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# Supplier qualification

## Conditions for qualification

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Choose the right partner!

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# 1 Preface

## 1.1 Principle of supplier management at Deutsche Bahn AG

Suppliers are our partners in safeguarding Group success. The supplies and services provided by suppliers form the start of the supply chain and are a crucial factor in DB's competitiveness.

Our supplier management applies throughout the entire company and is anchored in the leading IT systems of Deutsche Bahn AG.

## 1.2 Objectives of supplier management at Deutsche Bahn AG

In the medium and long term, the ongoing development of our supplier portfolio optimises the security of supply, cost levels and process efficiency in the Deutsche Bahn AG. The objectives are clearly defined and represented in the standard process.

The supplier management process consists of three phases that recur on a continuous basis:

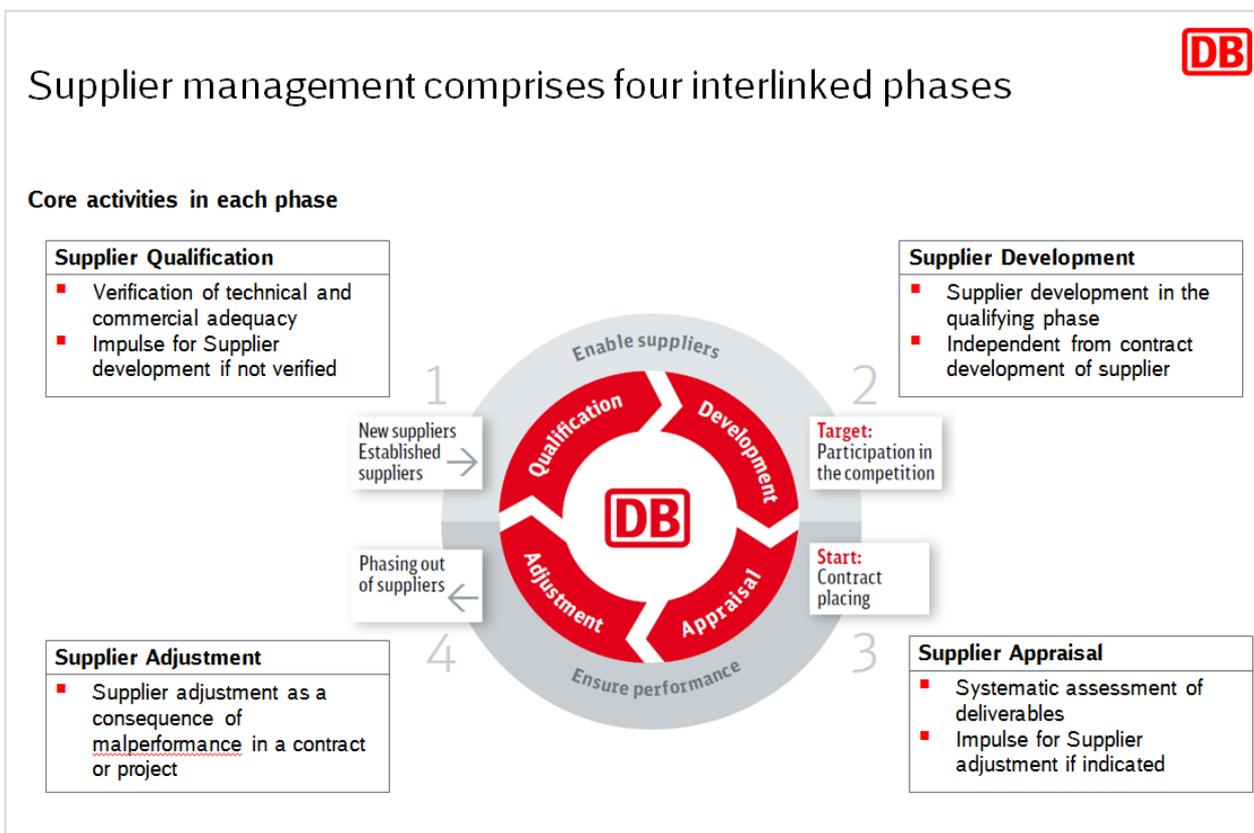


Figure 1 Diagram of supplier management

## 1.3 Supplier qualification at Deutsche Bahn AG

Who fits in with us? In the first step, based on defined minimum standards we add suitable suppliers to the pool of potential DB contract partners.

This accelerates the award process at many points. In this phase, we also establish the basis for the qualified supplier's future development.

The following criteria determine whether your company is basically suitable in terms of procurement law to become a potential contract partner of Deutsche Bahn:

- Expertise

- Capability
- Reliability (including being law-abiding).

Supplier qualification is carried out according to product group and is usually independent of any specific award procedure. A product group defines a specific range of products or services. A company can be qualified for several product groups.

A special, more formal type of supplier qualification which again is independent of any specific award procedure entails the setting up and management of an auditing system pursuant to Section 24 SektVO (Sector Regulation) for reviewing the suitability of potential applicants (prequalification). This is carried out for selected supplies/services.

During supplier qualification, every supplier must select the product/service ranges (product groups) for which it wishes to qualify. Based on its included supplies and services, each product group is assigned to a requirements class.

Different review modules are used, depending on the individual classification:

- **Low:** basic data such as contact, bank and tax information (*request in the process of a specific award*)
- **Normal:** as for "low" plus expertise, capability, reliability (*qualification via WebPortal*)
- **High:** as for "normal" plus quality capability classification etc. (*qualification via WebPortal*)

Depending on the requirements class, companies are qualified for each product group at differing depths with differentiated requirements in each case.

Following successful supplier qualification, your company will take its place in the pool of potential contract partners. This is a condition for a business relationship with Deutsche Bahn, but it does not automatically mean suitability for every award procedure within a product group; this may be determined by enquiring about further suitability criteria on an individual basis.

## 2 Conditions for qualification

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### 2.1 Principles

- Deutsche Bahn AG uses this qualification process for its own account and for the account of and on behalf of its affiliated companies according to the following conditions (conditions for qualification). Qualification is determined by Deutsche Bahn AG and shall also apply to relations between the applicants (hereinafter also referred to as companies) and all companies of the DB Group.
- Further conditions (such as procedural rules for the prequalification process) may apply in addition to these conditions for qualification. Any special requirements that may result from such conditions remain unaffected by these conditions for qualification.
- This qualification process shall be carried out in German and shall be subject to German law to the exclusion of private international law.
- Any interested company must submit its own application for qualification. This also applies for affiliated companies within the meaning of Sections 15 ff. of the German Stock Corporation Act (AktG). Applications from companies that are affiliated with other companies apply only for and in relation to the respective applicant. For applications from affiliated companies, Deutsche Bahn AG reserves the right to limit the decision about qualification to that legally independent company which is actually responsible for fulfilment.
- References from a subcontractor relationship are acceptable in the qualification process. If further or other specifications were made in the procedural rules for the prequalification process, they shall remain unaffected.
- For pooled bids or joint ventures, each member must be qualified for the product groups in question.
- For every company that has applied for qualification, Deutsche Bahn AG reserves the right to verify that the criteria evaluated in the qualification process are satisfied during qualification or continue to be satisfied during the validity period of the qualification.
- The qualification shall not replace any required technical certification.
- Deutsche Bahn AG reserves the right to change the conditions for qualification at any time and to collect new information or set further requirements. As a result, in individual cases requalification may become necessary before expiry of the qualification's actual period of validity.

## 2.2 Assessment process

The qualification process is performed as follows:

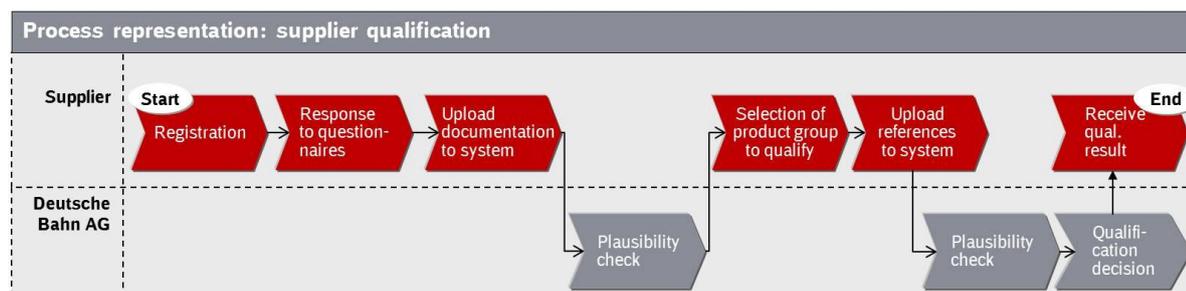


Figure 2 Process representation

The first step addresses questions for assessing and evaluating the company's basic suitability, based on the criteria of expertise, capability and reliability (including law-abidance).

After answering the questions, the company receives a request to submit documentation (a summary of the documents can be found at supplier portal)

The application will be rejected if the company fails to satisfy basic requirements or specific essential requirements.

If it passes this step successfully, the company then has the opportunity to select specific product groups.

Now, it must submit references for these product groups to document its expertise. The main purpose of the references is to furnish evidence that the company's technical facilities and the qualifications of its personnel are adequate for the selected product groups.

After its references have been examined, the company will be informed of the decision regarding its application for qualification. If it has qualified successfully, it will receive notification that it has been added to the supplier pool at Deutsche Bahn AG. For the product groups for which it did not qualify, the company must wait at least six months before applying for qualification again, as stipulated in Section 2.9.

The acceptance to the supplier pool at Deutsche Bahn AG entitles a company neither to a direct claim on participation in an award procedure nor to an order. Furthermore, preceding participation in an award procedure, additional or updated documents may be requested by the awarding entity to ascertain suitability.

## 2.3 Validity period and retention of qualification, exclusion criteria

- (1) As a rule, the qualification remains valid for two years.
- (2) The company is obliged to notify Deutsche Bahn AG of significant changes to the information provided for the qualification process. Significant changes include: change of name, corporate structure, ownership structure or place of business, and changes to information about expertise, capability and reliability (including law-abidance).

The aforementioned changes shall be disclosed unrequested and without delay in writing and suitably documented, for example by submission of extracts from the commercial register.

- (3) Exclusion criteria based on procurement law

At all times during the process and during the validity period of the qualification, the following reasons under no. 1 lead to mandatory termination of the qualification process/qualification. The following criteria under nos. 2 to 7 may lead to immediate termination of the qualification process/withdrawal of the qualification. :

1. If a person has been convicted of violating one of the provisions of Section 21 (1) of SektVO (Sector Regulation) such as bribery, fraud, breach of trust, falsification of documents, insolvency offences, betrayal of business and trade secrets, violation of hardcore antitrust restrictions, price-fixing, bid-rigging, or collusion regarding quantities, quotas, territory or customers and no circumstances of Section 21 (3) of SektVO (Sector Regulation) apply (for example, the company's reliability is not called into question due to special circumstances of the individual case)
  2. Initiation of a bankruptcy, composition, insolvency or comparable legal proceeding and the submission of such a petition (Section 21 (4) 1 SektVO)
  3. Initiated proceeding for liquidation of the company (Section 21 (4) 2 SektVO)
  4. Failure to meet obligations to pay taxes and contributions to the statutory social security scheme (Section 21 (4) 3 SektVO)
  5. If inaccurate statements were made about expertise, capability and reliability (suitability) or this information is unjustifiably withheld (Section 21 (4) 4 SektVO)
  6. Demonstrable commission of grave misconduct that calls into question the reliability of the company or a person in a position of responsibility (Section 21 (4) 5 SektVO)
  7. Lack of membership in the relevant professional association or an equivalent body, if required
- (4) Deutsche Bahn AG reserves the right to reject applications or revoke granted qualifications in justified individual cases or to request resubmission of documentation by the applicant. This applies in particular if there is reasonable doubt about the company's expertise, capability and reliability (including law-abidance) as a supplier of Deutsche Bahn AG, if the company has not completely fulfilled its obligations under Section 2.3 (2) or one of the situations in Section 2.3 (3) arises.

In such a case, the company may apply for qualification again as stipulated in Section 2.9 at least six months after revocation of the qualification.

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## **2.4 Extension/enhancement of qualification**

Qualified companies can extend their qualification to other product groups at any time. To this end, they must apply for a new qualification.

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## **2.5 Requalification (update or continuation of qualification)**

On the company's initiative, its qualification is verified and renewed on the basis of updated company information before expiry of the qualification's validity period (as a rule, four years). To this end, the qualified company submits an application for requalification via the WebPortal in due time before expiry of the validity period.

The company is responsible for timely and complete submission of the application. Note that the normal processing time from submission of the application to a decision about qualification can be as much as eight weeks, depending on the selected product group. If additional requests are made due to incomplete or implausible documentation, the processing time may increase. The applying company cannot assert any claims due to a delayed qualification process unless it is established that the delays are attributable to Deutsche Bahn AG.

If no application for requalification is submitted, the qualification ends in accordance with the duration of validity as stated in the qualification certificate.

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## **2.6 Charges for the qualification**

For certain product groups, compensation must be paid for the qualification. The company is notified of the obligation to pay and the amount of payment during registration; payment of the fee does not entitle it to a grant of qualification.

Processing of the application only begins after receipt of payment. Claims for return of payment after receipt of the application documents are ruled out. This applies for the rejection of an application and also for later revocation of a qualification.

Regulations for the prequalification process remain unaffected.

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## **2.7 Completeness of the application**

(1) After receipt of the application, it is checked for completeness. If it is incomplete, missing information is requested with an adequate deadline for submission.

(2) If the applicant fails to submit the requested information before the deadline, the application will be rejected. In this case, a new application can be submitted at any time. Since Section 2.6 stipulates that a fee be paid for the qualification and this has already been done for the rejected application, the fee must be paid again for the new application.

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## **2.8 Qualification result**

The company receives notification of the results of the supplier qualification in a supplier qualification certificate by e-mail.

Following successful qualification, the company will take its place in the pool of potential contract partners (supplier pool).

Addition to the supplier pool at Deutsche Bahn AG results in neither a direct claim on participation in an award procedure nor an order.

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## **2.9 Rejection**

If an application is rejected or a qualification revoked, a new application can only be submitted at least six months after the rejection or revocation.

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## **2.10 Confidentiality, data protection**

Deutsche Bahn AG shall treat the applicant's documentation confidentially and use it only for the qualification.

On submission of the application, the applicant will be requested to give permission for the storage of personal and company-specific information by the qualification department at Deutsche Bahn AG and in the list of qualified companies.