

**BRAZILIAN AERONAUTICAL COMMISSION IN WASHINGTON D.C.**



**2<sup>nd</sup> REPUBLISHING OF INVITATION FOR BID 193792/CABW/2019  
PAG 67102.193792/2019-06**



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RENATO ALVES DE OLIVEIRA, Lt Col  
President of the BACW's Bidding Commission



RODRIGO OTAVIO CORRÊA SAMPAIO, Lt Col  
Chief of BACW Fiscal Division



MINISTRY OF DEFENSE  
 AERONAUTICAL COMMAND  
 BRAZILIAN AERONAUTICAL COMMISSION IN WASHINGTON D.C.

2<sup>nd</sup> REPUBLISHING OF INVITATION FOR BID 193792/CABW/2019  
 PAG 67102.193792/2019-06

**Legal Support:** The Brazilian Federal Government, through the Brazilian Aeronautical Commission in Washington (“BACW”), lets it be known to all who may be interested, that on the date, time and place indicated below, BACW will carry out a bidding process on the basis of indirect execution, to be adjudicated based on the **LOWEST GLOBAL PRICE** (Letter A, Sub-item VIII of Article 6 of Brazilian Law 8,666/93), in accordance with this INVITATION FOR BID and its Annexes. The bidding procedures will follow the principles of the Law n° 8.666/93 (Brazil), its related legislation, and the other requirements provided in this INVITATION FOR BID and its Annexes. Furthermore, bids submitted to BACW will be interpreted, evaluated and judged according to the principles of the articles 3 and 123 of Law n° 8,666 from 06/21/1993, regarding legality, impartiality, moral, equality, transparency.

Date of delivery and opening of envelopes:	September 4 <sup>th</sup> , 2019
Time:	8:00 a.m. (Eastern Standard Time)

Address:	1701 22nd St N.W. Washington D.C 20008	Phone:	(202) 483-4031
		Fax:	(202) 483-4684
		E-mail:	<a href="mailto:con@cabw.org">con@cabw.org</a>

Accreditation:	September 4 <sup>th</sup> , 2019
Time:	8:00 a.m. (Eastern Standard Time)

**1. DEFINITIONS**

1.1. In order to facilitate the comprehension of terminology and to simplify text composition, the following abbreviations and expressions were adopted, followed by their definitions hereafter:

1.1.1.1. BP or BASIC PROJECT- As per Brazilian Law 8.666, dated June 21<sup>st</sup>, 1993, the set of necessary and sufficient elements, with the necessary degree of precision,

  
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to define the project, service or body of work, which will constitute the Bid Subject. It is drafted based on the suggestions drawn from preliminary technical studies, which ensure technical feasibility and adequate treatment of the project's environmental impact, as well as evaluating the project or service's costs, defining the methods and terms for its performance.

**1.1.1.2. COMAER** – Brazilian Aeronautical Command;

**1.1.1.3. COMREC** - Goods and Services Receiving Commission;

**1.1.1.4. CONTRACTED PARTY** – the natural person or legal entity contracted to perform the services;

**1.1.1.5. CONTRACTING PARTY**- Brazilian Aeronautical Commission in Washington, DC (BACW);

**1.1.1.6. FAB** – Brazilian Air Force

**1.1.1.7. ICA** – Aeronautical Command Directive;

**1.1.1.8. INVOICE** – Commercial document formalizing an act of purchase and sale abroad, which must contain- among other information- the following data: supply quantity, supply unit, price, payment terms, taxes, duties and FAB Purchase Order Number.

**1.1.1.9. MO** - Military Organization;

**1.1.1.10. PAG** – Administrative Management Process;

**1.1.1.11. PURCHASE ORDER** - Document issued by the CONTRACTING PARTY authorizing the performance of the deliverables.

**1.1.1.12. TERM OF RECEIPT** – Document issued by the COMREC attesting and accepting services performed.

## 2. OBJECT

**2.1.** Contracting of rental 3 charter buses with capacity to transport up to 56 passengers on each vehicle/bus or a total of 168 people around the Washington Metropolitan Area (Virginia, Maryland and Washington D.C), including drivers and fuel, for a period of 8 days, in accordance with the schedule and specifications presented on the BASIC PROJECT 030/CABW/2019, ANNEX I, of this Invitation for Bid.

**2.2.** The following annexes are integral parts of this Invitation for Bid, regardless of whether or not they are herein transcribed:

**ANNEX I** – BASIC PROJECT;

**ANNEX II** – PRICE PROPOSAL MODEL;

**2.3.** The services that are the object of this INVITATION FOR BID shall be performed on the basis of indirect execution, at the Lowest Global Price.



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### 3. PARTICIPATION REQUIREMENTS

3.1. Interested companies, registered with BACW or not, that are related to the object of this bidding may participate in this Bidding Process pursuant to the provisions of the respective acts that established the bidding. The BACW will select and invite at least three (3) companies.

3.2. Companies that are under the following conditions may not participate in the bidding:

3.2.1. Bankruptcy, legal restructuring, or extrajudicial reorganization;

3.2.2. Dissolution or liquidated;

3.2.3. Suspended from participating in bidding processes or have a note of failure on the execution of a contracting in its registration in BACW in the last 3 months;

### 4. ACCREDITATION

4.1. The bidder, or its representative shall report to the Bidding Commission at the place, date and time indicated in the preamble to this INVITATION FOR BID for the purpose of conducting the registration of the participants in this Bidding Process, with his/her ID card, or other identification document, along with the document granting him/her powers to express opinions during the bidding procedures (such documents shall be made available outside of the Envelopes containing the Qualification Documents and Price proposals).

4.1.1. Failure to present any of the documents for registration or presentation of incorrect documents shall not preclude participation of the bidder. However, it will prevent its representative from expressing an opinion on behalf of the bidder.

4.2. The representative of a bidder shall be any qualified individual under the terms of its incorporation papers, public power of attorney document, private and notarized power of attorney document, or equivalent document.

4.2.1. Incorporation papers or registration as a proprietorship shall describe the authority of the representative of the bidder to represent it before third parties.

4.2.2. A power of attorney document shall describe all the required powers to present proposals and carry out all acts pertaining to the bidding process, and should be accompanied with incorporation papers or proprietorship registration.

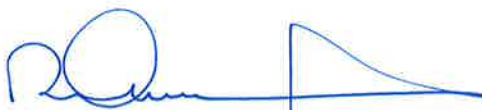
4.3. A registered representative may only represent one bidder.

### 5. ENVELOPES WITH QUALIFICATION DOCUMENTATION AND PROPOSAL

5.1. Each bidding participant shall present two envelopes, one containing qualification documents and the other the price proposal.

5.2. The sets of documents pertaining to qualification and price proposal shall be delivered separately, inside sealed envelopes, with an initial on the flap and identified with the name of the bidder.

5.3. Bidders are strongly urged to use the following identification label format in order to identify their bids.



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**ENVELOPE Nº 01 – QUALIFICATION DOCUMENTS**  
BRAZILIAN AERONAUTICAL COMMISSION IN WASHINGTON  
INVITATION FOR BID Nº 193792/CABW/2019  
**[NAME OF THE COMPANY]**

**ENVELOPE Nº 02 – PRICE PROPOSAL**  
BRAZILIAN AERONAUTICAL COMMISSION IN WASHINGTON  
INVITATION FOR BID Nº 193792/CABW/2019  
**[NAME OF THE COMPANY]**

**5.4.** The ENVELOPE Nº 01 – QUALIFICATION DOCUMENTS, and the ENVELOPE Nº 02 – PRICE PROPOSAL **must be included in an oversized envelope, sealed and addressed to the BIDDING COMMISSION.** The name and address of the bidder must be shown in the upper left corner of the bid envelope, and the INVITATION FOR BID number, the date and hour of bid opening must be shown in the envelope in accordance with the following model:

**C/O BIDDING COMMISSION – BID # 193792/CABW/2019**  
BRAZILIAN AERONAUTICAL COMMISSION IN WASHINGTON  
1701 22nd Street N.W. Washington, DC 20008

**SESSION ON September 4<sup>th</sup>, 2019 at 8:00 a.m. (EST)**  
**NAME OF THE COMPANY**

**5.4.1.** The envelope may be forwarded by Postal Service or other similar delivery services, with tracking capabilities, and proof of delivery receipt. The envelope must be delivered at least by the opening of the public session at **08:00 a.m.** (Eastern Standard Time) of **September 4<sup>th</sup>, 2019.**

**5.4.1.1.** Bidders are strongly advised to inform the tracking number of their envelopes to the BIDDING COMMISSION by means of the e-mail [con@cabw.org](mailto:con@cabw.org) prior to the date and time of the opening of the public session.

**5.4.1.2.** Envelopes delayed to be delivered to the BIDDING COMMISSION due to carrier issues or improper envelope identification shall not be considered.

**5.4.1.3.** BACW shall not be responsible for mistakes due to an envelope's improper identification.

**5.4.1.4.** When sending envelope by Postal Service, the bidder must include the bid number on the outside envelope, so the package can be identified when arriving at BACW. (e.g Some carriers permit the inclusion of the Bidding Number in the REFERENCE field.)

**5.4.2.** Envelopes may also be presented in person to the Bidding Commission in the public session.



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## 6. QUALIFICATIONS (ENVELOPE # 01)

6.1. Companies must deliver the following documents in its qualification envelope.

### 6.2. Legal Qualification:

6.2.1. Present evidence of the **Company's Federal Tax Identification Number/EIN**;

6.2.2. Present the **Basic Business License** and all other evidence of authorization to operate and provide the required transportation services in the relevant jurisdictions, in the relevant field and issued by relevant Government Agency(ies);

6.2.3. Present the following documents of the Company: **Certificate of Incorporation, or Certificate of Formation, or Articles of Incorporation, or Articles of Organization**, or other similar organizational document.

6.2.4. Present a valid **Certificate of Commercial General Liability Insurance** of the Company (proof of insurance);

### 6.3. Technical Qualification:

6.4. COMPANIES participating as representatives of the Insurance Companies in this Bidding Process must present technical qualification.

6.4.1. COMPANIES must present **Proof of Automobile Insurance for each vehicle** that are object of the service for this INVITATION FOR BID;

6.4.2. COMPANIES must present a **Declaration of date from the last maintenance for each vehicle** that are object of the service for this INVITATION FOR BID;

6.4.3. COMPANIES must present a **Copy of Commercial Driver's License of each of the drivers** that will be executing the object of the service for this INVITATION FOR BID;

6.4.4. COMPANIES must provide a **Description of each vehicle and their specifications** that are object of the service for this INVITATION FOR BID.

6.4.5. COMPANIES must provide a **Proof of Commercial Automobile Liability Insurance** that are object of the service for this INVITATION FOR BID.

6.4.6. COMPANIES must provide a **Workers Compensation and Employer's Liability Insurance** that are object of the service for this INVITATION FOR BID.

6.5. The required certificates, licenses, agreements and/or statements shall be valid in cases where there are expiration dates.

6.6. No delivery slip or official request for documents will be accepted in lieu of the documents required in this Invitation For Bid and its Annexes

## 7. PRICE PROPOSAL (ENVELOPE # 02)

7.1. The proposal, which should be typed and written in English, must be clear and have no amendments or erasures, duly dated and signed, with all pages initialed by the bidder's representative, according to the model in ANNEX II and the BASIC PROJECT, ANNEX I.

7.2. The PRICE PROPOSAL must indicate the GLOBAL FIXED PRICE.

7.2.1. In order achieve the GLOBAL PRICE the bidder must multiply the price per hour per bus (3 buses) during a 8 day period and a total of 70 hours in accordance with the Item 3.7 of the Basic Project 030/CABW/2019.

  
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RODRIGO OTAVIO CORRÊA SAMPAIO, Lt Col  
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**7.3.** The proposal shall include:

**7.3.1.** The service quoted shall include all costs required to perform or arising from the performance of the services, whether direct or indirect, including but not limited to what is described below: all inputs such as fees and/or taxes of invoice, social contributions, duties and taxes, insurance, administrative fees, permits, and all other costs and fees necessary for full compliance with the object of the INVITATION FOR BID, in accordance with the BASIC PROJECT.

**7.3.2.** The validity of the proposal shall not be less than sixty **(60) days** from the day the bidding process is officially initiated.

**7.4.** Under no circumstances shall the content of the submitted proposals be changed, neither with regard to price nor any other terms or conditions that imply any alteration to the original proposal. Exceptions are allowed only when these are formal changes intended to resolve immaterial errors or mistakes, without any alteration to the substantive content of the proposal or the aforementioned terms and conditions, and provided they will not cause any adverse impact to the other bidders.

**7.5.** Errors in filling out the proposal should not warrant disqualification of the proposal when it is possible to make adjustments without the need to increase the prices offered, and provided it is demonstrated that the amount will be sufficient to cover all costs of the Contract.

**7.5.1.** In case errors are noticed, the Bidding Commission will perform a diligence in order to assure that the adjustments to be made do not constitute need to increase the offered prices, and/or the offered price covers the cost of the CONTRACT.

**7.5.2.** Any correction in proposals shall be duly recorded in the open session's meeting minutes.

**7.6.** The changes addressed under this item shall be submitted to the Bidding Commission for review.

**7.7.** The Bidding Commission may perform the correction of any of the above-described errors, or it can request the Bidder to submit the corrected proposal. No complaints with regard to the proposals will be admitted after they are duly recorded in the minutes.

**7.8.** After qualification, it is not possible to withdraw a proposal, unless for cause due to a supervening fact as accepted by the Commission.

**7.9.** The award will be made to the lowest responsive bid per module after qualification phase and price proposal acceptance.

**7.10.** The service value is estimated to be a maximum of US\$ 28,800.00 (70 hours during a 8 day period).

**7.11.** The maximum estimated value per hour in case exceeded the estimated 70 hours contracted shall be US\$ 120.00 per hour exceeded per bus.

## 8. PROCEDURE FOR OPENING ENVELOPES

**8.1.** On the date, time and place indicated in this INVITATION FOR BID, in a public act, before the bidders present, the Permanent Bidding Commission will receive the oversized sealed envelopes (referenced in item 5.4) containing **Envelopes n° 01 and n° 02**, and will proceed to initiate the bidding process.

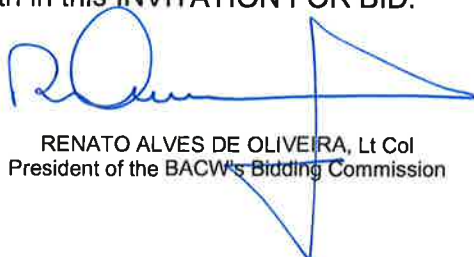
  
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- 8.1.1.** These public acts may be attended by any person, but only the bidders and their registered representatives will be allowed to engage the Bidding Commission in conversation.
- 8.2.** Once the deadline for delivering the documents has passed, no other documents will be received, nor will there be accepted any addendum or clarifications regarding the documentation or price proposal submitted.
- 8.3.** After the bidders are identified, the Bidding Commission will proceed to open Envelopes nº 01 – Qualification Documents.
- 8.3.1.** The content of the envelopes shall be initialed by the members of the Bidding Commission and the representatives of all of the bidders present.
- 8.4.** The qualification of the bidders will be verified, in accordance with this INVITATION FOR BID.
- 8.4.1.** Should the Bidding Commission deem necessary, it could adjourn the public session, so as to analyze the documents presented by the bidders, setting, at that time, a new date and time when a new public meeting will take place, informing all bidders.
- 8.4.1.1.** Considering the above hypothesis, all the qualification documents already initialed, and the Envelopes nº 2 – Price Proposals – initialed on the outside by the present bidders and the Bidding Commission members, will be kept by the Bidding Commission, until the qualification phase is concluded.
- 8.5.** Disqualified bidders will have the Envelope nº 2 returned unopened after the legal period has transpired without appeal or its withdrawal, or an adverse decision on its appeal.
- 8.6.** In case there are not 3 (three) participating bidders at the bidding meeting, the Bidding Commission will inquire to the present bidders about safeguarding their envelopes for a republishing of the IFB to be announced at later date.
- 8.7.** After the analysis of the QUALIFICATION DOCUMENTS, it will be granted the deadline of 2 (two) business days, for the bidders to present any appeals. After that, a date for new meeting for opening the PRICE PROPOSAL will be announced.
- 8.7.1.** The opening of PRICE PROPOSAL may occur at the same meeting in the following cases:
- 8.7.1.1.** All bidders are declared QUALIFIED by the BIDDING COMMISSION, and the present bidders waive their right to appeal.
- 8.7.1.2.** All the bidders are present and waive their right to appeal.
- 8.7.1.3.** If the Bidding Commission consults the bidders that are not present at the meeting and they waive their right to appeal together with all bidders present.
- 8.8.** In the event that one of the bidders does not withdraw the right to appeal the qualification phase, Envelopes nº 2 – Price Proposals – will be initialed by the bidders, and kept in a safe until a date is set for their opening.
- 8.9.** After the qualification phase is finished and all the proposals have been opened, bidders cannot be disqualified by any reason related to the qualification process, with the exception of any supervening facts, or facts only known after the judging of the proposals.
- 8.10.** The price proposals from the qualified bidders will be judged according to the requirements set forth in this INVITATION FOR BID.



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**8.11.** If all the participants are disqualified for reason of their QUALIFICATION DOCUMENTS or otherwise, the Bidding Commission may establish a term of three (3) business days for new documentation or proposals to be submitted.

**8.12.** During all public acts, detailed minutes will be prepared and signed by the members of the Commission and the bidders' legal representatives in attendance.

## 9. REVIEWING QUALIFICATION DOCUMENTS

**9.1.** Participants will be **disqualified** if:

**9.1.1.** They submit documents required in this INVITATION FOR BID that are expired and/or not duly updated and/or not responsive to the requirements set forth in the INVITATION FOR BID.

**9.1.2.** They include the price proposal inside Envelope nº 01.

**9.2.** Bidders will be notified of their qualification or otherwise through publication. In the event that bidder representative attends the public meeting in which the decision was made, it will be communicated directly to the representative and recorded in the minutes.

## 10. REVIEWING THE PRICE PROPOSAL

**10.1.** The criterion for reviewing the proposal will be the **LOWEST GLOBAL PRICE**.

**10.2.** It will be **DISQUALIFIED** the proposal which:

**10.2.1.** Does not comply with Item 7 (Price Proposal) of this INVITATION FOR BID;

**10.2.2.** Is flawed or illegible, it is not specific or presents with irregularities and flaws that hinders its review;

**10.2.3.** Is not in compliance with any requirement set forth in this INVITATION FOR BID or the BASIC PROJECT;

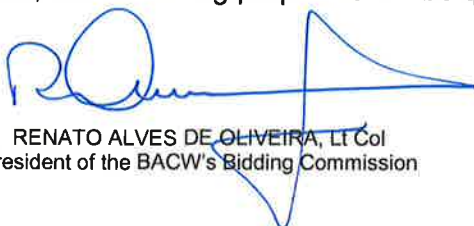
**10.2.4.** Includes advantages that are not provided for in the INVITATION FOR BID , including subsidized financing, lack of any required due dates, or prices or advantages that are based on offers presented by another bidder;

**10.2.5.** Presents prices that are unrealistic in the sense that their viability cannot be appropriately demonstrated through documentation that proves that the costs of input are consistent with market prices and that productivity is consistent with the performance of the object;

**10.2.5.1.** Under these circumstances, the bidder will have **two (2) business days** to demonstrate the feasibility of the prices included in its proposal, in accordance with Article 48, item II, of Law nº 8,666/93 (Brazil), under the penalty of being disqualified.

**10.3.** If there are signs of unrealistic prices in the proposal, or if it is necessary to provide additional clarification, a due diligence may be carried out by the Bidding Commission, in accordance with §3 of Article 43, Law nº 8,666/93 (Brazil).

**10.4.** Once the price proposal which does not meet the requirements of the foregoing items is disqualified, the remaining proposals will be qualified from lowest to highest.



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**10.4.1.** Should there be a tie among the proposals, a draw will be conducted. The names of the bidders that are tied will be placed in a sealed box, from which they will be drawn and classified on the basis of the order in which they were drawn.

**10.4.2.** After thirty minutes, the draw will be conducted, regardless of whether the companies or their representatives are in attendance.

**10.5.** Bidders will be notified of the results of bidding through either publication in a U.S. newspaper of national circulation, BACW's website, or other means, at sole discretion of BACW.

**10.5.1.** In the event that a bidder representative attends the public meeting in which the decision was made, it will be communicated directly to the representative and recorded in the meeting minutes.

## **11. HOMOLOGATION AND ADJUDICATION**

**11.1.** The bidding process will be submitted to the appropriate authority, who will proceed to ratify it and adjudicate the object to the winning bidder.

**11.2.** After the Bidding Process, the winning bidder shall allow the BACW to schedule a date and time to inspect the buses prior to the service date. If the buses do not attend all the working conditions and specifications specified on this Basic Project, the next bidder in the rank place shall take place of the service.

**11.2.1.** The winning bidder shall allow BACW to schedule an inspection of the vehicles up to a week after the FINAL RESULT of the Invitation for Bid is posted on the BACW's website.

**11.3.** The adjudication will be based on the **LOWEST GLOBAL PRICE**.

## **12. CONTRACT**

**12.1.** For this specific hiring, the CONTRACT shall be replaced by a PURCHASE ORDER and the CHARTER BUS Agreement which shall be in form and substance acceptable to BACW. The PURCHASE ORDER may undergo quantitative increases or decreases in the estimated amounts and values.

## **13. SUBCONTRACTING**

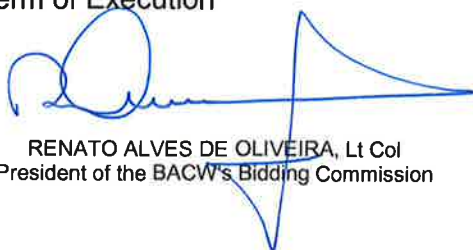
**13.1.** Sub-contracting is not allowed in this bidding process.

## **14. TERMS**

### **14.1. Term of Validity**

**14.1.1.** This project details the performance of the services over **8 days**, from September 21<sup>st</sup>, 2019 until September 28<sup>th</sup>, 2019, in accordance with this Administration's requirements, and may not be extended.

### **14.2. Term of Execution**



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**14.2.1.** The period of execution of the PURCHASE ORDER and the CHARTER BUS Agreement shall be for 8 days period, starting on September 21<sup>st</sup>, until September 28<sup>th</sup>, 2018. **For the purposes of this Basic Project, the effective date shall be September, 21<sup>st</sup>, 2018.**

**14.3. Payment Processing Time:**

**14.3.1.** The CONTRACTED PARTY must submit to the CONTRACTING PARTY an INVOICE, with a value of 20% of the total amount Contracted after the CHARTER BUS AGREEMENT is signed, and the remaining balance of 80% of the total amount contracted shall be paid within 30 days after the service is completed.

**14.3.2.** In addition to the firm and fixed price (FFP) for the contracted services, in its final INVOICE, the CONTRACTING PARTY shall demonstrate any extra time, due to schedule and route changes, and the CONTRACTING PARTY shall pay an additional amount per hour exceeded from the 70 hours contracted, together with the remaining 80% of the total amount Contracted.

**14.3.3.** Payment shall be made to the CONTRACTED PARTY, provided obligations are fulfilled in full by the delivery date associated with the invoice.

**15. FINANCIAL GUARANTEE**

**15.1.** The provision of a performance guarantee is not required for this contracting.

**16. PRICE ADJUSTMENT**

**16.1.** Price shall be firm and fixed (FFP) during the performance of the service.

**17. PAYMENT**

**17.1.** The deadline for payment shall be within thirty (30) calendar days from the date of the INVOICE is received by the Receiving Commission (COMREC).

**17.2.** An Invoice shall be issued by the CONTRACTED PARTY in accordance with the following procedures:

**17.2.1.** Payment shall only be made, after the appropriate official's "approval" of the Invoice provided by the CONTRACTED PARTY.

**17.2.2.** The CONTRACTED PARTY must submit to the CONTRACTING PARTY an INVOICE, with a value of 20% of the total amount Contracted after the CHARTER BUS AGREEMENT is signed, and the remaining balance of 80% of the total amount contracted shall be paid within 30 days after the service is completed.

**17.2.3.** The "approval" of the Invoice is contingent upon verification of compliance of the Invoice submitted by the CONTRACTED PARTY with the services that were actually performed;

**17.2.4.** In the event of any mistake in submitting any of the documents required under the previous sub-items or of a situation that prevents fees from being paid, the payment shall remain pending until the CONTRACTED PARTY takes steps to remedy the

  
RENATO ALVES DE OLIVEIRA, Lt Col  
President of the BACW's Bidding Commission

  
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situation. In this case, the deadline for payment shall take effect after it is verified that the situation has been solved, without any costs to the CONTRACTING PARTY.

**17.3.** Payment shall be made through a bank order of credit, deposit in a bank account, at the branch or bank agency indicated by the CONTRACTED PARTY, or through any other means provided for under the legislation in effect.

**17.4.** The date of payment shall be considered the date when the bank order of payment is actually made.

**17.5.** The CONTRACTING PARTY shall not be responsible for any expenses that may be made by the CONTRACTED PARTY that have not been agreed to in the PURCHASE ORDER.

## **18. MONITORING**

**18.1.** Verification of adequate contractual fulfillment must be performed based on the criteria established in the **BASIC PROJECT 030/CABW/2019**.

**18.2.** The CONTRACTED PARTY performance must be monitored and inspected by BACW's Administrative Department and the Brazilian and Aeronautical Defense Attaché Office in Washington D.C.

## **19. RECEIPT OF THE OBJECT**

**19.1.** The services that are the object of this BASIC PROJECT shall be received by the BACW's Administrative Department in accordance with the specifications set forth in this instrument.

**19.2.** It is the responsibility of the MONITOR to:

**19.2.1.** Ensure that the CONTRACTED PARTY meets all requirements for the service objects, which are described in this BASIC PROJECT:

**19.2.2.** Once approved, the INVOICES shall be sent to the BACW's Administrative Department. If there is any discrepancy, the INVOICE must be returned to the CONTRACTED PARTY, so that the necessary corrections may be made, with a letter explaining the reasons for its return.

## **20. OBLIGATIONS OF THE CONTRACTING PARTY AND THE CONTRACTED PARTY**

**20.1.** The obligations of the CONTRACTING PARTY and CONTRACTED PARTY are established in the BASIC PROJECT, Annex I, Charter Bus Agreement, and the PURCHASE ORDER, and other obligations provided for in this INVITATION FOR BID.

## **21. BUDGETARY ALLOCATION**

**21.1.** Financial resources shall be drawn from Action 2000, Expenditure Item 339039, or any other Programs or Actions which may provide such support, given that the transportation and customs clearance in question shall serve all of the Brazilian Air Force's Systems.

## **22. APPEALS**

**22.1.** The actions of the Administration (BACW), during this Bidding Process, may be appealed as follows:

  
RENATO ALVES DE OLIVEIRA, Lt Col  
President of the BACW's Bidding Commission

  
RODRIGO OTAVIO CORRÊA SAMPAIO, Lt Col  
Chief of BACW Fiscal Division





**22.1.1.** Appeal to the BIDDING COMMISSION within **two (2) business days**, from the date of notification or registration of the minutes of the meeting/session, in the cases of:

**22.1.1.1.** Qualification of the bidder or lack thereof;

**22.1.1.2.** Judgment of the proposals;

**22.1.1.3.** Annulment or revocation of the bidding process;

**22.1.1.4.** Denial of a request for application or registration, alteration or cancellation;

**22.1.1.5.** Termination of the CONTRACT, unilaterally by the Administration (BACW) for cases provided for under item I, Article 79 of Federal Law nº 8.666/93 (Brazil);

**22.1.1.6.** Issuance of a warning, suspension or compensatory fine.

**22.2.** Once a request for appeal has been filed, it will be communicated to the other bidders, which may present counter-arguments within **two (2) business days**.

**22.3.** The appeal will be addressed to the BIDDING COMMISSION, which may reconsider its decision within **five (5) business days**.

**22.3.1.** If the appeal is rejected, the BIDDING COMMISSION must forward the appeal to the BACW'S CHIEF, for an additional **five (5) business days**, all of which will be duly notified.

## 23. GENERAL PROVISIONS

**23.1.** Any doubts arising from the provisions of this INVITATION FOR BID may be the subject of consultation, in writing, with the Bidding Commission in charge of this bidding process, up to 48 (forty-eight) hours before the delivery of the proposals.

**23.1.1.** All questions will be consolidated and answered in writing after the deadline for consultation has elapsed. A circular communication will be posted by the Bidding Commission and forwarded to the interested parties that have provided an e-mail address.

**23.2.** Participation in this bidding process implies full acceptance of the terms and conditions established in this Invitation for Bid and its Annexes, as well as with the requirement to comply with the provisions herein.

**23.3.** Any changes or amendments to this INVITATION FOR BID will require its disclosure in the same publication method in which the original bidding process was published, with an extension of the original term, except when the changes do not affect price formation in any way.

**23.4.** If the day is not a business day or if there are any events preventing the bidding process from being held on the scheduled date, the session will automatically be rescheduled to the following business day at the same time and place as previously indicated, unless otherwise advised by the Bidding Commission.

**23.5.** In any phase of the bidding process, the Bidding Commission, or any higher-ranking authority may submit a request for clarification to complement or answer questions about the process, provided it does not imply the later inclusion of any document or information which must be made available at the time of the Bidding open session.

  
RENATO ALVES DE OLIVEIRA, Lt Col  
President of the BACW's Bidding Commission

  
RODRIGO OTAVIO CORRÊA SAMPAIO, Lt Col  
Chief of BACW Fiscal Division



**23.6.** The ratification ("homologation") of the Bidding process result does not imply the right to execute the Contract.

**23.7.** The BACW reserves the right to revoke this Bidding Process for reasons of public interest associated with the occurrence of an unforeseen and duly proven event, which is relevant and sufficient to justify such measures, or annul them due to illegality, through an official letter, or by the request of third parties, through a substantiated opinion.

**23.8.** The INVITATION FOR BID and its ANNEXs may be read and/or obtained from the BACW, at the address below, on business days between 08:30 a.m. and 11:30 a.m., and then again between 1:30 p.m. and 3:00 p.m. (EST) as well as through its website <http://www.cabw.org> during the external phase of the bidding process.

**23.9.** The records of this administrative process shall be made available at the address below, on business days, between 08:30 a.m. and 11:30 a.m., and then again between 1:30 p.m. and 3:00 p.m. (EST), based on scheduled appointment:

**1701 22<sup>nd</sup> St N.W. Washington, D.C. 20008**

**Ph.: (202) 483 4031 Fax: (202) 483 4684**

**E-mail: [con@cabw.org](mailto:con@cabw.org)**

**23.10.** The United States District Court in Washington, D.C., shall be the court in which any action or proceedings that might arise in connection with the bidding process must be filed and judged. This Invitation For Bid and the bidding process shall be interpreted in accordance with the principles of Brazilian Law N° 8,666/93 and any other applicable laws and regulations of the Federative Republic of Brazil, and shall be governed by and enforced in accordance with the laws of the District of Columbia.

**23.11.** It is hereby agreed between the parties that the official language of the bid, for the purpose of documentation, correspondence and any other matter is **ENGLISH**.

Washington D.C. August 28<sup>th</sup>, 2019.


**Prepared by:**

  
RENATO ALVES DE OLIVEIRA, Lt Col.  
President of BACW's Bidding Commission

**Reviewed by:**

  
RODRIGO OTAVIO CORRÊA SAMPAIO, Lt. Col.  
Chief of Fiscal Division

**Approved by:**

  
CLEBER NEWTON DEODATO Maj  
Expenses Supervisor Substitute