



Foto: Axel Hartmann

Rules of procedure
on the Deutsche Bahn AG
prequalification system
Conversion and maintenance of rail vehicles

Deutsche Bahn AG

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1 Basics of the prequalification system

1.1 Legal Basics

Sector Regulation

On the basis of the Sector Regulation (hereinafter referred to as "SektVO"), Deutsche Bahn AG and its affiliated companies (hereinafter referred to as "DB AG") have set up a qualification system within the meaning of Section 48 of the SektVO (hereinafter **referred to** as the "**Prequalification Procedure**" or "**PQ Procedure**") in the area of conversion and maintenance of rail vehicles in order to determine the expertise and performance of companies and whether there are any grounds for exclusion.

Announcement of a qualification system - sectors

Annually, notices of the existence of a qualification system are published in the EU Official Journals for each category for which a qualification system is established.

List of prequalified companies

After successful prequalification, the companies are included in a directory. This can be viewed at:

[https://lieferanten.deutschebahn.com/resource/blob/8530470/88dea04561776dce407e1772650d440e/Liste-
prequalified-company-remodeling-and-maintenance-services-rail-vehicles-data.pdf](https://lieferanten.deutschebahn.com/resource/blob/8530470/88dea04561776dce407e1772650d440e/Liste-
prequalified-company-remodeling-and-maintenance-services-rail-vehicles-data.pdf)

1.2 Information and documents on the prequalification procedure

In addition to the information in this document, further documentation can be viewed at:

<https://lieferanten.deutschebahn.com/lieferanten/Lieferant-werden/Praequalifikation#>

and specifically on the prequalification procedure at:

[https://lieferanten.deutschebahn.com/resource/blob/8530406/8ac3eb270a0a56cdd0bc923100d1ab5a/Verfahrensreg-
eln-to-Praequalification-System-Deutsche-Bahn-AG-Reconstruction-and-Maintenance-of-Rail-Vehicles-data.pdf](https://lieferanten.deutschebahn.com/resource/blob/8530406/8ac3eb270a0a56cdd0bc923100d1ab5a/Verfahrensreg-
eln-to-Praequalification-System-Deutsche-Bahn-AG-Reconstruction-and-Maintenance-of-Rail-Vehicles-data.pdf)

1.3 Product categories with established qualification systems

In the categories listed below, companies are prequalified in the product categories subdivided into DB Regio and DB Fernverkehr.

1.3.1 DB Regio

The product categories listed below relate exclusively to measures of so-called "heavy maintenance", which include in particular overhauls, accident repair work and modernization or conversion projects. The qualification applies only to workshops authorized or provisionally authorized by DB Regio.

- 1 Maintenance and conversion services for locomotives in local traffic with QS**
- 2 Maintenance and conversion services for multiple units for mass transit with QS**
- 3 Maintenance and conversion services for local passenger cars with QS**

In the aforementioned categories, companies are prequalified in the product categories.

1.3.2 DB Long-distance traffic

The product categories listed below relate exclusively to so-called "heavy maintenance" measures, including in particular overhauls, accident repair work and modernization or conversion projects. The qualification only applies to workshops authorized by DB Fernverkehr.

Maintenance and conversion services for long-distance HGV vehicles with QS

In the aforementioned categories, companies are prequalified in the product categories.

1.4 Participation in the prequalification procedure and Remuneration

Application for participation (hereinafter referred to as **Application**)

Companies may apply for prequalification in one or more categories at any time.

Applications are considered submitted as soon as the applicant's registration has been confirmed by Deutsche Bahn AG and the qualification questionnaire has been sent to the applicant.

Applications must be submitted in the desired category and separately for each of the types of applications applicable in each of the following paragraphs 3.2 through 3.4.

The prequalification procedure shall include Stage 1 in accordance with Section 3.2.1 and Stage 2 in accordance with Section 3.2.2.

Registration

Registration takes place via the Supplier Portal of Deutsche Bahn AG for the category selected by the applicant at:

<https://smart.noncd.db.de> Fee

and costs

No fee is charged for participation in the PQ procedure. DB AG does not assume any costs incurred within the scope of the PQ procedure, in particular for certificates, verifications, audits, expert opinions, etc.

1.5 Prequalification team Body

Deutsche Bahn AG
Purchase of maintenance and conversion services for rail vehicles FE.EF
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Richelstrasse 3
80634 Munich

2 Principles of prequalification

- (1) DB AG operates this PQ procedure in its own name and in the name of and on behalf of its affiliated companies. Prequalification is carried out by Deutsche Bahn AG and also applies in the relationship between the applicants (hereinafter referred to as companies) and all companies of the DB Group.
- (2) This PQ procedure is conducted in German and according to German law, excluding private international law.
- (3) Each interested and legally independent company must submit its own application; this also applies to companies of the DB Group. The evaluation depends solely on the company submitting the application.
- (4) Applications from companies that are affiliated with other companies in terms of group law apply only to and in relation to the applying companies.
- (5) The documents and evidence provided by the applicant will be treated confidentially by DB AG. For further details, see Section 2.8 of the Qualification Conditions - Supplier Qualification.
- (6) The results of the PQ procedure will be applied in a future specific selection of suitable applicants, cf. section 48 no. (9) SektVO.
- (7) After completion of the PQ procedure, the applicant is informed about the decision on the prequalification application.

If the applicant is not prequalified, this is done by stating the reasons. If the prequalification is successful, the applicant will be included in a list of prequalified companies and informed thereof.

- (8) DB AG reserves the right to inspect the company at any time during the course of performance or during the period of validity of the prequalification with regard to the existence or continued existence of the suitability criteria assessed in the PQ procedure. This may be carried out, for example, as part of an "on-site audit" or by means of a written request.
- (9) The prequalification does not replace any required technical certification.
- (10) Existing supplier evaluations of Deutsche Bahn AG can be included in the review of the company's applications.
- (11) If an application is rejected or the prequalification is cancelled, a new application may be submitted no earlier than 6 months after receipt of the rejection or cancellation.
- (12) DB AG reserves the right to amend the rules and regulations of the prequalification system and to obtain further information from the applicants as a result.

3 Prequalification - Procedure

3.1 General

- (1) The processing and decision of the application shall be made in accordance with the standard deadlines pursuant to Section 48 of the SektVO.
- (2) The PQ procedure is carried out as a two-stage process as described below.
- (3) The company registers in accordance with section 1.4 and receives the corresponding application documents (questionnaires, etc.) after successful registration.
- (4) The application documents for the respective procedure type or procedure stage are always made available to the applicant in electronic form by e-mail. This also applies to reminders, additional requests, etc. The documents processed by the applicant are to be uploaded in accordance with the LINKs provided for the process.
- (5) With the sending/provision of the respective application documents of stages 1 and 2, the applicant is set a deadline for the submission of the requested questionnaires/declarations/documents/etc. (**hereinafter Documents**).
- (6) If documents have not been submitted by the set grace period, a grace period will be granted for this purpose up to two times. If these deadlines also expire without result, the application will be decided on the basis of the available documents.
- (7) If documents are incomplete, implausible or if supplements/clarifications are required, the corresponding documents/clarifications will be requested/demanded with a deadline. The application will be decided on the basis of the available documents after this deadline has expired without result.
- (8) Documents submitted after the set deadlines will not be considered.
- (9) The processing period for the request shall be extended at least by the sum of the periods from the respective day of sending the request/reminder/subsequent request to the respective day of receipt of the requested documents.

3.2 Prequalification in a category

3.2.1 Level 1

- (1) In the first stage, the basic suitability of the applicant is examined and evaluated (commercial examination) and the grounds for exclusion pursuant to Sections 123 - 126 of the Act against Restraints of Competition (GWB) are examined.
- (2) The application documents will be made available to the applicant in electronic form after confirmed registration.
- (3) For the determination of suitability and the absence of grounds for exclusion pursuant to Sections 123- 126 ARC, in addition to fundamental minimum requirements, essential minimum requirements are also examined, the non-fulfillment of which leads to the rejection of the application.
- (4) If Stage 1 is successfully completed, Stage 2 application materials will be provided to the applicant in electronic format.
- (5) The provisions above and below shall apply accordingly.

3.2.2 Level 2

- (1) In the second stage, the technical suitability of the applicant for the product category applied for is examined.
- (2) The subjects of verification and testing include references, technical equipment, staffing and professional qualifications as part of an audit by the respective business unit of DB AG.
- (3) In the case of existing and valid auditing by the corresponding business unit, auditing is not required.
- (4) The careful selection of references according to the subject of the application is the sole responsibility of the applicant. A decision will be made solely on the basis of the references submitted. If the submission of references has been completed by uploading them to the process, the applicant will receive an electronic confirmation of this. Additional references submitted after this confirmation cannot be considered.
- (5) In each product category, a decision is made by an approval committee consisting of experts from DB AG companies. The approval committee may request additional documents and evidence if this is necessary for its decision-making.
- (6) The provisions above and below apply accordingly. Different regulations may apply in the respective categories. For detailed information, please refer to the "Special rules of procedure" for the categories.

3.3 Addition of further product categories to prequalifications

- (1) Companies prequalified in a product category shall in principle have the option of extending their granted prequalification for further product categories. The extension of the prequalification may be applied for at any time during the term of the prequalification by submitting a new application and enclosing the relevant documents pursuant to Clause 3.
- (2) The provisions above and below apply accordingly. Different regulations may apply in the respective categories. For detailed information, please refer to the "Special procedural rules" of the categories.

3.4 Requalification of an existing Prequalification

- (1) As part of the requalification process, a new assessment of expertise, performance capability and the existence of grounds for exclusion pursuant to Sections 123 - 126 of the ARC will be carried out on the basis of updated information (Stage 1 and Stage 2 of the procedure).
- (2) To maintain an existing prequalification, the prequalified company must submit an application for requalification no later than 6 months before the end of the term of the existing prequalification. The applicant is solely responsible for the timely application.
- (3) If applications are not submitted, the prequalification ends. The company shall be deleted from the list of prequalified companies. In this case, the applicant may submit a new application for prequalification in accordance with section 3.2 ff.
- (4) If the application for requalification has not been submitted, has not been submitted in time or the requalification applied for has been rejected, the prequalification certificate may not be used/presented in commercial transactions.
- (5) Supplier ratings with the result "poor" can lead to the rejection of the application.
- (6) With a successful requalification, the prequalification is granted for another 3 years.
- (7) The provisions above and below shall apply accordingly.

4 Prequalification - validity period, obligations and requirements for obtaining, maintaining and grounds for exclusion under procurement law

4.1 Period of validity of prequalification

- (1) The granted prequalification shall be valid for 3 years, subject to successful requalification applied for in due time in accordance with the provisions of Clause 3.4. In case of existing and valid auditing according to Clause 3.2.2.3, the granted prequalification shall be valid until the expiry of the valid auditing.
- (2) In the event of a "supplement" to an existing prequalification in accordance with Section 3.3, the existing term of the prequalification shall not change.

4.2 Duties during the performance of the prequalification procedure and the term of prequalification

- (1) If any material changes are made to the information provided by the Applicant in the course of performance or during the period of validity of the prequalification, the Applicant is obliged to notify DB AG of these without delay. The following are deemed to be significant among others, the following changes in the company of the applicant or the obligated company, § 48 number (7) SektVO:
 - Company name
 - Mergers with other companies
 - Submission of resources/parts of the company essential for prequalification
 - Company form
 - Ownership
 - Company entries
 - Company locations
 - Composition of the applicant community
 - Information on expertise and performance
 - Minimum requirements for personnel (number and qualification) according to the "Special Procedural Rules" of the categories.
 - Exclusion criteria under procurement law according to section 4.3 (2)
- (2) Changes in accordance with (1) must be reported without being asked and must be documented in a suitable form. The prequalification team reserves the right to request an update of the basic level in order to determine the continued suitability in accordance with section 3.1.
- (3) If changes according to (1) are not communicated or are communicated late and the prequalification team has knowledge of changes, this can lead to the rejection of the application or the cancellation of the prequalification.

4.3 Reasonable doubts about the company's expertise or performance, Reasons for exclusion

- (1) DB AG reserves the right to reject the application(s) in justified individual cases or to cancel prequalification(s) already granted or to request the applicant to resubmit documents. This shall apply in particular if material changes to the prequalification requirements (Subclause 4.2) have not been notified or have not been notified immediately or if there are justified doubts as to the expertise or performance of the company as DB's supplier or if one of the circumstances referred to in Subclause 4.3 (2) occurs. The same shall apply to any obligated company on which the company relies for its prequalification.
- (2) Grounds for exclusion under public procurement law

At any time during the procedure and during the period of validity of the prequalification, grounds for exclusion pursuant to Section 123 ARC and / or Section 124 ARC may lead to the immediate exclusion of the company from the PQ procedure / cancellation of the prequalification.

The same shall apply to any obligated company on which the company relies for its prequalification.

The examination of an exclusion from the PQ procedure or a cancellation of the prequalification also includes the declarations including the concepts and evidence of any self-cleaning initiated by the company pursuant to Section 125 GWB.

In the event of grounds for exclusion pursuant to Sections 123 et seq. of the ARC, DB AG shall be entitled to suspend the prequalification or its application for the period during which the self-corrective actions are being examined. The prerequisite for this is that the company gives DB AG a written undertaking to take suitable and sufficient self-cleaning measures and to carry them out within a specified reasonable period of time. If DB AG notifies the company of the suspension of the prequalification, the company may no longer use the prequalification certificates in business transactions from the aforementioned point in time until it has provided evidence of sufficient self-corrective action. The company will be removed from the list of prequalified companies for this period.

5 Special procedural rules of product categories in the prequalification system

These "Special Procedural Rules" apply in the respective category "5.x" mentioned below in addition to the rules described in paragraphs 1 to 4.

5.1 Maintenance and conversion services for locomotives in local traffic with QS

- remains free -

5.2 Maintenance and conversion services for multiple units for mass transit with QS

- remains free -

5.3 Maintenance and conversion services for local passenger cars with QS

- remains free -

5.4 Maintenance and conversion services for long-distance HGV trains with QS

- remains free -