



The BACW's Bidding Commission hereby presents question made by companies with their respective answers.

REMARK: The questions presented in this "Questions and Answers" are numbered as they are answered by the Bidding Commission and may not match the numbering provided by the companies.

1. **Clarification:** The Bidding Commission clarifies the text of the item 4.2.1.4.1.31.1 and 4.2.1.4.2.12.1 of the Basic Project, Annex I of the IFB 191948/CABW/2019, as follows:

Answer:

[Portuguese]

Fica registrado que os prazos apresentados nos itens 4.2.1.4.1.31.1 e 4.2.1.4.2.12.1 do Projeto Básico, referem-se apenas aos seus itens imediatamente anteriores, a saber: 4.2.1.4.1.31 e 4.2.1.4.2.12, respectivamente. Neste caso, o aceite da aeronave condicionar-se-á à apresentação de cronograma para o saneamento das não conformidades observadas, bem como a comprovação, por meio de Ordem de Compra ("Purchase Order" - PO) junto a Centro de Serviços certificado para a aeronave, das tarefas a serem realizadas.

Por derradeiro, conforme itens 4.2.1.4.1.47, 4.2.1.4.2.13 e 4.2.1.4.3.5, os requisitos listados em 4.2.1.4.1, 4.2.1.2.2 e 4.2.1.4.3 são mandatórios no ato do recebimento da aeronave.

[English]

It is herein registered that the deadlines presented in the sub-items 4.2.1.4.1.31.1 and 4.2.1.4.2.12.1 of the Basic Project, refer only to the items immediately above, 4.2.1.4.1.31 and 4.2.1.4.2.12, respectively. Based on that, the aircraft acceptance is conditioned to the presentation of a schedule for the adjustments of the observed non-conformities, as well as the presentation of the Purchase Orders (PO) issued to the Service Centers certified on the aircraft for the tasks to be performed.

Nonetheless, in accordance with items 4.2.1.4.1.47, 4.2.1.4.2.13 and 4.2.1.4.3.5, the requirements listed on item 4.2.1.4.1, 4.2.1.2.2 e 4.2.1.4.3 are mandatory at the aircraft receiving.

2. **Reference** Basic Project, 4.2.1.4.1.30 **Question** How many crew rest seats FAB would like to have? Are these seats on top of the 20 Business class seats?.

Answer: *FAB needs to have 04 seats for the crew rest, and those seats can be on top of the 20 business class seats.*

3. **Question** We are asking for more time to prepare all the documents. Will it be possible to get an extension of two weeks for the response?

Answer: *At this point an extension should not be granted.*



4. **Question** Sworn translation: We plan to submit All Qualification Documents in English. However, the RFP is silent whether the sworn translations can be prepared by a sworn translator certified in Israel, in Brazil or in the US. What is the requirement regarding the sworn translator?

Answer: As per item 7.2 of the IFB, "All documentation for ENVELOPE 1 must be submitted in ENGLISH. Documents issued in a language other than English, must be submitted along with a certified and notarized translation. Based on that, there is no restriction on the country of certification."

5. **Question** Will the aircraft fly under commercial certification or military certification?

Answer: The leased aircraft shall have an enforceable Airworthiness Directive issued by the Aeronautical Authority on the aircraft origin country or of the Certificate of Type, including its validation and eventual Supplementary Certificates of Type or Certificate of Modification, all of them validated by the Brazilian Aeronautical Authority during the performance of the contract. The Brazilian Aeronautical Authority refers herein for validation of certification é the Brazilian Aeronautical Authority – ANAC. Therefore, the AIRCRAFT shall fly under a civil certification.

6. **Question** Who is going to be the Continuing Airworthiness Management Organization (CAMO)?

Answer: According to a Brazilian aeronautical law, the owner of the aircraft, that is, an individual or company who registered the aircraft with ANAC, is responsible to assure the airworthiness of its aircraft during the time this aircraft operates with a Brazilian tail number.

7. **Question** What type of insurance we need to have on the aircraft or FAB will provide insurance for the aircraft during the Contract period?

Answer: The CONTRACTOR shall maintain the aircraft under minimum insurance required for continued airworthiness through the applicable Certifications duly validated by the Brazilian Aeronautical Authority (ANAC).

8. **Question** Item 7.5.2 The creation of a consortium shall be admitted, for the purpose of satisfying technical qualification requirements in accordance with Art. 33, Law 8,666/93; The creation of a consortium is required for satisfying technical qualifications or is it optional?

Answer: In order to be qualified in this Bidding Process, the company must comply with all the qualification requirements set forth on item 7 of the Invitation For Bid. Based on that, the consortium is not mandatory.

9. **Question** Which module will cover the aircraft's patrimonial expense (U\$S 14,000,000.00)?

Answer: Insurance is an requirement for maintaining the aircraft airworthiness, not required in a specific module in the IFB and its annexes. The rules for coverage by means of a insurance policy are specified in the Aeronautical Brazilian Code, Law nº 7.565, from December 19, 1986 (http://www.planalto.gov.br/ccivil_03/leis/17565.htm) on its chapter VI, which encompass the Art. 281 and Art. 286. On these rules, the covered risks are explained. Specifically, the Art. 283 declares "the expedition or revalidation of airwhortyness certificate shall only be performed after proof of insurance is



presented, being recognized by the Brazilian Aeronautical Registry ("Registro Aeronáutico Brasileiro"). Moreover, in the single paragraph of the same art.: "the validity of the certificate may be suspended, at any time, if the guaranty suffices its existence".

10. **Question** Will the aircraft be operated by crew members with experience below the minimum required by the aeronautical insurance market?

Answer: The crew that shall operate the aircraft shall have an average of 2.535HV flight hours total and 440HV flight hours wide body.

11. **Question** Will the BRAZILIAN AIR FORCE, as an aircraft operator, hire AERONAUTICAL INSURANCE?

Answer: No. Insurance, as provided on Answer 9, shall be the CONTRACTED PARTY'S responsibility.

12. **Question** The Clause 16.7 says that the Module 1 shall not be subcontracted. But in the Clause 16.8 says that the subcontracting is possible if ?become necessary?. The ?become necessary? seems to vague and unspecific. What does it means ?become necessary?? Please clarify if subcontracting will be allowed or not in this contract? Who will decide if subcontracting is necessary or not? The Contracting party or the Contracted party?

Answer: The item 16.1 regards to the modules that could be subcontracted for the performance of the services. Subcontracting services are a commercial relation between the PRIME CONTRACTOR (Contracted Party) and subcontractors as per item 16.6. Based on that, if any subcontract is necessary, the CONTRACTED PARTY shall propose it to the appreciation and approval of the CONTRACTING PARTY, as per item 16.3.

13. **Question** The declarations or statement usually requested in the bidding processes in Brazil such as the Declaration or Statement of Prohibition of night work, dangerous or unhealthy to minors of eighteen and of any work to minors under sixteen, except in the condition of apprentice, the Fourteen years of age, according to art. 27, V, of Law No. 8.666/93 in compliance with the provisions of art. XXXIII Inc. 7 of the CF/88 should be submitted? And also the DECLARATIONS OR STATEMENT OF NO IMPEDITIVE FACTS and INDEPENDENT ELABORATION OF PROPOSAL will be necessary?

Answer: In order to be qualified in this Bidding Process, the company must comply with all the qualification requirements set forth on item 7 of the Invitation For Bid.

14. **Question** Item 7.5.5 The company must submit the aircraft's LOG CARD together with its matrix number, and it shall also submit the LOG CARDS for the documentation for the cell and engine of the aircraft offered, together with its matrix number, submitting a fully completed copy of together with its certification as part of its technical qualification. Understanding that LOG CARD and Matrix numbers could be military terms not used on civilian companies and that they have not been described on the Definitions section, Could you please better explain those 2 terms? Could they be Aircraft Logbooks and Serial Numbers respectfully?



Answer: Yes, LOGCARDS are the same as LOGBOOKS, not only for the aircraft, but also for all components controlled by it. Matrix number refers to the tail number, and serial number for the components.

Notwithstanding, In accordance with the Invitation For Bid 191948/CABW/2019 item 35.1, *Any doubts arising from the provisions of this Invitation for Bid may be the subject of consultation, in writing, to the **Bidding Commission** in charge of this bidding process, up to 48 hours before the delivery of the proposals.*

Based on that, the BACW's Bidding Commission reinforces that questions shall be submitted to con@cabw.org and no agents outside BACW should be copied in the e-mail. Thus, only answers published in BACW's website are considered official and part of the solicitation file.

Furthermore, the Brazilian Aeronautical Commission appreciates the question, and stands available to clarify and explain any doubts or concerns in order to increase the BID quality. Any questions or concerns must be submitted to con@cabw.org

Note: This information has been made available at BACW website in the publishing for the related Bidding Process.
<http://www.cabwnews.com/index.php/solicitations.html>