

Appendix B

Additional information

This appendix contains additional information that the tenderer should note in connection with the tender procedure.

1. INSPECTION

There will be an opportunity to inspect the premises of the Royal Playhouse.

The inspection takes place on 21 January 2022 at 9 am at the Royal Playhouse, Sankt Annæ Plads 36, 1250 Copenhagen.

For practical reasons, the tenderer is asked to indicate whether the tenderer is participating in the inspection. The notification must be given by e-mail no later than 2 days before the inspection, and must contain information on how many representatives are participating.

The contracting entity reserves the right to reduce the number of representatives per tenderer who can take part in the inspection.

The inspection is arranged so that the tenderers have the opportunity to gain a more detailed knowledge of the premises before submitting a tender. In connection with the submission of tenders, however, the tenderer must use the written information stated in the tender material.

The contracting entity may refer questions asked during the inspection to be asked in writing.

2. ADDITIONAL INFORMATION ON COMMUNICATION AND QUESTIONS

As stated in the tender specifications, paragraph 7 questions should be asked not later than 1 February 2022 at 4 pm.

The contracting entity may modify the tender documents.

Changes to the tender documents will be communicated through www.udbud.dk.

3. THE TENDER MUST BE FINAL AND COMPLETE

The tenders should be drafted so that the contract may be entered into without prior negotiations between the tenderer and the contracting entity.

Hence, when filling in/completing the appendices, the tenderer should to the extent possible use wording of legal obligations and not wording such as “this might pertain to ...”, “one might also consider to ...” or “usually is used ...”, “we have often successfully ...”, “one might also envisage ..” or “this might be solved by ...”. Wording not suitable for legal obligations may, in the given circumstances, be treated as reservations with ensuing consequences, see clause 4 below.

It is the responsibility of the tenderer to ensure that the tender is complete and drawn up in accordance with the guidelines set out in the tender documents.

4. RESERVATIONS TO THE TENDER

The tender must not contain reservations to fundamental elements in the tender documents. Reservations to minimum requirements or fundamental elements in the tender documents will cause the tender to be rejected.

Several reservations to non-fundamental elements of the tender documents may cause the reservations, overall, to constitute a reservation to fundamental elements.

The contracting entity reserves the right to capitalize the tenderer’s reservation (instead of rejecting the offer), if the contracting entity finds that the reservation in question is not a reservation to a fundamental element of the tender documents. However, the contracting entity is not obligated to do so.

If the tenderer is in doubt as to how to fill in or complete appendices or in case of doubt as to whether a reservation will cause rejection of the tender, the tenderer is advised to submit written questions, see the tender specifications, paragraph 7.

5. CONFIDENTIAL INFORMATION IN THE TENDER

Documents or information in the tenderer's tender may be subject to the rules on access to documents. This means that competitors, etc., may request access to tenders submitted. According to the practice of the Danish Complaints Board for Public Procurement (*Klagenævnet for Udbud*), requests for access to documents from other operators also participating in the tender procedure must be granted by the contracting entity. However, in the assessment of whether to grant access, the contracting entity will include considerations as to whether the tenderer has asked that part of the tender be treated confidentially and has indicated which information/elements of the tender must be kept confidential.

If there is information or elements in the tender, which for business reasons are desired to be exempted from access to documents, the tenderer is asked to state so in its tender. However, irrespective of the

tenderer's requests for confidentiality, the contracting entity will be entitled and obliged to give access to documents to the extent required by law.

6. OPENING AND EVALUATING TENDERS

The contracting entity will open the tenders after the deadline for submission of tender has expired.

The tenderers are allowed to attend the opening of tenders. In connection with the opening of tenders, the tenderers will be informed of the other tenderers' total prices and reservations, if any. After opening the tenders, the contracting entity will initially check whether the tenders comply with the formal requirements of the tender documents. The contracting entity may use the principles in the procedure of section 159(5) and (6) of the Public Procurement Act, if the tender does not comply with the formal requirements of the tender documents.

Regardless of the use of the words "must" or "shall" in the tender documents, the contracting entity reserves the right to obtain further information within the scope of the above mentioned provisions. However, the contracting entity is not obliged to obtain further information or documentation from the tenderers.

The contracting entity may furthermore clarify possible ambiguities in the tenders within the scope of the Danish Tender Act.

The contracting entity will evaluate whether the tenders are compliant. The tenders will then be evaluated as described in Appendix A.

After deciding on the award of the contract, the contracting entity will notify all tenderers of the award decision in accordance with The Danish Tender Act sections 14 and 15.