Special contract conditions concerning collective agreements, minimum wages and social security contributions

The contractor undertakes

- to provide to its workers in completing the job at least those working conditions, including remuneration, provided for by the collective agreement to be observed in accordance with the Posted Workers Act (AEntG) of 20.04.2009 (BGBl. I S. 799), or to comply with other legal provisions on minimum wages.
- to pay its workers (excluding trainees) hourly wages of at least 8.50 euros in executing the task.
- to oblige in writing all subcontractors and labour contractors to provide workers within the framework of fulfilling the contract at least the working conditions required for the provision of services by the subcontractor or the labour contractor in accordance with the Posted Workers Act (AEntG) of 20.04.2009 (BGBl. I S. 799) or other legal provisions on minimum wages.
- to ensure that the undertakings are given in writing by subcontractors or labour contractors (using this document, "Wirt 322") and to provide proof of the written communications to the contracting authority upon request.
- to ensure that the subcontractors or labour contractors in turn ensure that their subcontractors or distributors provide the above-mentioned undertakings in writing and agree to provide the contracting authority with proof of the written communications upon request.

The undertakings do not apply to services that are performed by foreign subcontractors abroad.

If the contractor or one his subcontractors fails to comply with the above undertakings, a penalty of 1 per cent of the contract price is agreed between the client and the contractor for every culpable violation, or in the case several violations together up to the amount of 5 per cent. The contractor is also obliged to pay the penalty in the case, that the violation is committed by a subcontractor or a sub-subcontractor.

The culpable failure to fulfill the above obligations by the contractor or its subcontractors entitle the client to termination without notice.

The client or authorized third party may for inspection purposes review the payroll accounting of the contracted companies, the documents relating to the payment of taxes and contributions to domestic and foreign social security institutions, the documents on the transfer of contributions to domestic and foreign social security funds of the construction industry and the contracts concluded between the executing companies. The executing companies must inform their employees of the possibility of such reviews in writing. The executing companies must maintain full and verifiable documentation for the review of the documents listed above and provide it upon request of the contracting authority.
Declaration on the observance of collective agreements, minimum wages and social security contributions

I declare / We declare

- by my / our signature / s that I / we will observe the special contract conditions concerning collective agreements, minimum wages and social security contributions (see page 1 of this document, "Wirt 322")

- will pay my / our workers in the execution of the contract equal pay for equal work (collective agreement provisions remain unaffected). The obligation does not apply to services that are performed by foreign subcontractors abroad.

I am / We are aware that a violation of this declaration will lead to exclusion from further contract awards and as consequence, my / our company can be excluded from the award of public contracts for a period of three years.

Place, date, signature and company stamp

Note:

In general, the text form is sufficient for signature. For participants in the e-procurement procedure, their digital signature replaces this or the manual signature.