 2005 on Measures to Combat Illegal Employment (IEA), and eliver their services from within Switzerland ensured? (Art. 12 Abs. 1 BöB)
Multiple answers possible	☐ By using the BKB's self-declaration forms
	Through the provisions of the standard terms & conditions
	In the tender and performance specifications
	By using a draft contract agreement
Comment	
How was compliance with the ILO core convention services from outside Switzerland? (Art. 12 para. 2 Multiple answers possible	s on labour standards ensured with regard to bidders who provide BöB) By using the BKB's self-declaration forms
Waltiple answers possible	Through the provisions of the standard terms & conditions
	In the tender and performance specifications
	☐ By using a draft contract agreement
Comment	
What material did the bidder provide to prove that work?	it satisfied the social criteria, incl. the principle of equal pay for equal
Multiple answers possible	☐ Signed BKB's self-declaration
	☐ Signed confirmation
	Following documentary proof
Comment	

Info 17.0-2020 / LS Page 19/31



Were other efforts made to determine adherence to the social criteria, incl. the equal pay for equal work provisions?*		
	Yes No	
If yes, which?		
Note: Specialist departments include govern organizations as specified in Art. 12 para. 5	nment agencies, control bodies with joint representation and equal opportunity BöB.	
Multiple answers possible	Specialist departments consulted Onsite audits / inspections Additional clarification	
relevant social standards and environme	actors it hires are contractually bound (Art. 12 Abs. 1 – 3 BöB) to comply with the ental regulations? (Art. 12 Abs. 4 BöB) * Yes No	
relevant social standards and environme	ental regulations? (Art. 12 Abs. 4 BöB) *	
Was the bidder notified that all subcontra relevant social standards and environment If yes, which? Multiple answers possible Comment	Printal regulations? (Art. 12 Abs. 4 BöB) * Pyes No By using the BKB's self-declaration forms Through the provisions of the standard terms & conditions In the tender and performance specifications	

Info 17.0-2020 / LS Page 20/31



Step 4 – new field / 6 textual amendments / 6 checkboxes have been deleted

Sustainability Goods and services DOC ID: 6446956 Step 2 Step 1 Step 3 Step 5 With * marked data are compellingly necessary. Environmental criteria a) How was compliance with the legal provisions applicable at the place of performance with regard to the protection of the environment and the conservation of natural resources ensured? (Art. 12 Abs. 3 BöB) * By using the BKB's self-declaration forms Through the provisions of the standard terms & conditions ☐ In the tender and performance specifications By using a draft contract agreement Comment Were environmental criteria specified?* Yes O No If yes, which? In the technical specifications Based on what criteria? (multiple answers possible) In the contract award criteria ☐ Technical specifications (minimum requirement) and award criteria (better performance requirement) combined In the eligibility criteria b1) What environmental criteria were required? from 100% b2) What was the weighting of environmental criteria within the overall award criteria? Points sum points O Not answerable

Info 17.0-2020 / LS Page 21/31



c) What documents did the bidder have to submit to prove that it met the environmental criteria?			
Multiple answers possible	Environmental label		
	☐ Additional documentary proof ☐ No proof		
Was innovation in the field of environmental efficiency or renewable energy promoted within the scope of the procurement project?*			
How were innovations promoted?	Yes No Through a functional tender announcement (Art. 29 para. 3 BöB) By allowing variants (Art. 33 BöB) Through the dialog (Art. 24 BöB) Other		
Did the winning bidder meet environmental criteria better than the second-ranked bidder?*			
	Yes No Identical		
Cancel	Back Continue		

Info 17.0-2020 / LS Page 22/31



Back Finished

Step 5 – 1 textual amendment and a new link

Cancel

Sustainability Goods and services DOC ID: 6446956 Step 1 Step 2 Step 3 Step 4 Step 5 With * marked data are compellingly necessary. Questions regarding exclusion of bidders Yes Were one or more bidders excluded from the O No procurement process because they did not satisfy the minimum environmental criteria?* Excluded bidders of total Yes Were one or more bidders excluded from the procurement process because they did not meet the O No minimum social criteria?* Excluded bidders of total Questions regarding support O Yes Did the specialist departments (e.g. BKB, SECO, BAFU) provide sufficient support regarding O No O Not used sustainable procurement?* Has the WöB knowledge platform been useful? O Yes O No (https://www.woeb.swiss)* O Not used General comments

Info 17.0-2020 / LS Page 23/31



3.2 Sustainability form NH02 – Building construction: planning work and competitions

Step 3 – 3 textual amendments

Building construction, planning work and co	npetitions	DOC ID: 64469
Step 1 Step 2 Step 3 Step 4		
With * marked data are compellingly necessary.		
Social costs		
Was the KBOB planner contract regarding industrial safety regulations, working conditions and equal treatment agreed upon?*	○ Yes ○ No	
if not		
Were the bidders required to comply with occupational health and safety regulations, rules on working conditions, as well as reporting and authorisation requirements under the Federal Act of 17 June 2005 on Measures to Combat Illegal Employment (IEA), and equal pay regulations as regards providers who deliver their services from within Switzerland? (Art. 12 Abs. 1 BöB)*	○ Yes ○ No	
Was the abidance by the ILO core conventions for tenderers providing their services abroad requiredt (Art. 12 Abs. 2 BöB) *	○ Yes ○ No	
Was proof for the compliance with the social criteria incl. equal pay requested?*	○ Yes ○ No	
Was the bidder notified that all subcontractors it hires are contractually bound (Art. 12 Abs. 1 – 3 BöB) to comply with the relevant social standards and environmental regulations? (Art. 12 Abs. 4 BöB)	○ Yes ○ No	
Were standards in the field of health, comfort and/or so		ion materials or respective
labels and guidelines specified in the invitation to tende Explanations, e.g Standard sustainable construction - Construction ecology: Eco - Good indoor climate - Further labels or standards: - Daylighting - Sound insulation measures - Indoor contaminations - Building contaminants - Thermal comfort - Change of air	ff?*	
If one of the listed requirements was defined in the invitation to tender, the question can be answered with yes.	○ Yes ○ No ○ Not relevant	
Comment		la de
Cancel		

Info 17.0-2020 / LS Page 24/31



Step 4 – new field

Sustainability

Building construction, planning work and co	mpetitions	DOC ID: 6446958
Step 1 Step 2 Step 3 Step 4		
With * marked data are compellingly necessary.		
Ecology criteria		
Was there a requirement to comply with the legal provisions applicable at the place of performance with regard to the protection of the environment and the conservation of natural resources? (Art. 12 Abs. 3 BöB)	○ Yes ○ No	
Were standards in the field of ecology required in the in	nvitation to tender?*	
Explanations, e.g Energy efficiency, minergy, others - Standard sustainable construction - Construction ecology: Eco		
Own standards on topics like: - Water consumption - Utilisation of rainwater - Biodiversity		
If one of the listed requirements was defined in the invitation to tender, the question can be answered with yes.	Yes No Not relevant	
Comment		<i>h</i>
Support sustainable procurement		
Do you consider the documents of KBOB and ECO Construction regarding sustainable procurement in the field of construction as sufficient?	O Yes O No	
Do you consider the documents of your organisation regarding sustainable procurement in the field of construction as sufficient?	○ Yes ○ No	
If one of the questions was answered with no: Please state possible improvements.		
Cancel	Back	Finished

Info 17.0-2020 / LS Page 25/31



3.3 Sustainability form NH03 – Building construction: building work

Step 2 – 3 textual amendments

uilding construction, building work			DOC
Step 1 Step 2 Step 3			
With * marked data are compellingly necessary.			
Guidelines / basics			
Is the KBOB recommendation Sustainable Construction: conditions for work performance (structural engineering) part of the contract?*	0	Yes No	
Social costs			
Nas the KBOB work contract regarding industrial safety regulations, working conditions and equal reatment agreed upon?*	0	Yes No	
if not			
Were the bidders required to comply with occupational health and safety regulations, rules on working conditions, as well as reporting and authorisation requirements under the Federal Act of 17 June 2005 on Measures to Combat Illegal Employment (IEA), and equal pay regulations as regards providers who deliver their services from within Switzerland? (Art. 12 Abs. 1 BöB)*	00	Yes No	
Was the abidance by the ILO core conventions for tenderers providing their services abroad requiredt (Art. 12 Abs. 2 BöB) *	0	Yes No	
Was proof for the compliance with the social criteria incl. equal pay requested?*	0		
Was the bidder notified that all subcontractors it hires are contractually bound (Art. 12 Abs. 1 – 3 BöB) to comply with the relevant social standards and environmental regulations? (Art. 12 Abs. 4 BöB)	0	Yes No	
Were standards in the field of health, comfort and/or so labels and guidelines specified in the invitation to tend		criteria	for the purchase of construction materials or respective
Explanations, e.g. - Construction ecology: Eco / Eco-Devis - Good indoor climate - KBOB recommendations sustainably procured wood - Further standards			
If one of the listed requirements was defined in the invitation to tender, the question can be answered with yes.	0	Yes No	
Comment			

Info 17.0-2020 / LS Page 26/31



Step 3 – new field

Sustainability

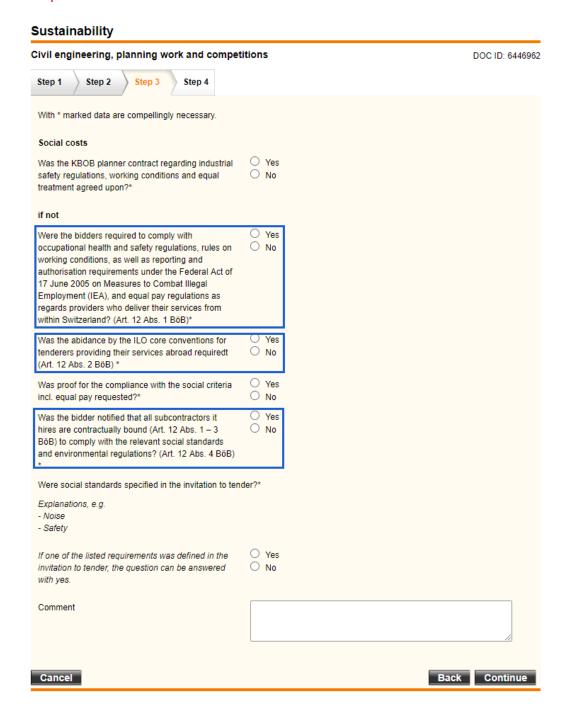
Building construction, building work		DOC ID: 6446960
Step 1 Step 2 Step 3		
With * marked data are compellingly necessary.		
Ecology criteria		
Was there a requirement to comply with the legal provisions applicable at the place of performance with regard to the protection of the environment and the conservation of natural resources? (Art. 12 Abs. 3 BöB)	○ Yes ○ No	
Were standards in the field of ecology required in the i	nvitation to tender?*	
Explanations, e.g Construction ecology: Eco/ Eco-Devis - Good inddor climate - KBOB recommendations sustainably procured wood - KBOB recommendations concrete from recycled agg - Further standards		
If one of the listed requirements was defined in the invitation to tender, the question can be answered with yes.	Yes No Not relevant	
Comment		
Support sustainable procurement		
Do you consider the documents of KBOB and ECO Construction regarding sustainable procurement in the field of construction as sufficient?	○ Yes ○ No	
Do you consider the documents of your organisation regarding sustainable procurement in the field of construction as sufficient?	○ Yes ○ No	
If one of the questions was answered with no: Please state possible improvements.		
Cancel	Back	Finished

Info 17.0-2020 / LS Page 27/31



3.4 Sustainability form NH04 – Civil engineering: planning work and competitions

Step 3 – 3 textual amendments



Info 17.0-2020 / LS Page 28/31



Back Finished

Step 4 - new field

Cancel

Sustainability Civil engineering, planning work and competitions DOC ID: 6446962 Step 1 Step 2 Step 3 Step 4 With * marked data are compellingly necessary. Ecology criteria Was there a requirement to comply with the legal provisions applicable at the place of performance O No with regard to the protection of the environment and the conservation of natural resources? (Art. 12 Abs. 3 BöB) Were ecological standards specified in the invitation to tender?* Explanations, e.g. - Waste - Waste management concept - Water consumption O Yes If one of the listed requirements was defined in the invitation to tender, the question can be answered O No O Not relevant with yes. Comment Support sustainable procurement O Yes Do you consider the documents of KBOB and ECO O No Construction regarding sustainable procurement in the field of construction as sufficient? O Yes Do you consider the documents of your organisation O No regarding sustainable procurement in the field of construction as sufficient? If one of the questions was answered with no: Please state possible improvements.

Info 17.0-2020 / LS Page 29/31



3.5 Sustainability form NH05 – Civil engineering: building work

Step 2 – 3 textual amendments

Sustainability Civil engineering, building work DOC ID: 6446964 Step 1 Step 3 With * marked data are compellingly necessary. Guidelines / basics O Yes Are standards which specify sustainable solutions O No part of the contract?" O Not relevant Social costs O Yes Was the KBOB work contract regarding industrial O No safety regulations, working conditions and equal treatment agreed upon?* if not Were the bidders required to comply with O No occupational health and safety regulations, rules on working conditions, as well as reporting and authorisation requirements under the Federal Act of 17 June 2005 on Measures to Combat Illegal Employment (IEA), and equal pay regulations as regards providers who deliver their services from within Switzerland? (Art. 12 Abs. 1 BöB)* Yes Was the abidance by the ILO core conventions for O No tenderers providing their services abroad requiredt (Art. 12 Abs. 2 BöB) * O Yes Was proof for the compliance with the social criteria O No incl. equal pay requested?* Yes Was the bidder notified that all subcontractors it O No hires are contractually bound (Art. 12 Abs. 1 - 3 BöB) to comply with the relevant social standards and environmental regulations? (Art. 12 Abs. 4 BöB) Were standards in the field of safety and/or social criteria for the purchase of construction materials or respective labels and guidelines specified in the invitation to tender?* Explanations, e.g. - KBOB recommendations procure sustainably produced wood - others If one of the listed requirements was defined in the O Yes invitation to tender, the question can be answered O No O Not relevant with ves. Comment Cancel Back Continue

Info 17.0-2020 / LS Page 30/31



Step 3 – new field

Sustainability

Civil engineering, building work	DOC ID: 6446964
Step 1 Step 2 Step 3	
With * marked data are compellingly necessary.	
Ecology criteria	
Was there a requirement to comply with the legal provisions applicable at the place of performance with regard to the protection of the environment and the conservation of natural resources? (Art. 12 Abs. 3 BöB)	○ Yes ○ No
Were standards in the field of ecology, use of recycled materials or respective labels and guidelines required in	materials and/or ecological criteria for the purchse of construction in the invitation to tender?*
Explanations, e.g. - Waste and waste management concept - Water consumption - Noise - Air - Soil protection - KBOB recommendations sustainably procured wood - KBOB recommendations concrete from recycled agg. - Others	regate
If one of the listed requirements was defined in the invitation to tender, the question can be answered with yes.	Yes No Not relevant
Comment	
Support sustainable procurement	
Do you consider the documents of KBOB and ECO Construction regarding sustainable procurement in the field of construction as sufficient?	○ Yes ○ No
Do you consider the documents of your organisation regarding sustainable procurement in the field of construction as sufficient?	○ Yes ○ No
If one of the questions was answered with no: Please state possible improvements.	
Cancel	Back Finished

Info 17.0-2020 / LS Page 31/31