



MINISTRY OF DEFENCE
AERONAUTICAL COMMAND
BRAZILIAN AERONAUTICAL COMMISSION IN EUROPE
16, GREAT JAMES STREET, LONDON WC1N 3DP
Telephones: (020) 7440-4321 / 7440-4323 – Fax: (020) 7831-8129
bid@bace.org.uk

BIDDING PROCESS Nº 033/BACE/2020



Authorized by:

Jorge Mauricio Motta Cel Av Group Capt
Head of BACE

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BIDDING PROCESS Nº 033/BACE/2020
PROCESSO Nº 67103.200252/2020-10

The Federal Government – Ministry of Defence – Aeronautical Command, through the **BRAZILIAN AERONAUTICAL COMMISSION IN EUROPE (BACE)**, located at 16, GREAT JAMES STREET, WC1N 3DP – LONDON-UK, Legal Entity Registry number 00.394.429/0042-89, through the Permanent Tender Commission, appointed by Public Bulletin number 15, of 31st JUL 2020, makes publicly known to interested parties, that it will commence a Tender process through a **Bidding Process**, in which the decision parameter will be the **LOWEST PRICE**, under the **fixed global price**, in accordance with the English law in force at the date of this process, its subsequent amendments and the requirements set forth in this Bidding Process.

DEFINITIONS

The following definitions have been adopted in this Bidding Process:

- a) **AWARD:** Act of granting the Winning Bidder the right to execute the object of this Bid;
- b) **AWARDED COMPANY:** Company to which BACE grants the Award;
- c) **BACE:** Brazilian Aeronautical Commission in Europe;
- d) **BID:** means a bid submitted by a Bidder in accordance with the Bidding Process;
- e) **BIDDING PROCESS:** means this document and the bidding process nº 033/BACE/2020;
- f) **BIDDER:** The Company submitting a Bid (together, the "BIDDERS");
- g) **PTC:** Permanent Tender Commission;
- h) **COMAE:** Aerospace Operations Command;
- i) **CONTRACT:** the proposed contract for the supply of goods and services to be signed between COMAE and the CONTRACTED PARTY, in the form set out in ANNEX III of this Bidding Process;
- j) **CONTRACTED PARTY:** The Company chosen to sign the Contract;
- k) **CONTROLLER:** Selected Representative(s) of COMAE tasked with overseeing the contract;
- l) **SILOMS-EXT:** Integrated Logistics, Material, and Services System – International Module;
- m) **PRICE PROPOSAL:** a price proposal submitted by the Bidder to BACE in accordance with clause 7 of this Bidding Process;
- n) **WINNING BIDDER:** the Company that submits the most advantageous proposal to BACE, according to the criteria set forth in this Bidding Process; and
- o) **REQUESTING ENTITY:** body of the Aeronautical Command which requested and will be the recipient of the final object of this Bidding Process.

1. LOCATION AND TIME

1.1 The Submission of Qualification and Price Proposal Envelopes and the opening of the Qualification Envelopes will take place at **11 AM on 14/12/2020**, at the **BRAZILIAN AERONAUTICAL COMMISSION IN EUROPE – BACE**, located at 16, GREAT JAMES STREET, WC1N 3DP – LONDON-UK, or other location indicated by BACE.

1.2 All references to time in this Bidding Process and during the public process will be London Time – UK.

1.3 At the indicated location will be carried procedures regarding to this Bidding Process, namely:

1.3.1 Submission of Qualification and Price Proposal Envelopes.

1.3.2 Opening of Qualification Envelopes.

OBJECT

2.1 The object of this Bidding Process is to hire electricity supply services for the Brazilian Aeronautical Commission in London, as per the Basic Project 49/DA/2020.

3. REPRESENTATIVE REGISTRATION

3.1 A BIDDER that wishes to attend the meeting for Submission of Qualification and Price Proposal Envelopes and the opening of the Qualification Envelopes shall submit a representative for registration to the PTC, duly provided with the document that authorizes him/her to take part in the Bidding Process by **11 AM on 14/12/2020**.

3.1.1. There is no obligation for the Bidder to be present at the meeting for submission of Qualification and Price Proposal Envelopes as well as for the opening of the Qualification Envelopes.

3.2 It will be considered as a legal representative any individual authorized by the Bidder, through the submission of the authorizing document to act on the Bidder's behalf during the opening of the envelopes meeting.

3.3 Documents that will be accepted for registration:

3.3.1 Articles of incorporation, when the authorized person is a shareholder of the Bidder;

3.3.2 Power of attorney or declaration from the Bidder granting power to the authorized person to act on their Bidder's behalf in any phase of this Bidding Process, according to model in Annex IV in this Bidding Process, providing a copy of the ID or Passport of the person who signed the power of attorney/declaration.

3.4 Each authorized person shall represent **only one Bidder**;

3.5 Each BIDDER shall submit one (01) legal representative and his/her registration/credentials must be presented at the Opening Meeting before the opening of the qualification envelopes.

3.6 One (01) legal representative means a single person.

3.7 Only a single representative per BIDDER is allowed to attend the Opening of Envelopes Meeting.

3.8 The non-submission of the authorization will not disqualify the Bidder, but it will prevent the legal representative from acting on the Bidder's behalf.

3.9 Regarding the authorization for the signing of documents:

3.9.1 The legal representative who will sign the documents referent to the Bidding Process shall identify their signature as:

a) Business owner or their proxy with power to represent them and decide on their behalf;

b) Business shareholder, if it has been incorporated as a private limited company and if this shareholder has contractual authorization to sign contracts, take part in Bidding Process, disputes and file appeals, according to the company Articles of Incorporation;

c) Business Director, with powers to sign on behalf of the company;

d) All companies' proxies and/or legal representatives in any situation mentioned above shall submit the document in the form set out in in **Annex III** bearing the business owner and/or legal representative, providing a copy of the ID or Passport of the person who signed the power of attorney/declaration.

Notes:

1. In case of private limited company where no legal representative has been assigned, all documents described and the documents submitted shall be signed by the company's shareholders.

2. The individual who wishes to sign documents on behalf of another individual shall submit authorization do to so, in accordance with **letter d)** of this Clause 3.9.1.

4. REQUIREMENTS FOR QUALIFYING BIDDERS

4.1 Companies may take part in this Bidding Process if they:

a) are previously registered in the SILOMS-EXT with their speciality being the object of this Bidding Process and have been invited by BACE;

b) are registered in the SILOMS-EXT, with their speciality being the object of this Bidding Process which, although having not been invited by BACE;

c) are not registered in the SILOMS-EXT, although is able to provide the object of this and meet all the requirements for registration available at www.bace.org.uk, and those contained in this Bidding Process and its Appendices.

4.2 Proposals will not be accepted from BIDDERS which:

- a) are in composition with creditors, are filing for bankruptcy, are under concourse of creditors, and are in the process of dissolution or liquidation, judicial recovery, extrajudicial recovery, merger, demerger, incorporation, or in liquidation ;
- b) have lost their right to submit a Bid for and be contracted by BACE, or have lost their right to be contracted by BACE, or have been considered not reputable to submit a Bid or to be contracted by the Federal Republic of Brazil;
- c) has as its Partner, Director, or Responsible Technician, any civil servant working at any agency or entity linked to the Brazilian Ministry of Defence and/or Aeronautical Command;
- d) commercial expertise does not specify an activity relevant and compatible with the object of this Bidding Process;
- e) are under control of the same group of individuals or legal entities of another BIDDER, directly or indirectly; and
- f) are part of the same economic group, which means those companies that have common directors, shareholders or legal representatives, or use common material, technological or human resources, except if they demonstrate they do not represent a common economic interest.

4.3 BIDDERS will be able to participate in this Bidding Process if they meet the conditions described in clauses 4.1 of this Bidding Process.

5. SUBMISSION OF QUALIFICATION AND PRICE PROPOSAL ENVELOPES

5.1 Up to the date and time established in this BIDDING PROCESS, each BIDDER must submit to the PTC: ONE QUALIFICATION ENVELOPE and ONE PRICE PROPOSAL ENVELOPE, separately.

5.1.1. Bidders who wish to submit their envelopes by tracked post/courier service shall observe that Envelopes **must be delivered before the opening session as described in clause 1**, including transit days for delivery.

5.1.2. BACE will not take responsibility for delays on delivering the envelopes.

5.2 The documentation must be in non-transparent and sealed envelopes, initialled at the closure strip, containing in its external and frontal parts, in highlighted letters, the following:

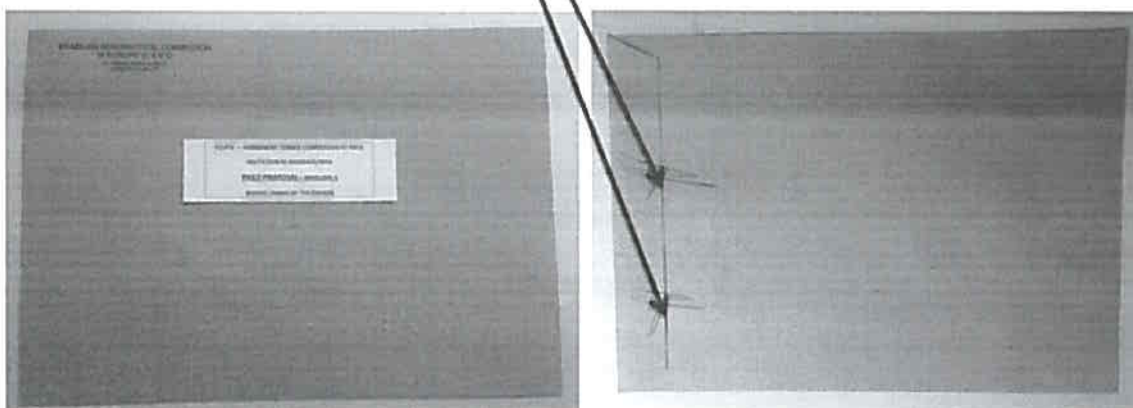
**TO PTC – PERMANENT TENDER COMISSION AT BACE
BIDIDNG PROCESS Nº 033/BACE/2020
BIDDER: [COMPANY NAME]
ENVELOPE Nº 01 – QUALIFICATION DOCUMENTS**

**TO PTC – PERMANENT TENDER COMISSION AT BACE
BIDIDNG PROCESS Nº 033/BACE/2020
BIDDER: [COMPANY NAME]
ENVELOPE Nº 02 – PRICE PROPOSAL**

Non-transparent and sealed envelopes, initialled over the closure strip

Front

Back



5.3 Upon receipt of envelopes and once the closing date for delivery is declared, BACE will not accept inclusions or replacement of any documents, price corrections or terms and conditions, nor any rectifications that may influence on the final result in this Bidding Process.

5.4 Participation of latecomers, under any circumstances, will not be accepted, except as a hearing participant.

5.5 Proposals containing erasures will not be accepted under any circumstances.

5.6 The openings of "Qualification and Price Proposal" envelopes will be held in a public open session, from which a minute will be written and signed by the members of PTC and by the legal representatives of the attending BIDDERS.

5.7 Receipt of Price Proposals will not confer any right to BIDDERS against BACE.

5.8 Documents can be presented in Portuguese or in English. If a Bidder presents envelopes in both languages, the text in Portuguese will prevail.

5.9 The documents submitted in both envelopes must be original, printed without erasures or overwriting, with its original signatures in blue or black ink.

5.9.1 Copies may be accepted provided they are notarized or consularized.

5.9.2 Documents with digitalized signatures will not be accepted.

6. ENVELOPE NUMBER 01 – QUALIFICATION:

6.1 BIDDERS will be considered qualified if they meet the conditions described in clause 6.2 of this Bidding Process;

6.2 The QUALIFICATION ENVELOPE(S) shall contain the following documents:

a) Company statement (in the form set out in ANNEX IV) informing:

- i) Bidder's name, how it should be written in any future contract, Tax Registration Number or equivalent, and complete address;
- ii) that the company is not facing bankruptcy, insolvency, suspended or barred from taking part in the Bidding Process or from any other commercial transaction with Federal, State or Government Agency;
- iii) that it is aware of the full content of this Bidding Process and its Annexes, and it accepts and fully submits to the conditions and requirements, as well as the legislation referent to the subject matter; and
- iv) copy of identification, as stated in clause 6.3 of this Bidding Process.

6.3 One copy of the ID or Passport of the person who signed the documents must be provided in the Qualification Envelope(s).

6.4 Documents submitted on the Qualification Envelope(s) must be printed without erasures or overwriting, with its original signatures in blue or black ink. In case it is impossible to submit original documents, copies may be accepted provided they are notarized or consularized.

7 ENVELOPE NUMBER 02 – PRICE PROPOSAL

7.1 The Price Proposal will be printed in the form set out in Annex II, without amendments, erasures, additions, and interlineation, duly dated and signed by the BIDDER or its duly qualified representative, and it may not contain ambiguous or contradictory provisions.

7.2 The Price Proposal shall be valid for 60 (sixty) days from the date of delivery of the "Price Proposal" envelope to BACE.

7.3 In the event that the deadline described in item 7.2 is not expressly stated in the proposal, the validity period of 60 (sixty) days will be deemed accepted by the BIDDER for the purposes of judging the "Price Proposal".

7.4 If, in the event of force majeure, the award cannot occur within the period of validity of the bid, which is 60 (sixty) days, and if the interest of BACE persists, BACE may formally request the extension of the aforementioned validity.

7.5 The values contained in the Bid (Annex II) must be expressed in POUNDS STERLING (GBP), in arabic numerals with two decimals.

7.6 The Price Proposal will be the sole responsibility of the BIDDER. A Price Proposal that offers a reduction of the lowest offered price, in whole or in part, will not be considered.

7.7 Under no circumstances may the presented Bid be altered, whether regarding to price, payment terms, deadlines or any other condition which modifies its original terms.

7.8 The Price Proposal shall include all direct and indirect costs, when charged in the origin, including, (but not limited to): tax, VAT, administration fees, materials, services, social and employment taxes, insurances, profit and others expenses that may be charged on the object of this Bid.

8 BIDDING PROCESS

8.1 The Bidding process will have the following phases:

- a) **Phase 1** – if attending, registry of legal representatives
- b) **Phase 2 – 1st Meeting**: submission of Qualification and Price Proposal Envelopes
 - i) Submission of Envelopes 1 and 2, Qualification Envelope(s) and Price Proposal Envelope(s), respectively;
 - ii) Opening of Qualification Envelopes: in the presence of the interested parties, by the Permanent Tender Commission, which confer and examine the submitted documentation, that shall bear the initials of all bidders' legal representatives present;
 - iii) Qualification documents will be analysed by BACE and sent for analysis by the Technical Commission;
 - iv) Envelopes containing Price Proposals will be received and kept locked in a safe at BACE; and
 - v) Write of a Minute of Meeting.
- c) **Phase 3** – Analysis of the Qualifications Documents:
 - i) Verification of clauses 4.1 and 6 of this Bidding Process by the PTC and Technical Commission
 - ii) Writing of the minute of meeting, pointing out the irregularities, classifying the Bidders as qualified and disqualified.
 - iii) In the event all Bidders are disqualified, the PTC may establish a period of (3) three working days for the Bidders submit a new documentation.
- d) **Phase 4** – Publication of the Qualification Minute of Meeting at BACE website, and start of the appeal period, observing what has been established in the Clause 8.6 of this Bidding Process;
- e) **Phase 5** – Convene the Bidders for the Opening of Price Proposal Envelopes, on a date to be determined. Bidders will be notified through direct communication or through letter.
- f) **Phase 6 – 2nd Meeting** – Opening of the Price Proposal Envelopes
 - i) Only Price Proposal Envelopes from qualified Bidders will be accepted.
 - ii) Proposal Envelopes shall bear the initials of all Permanent Tender Commission members and by the Bidder's legal representatives attending the meeting.
 - iii) Price Proposal will be evaluated by BACE and sent to evaluation by the Technical Commission;
 - iv) Write of Minute of Meeting.
- g) **Phase 7** - Verification of conformity of each proposal and respective prices with the requirements constant in the Bidding Process and Annexes, by BACE and Technical Commission and, disqualifying nonconforming and incompatible proposals accordingly.
- h) **Phase 8** – Classification of proposals and writing of the minute of meeting containing all information, including the Winning Bidder and disqualified Bidders.
- i) **Phase 9** – Publication of the Price Proposal Minute at BACE website, and start of the appeal period.
- j) **Phase 10** – Order of the decision-making authority (Head of BACE) approving the process and defining the winner(s) of this Bidding Process and granting the object to the WINNING BIDDER(S).
- k) **Phase 11** – Publication of the Awarded Bidder(s).

8.2 After the opening of the envelopes, all documents and the proposals contained therein will be initialled by all present BIDDERS' representatives and all members of the PTC. BACE will not accept any further complaints by those abstaining from initialling the documents.

8.3 The PTC or its higher authority reserves the right, at any stage of this Bidding Process, to issue any additional procedures which aim to clarify or complete the regulation of the process.

8.4 The disqualification of a Bidder means the loss of right to participate in the subsequent phases.

8.5 After the opening of the "Price Proposal" envelopes, BACE will not accept a withdrawal of the proposals, except in the event that unexpected facts arise that are accepted by BACE at its absolute discretion.

8.6 After the opening of Price Proposal Envelopes, a Bidder cannot be disqualified for reasons regarding to qualification, except for supervenient reasons or only learnt after judgment.

8.7 If the minimum of 3 (three) valid proposals are not reached, the Bidding Process will be republished.

8.7.1 If due to market constraints of clear lack of interest by invited companies, the minimum number of proposal required is not achieved, these circumstances must be duly justified in the process; otherwise the Bidding Process has to be repeated.

8.8 The deadline for judgment of the qualification documents will be up to **15 (fifteen) working days** from the opening of the envelopes, and may be unilaterally extended upon notification by the PTC.

8.9 Price Proposal Envelopes from disqualified Bidders will be returned to them duly sealed.

9. JUDGEMENT OF PROPOSALS

9.1 This Bidding Process is classified as "**LOWEST PRICE**" and the evaluation and judgment of the proposals will be made according to the following criteria:

9.1.1 Price Proposals will be evaluated and judged if it complies with the requirements of this Bidding Process by the PTC. The PTC will classify BIDDERS using the "**LOWEST PRICE**" criteria for the aforementioned Bidding Process. The classification will be in order of increasing prices offered;

9.1.2 The deadline for judgment of the proposals shall be **fifteen (15) working days** from the date the Price Proposal envelope is opened and may be unilaterally extended upon notification by the PTC;

9.1.3 The PTC may request opinions from technicians or specialists employed by the Aeronautical Command or, also, from others individuals or legal entities, in order to guide its decision;

9.1.4 In case of a tie between two or more proposals, it will be resolved by a drawing, in the presence of all BIDDERS; and

9.1.5 During the Price Proposal assessment, the Winning Bidders(s) will be the one who offers the lowest price in their Price Proposal (**Annex II**), provided that:

a) Price Proposal shall be submitted in two decimal places; and

b) The Bidders shall indicate the total price proposed, including all additional costs, such as: taxes, fees and any other associate costs to the rendered of services, exempting BACE from paying any additional costs. To formulate the price proposal, interested parties must also be aware of Annex II of this Bidding Process.

10. DISQUALIFICATION OF PROPOSALS

10.1 After evaluation, a proposal will be disqualified if it:

a) does not meet the requirements contained in this Bidding Process;

b) presents offers not anticipated in this Bidding Process; and

c) presents manifestly unenforceable prices.

10.2 In the event of repetition of the Bidding Process and proposals where all BIDDERS are disqualified in accordance with clause 8.1(c)(iii) of this Bidding Process, the PTC may propose to BIDDERS a new deadline of 8 (eight) working days to submit new documentation, excluding the causes that have been the reason for the disqualification. The new proposals, **with no alteration of the original price**, must be presented in a public meeting, with the date to be informed by the PTC, observing the procedures of evaluation and judgment.

11 PROCESS APPROVAL AND AWARD OF THE OBJECT

11.1 The final result of the Bid will be registered in a minute of meeting, in which the PTC will register the **WINNING BIDDER(S)**, justifying, in detail, the reasons for the disqualification of the other Bids or statement of proposal unfeasibility.

11.2 Once the minute of meeting has been signed, the PTC will make publicly known in a public meeting and in the BACE website (www.bace.org.uk) the result of the judgment, establishing a deadline of **five (5) working days** for filing an appeal.

11.3 After the period for filing an appeal has ended, or the existing appeals have been analysed and completed, the minute of meeting will be submitted to the Head of BACE for approval and Award to the Winning Bidder(s).

11.4 The Order or Minutes of the Decision from the Head of BACE regarding the process approval and award of the object will be disclosed through document which will be part of the process.

11.5 The **WINNING BIDDER(S)** will be required to maintain the commitment regarding its Bid during ninety (90) days from the delivery of the proposal.

12 RENDERING OF SERVICES

12.1 The service will be formalized by a Purchase Order;

12.2 The service must be performed within 30 days from the date of the Purchase Order;

12.3 The Winning Bidder shall provide to BACE the bank details in the United Kingdom, where BACE will make the payments;

12.4 Under no circumstances may the CONTRACTED PARTY discontinue unilaterally the rendering of services on the grounds of non-compliance by BACE

12.5 The unjustified refusal by the **WINNING BIDDER** to accept or withdraw the Purchase Order within the period specified by BACE, will be considered as full non-compliance of the obligation undertaken under this Bidding Process.

12.6 Once the respective service has been received by the Controller, and upon issuing the latter's authorization, the CONTRACTED PARTY shall bill the corresponding expense, which will be paid by the CONTRACTING PARTY.

13 SUBCONTRACTING

13.1 Subcontracting of specialized services will not be allowed;

14. PAYMENT METHODS

14.1 All payments must only be performed in POUNDS STERLING (GBP) to a bank account which should be provided by the CONTRACTED PARTY prior to the date of the Purchase Order.

14.2 Any Invoice which has not been approved by BACE shall be returned to the Contracted Party for the necessary corrections, informing the reasons for the refusal. The invoice new payment period will start from the date of the resubmission.

15. CHALLENGE OF THIS BIDDING PROCESS

15.1 Any citizen may challenge, in writing, the terms of this Bidding Process up to 2 (two) working days from the date established for submission of Qualification and Price Proposal Envelopes and opening of the Qualification Envelopes.

15.2 A challenge to this Bidding Process shall be submitted to email bid@bace.org.uk or registered in the General Protocol Department of BACE, located at 16 Great James Street, London, WC1N 3DP, and addressed to the President of the PTC.

15.3 BIDDERS will have two (2) working days before the opening of the QUALIFICATION AND PRICE PROPOSAL envelopes to challenge this Bidding Process, after this deadline challenges will not be accepted.

15.4 A timely appeal submitted by BIDDERS will not prevent them from participating in the Bid until the final decision on the appeal has been taken.

16. ADMINISTRATIVE APPEAL

16.1 An appeal against any act of PTC should be submitted to email bid@bace.org.uk or registered in the Registry Department at BACE located at 16 Great James Street, Holborn, London – United Kingdom, WC1N 3DP, for the attention of the President of the PTC. This authority may reconsider its decision within **five (5) working days**. If there is not reconsideration, the Head of BACE shall send the petition, within that same period, to the higher authority which shall render a decision within **five (5) working days** from the receipt of the appeal.

16.2 During the appeal period, the process file will be open for the examination by BIDDERS at a place determined by the PTC. Under no circumstances shall those records be removed from the premises.

16.3 The appeal judgment results will be sent to all Bidders by letter, fax or email.

16.4 The following appeals will be admitted to the BACE's actions during this Bidding Process:

16.4.1 Hierarchical appeal, within **five (5) working days**, from the notification of the act, or the issue of the minute of hearing, in the event of:

- a) qualification or disqualification of Bidders;
- b) proposal judgment;
- c) annulment or revocation of the Bidding Process;
- d) refusal from registration in the suppliers database, or the alteration or cancellation of exiting registration and;
- e) Imposition of written warning or temporary suspension penalties.

16.4.2 Representation, within **five (5) working days**, from the notification of the decision related to the object of the Bid or Contract, if a hierarchical appeal cannot be filed.

16.5 After receiving the appeal, it will be notified to the others Bidders, who may submit counter-arguments within **five (5) working days**.

16.6 The appeal will be sent to a higher authority duly instructed, by the authority that practiced the appealed act, who may reconsider their decision, within **five (5) working days** of receiving the appeal.

16.7 Any arguments or inputs regarding to the Bidder's defence who is seeking total or partial reconsideration of

the **Permanent Tender Commission** shall be submitted only in writing and attached to the appeal.

17. BUDGET

17.1 The costs for executing the object of this Bidding Process shall be funded by the Ministry of Defence, available through the Nature of Expenditure 33.90.39, in ACTION 2000.

18. ADMINISTRATIVE SANCTIONS

18.1 In the event of the occurrence of any legal infringements, especially of non-performance of an obligation by the Contracted Party, it will be subjected to the following sanctions, guaranteed the full defence:

- a) written warning; and
- b) temporary suspension from taking part in future bidding and barred from contracting with BACE, for a period of up to two years.

18.2 The penalties provided for in items "a" and "b" of clause 18.1. shall apply, as appropriate, as follows:

18.2.1 Written Warning: If the Contracted Party breaches the terms and conditions of the Contract for the first time, the Controller, after become aware of the breach, shall give the Contracted Party two (2) working days to remedy the breach, without prejudice to the penalties set out in clause 18.1.(b).

18.3 The warning referred to in clause 18.1(a) shall not prevent BACE from terminating the Contract and applying the penalties set out in clause 18.1(b).

18.4. The imposition of any penalty does not discharge the Contracted Party from complying with its obligations, or to take the necessary measures to repair or compensate any damage caused to BACE.

18.5. The penalties foreseen in this Bidding Process or in the Contract are independent and can be applied separately or jointly, without prejudice to any other remedies which may be sought by BACE.

19 INSPECTION OF SERVICES RENDERED

19.1 The service will be faithfully executed by the parties and it will be controlled by an Agent, Commission or designated Body (the "Controller"), published in Internal Bulletin and informed to the CONTRACTED PARTY about the Controller's composition.

19.2 The Head of BACE and the CONTROLLER may, at any time, carry out control activities.

19.3 The appointed Controller or Control Committee may be replaced at any time, for the interest of BACE, and their substitutes formally presented to the CONTRACTED PARTY.

19.4 The CONTRACTED PARTY is obliged to remedy when notified by the CONTROLLER, in accordance with Basic Project number 49/DA/2020.

20. PRICE ADJUSTMENT

20.1 Price of services is fixed and cannot be adjusted.

21 ADDITIONS AND SUPPRESSIONS

21.1 Additions and/or suppressions will not be allowed.

22. REVOCATION AND ANULLMENT OF BIDDING PROCESS

22.1 The Head of BACE may revoke this Bidding at any time, if there are reasons of public interest for doing so. In this case there must be factual evidence to justify such conduct. The Head of BACE will then annul it by notice in writing to that effect to all parties.

22.2 The annulment of the Bidding Process, by reason of illegality, generates no obligation on BACE or rights for the BIDDERS.

23. FORUM

23.1 Any dispute or claim (including non-contractual disputes or claims) arising out of or in connection with it or its subject matter or formation, shall be governed by and construed in accordance with the English Law.

24. FINAL PROVISIONS

24.1 Any request for clarification of this Bidding Process and its appendices should be sent in writing, email or facsimile, until the second business day preceding the opening of "Qualification and Price Proposal" envelopes, which is, until the second previous working days of the qualification envelopes opening, to the PTC of BACE, 16 GREAT JAMES STREET, LONDON, WC1N 3DP. Questions that arise after the aforementioned period will not be taken into consideration.

24.2 The deadlines for the present Bidding Process will exclude the first day and include the last day. The first and last day for the purposes of this Bidding Process must fall on working days.

24.3 The terms and conditions that govern this Bidding Process will always be interpreted in order to increase competition between the BIDDERS without compromising the security of future contracts.

24.4 Any cases not described in this Bidding Process shall be resolved by the Head of BACE based on the legislation in force.

24.5 In case of divergence between this Bidding Process and its Annexes or other parts that compose the process, this Bidding Process will prevail.

24.6 In case of queries and / or controversies arise during the process, in particular regarding interpretation of this instrument and its Annexes, the Portuguese language shall prevail.

24.7 Participation in this Bidding Process means total, unrestricted, and irrevocable submission by the BIDDER to the condition in this Bidding Process.

24.8 Decisions from the Permanent Tender Commission will be available at BACE website and notified directly, via e-mail or letter, to the Bidder's legal representatives, especially regarding to:

24.8.1 Clarification request;

24.8.2 Qualification or disqualification of Bidders;

24.8.3 Proposals judgment;

24.8.4 Appeals results, if any; and

24.8.5 Result of this Bidding Process.

24.9 The following attachments are part of this Bidding Process:

24.9.1 ANNEX I – Basic Project 49/DA/2020;

24.9.2 ANNEX II – Price Proposal Template;

24.9.3 ANNEX III – Draft of Legal Representative Letter;

24.9.4 ANNEX IV – Draft of Bidder's Declaration, according to item 6.2, letter "a".

London, December 2020.

By:



AMANDA VIDAL PEDINOTTI DA SILVA Ten Cel Int
Head of Contracts and Acquisitions

APPROVAL:



Jorge Mauricio Motta Cel Av
Head of BACE

**ANNEX I
BASIC PROJECT**

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke at the end.

**ANNEX II
PRICE PROPOSAL TEMPLATE**

QUOTATION (24 MONTHS AGREEMENT)						
Item	Specification	Standing Charges Price	Unit Day Rate p/kWh	Unit Night Rate p/kWh	Fits or CCL p/Kwh	Total 24 Month Estimated Agreement Cost (£)
1	STANDING CHARGES					
2	DAY UNIT PRICES FOR THE AVERAGE 24 MONTH CONSUMPTION OF 82,400Kwh					
3	NIGHT UNIT PRICES FOR THE AVERAGE 24 MONTH CONSUMPTION OF 22,156Kwh					
4	DAY RATES OF FIT'S OR LLC LEVY (24 MONTH CONSUMPTION OF 104,556kWh)					
TOTAL COST						



PLEASE DO NOT FILL THESE DARKENED SQUARES

Total amount for 24 months: GBP _____ (_____)

**ANNEX III
DRAFT OF LEGAL REPRESENTATIVE LETTER**

TO BE PRINTED ON LETTERHEAD PAPER

[Local], [date: day/month/year]

**TO
BRAZILIAN AERONAUTICAL COMMISSION IN EUROPE
FAO: PERMANENT TENDER COMMISSION**

RE: OUR LEGAL REPRESENTATIVE FOR BIDDING PROCESS 033/BACE/2020

I _____, in compliance with the terms of the Bidding Process nº 033/BACE/2020, accredit as our legal representative Mr/Mrs/Ms. [XX], identified by ID/Passport Number [delete as appropriated] Number [XXXXXXXXXXXX], to whom I bestow the most extensive powers, including lodging appeals, when applicable, as well as compromise, forsake, sign documents and minutes and, lastly, perform all other acts in this Bid.

I further declare that the company is aware of the entire contents of Bidding Process nº 033/BACE/2020.

Please find enclosed copy of my valid ID/Passport within this letter.

Name
Managing Director
Company's name

>>>>> Please note that the original valid ID/passport of the legal representative shall be presented within this letter <<<<<

**ANNEX IV
DRAFT OF BIDDER'S DECLARATION**

TO BE PRINTED ON LETTERHEAD PAPER

[Local], [date: day/month/year]

**TO
BRAZILIAN AERONAUTICAL COMMISSION IN EUROPE
FAO: PERMANENT TENDER COMMISSION**

RE: Bidding Process N° 033/BACE/2020 (6.2, "a")

BIDDER INFORMATION

Company's legal name:

Company's legal owner/managing director:

Company's address:

VAT/Tax Identification number is:

DECLARATION

I, [_____], identified by ID/Passport Number [delete as appropriated] Number [xxxxxxxxxxxxxxxx], and legal owner/managing director of (Company's legal name) herewith declare, that we are not facing bankruptcy, insolvency, suspended or barred from taking part of any bidding process or from any other commercial transaction, Federal, State or Agency.

I fully accept and understand the conditions and requirements therein, as well as applicable legislation on the matter and confirm full knowledge of the content of this Bidding Process and its annexes.

Please find enclosed copy of my valid ID/Passport within this letter.

Name
Managing Director
Company's name

