



BRAZILIAN AERONAUTICAL COMMISSION
1701 22nd Street, NW, Washington D.C. 20008

MEETING MINUTES 015/CPL/2019
INVITATION FOR BID N° 190102/CABW/2019

APPEAL'S ANALYSIS

OBJECTIVE

Bidding Commission analysis of the appeals and counter-arguments presented by **AEROMOT - SEA AEOSPACE, LIDER TÁXI AÉREO - LIDER SIGNATURE, IAI - ISRAEL AEROSPACE INDUSTRIES LTD, SARASOTA AVIONICS, and SAB - MILLENIUM TECHNOLOGIES** on the results of the **QUALIFICATION** of the Bidding n. 190102/CABW/2019 to be awarded based on the **LOWEST GLOBAL PRICE** for the provision of services of installation and integration, with the supply of equipment for the composition of **40 (forty) avionics systems for the aircraft T-27 TUCANO (EMB-312)**, including the necessary consumables materials, as per technical specifications and quantities provided in the Invitation For Bid.

FACTS

1. On March 15, 2019, the Brazilian Aeronautical Commission's (BACW) Bidding Commission announced the results of the **QUALIFICATION PHASE** as registered in the Meeting Minutes 010/CPL/2019.
2. On March 18, 2019 the bidder **IAI - ISRAEL AEROSPACE INDUSTRIES LTD** filed an appeal with the Bidding Commission.
3. On March 19, 2019 the bidders **LIDER TÁXI AÉREO - LIDER SIGNATURE, SAB - MILLENIUM TECHNOLOGIES** and **SARASOTA AVIONICS** filed appeals with the Bidding Commission.
4. The Bidding Commission forwarded the appeals to all participating companies for counter-arguments, as per item 33.2 of the Invitation for Bid.
5. On March 21, 2019 the bidders **IAI - ISRAEL AEROSPACE INDUSTRIES LTD, LIDER TÁXI AÉREO - LIDER SIGNATURE** and **SARASOTA AVIONICS** presented their counter-arguments.
6. On March 22, 2019 the bidder **AEROMOT - SEA AEOSPACE** presented its counter-arguments.

ANALYSIS

First and foremost, it is mister to restate that, the **BIDDING PROCESS** shall follow the principles of Law N° 8.666/93 (Brazil), in addition to the recommendations on MCA 176-1, updated on December 6, 2017, as well as other requirements set forth in Invitation for Bid and its Attachments. Additionally, proposals submitted to the BACW will be interpreted, evaluated and ranked in accordance with the principles contained in Articles 3 and 123 of Law N° 8,666

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of 06/21/1993, pertaining to legality, fairness, morality, equality and transparency, as per the preamble of the Invitation For Bid (IFB).

As registered in the meeting minutes 010/CPL/2019, the Bidding Commission announced the **QUALIFICATION** results, as follows:

BIDDER	RESULTS
AEROMOT - SEA AEOSPACE	QUALIFIED
LIDER TÁXI AÉREO - LIDER SIGNATURE	QUALIFIED
IAI - ISRAEL AEROSPACE INDUSTRIES LTD	QUALIFIED
SARASOTA AVIONICS	QUALIFIED
SAB - MILLENIUM TECHNOLOGIES	NOT QUALIFIED

Moreover, in the Meeting Minutes 010/CPL/2019, the Bidding Commission explained the reason for the non-qualification of the bidder SAB – MILLENIUM TECHNOLOGIES, as follows:

“The bidder SAB - MILLENIUM TECHNOLOGIES did not fulfill all the requirements of the item 7.5.1 since it did not present proof that it is, or has on its consortium, an authorized Garmin retailer, qualified to install avionics systems, with specific Garmin tools, installation experience as well as the necessary certification experience to integrate new Garmin equipment on modified aircraft.

Regarding this matter, the presented documents are not clear that at least 1 (one) company of the consortium is qualified by Garmin to perform the services of installation and integration of equipment. The previous experience presented for the installation of Garmin equipment fulfill the requirement of the item 7.5.4. The personnel training certificates fulfill the requirements of item 7.5.5 and regard to the maintenance but not installation and integration. The Domestic Aviation Distributor Agreement fulfill partially the item 7.5.1 proving that Garmin recognizes the company Millennial Technologies as distributor of equipment but it does not make it clear that it recognizes for installation and integration as requested on item 7.5.1 of the IFB and presented by the other bidders by means of a letter from Garmin.”

SAB - MILLENIUM TECHNOLOGIES

The bidder SAB - MILLENIUM TECHNOLOGIES presented an APPEAL to the Bidding Commission explaining that the contract with GARMIN as an authorized dealer assures the technical capability requested on item 7.5.1 of the IFB.

Moreover, the bidder SAB - MILLENIUM TECHNOLOGIES demonstrated on the item 3.1. of the Contract with GARMIN that the GARMIN's distributor are responsible for not only selling the items but also installing the items, which would suffice the requirements of the IFB.

Based on that, **the Bidding Commission re-evaluated its acts and accepted the appeal filed by the bidder SAB - MILLENIUM TECHNOLOGIES.**



AEROMOT - SEA AEROSPACE

The companies LIDER TÁXI AÉREO - LIDER SIGNATURE, IAI - ISRAEL AEROSPACE INDUSTRIES LTD and SARASOTA AVIONICS filed appeals to the qualification of the bidder AEROMOT - SEA AEOSPACE.

The bidder AEROMOT - SEA AEOSPACE presented its counter-arguments to the Bidding Commission.

IAI - ISRAEL AEROSPACE INDUSTRIES LTD

The company LIDER TÁXI AÉREO - LIDER SIGNATURE, filed an appeal to the qualification of the bidder IAI - ISRAEL AEROSPACE INDUSTRIES LTD.

The bidder IAI - ISRAEL AEROSPACE INDUSTRIES LTD presented its counter-arguments to the Bidding Commission.

LIDER TÁXI AÉREO - LIDER SIGNATURE

The companies IAI - ISRAEL AEROSPACE INDUSTRIES LTD and SARASOTA AVIONICS, filed appeals to the qualification of the bidder LIDER TÁXI AÉREO - LIDER SIGNATURE.

The bidder LIDER TÁXI AÉREO - LIDER SIGNATURE presented its counter-arguments to the Bidding Commission.

SARASOTA AVIONICS

The companies IAI - ISRAEL AEROSPACE INDUSTRIES LTD and LIDER TÁXI AÉREO - LIDER SIGNATURE, filed appeals to the qualification of the bidder SARASOTA AVIONICS.

The bidder IAI - ISRAEL AEROSPACE INDUSTRIES LTD declared on its appeal that,

"2.1. Under paragraph 7.5.3. and 7.5.3.1, we did not find any evidence of Glass Cockpit modernization with certification by ANAC or DIRMAB."

Moreover, the bidder LIDER TÁXI AÉREO - LIDER SIGNATURE declared on its appeal that,

"None of the companies presented a list of equipment's and machinery according to item 7.5.8."

The bidder SARASOTA AVIONICS presented its counter-arguments to the Bidding Commission regarding the item 7.5.3, as follows:

"The Federal Aviation Authority of the United States has authorized and certified Sarasota Avionics as a Part 145 Repair Station, granting Sarasota Avionics the power to perform installs of this caliber. Furthermore, the FAA and ANAC have a bilateral agreement which states that all of the regulations and requirements are the same."

Based on that, even though the bidder SARASOTA AVIONICS declared that the bilateral agreement between ANAC and FAA stated the regulations and requirements are the same, the



bidder SARASOTA AVIONICS did not provide proof, at this solicitation, of certification by DIRMAB or ANAC [proving its ability to supply] INSTALLATION SERVICES.

Moreover, regarding the appeal presented by LIDER TÁXI AÉREO - LIDER SIGNATURE for item 7.5.8, the bidder SARASOTA AVIONICS declared that the machinery and equipment to be used were listed on pages 77 and 78 of their Qualification Documents.

The Bidding Commission checked the pages mentioned by the bidder, as well as all the qualification documents presented at the Bidding Meeting and attested that the bidder **SARASOTA AVIONICS did not provide the list of machinery and equipment** as requested on item 7.5.8 of the IFB.

For the record, the pages 77 and 78 of the qualification package presented by the bidder SARASOTA AVIONICS regard to a Certification of Calibration, **not the list of machinery and equipment**.

CONCLUSION

Considering the appeals and counter-arguments presented by the bidders, the Bidding Commission recognizes the appeals presented by LIDER TÁXI AÉREO - LIDER SIGNATURE, IAI - ISRAEL AEROSPACE INDUSTRIES LTD, and SARASOTA AVIONICS in which it does not accept the appeals regarding the qualification of the bidders **AEROMOT - SEA AEOSPACE, LIDER TÁXI AÉREO - LIDER SIGNATURE, and IAI - ISRAEL AEROSPACE INDUSTRIES LTD.**

Moreover, considering the appeals and counter-arguments presented by the bidders and based on the Precedent no. 473 issued by the Federal Supreme Court (STF)¹ ("Sumula 473 - STF"), the Bidding Commission recognizes the appeals presented by LIDER TÁXI AÉREO - LIDER SIGNATURE, IAI - ISRAEL AEROSPACE INDUSTRIES LTD, SARASOTA AVIONICS, and SAB - MILLENIUM TECHNOLOGIES regarding the qualification of the bidders **SAB - MILLENIUM TECHNOLOGIES and SARASOTA AVIONICS** in which it reviews its acts and releases the following **QUALIFICATION** results:

BIDDER	RESULTS
AEROMOT - SEA AEOSPACE	QUALIFIED
LIDER TÁXI AÉREO - LIDER SIGNATURE	QUALIFIED
IAI - ISRAEL AEROSPACE INDUSTRIES LTD	QUALIFIED
SARASOTA AVIONICS	NOT QUALIFIED
SAB - MILLENIUM TECHNOLOGIES	QUALIFIED

Therefore, as per item 33.3.1 of the IFB, the Bidding Commission forwards the appeals to the Expenses Supervisor for analysis.

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<http://www.stf.jus.br/portal/jurisprudencia/listarJurisprudencia.asp?s1=473.NUME.%20NAO%20S.FLSV.&base=baseSumulas>



ANNEXES

- a. Meeting Minutes 010/CPL/2019;
- b. AEROMOT - SEA AEOSPACE (Counter-Arguments);
- c. LIDER TÁXI AÉREO - LIDER SIGNATURE (Appeal and Counter-Arguments);
- d. IAI - ISRAEL AEROSPACE INDUSTRIES LTD (Appeal and Counter-Arguments);
- e. SARASOTA AVIONICS (Appeal and Counter-Arguments); and
- f. SAB - MILLENIUM TECHNOLOGIES (Appeal).

Washington DC, March 28, 2019

BIDDING COMMISSION

RENATO ALVES DE OLIVEIRA Lt Col
President of Bidding Commission

MARIO EMILIO FRAMIL CABIZUCA Lt Col
Bidding Commission Member

CARLOS EDUARDO VALDO GOULART Maj
Bidding Commission Member



**BRAZILIAN AERONAUTICAL COMMISSION
1701 22nd Street, NW, Washington D.C. 20008**

**INVITATION FOR BID Nº 190102/CABW/2019
HIGHER AUTHORITY APPEAL ANALYSIS**

OBJECTIVE

Analysis of the judgment performed by the Bidding Commission on the meeting minutes 015/CPL/2019 regarding the appeals and counter-arguments presented by AEROMOT - SEA AEOSPACE, LIDER TÁXI AÉREO - LIDER SIGNATURE, IAI - ISRAEL AEROSPACE INDUSTRIES LTD, SARASOTA AVIONICS, and SAB - MILLENIUM TECHNOLOGIES on the results of the QUALIFICATION of the Bidding n. 190102/CABW/2019.

ANALYSIS

As a result of the announcement of the QUALIFICATION PHASE made by the Bidding Commission, the bidders AEROMOT - SEA AEOSPACE, LIDER TÁXI AÉREO - LIDER SIGNATURE, IAI - ISRAEL AEROSPACE INDUSTRIES LTD, SARASOTA AVIONICS, and SAB - MILLENIUM TECHNOLOGIES presented appeals and counter-arguments in accordance with item 33.1.1 and 33.2 of the IFB, respectively.

Therefore, in accordance with item 33.3.1 of the Invitation For Bid, since the Bidding Commission rejected the appeals to the qualification of AEROMOT - SEA AEOSPACE, LIDER TÁXI AÉREO - LIDER SIGNATURE, and IAI - ISRAEL AEROSPACE INDUSTRIES LTD, the matter escalated to this Bidding Commission's Higher Authority.



CONCLUSION

The BACW's Expenses Supervisor ("*Ordenador de Despesas*") notifies that after the analysis of appeals and counter-arguments agrees with the decision made by the Bidding Commission and ratifies all the acts performed by the Bidding Commission as registered in the meeting minutes 015/CPL/2019.

BIDDER	RESULTS
AEROMOT - SEA AEOSPACE	QUALIFIED
LIDER TÁXI AÉREO - LIDER SIGNATURE	QUALIFIED
IAI - ISRAEL AEROSPACE INDUSTRIES LTD	QUALIFIED
SARASOTA AVIONICS	NOT QUALIFIED
SAB - MILLENIUM TECHNOLOGIES	QUALIFIED

Washington, D.C. March 29, 2019

Col LEONARDO GUEDES
BACW's Chief – Expenses Supervisor

Renato R. Gomes

From: Henrique Da Silva <hsilva@sarasotaavionics.com>
Sent: Tuesday, March 19, 2019 4:06 PM
To: Renato R. Gomes
Subject: Re: [190102 Avionic T27] - Meeting Minutes 010/CPL/2019
Attachments: CCF03192019.pdf

Dear Renato,

We would like to present the document attached in accordance of Bid 190102/CABW/2019.

Please feel free to contact me.

Thank you,



Henrique Da Silva
Director, Sales/Marketing S.A.
941-360-6877 Ext. 111
Cell USA 941-234-6037 (WhatsApp)
hsilva@SarasotaAvionics.com
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From: Renato R. Gomes <renato@cabw.org>
Sent: Friday, March 15, 2019 1:21:03 PM
To: guilherme@aeromot.com.br; raphael.tropia@lideraviacao.com.br; David Goldschmidt; Henrique Da Silva; mario.alencar@sabaviacao.com.br
Cc: Lista da CPL; Maj Bruno Xavier; Chefe CABW
Subject: [190102 Avionic T27] - Meeting Minutes 010/CPL/2019

Dear Bidders,

As instructed by the Bidding Commission, please find attached the meeting minutes 010/CPL/2019.
Kind Regards,



Renato Gomes
Bidding and Contract Division
renato@cabw.org
(202) 518-7303

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Airport
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Venice, FL 34285

VENICE - Maintenance
Venice Municipal
Airport
140 Airport Avenue East
Venice, FL 34285

SARASOTA (SRQ)
Sarasota-Bradenton
International Airport
891 N. Tamiami Trail
Hangar B-2
Sarasota, FL 34243

LANTANA (LNA)
Palm Beach County
Park Airport
2633 Lantana Rd
Hangar 214
Lantana, FL 33462

TAMPA (TPF)
Peter O. Knight Airport
845 Sevm Avenue
Tampa, FL 33606

PUNTA GORDA (FGD)
Charlotte County
Airport
28000 Airport Rd, #A-3
Punta Gorda, FL 33982

March 19th, 2019

Hello Bidding Commission,

In review of the documents during the open session, we noticed that Aeromot has certified translations, but they are not notarized as requested in section 7.2 of the IFB. For 7.5.1, Southeast Aerospace does not have an original letter of proof, but instead, a computer printout is provided. Also, there is nothing to suggest that they are an L3 or Electronics International dealer.

In review of the documents submitted by Lider, we noticed that although they provide an overabundance of information, much of what they submitted pertains to the company's lack of financial stability. We request that in reviewing the information provided, the Bidding Commission would also consider whether a company in this financial state can take on a project of this magnitude, let alone see it through to completion.

Sincerely,

Henrique Da Silva

Director, Sales/Marketing S.A.

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Renato R. Gomes

From: Alencar <mario.alencar@sabaviacao.com.br> on behalf of Alencar
Sent: Tuesday, March 19, 2019 10:07 AM
To: Renato R. Gomes; con@cabw.org
Cc: cpl@cabw.org
Subject: APPEAL to 190102 Avionic T27 - iaw last decision of Meeting Minutes 010/CPL/2019
Attachments: SAB - MILLENIAL APPEAL T27 BID.pdf; ATT00002.html; ALENCAR - PASSAPORTE.pdf; ATT00004.html; GARMIN - Millennial 3-18-19.pdf; ATT00006.html; mario.png; ATT00008.html

Dear President of CPL of Process 190102 Avionic T27:

Here we present the document which contains ours reasons for appeal due the last decision in the Meeting Minutes 010/CPL/2019. We confirm that the herein document complies with the rules of notice documents and is in the time necessary to be evaluated.

Also you will find the passport as proof of signature and a letter issued by GARMIN.

Best regards



SAB AVIAÇÃO LTDA - COM 1601-31/ANAC
Rua Professor Solon Farias, 60,
Bairro: Edson Queiroz - CEP: 60.834-375
Fortaleza - CEARÁ



1020 W Cypress Creek Rd, Hangar 16.
Fort Lauderdale, FL 33309. USA.

To Lieutenant Colonel Renato Alves de Oliveira - Chairman of the Bidding Process Commission number 190102/CABW/2019, whose subject matter is the modernization of 40 (forty) T27 TUCANO aircrafts belonging to the Brazilian Air Force.

The SAB - MILLENNIAL TECHNOLOGIES consortium, formed by SAB AVIAÇÃO DO BRASIL LTDA., registered in Brazil under CNPJ No. 04.168.360/0001-58, with its headquarters at Rua Professor Solon Farias, 60, District of Edson Queiroz, Fortaleza-CE, Brazil and MILLENNIAL TECHNOLOGIES LLC., registered under FEI number 65-1046487, located at 1020 W CYPRESS CREEK ROAD, HANGAR 16, FORT LAUDERDALE, FLORIDA, and herein, the aforementioned consortium being represented by the leading company SAB AVIAÇÃO DO BRASIL LTDA., represented by Mario Egberton Silva de Alencar, bearer of the General Register of Individuals (CPF) under No. 384.846.333-49, and General Registry (RG) No. 2003009129095 (SSP-CE), as legally entitled to represent the company SAB SERVIÇOS AERONÁUTICOS BRASILEIROS LTDA., pursuant to Law 8.666/93 in its Article 109 and in accordance with the public notice, very respectfully and promptly brings the present

ADMINISTRATIVE APPEAL

In view of the decision of this Distinguished Committee, which disqualified the consortium SAB MILLENNIAL TECH, currently the plaintiff of the issued decision, according to the document submitted by electronic mail, entitled MEETING MINUTES 010/CPL/2019, part of lawsuit 190102/CABW/2019, the consortium hereby requires, henceforth, that the suspensory effect to the present appeal be considered and assigned, as determined by the provisions of the public notice, combined with paragraph 2 of article 109 of Law 8.666/93, justifying such defense according to the facts which shall be demonstrated hereunder.

REASONS FOR THIS APPEAL:

On the defined date, the plaintiff consortium presented envelopes numbered 1 and 2 containing, respectively, legal and technical qualification documents and price proposal, thus fulfilling all the terms of the public notice, and also basic project, parts of lawsuit 190102/CABW/2019, aiming to render the required services, as well as to provide the required materials, being fully qualified for the service rendering and supply of the materials under competitive conditions and for the benefit of the bidding public authorities.

As consigned in the MEETING MINUTES 010/CPL/2019, all the servers who compose the Permanent Tender Commission (CPL), dated of March 15th, 2019, the plaintiff was rendered DISQUALIFIED by decision of this Commission, to which it hereby presents this appeal.



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The reasoning utilized by the Permanent Tender Commission (CPL) to disqualify the plaintiff consortium, as drawn from the reasons stated in the MEETING MINUTES 010/CPL/2019, does not evidence default of the terms of the public notice, part of lawsuit 190102/CABW/2019, and cannot, therefore, justify the DISQUALIFICATION of the plaintiff, as it shall be shown in further detail.

The bidding auction is governed by constitutional and normative principles which prohibit the inclusion of norms which restrict its competitive character, thus, determine the equal treatment between the participating companies and the mandatory binding to the terms of the public notice, according to article 41, main section, of Law 8.666/93, prohibiting any subjective interpretation in order to jeopardize or benefit any of the competitors.

The aspect, highlighted by the Permanent Tender Commission (CPL) regarding the disqualification of the plaintiff consortium, as reproduced hereunder, refers to its technical qualification:

BIDDER	RESULTS
AEROMOT - SEA AEOSPACE	QUALIFIED
LIDER TÁXI AÉREO - LIDER SIGNATURE	QUALIFIED
IAI - ISRAEL AEROSPACE INDUSTRIES LTD	QUALIFIED
SARASOTA AVIONICS	QUALIFIED
SAB - MILLENIUM TECHNOLOGIES	NOT QUALIFIED

The bidder SAB - MILLENIUM TECHNOLOGIES did not fulfill all the requirements of the item 7.5.1 since it did not present proof that it is, or has on its consortium, an authorized Garmin retailer, qualified to install avionics systems, with specific Garmin tools, installation experience as well as the necessary certification experience to integrate new Garmin equipment on modified aircraft.

Regarding this matter, the presented documents are not clear that at least 1 (one) company of the consortium is qualified by Garmin to perform the services of installation and integration of equipment. The previous experience presented for the installation of Garmin equipment fulfill the requirement of the item 7.5.4. The personnel training certificates fulfill the requirements of item 7.5.5 and regard to the maintenance but not installation and integration. The Domestic Aviation Distributor Agreement fulfill partially the item 7.5.1 proving that Garmin recognizes the company Millennium Technologies as distributor of equipment but it does not make it clear that it recognizes for installation and integration as requested on item 7.5.1 of the IFB and presented by the other bidders by means of a letter from Garmin.

The public notice, in its item 7.5.1, establishes the technical requirements which must be met by the participants of the tender, however, the issued disqualification decision is not objective and clear, merely mentioning that the plaintiff has no technical capacity to continue in the contest, in violation of Brazilian constitutional principles, among them the principle of transparency and adversary system.



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The Commission's decision of disqualification lacks motivation, as it does not CONFIRM the objective reason for which the Permanent Tender Commission (CPL) was directed to DISQUALIFY the SAB - MILLENNIAL Consortium.

The substantiation set out in the disqualification decision, stating that the documents submitted by the plaintiff do not confirm or are not capable of demonstrating the technical capacity of MILLENNIAL TECHNOLOGIES, cannot prosper, in so far as documents were attached demonstrating exactly the opposite, that the company MILLENNIAL TECHNOLOGIES is fully qualified and able to render the services of installation and integration of avionics manufactured by GARMIN.

In order to prove their technical capacity, the consortium presented the contract by the authorized distributor GARMIN, which deems MILLENNIAL TECHNOLOGIES as suitably qualified to render services of INSTALLATION and INTEGRATION of avionics manufactured by GARMIN.

In addition, the experiences presented by the SAB MILLENNIAL TECHNOLOGIES Consortium comply with item 7.5.4, RATIFYING that the Consortium has the technical capacity required to fully comply with item 7.5.5.

In the continuation of the paragraph governing the disqualification of the plaintiff, it states that the contract presented by the consortium, in which GARMIN appears as the Contracting party and MILLENNIAL TECHNOLOGIES is the Contracted party, only appoints the Contracting party MILLENNIAL TECHNOLOGIES as a distributor of GARMIN equipment, but not as an INSTALLER.

In item 1.1 of clause I - Appointment, of the Contract established between MILLENNIAL TECHNOLOGIES and GARMIN, it is clearly stated that the joint venture company MILLENNIAL TECHNOLOGIES, besides being a GARMIN distributor, is qualified as a GARMIN service center, and the Commission cannot argue against such duly proven fact.

I. APPOINTMENT

1.1 **Appointment.** Subject to the terms and conditions herein and for the term of this Agreement, Garmin hereby appoints Distributor as a non-exclusive independent distributor and service center for the Products. As used herein the term "Products" means the products listed in Garmin's current Aviation Distributor Price List, as such list may be amended by Garmin from time to time. Garmin reserves the right to change or discontinue any of the Products at any time.



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The astonishing fact is that the Commission has disqualified the plaintiff based precisely on the grounds that the MILLENNIAL TECHNOLOGIES company would not have the technical capacity required in the contract and, in addition, has accepted from other bidders only a letter from GARMIN as proof of technical qualification.

A letter cannot, under any circumstances, be attributed legal valuation superior to a contract, in a worst-case scenario, even without the presentation of the letter, the plaintiff should be qualified.

The acceptance and technical qualification of all the other participants of the contest based on the letters issued by GARMIN, to the detriment of the contract presented by MILLENNIAL TECHNOLOGIES, cannot prosper.

The Commission also disregarded a formal contract between the manufacturer GARMIN itself and one of the companies of the SAB - MILLENNIAL Consortium, in which it describes that item 7.5.1, which I transcribe hereunder:

7.5. Bidders must also present the following documents in a QUALIFICATION ENVELOPE, for the purpose of Technical Qualification:

7.5.1. Proof that it is an authorized Garmin retailer, qualified to install avionics systems, with specific Garmin tools, installation experience as well as the necessary certification experience to integrate new Garmin equipment on modified aircraft.

Such a requirement, in spite of being directly related to that required by the bid public notice, evidenced by the other four bidders in the form of a letter issued by the manufacturer, could never have a legal effect to the detriment of GARMIN's own equipment distribution contract, which, according to Clause 1.1 hereinabove, item "I. APPOINTMENT", foresees MILLENNIAL TECHNOLOGIES as GARMIN's service center.

Notwithstanding the committee has made it clear that the observance of an exaggerated formalism is not essential to comply with item 7.5.1, it cannot, however, under the pretext of making it more flexible, ignore the presented contract, a document proving that MILLENNIAL TECHNOLOGIES has the technical requirement laid down in public notice, or even despise it in favor of a letter.

Furthermore, following the same logic, item "III. OBLIGATIONS OF DISTRIBUTOR" of the distributor contract signed between GARMIN and MILLENNIAL, further establishes that there shall be no parts distribution concession if the distributor is not qualified to perform the installation service,





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being mandatorily a part of the subject matter of the same contract, and the distribution and installation cannot be dissociated.

In short, GARMIN's Distributors are required to INSTALL their products, as the company MILLENNIAL TECHNOLOGIES does.

III. OBLIGATIONS OF DISTRIBUTOR

3.1 General. Distributor shall at all times: (a) maintain a sales and service facility located with direct access to the runways of a chartered airport; (b) maintain a current Repair Station Certificate issued by the U.S. Federal Aviation Administration (in case of a distributor located in the USA) or Transport Canada (in case of a distributor located in Canada); (c) comply with all applicable laws and regulations relating to the installation and servicing of Products, including any requirements that Products be installed by Distributor; (d) properly staff and train sales, service and parts personnel for support of the Products; and (e) comply with all requirements of this Agreement.

The item above "Obligations of Distributor" also requires that its technical, sales and product support personnel be kept trained, as evidenced by the consortium when it presented the Millennial personnel training certificates for the installation of the products requested to be installed by the bidding winning company.

Below, the training certificates presented by the plaintiff are directly related to the products required in the bidding process and others in a higher technical degree, certificates were also presented, all notarized, apostilled and translated by an official translator and registered in the engineering class agency in Brazil, issued by companies and private operators on behalf of SAB AVIAÇÃO. Such certificates prove that SAB has installed GARMIN equipment of the same models as the present bidding requires to be utilized in the modernization of the T27 TUCANO aircraft, then all fully complying with the requirements in items 7.5.1 to 7.5.5. The terms MAINTENANCE and DEALER TRAINING inserted in the certificates makes it broad when we learn that the system integration is a continuous act when we speak of maintenance of avionic systems and execution of installations required by GARMIN from its distributors.

Requiring that the compliance with item 7.5.1 of the public notice be fulfilled with the presentation of a letter from GARMIN, as this CPL emphasized that the other participants presented and were thus qualified, and the non-acceptance of the AUTHORIZED DISTRIBUTOR contract signed between GARMIN and MILLENNIAL TECHNOLOGIES, where it is PERFECTLY clear that MILLENNIAL TECHNOLOGIES, besides being a distributor is an INSTALLER and INTEGRATOR COMPANY of these GARMIN systems, already violates the principle of legality and isonomy among the participants when disqualifying the SAB MILLENNIAL consortium. Additionally, it violates the principles of



SAB AVIAÇÃO LTDA - COM 1601-31/ANAC
Rua Professor Sólon Farias, 60,
Bairro: Edson Queiroz - CEP: 60.834-375
Fortaleza - CEARÁ



1020 W Cypress Creek Rd, Hangar 16.
Fort Lauderdale, FL 33309. USA.

observance of the rules of the public notice when confronting what is required by article 30 of Law 8.666/931¹, which does not elect as essential the presentation of letters from manufacturers for the purpose of proving technical qualification.

¹Art. 30. *The documentation relating to the technical qualification shall be limited to:*

*I - registration or enrollment with the competent professional entity;
II - proof of aptitude for performance of relevant and compatible activity in terms of characteristics, quantities and deadlines for the subject matter of the bid, and indication of the appropriate facilities and equipment and technical personnel available to conduct the subject matter of the bid, as well as the qualification of each of the members of the technical team who shall be responsible for the works;*

III - proof, provided by the bidding agency, that it has received the documents and, when required, that it is aware of all the information and local conditions for the fulfillment of the obligations subject matter of the bid;

IV - proof of compliance with the requirements foreseen in special law, when applicable.



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Bairro: Edson Queiroz - CEP: 60.834-375
Fortaleza - CEARÁ



MILLENNIAL
TECHNOLOGIES
1020 W Cypress Creek Rd, Hangar 16.
Fort Lauderdale, FL 33309. USA.

GARMIN®

Certificate of Training

Original on file with Garmin Avionics Support. Void if altered.

This is to certify that:

Alain La Fontaine
Of
MILLENNIAL TECHNOLOGIES, LLC

**Has Successfully Completed 16 hours of
Regional Dealer Training - Florida**

2/23/2015 - 2/24/2015
Orlando, FL, USA
770

Steven Morris - Avionics Maintenance Trainer
Garmin International, Inc.

Flight Stream 110/210, G1000, G600, GDL 88, GTN, GWX 70



SAB AVIAÇÃO LTDA - COM 1601-31/ANAC
 Rua Professor Sólon Farias, 60,
 Bairro: Edson Queiroz - CEP: 60.834-375
 Fortaleza - CEARÁ



1020 W Cypress Creek Rd, Hangar 16.
 Fort Lauderdale, FL 33309. USA.

GARMIN.

Certificate of Training

Original on file with Garmin Avionics Support. Void if altered.

This is to certify that:

Diego Carreno

Of

MILLENNIAL TECHNOLOGIES LLC

**Has Successfully Completed 16 hours of
 Garmin Regional Dealer Maintenance Training**

2/26/2019 -- 2/27/2019
 Ft. Lauderdale, Florida
 5411

Greg Rector - Aviation Maintenance Trainer
 Garmin International, Inc

ADS-B, G1000 NXi, G5, G500 TXi, G600 TXi, Garmin Avionics
 Overview, GFC 500, GFC 600





SAB AVIAÇÃO LTDA - COM 1601-31/ANAC
 Rua Professor Sólon Farias, 60,
 Bairro: Edson Queiroz - CEP: 60.834-375
 Fortaleza - CEARÁ



1020 W Cypress Creek Rd, Hangar 16.
 Fort Lauderdale, FL 33309. USA.

GARMIN.

Certificate of Training

Original on file with Garmin Aviation Support. Void if altered.

This is to certify that:

Ivan Chiossone

Of

MILLENNIAL TECHNOLOGIES LLC

**Has Successfully Completed 16 hours of
 Garmin Regional Dealer Maintenance Training**

Greg Rector - Aviation Maintenance Trainer
 Garmin International, Inc

2/26/2019 — 2/27/2019
 Ft. Lauderdale, Florida
 5408

ADS-B, G1000 NXi, G5, G500 TXi, G600 TXi, Garmin Avionics
 Overview, GFC 500, GFC 600





SAB AVIAÇÃO LTDA - COM 1601-31/ANAC
Rua Professor Sólon Farias, 60,
Bairro: Edson Queiroz - CEP: 60.834-375
Fortaleza - CEARÁ



1020 W Cypress Creek Rd, Hangar 16.
Fort Lauderdale, FL 33309. USA.



Francisco Gutenberg Albuquerque Filho
Sworn Public Translator and Commercial Interpreter

I, the undersigned, a sworn Public Translator and interpreter in and for this State, registered at the Trade Board of Ceará under No. 0490511, hereby DECLARE to have received the original Technical Capacity Contractual Certificate written in Portuguese for translation into ENGLISH, which I did faithfully, to the best of my ability, as follows:

CTA
Quality in Flying

CLEITON TÁXI AÉREO LTDA.
CNPJ No. 04.984.400/0001-30 - CHETA 2005-09-710X-01-41

TECHNICAL CAPACITY AND PERFORMANCE CERTIFICATE

CTA **CLEITON TÁXI AÉREO LTDA**, registered under CNPJ No. 04.984.400/0001-30, headquartered at AVENIDA PROFESSOR NILTON LINS, 300 - HANGAR C - AMAZONAS AIRCLUB, BAIRRO FLORES, MANAUS-AM - CEP: 69058-030, hereby represented by its Executive Director Cleiton, DECLARES, that **SAB SERVIÇOS AERONÁUTICOS BRASILEIROS LTDA**, bearer of CNPJ 04.168.360/0001-58, has provided services of installation, modification, and repair of avionics, radio, aircraft instruments of our aircraft fleet, and additionally confirms the favorable technical capacity and performance in quantities and complexities, as well as attention to meet the deadlines determined in the service execution. Among the services, we can list the ones below:

- 1) Installation of avionic systems in CESSNA aircraft, Model 208B, registered with PT-MEV nationality marks and registrations. The systems installed were: 01 GPS-NAV-COM-FMS manufactured by GARMIN, Model GTN650, with interface with automatic pilot system, audio control system, navigation control system, and communication systems. The services provided were registered in CREA-CE according to ART CE20180301367;
- 2) Installation of avionic systems in CESSNA aircraft, Model 208B, registered with PT-MEX nationality marks and registrations. The systems installed were: 01 GPS-NAV-COM-FMS manufactured by GARMIN, model GTN650, 01 GPS-NAV-COM-FMS manufactured by GARMIN, model GTN750, both with interface with BENDIX KING KFC 150 automatic pilot system, GMA-340 audio control system, BENDIX KING KCS55 navigation control system and communication systems, interface with GTX330 TRANSPONDER system with TRAFFIC (TAS) functions already available in the aircraft. The services provided were registered in CREA-CE according to ART No. CE20180301366.

Manaus, March 26th, 2018.

7th FIORETTI NOTARY PUBLIC - Bachelor Juliana de Sá Fioretti
Av. Carlota Joaquina, 15 - Parque 10 de Novembro - Manaus-AM - PABX (92) 9611-9618
Site: www.cartoriofioretti.com.br

Cleiton Sérgio Sousa
Chief Executive Officer

I acknowledge by similarity the signature of CLAYTON SERGIO DE SOUSA
I give faith in testimony of the truth ELECTRONIC INSPECTION SEAL OF TJ-AM
REC1P0004511VEV4N3V3N4SEW021 Date/Time March 3rd, 2018 10:58:17 issued by TALITA PETRONIA DA SILVA - REGISTRAR TOTAL R\$ 6,00 Validate at cidadea.portaldoam.com.br
Talita Petronia da Silva
Authorized Registrar

CTA: Cleiton Taxi Aéreo Ltda
Avenida Professor Nilton Lins, 300 - Hangar "C" Flores - CEP: 69.058-030 - Flores.
CNPJ: 04.949.400/0001-30
E-mail: diretoria@voecta.com.br / ctm@voecta.com.br

Nothing else was contained in the aforementioned document, which I translated in this city of Fortaleza, on February 15th, 2019. IN TESTIMONY WHEREOF, I hereunto set my hand and affix my Seal of Office.

Francisco Gutenberg Albuquerque Filho
Francisco Gutenberg A. Filho
Tradutor Público / Oficial Translator
Registro JUCEC Nº 770490611

Rua Martinho Rodrigues 1204, Bloco A, Ap. 202 - Fátima - 60413-280 - Fortaleza - Ceará
Phone: (85) 3272-7010 | 32936-5657 | E-mail: gutenberg@yeshoo.com.br



Maria Marly Motz Ribeiro
Escritorante Autorizada





SAB AVIAÇÃO LTDA - COM 1601-31/ANAC
 Rua Professor Sólon Farias, 60,
 Bairro: Edson Queiroz - CEP: 60.834-375
 Fortaleza - CEARÁ



1020 W Cypress Creek Rd, Hangar 16.
 Fort Lauderdale, FL 33309. USA.



Francisco Gutenberg Albuquerque Filho
 Sworn Public Translator and Commercial Interpreter

I, the undersigned, a sworn Public Translator and Interpreter in and for this State, registered at the Trade Board of Ceará under No. 0490511, hereby DECLARE to have received the original Technical Capacity and Performance written in Portuguese for translation into ENGLISH, which I did faithfully, to the best of my ability, as follows:

SERRANA Aviação Agrícola Ltda.

SERRANA MANUTENÇÃO DE AERONAVES LTDA - C.O.M. 1706-31 / ANAC
 MUNICIPAL AIRPORT OF SÃO GABRIEL DO OESTE-MS - P.O. BOX 15 - CEP: 79.490-000.
 Runway SSGO 19 25 47S/54 35 14 W - Website: www.serranamanutencao.com.br
 Phone: 55 + (067) 99964-6855 / +55 (067) 99604-5695 / 55+ (067) 3295-2442

TECHNICAL CAPACITY AND PERFORMANCE CERTIFICATE

SERRANA AVIAÇÃO AGRÍCOLA LTDA, registered under CNPJ No. 02.640.577/0001-93, headquartered at the Municipal Airport of São Gabriel do Oeste in the state of Mato Grosso do Sul - CEP: 79.490-000, represented herein by its director, DECLARES that SAB SERVIÇOS AERONÁUTICOS BRASILEIROS LTDA, bearer of CNPJ 04.168.360/0001-58, has provided services of installation, modification, and repairs of avionics, radio equipment, instruments, and inspection of aircrafts within our aircraft fleet, and additionally confirms the favorable technical capacity and performance in terms of quantity and complexity to the services provided, and ratifies the quality of those services, as well as attention to the deadlines determined in the execution.

São Gabriel do Oeste, April 13th, 2018.

<<< signature >>>
 CEO

1st Notary Service - São Gabriel do Oeste County - MS
 Raquel Silvana Emiliani Grimm
 Av. Getúlio Vargas, 943 - Centro - CEP 79490-000 - Phone: (07) 3295-1861 - E-mail: srncu@uol.com.br



I acknowledge by similarity the signature of: SERRANA AVIAÇÃO AGRÍCOLA LTDA EPP represented by ***** CAIO BALZAN *****
 Digital Seal: AQA45720-709

I give faith, São Gabriel do Oeste-MS, April 17th, 2018
 In testimony _____ of the truth.

<<< signature >>>

FRANCIELE SANTANA RAMIS

Fees: 6,00 + 1,98 (10% FUNDECC + 3% IIS + 6% FUNADEP + 4% FUNDE + 10% FEADMP) = \$ 7,98

STAMP: NOTARY SERVICE - SÃO GABRIEL DO OESTE-MS - DIGITAL SEAL www.tjms.jus.br

Nothing else was contained in the aforementioned document, which I translated in this city of Fortaleza, on February 15th, 2019. IN TESTIMONY WHEREOF, I hereunto set my hand and affix my Seal of Office.

Francisco Gutenberg Albuquerque Filho
 Tradutor Público / Official Translator
 Registro JUCEC Nº. 0490511
 Rua Martinho Rodrigues 1301, Bloco A, Apt. 101 - Fortaleza - CE - CEP: 60.834-375
 Phones: (85) 3272-7010 / 32988-5477 - www.franciscogutierrez.com.br

20 FEB 2019

Escritório Autorizado



SAB AVIAÇÃO LTDA - COM 1601-31/ANAC
Rua Professor Sólon Farias, 60,
Bairro: Edson Queiroz - CEP: 60.834-375
Fortaleza - CEARÁ



1020 W Cypress Creek Rd, Hangar 16.
Fort Lauderdale, FL 33309. USA.

Página 3/5



Carteira de Aproveitamento Técnico - CAT
Resolução Nº 1925 de 26 de Outubro de 2009

CREA-CE

CAT SEM REGISTRO DE ATESTADO
167117/2018

Conselho Regional de Engenharia e Agronomia do Ceará

Endereço da obra/serviço: AEROPORTO Aeroporto Municipal, São Gabriel do Oeste-MS Nº. 00
Complemento: Bairro: AEROPORTO UF: MS CEP: 79400000
Cidade: SÃO GABRIEL DO OESTE
Coordenadas Geográficas: -19.422806, -64.582196
Data de início: 13/04/2018 Prazo de término: 31/05/2018
Finalidade: OUB
Proprietário: SERRANA AVIAÇÃO AGRÍCOLA LTDA. CPF/CNPJ: 02.840.377/0001-83

Atividade Técnica: 1 - ATUAÇÃO RESOLUÇÃO 1025 - OBRAS E SERVIÇOS - AERONÁUTICA - AERONAVEGABILIDADE -> 80314 - AERONAVEGABILIDADE 30 - INSTALAÇÃO 30.00 DIA, 1 - ATUAÇÃO RESOLUÇÃO 1025 - OBRAS E SERVIÇOS - AERONÁUTICA -> SISTEMAS AERONÁUTICOS E ESPACIAIS -> SISTEMAS ELETRÔNICOS REFERENTES A -> 80341 - AERONAVES 30 - INSTALAÇÃO 30.00 DIA, 1 - ATUAÇÃO RESOLUÇÃO 1025 - OBRAS E SERVIÇOS - AERONÁUTICA -> TECNOLOGIA AEROSPACIAL -> 80352 - MOTORES 30 - INSTALAÇÃO 30.00 DIA, 1 - ATUAÇÃO RESOLUÇÃO 1025 - OBRAS E SERVIÇOS - AERONÁUTICA -> TECNOLOGIA AEROSPACIAL -> EQUIPAMENTOS -> 80356 - MECÂNICOS 30 - INSTALAÇÃO 30.00 DIA, 1 - ATUAÇÃO RESOLUÇÃO 1025 - OBRAS E SERVIÇOS - AERONÁUTICA -> TECNOLOGIA AEROSPACIAL -> EQUIPAMENTOS -> 80357 - ELÉTRICOS 30 - INSTALAÇÃO 30.00 DIA, 1 - ATUAÇÃO RESOLUÇÃO 1025 - OBRAS E SERVIÇOS - AERONÁUTICA -> TECNOLOGIA AEROSPACIAL -> COMPONENTES -> 80373 - AVIÔNICA 30 - INSTALAÇÃO 30.00 DIA.

Observações
Instalação de antenas em aeronave EMB-420C, prefixo PT-REV, sistema GARMIN G1275D GPS-NAV-COM-FMS, GARMIN PFD-MFD G500TXL, BENDIX KING RADAR RDR3000 e ANTENA DE 10 PDL, TRANSDUCER GTX32T, SHADN DGPFLD-810524 e SISTEMA BENDIX KING GSPMS KSP360.

Número da ART: CE2018244871 Tipo de ART: OBRA / SERVIÇO Registrada em: 21/05/2018 Validada em: 21/05/2018
Forma de registro: FISCAL Participação técnica: INDIVIDUAL
Empresa contratada: SAB SERVIÇOS AERONÁUTICOS BRASILEIROS LTDA.

Contratante: PARAMAZONIA TAXI AÉREO LTDA. CPF/CNPJ: 05.521.815/0001-08
Endereço do contratante: FAZENDA BR 432 ESTRADA MALACACHETA, 800 M SN - FAZENDA Nº. 50
CARACU - ZONA RURAL
Complemento: Bairro: ZONA RURAL
Cidade: CANTÁ UF: RR CEP: 68300000
Contrato: Celebrado em:
Valor do contrato: R\$ 100.000,00 Tipo de contratante: PESSOA JURÍDICA DE DIREITO PRIVADO
Ação Institucional: NENHUMA - NÃO OPTANTE
Endereço da obra/serviço: FAZENDA BR 432 ESTRADA MALACACHETA, 800 M SN - FAZENDA Nº. 50
CARACU - ZONA RURAL
Complemento: Bairro: ZONA RURAL
Cidade: CANTÁ UF: RR CEP: 68300000
Coordenadas Geográficas: 2.081582, -60.833731
Data de início: 21/05/2018 Prazo de término: 31/05/2018
Finalidade: OUB
Proprietário: PARAMAZONIA TAXI AÉREO LTDA. CPF/CNPJ: 05.521.815/0001-08

Atividade Técnica: 1 - ATUAÇÃO RESOLUÇÃO 1025 - OBRAS E SERVIÇOS - AERONÁUTICA - AERONAVEGABILIDADE -> 80314 - AERONAVEGABILIDADE 15 - EXECUÇÃO 30.00 DIA, 1 - ATUAÇÃO RESOLUÇÃO 1025 - OBRAS E SERVIÇOS - AERONÁUTICA -> TECNOLOGIA AEROSPACIAL -> EQUIPAMENTOS -> 80361 - AVIÔNICA 15 - EXECUÇÃO 30.00 DIA, 1 - ATUAÇÃO RESOLUÇÃO 1025 - OBRAS E SERVIÇOS - AERONÁUTICA -> TECNOLOGIA AEROSPACIAL -> DISPOSITIVOS -> 80368 - AVIÔNICA 15 - EXECUÇÃO 60.00 DIA, 1 - ATUAÇÃO RESOLUÇÃO 1025 - OBRAS E SERVIÇOS - AERONÁUTICA -> TECNOLOGIA AEROSPACIAL -> COMPONENTES -> 80373 - AVIÔNICA 15 - EXECUÇÃO 60.00 DIA, 1 - ATUAÇÃO RESOLUÇÃO 1025 - OBRAS E SERVIÇOS - AERONÁUTICA -> INFRAESTRUTURA AEROPORTUÁRIA E INDUSTRIAL (INFRAESTRUTURA E INDÚSTRIA AERONÁUTICA E ESPACIAL) -> COMPONENTES -> 80385 - ELETRÔNICOS 15 - EXECUÇÃO 60.00 DIA.

Observações
Serviços de instalação de sistemas aeronave modern GARMIN ELECTRONIC FLIGHT INSTRUMENTS DE em 14 aeronaves fabricadas pelas CESSNA modelo 300 e 210 da frota da PARAMAZONIA TAXI AEREO, instalação de GNS430 na aeronave CESSNA 210, matrícula PR-GPS.

Número da ART: CE2018244886 Tipo de ART: OBRA / SERVIÇO Registrada em: 20/05/2018 Validada em: 20/05/2018
Forma de registro: COMPLEMENTAR Participação técnica: INDIVIDUAL
Empresa contratada: SAB SERVIÇOS AERONÁUTICOS BRASILEIROS LTDA.

Contratante: CTA CLAYTON TAXI AEREO LTDA. CPF/CNPJ: 04.244.488/0001-08
Endereço do contratante: AVENIDA PROFESSOR HILTON LINS Nº. 300
Complemento: WANGAR C - AEROCLUBE AMAZONAS UF: AM CEP: 69060000
Cidade: MANAUS
Contrato: Celebrado em: 29/01/2018
Valor do contrato: R\$ 40.000,00 Tipo de contratante: PESSOA JURÍDICA DE DIREITO PRIVADO
Ação Institucional: NENHUMA - NÃO OPTANTE

Conselho Regional de Engenharia e Agronomia do Ceará
Rua Castro e Silva, 61 - CENTRO - FORTALEZA - CEARÁ
Tel.: + 55 (85) 3503-6000 Fax: + 55 (85) 3405-6004 E-mail: concrea@crea.org.br

CREA-CE

Instituído em 24/08/2016, Lei 11.155

ESTADO DO CEARÁ - CARTÓRIO PERICLITINO MAR - 7º OFÍCIO DE NOTAS E PROTOCOLOS
TABELÃO: NUBERSTO FIGUEIRA MARI - CNPJ: 06.972.994/0001-01
Av. Pa. Antônio Toledo, Nº 439 - Aldeias - CEP: 60.140-100 - Fortaleza - CE
Tel: (85) 3394-8444 - E-mail: tabela@cartoriohmar.com.br

CERTIDÃO DE AUTENTICIDADE
Certifico e peço verbal de parte interessada que este documento emitido em 04/08/2018, através do site <http://crea-ce.org.br> leva sua autenticidade confirmada por este tabelante no mesmo endereço eletrônico. O referido é verdade. Dou fé.
Fortaleza 06/12/2018

MAR WANGUER DA SILVA - ESCR. AUTORIZADO
MARIA MARLY ROTA ROBERTO - ESCR. AUTORIZADA
CLAUDIA CARNEIRO DA SILVA - ESCR. AUTORIZADA
THAÍSS FERNANDES ARAÚJO - TABELÃO SUBSTITUTO

03
Escriturante Autorizada



SAB AVIAÇÃO LTDA - COM 1601-31/ANAC
Rua Professor Sólon Farias, 60,
Bairro: Edson Queiroz - CEP: 60.834-373
Fortaleza - CEARÁ



1020 W Cypress Creek Rd, Hangar 16.
Fort Lauderdale, FL 33309. USA.

In a clear and uncontested manner, the documentation submitted by the SAB - MILLENNIAL TECHNOLOGIES Consortium, herein considered as the plaintiff, evidencing the contract between GARMIN and MILLENNIAL, attached to the documentation presented in envelope 1, satisfies the objective condition required by the Public Notice and its attachment Basic Project.

Considering that this Distinguished Commission attributed legal value to the mere correspondence of GARMIN sent to the other participants of the auction as proof of technical qualification in detriment to a contract;

Considering that this Permanent Tender Committee decided to disqualify the plaintiff by asserting that the consortium is not an installer and is not in a position to integrate the systems required in this tender, while disregarding irrefutable documentary evidence of the applicant's ability to meet the requirements of the public notice - the contract established between GARMIN and MILLENNIAL and other documents attached in envelope 1, which satisfy the objective condition required by the Public Notice and its attachment Basic Project, proving that the company MILLENNIAL is a GARMIN distributor and installer; the plaintiff hereby requests a reconsideration of the decision of that Distinguished Commission that DISQUALIFIED the SAB - MILLENNIAL Consortium, and that the decision of that CPL is reversed and that it QUALIFIES the SAB - MILLENNIAL CONSORTIUM, under penalty of having disqualified the most advantageous proposal for the union.

Lastly, in view of the Commission's discrediting of the contract submitted by the plaintiff as proof of compliance with the Public Notice and considering the mere correspondence of GARMIN to the other participants in the auction as proof of technical qualification, that the plaintiff's submission of the same document be accepted, even if the legal values established between a correspondence and a contract are known not to be the same.

Miami, March 18th, 2019.

MÁRIO EGBERTON SILVA DE ALENCAR - CEO
SAB - MILLENNIAL CONSORTIUM



SAB AVIAÇÃO LTDA - COM 1601-31/ANAC
Rua Professor Sólon Farles, 60,
Bairro: Edson Queiroz - CEP: 60.834-375
Fortaleza - CEARÁ



1020 W Cypress Creek Rd, Hangar 16.
Fort Lauderdale, FL 33309. USA.

GARMIN.

Garmin International, Inc.
1200 East 151st Street
Olathe, Kansas 66062
P 913-397-8200 F 913-397-8282

March 18, 2019

To Whom it May Concern:

GARMIN INTERNATIONAL with its office at 1200 E. 151st Street, Olathe, KS 66062 hereby confirms that:

Millennial Technologies LLC
1020 W. Cypress Creek Rd.
Fort Lauderdale, FL 33309
(954) 489-9091

Millennial has been a Garmin dealer since 2015 and is sufficiently experienced and authorized for the promotion, demonstration, procurement, sales, installation, interfacing, technical consultation, warranty repair administration, and non-warranty repair administration of Garmin Aviation products.

If further information is required, please contact the undersigned.

Sincerely,

Joseph Stewart
Aviation Regional Sales Manager
Southeast U.S. and Latin America
Garmin International



Garmin International, Inc.
1200 East 151st Street
Olathe, Kansas 66062
P: 913-397-8200 F: 913-397-8282

March 18, 2019

To Whom it May Concern:

GARMIN INTERNATIONAL with its office at 1200 E. 151st Street, Olathe, KS 66062 hereby confirms that:

**Millennial Technologies LLC
1020 W. Cypress Creek Rd.
Fort Lauderdale, FL 33309
(954) 489-9091**

Millennial has been a Garmin dealer since 2015 and is sufficiently experienced and authorized for the promotion, demonstration, procurement, sales, installation, interfacing, technical consultation, warranty repair administration, and non-warranty repair administration of Garmin Aviation products.

If further information is required, please contact the undersigned.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joseph Stewart".

Joseph Stewart
Aviation Regional Sales Manager
Southeast U.S. and Latin America
Garmin International

Renato R. Gomes

From: Raphael Tropia C. de Oliveira <raphael.tropia@lideraviacao.com.br>
Sent: Tuesday, March 19, 2019 10:24 AM
To: Renato R. Gomes
Cc: Lista da CPL; Maj Bruno Xavier; Chefe CABW
Subject: RES: [190102 Avionic T27] - Meeting Minutes 010/CPL/2019
Attachments: APPEAL MARCH 19 2019.pdf

Mr Renato Gomes.

Good morning.

Hereby our company would like to present an appeal to the Qualification Phase in accordance with clause 33 of the IFB 190102/CABW/2019.

Please feel free to contact me for any reason.

We will be waiting for a reply by this Bidding Commission.

Best Regards.

Raphael Trópia

Gerente de vendas de manutenção – Sales Manager – Customer Services & Support

Rua. Haroldo Paranhos, Parque Jabaquara

CEP 04357-060 – São Paulo – SP

Tel: 55 11 5090 4049

Cel: 55 11 987551667

Fax: 55 11 5090 4079

raphael.tropia@lideraviacao.com.br

www.lideraviacao.com.br



De: Renato R. Gomes <renato@cabw.org>

Enviada em: sexta-feira, 15 de março de 2019 15:21

Para: guilherme@aeromot.com.br; Raphael Tropia C. de Oliveira <raphael.tropia@lideraviacao.com.br>; David Goldschmidt <dgoldschmidt@iai.co.il>; hsilva@sarasotaavionics.com; mario.alencar@sabaviacao.com.br

Cc: Lista da CPL <cpl@cabw.org>; Maj Bruno Xavier <Brunoxavierbsx@cabw.org>; Chefe CABW <chefecabw@cabw.org>

Assunto: [190102 Avionic T27] - Meeting Minutes 010/CPL/2019

Dear Bidders,

As instructed by the Bidding Commission, please find attached the meeting minutes 010/CPL/2019.

Kind Regards,



Renato Gomes
Bidding and Contract Division
renato@cabw.org
(202) 518-**7303**

Brazilian Aeronautical Commission, D.C.
Phone: (202) 483-4031
www.cabw.org
1701 22nd St, N.W., Washington, D.C. 20008

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

**TO MR. RENATO ALVES DE OLIVEIRA, BACW'S PRESIDENT OF THE
BIDDING COMMISSION.**

INVITATION FOR BID nº 190102/CABW/2019

LIDER TÁXI AÉREO S/A - AIR BRASIL ("LIDER"), a company duly organized and existing under the laws of Brazil, with head office at Av. Santa Rosa, 123, São Luiz, Belo Horizonte, Minas Gerais Brazil, enrolled with the Corporate Taxpayer's Register (CNPJ/MF) under 17.162.579/0001-91, hereby represented by its undersigned legal representative, accredited in the records of the above procedure, as a participant in INVITATION FOR BID nº 190102/CABW/2019, which's purpose is to "hire a specialized company to perform improvements to the avionics system of 40 (forty) FAB T-27 aircraft, by means of the system contracted by Lowest global price, according to specifications contained in the invitation, hereby, within the legal deadline, present an ADMINISTRATIVE APPEAL filed by this bidder, pursuant to article 109, paragraph 3 of Law 8.666/1993, for the facts and grounds set out below.

It should be noted that this APPEAL is presented in a proper and timely manner, since the Bidding Committee, according to item 33 of the Invitation for BID, has allowed the Bidders to present any objections up to the deadline set as March 19 2019.

ADMINISTRATIVE APPEAL

LÍDER aims to demonstrate hereby that many of the requirements set forth by the Invitation for BID were not duly observed nor accomplished by the companies participating in the BID.

Firstly, it should be noted that:

1. According to Item 3.2. of the Invitation for BID, companies in a joint venture may participate in this Bidding Process, provided they fit the description provided in Item 4 of this Invitation;
2. According to Item 4.1. of the Invitation for BID, companies forming a Consortium for participating in the BID are subject, in addition to the general requirements contained in the Invitation for BID, to the fulfillment of the condition set forth in art. 33 of Law nº 8.666/1993, as well as of the following requirements:
 - a. Item 4.1.2. of the Invitation for BID: submission, by each of the companies that will be forming the consortium, of the qualification documents required under Item 7 of the Invitation for BID, **except when the Invitation expressly allows the submission of the above documents by merely 1 (one) of consortium members;**
 - b. Item 4.1.3. of the Invitation for BID: Inclusion, in ENVELOPE 1, of the relevant letter of commitment to the formation of the consortium, executed by their legal representatives invested with the power to do so **and with their signatures duly notarized**, providing a clear description of each partner's participation in the consortium;
3. According to Item 7.2. of the Invitation for BID, all documentation for ENVELOPE Nº 1, must be submitted in ENGLISH, **meaning that any documents issued in a language other than English, must be submitted along with a certified and notarized translation;**

4. According to Item 7.5. of the Invitation for BID, bidders must also present the following documents in their QUALIFICATION ENVELOPE, for the purpose of Technical Qualification:
- a. ITEM 7.5.1: Proof that it is an authorized Garmin retailer;
 - b. ITEM 7.5.2: Proof that it regularly operates in the field of services to be rendered;
 - c. ITEM 7.5.3: Proof of Certification issued by DIRMAB, ANAC, or other equivalent entity in the **CONTRATED PARTY's country of origin to render services comparable to those described in the BASIC PROJECT PLAN;**
 - d. ITEM 7.5.4: Proof, through the submission of a certificate in the company's name, issued by a **public or private entity, duly registered in the relevant professional organizations,** attesting to the provision of services with characteristics, timelines and in quantities comparable to those specified in the BASIC PROJECT PLAN;
 - e. ITEM 7.5.5: Proof that it possesses, in its **professional cadre, higher education and technical level professionals,** with proper professional formation and recognition;
 - f. ITEM 7.5.6: commitment to replace any of the aforementioned technical professionals only with others of equivalent or greater qualifications;
 - g. ITEM 7.5.7: Statement that the above professional(s) must participate directly in the services addressed by the BASIC PROJECT PLAN;
 - h. ITEM 7.5.8: Submission of a **list of its pertinent machinery and equipment,** as well as of its **technical, specialized staff,** deemed essential to perform the scope of the Invitation for BID, and a formal statement of availability of said human resources;

With that in mind, it should be pointed out that the administrative decision that gave the results to the qualification phase (qualifying Bidders (i) AEROMOT – SEA AEROSPACE, (ii) IAI - ISRAEL AEROSPACE INDUSTRIES LTD and (iii) SARASOTA AVIONICS) must be amended under the terms of this Appeal, as explained below.

The main reason for that necessity is that, after proceeding a cross check of all paperwork presented by the three aforementioned Bidders, it has become clear to LÍDER that all three companies presented defective documentation, without the necessary conformity to the requirements set forth by the Invitation for BID.

Henceforth, the main reasons of this Appeal will be presented in topics, separated by company. That, hopefully, will permit an easy and clear cross-check of the irregularities pointed out and the previously mentioned rules set forth by the Invitation for BID, described above.

1. Formation of consortium by companies AEROMOT and SEA AEROSPACE:

- First of all, the Brazilian company AEROMOT presented **all** the documents as “certified copies”, but the necessary apostille pages were mere common copies, and were attached on separated sheets of the paperwork. **That makes such documents inadmissible for this BID's purposes.**
The reason for that is that, according to the widely known apostille procedures, set off by the International Hague Apostille Convention, the apostille should be attached on **the back of the last page,** making a cross reference to the respective apostille brochure.

In the present case, though, the aforementioned certified translations were presented as a simple colored print paper, and none of them contained the respective apostille certifications.

- The formation of consortium contract, between AEROMOT and SEA AEROSPACE, was not signed by SEA AEROSPACE. The name of Mr. Rob Reed is shown as a contact appointed in the contract, but he did not sign the formation of consortium.
- The Power of Attorney presented by SEA AEROSPACE giving legal power to AEROMOT was signed by Mr. John Boyd, but the presented document was a simple copy and the signature was not notarized. Moreover, the Power of Attorney only gives the power of "receiving an appointment, signature of commercial proposal and administrative and judicial **response** for the BID".
- The Accreditation Form was filled with the name of SEA AEROSPACE, but the Formation of Consortium was not signed by SEA AEROSPACE.
- Garmin dealer letter was issued to SEA AEROSPACE, dated 2016. The document was presented as a simple copy and it was not notarized.
- None of the companies forming the consortium presented a list of equipment's and machinery, required as per the Item 7.5.8. The only documents of such kind presented were pictures of bench tests and computers.
- All certificates in the company's name and similar services attesting provision of services with characteristics, timelines and in quantities comparable to those specified in the BASIC PROJECT PLAN, were presented as a certified copy, but the apostille pages were just copies and were attached on separated sheets of the paperwork.

According to the apostille procedure, the apostille should be attached on **the back of the last page**, making a cross reference to the respective apostille brochure.

- The certified translations were presented as a colored print paper and all of them without the apostille procedures.
- None of the certificates presented under the company's name and similar services attesting provision of services with characteristics, timelines and in quantities comparable to those specified in the BASIC PROJECT PLAN, were duly registered in the relevant professional organizations, mainly CREA - Conselho Federal de Engenharia e Agronomia – (Federal Council of Engineering and Agronomy). Not registered under company or employees name.
- The proof that it possesses within its professional cadre, higher education and technical level professionals were not accomplished due to the fact that were not presented any employment relationship proof between the company and the employees.
- One of the professionals named, Mr. Felipe Freitas Nardi, the engineer responsible for the services, is also mentioned at SARASOTA documentation presented on envelope #1.
- Restrictions: AEROMOT Company is not authorized in the industrial engineering areas to work in: design, aircraft homologation, its engines, components, parts and accessories, including avionics, related work in the project area, homologation, including unit and systems aerospace in its segments and satellite and ground.

Due to all topics specified above, and according to terms published at Invitation for BID, LIDER hereby requests that the consortium formation between of AEROMOT and SEA AEROSPACE, be disqualified as a potential supplier.

2. IAI – ISRAEL AEROSPACE INDUSTRIES LTD (“IAI”)

- The IAI Company from Israel was participating by itself in the BID, did not include the formation of a consortium with any other company, and it was shown as the accredited company on the accreditation form on behalf of the BID.

During document analyses, it was brought to our attention that the paperwork presented on BID, as qualification papers on ENVELOPE # 1, were presented under a company name of AVIONICS SERVICES (“A.S.”), and according to BIDDER, this company AS is a company controlled by IAI or colligated to it.

The bidder **only submitted a statement** that IAI owns a company called EAT at Belgium, and this company EAT owns A.S.. The demonstration of such, though, was just a Brazilian document with a certified translation – the latter **without** the apostille procedure. Such proof should not be admissible.

The Bidder should have submitted a **formal** document, such as a **company registration body**, issued by a legal entity on its country of origin, duly demonstrating the companies partners, their participation, and informing all companies controlled or owned by IAI.

This paper, nevertheless was not presented by the Bidder in ENVELOPE #1.

However, in order for the qualification documents of one company to meet the qualification requirements of the other companies, the related companies should participate as a consortium of this BID. The consortium formation was never requested nor formed, though, as the documents presented by IAI demonstrate.

Our conclusion is that A.S. will be an essential partner to IAI for this bid, but that, since it was not appointed for the formation of a consortium, it will have to be considered as a subcontracted company. Thus, and considering the amount of services intended to be accomplished by A.S., it should be deemed that it will exceed the threshold of 40% (Forty percent) of the contract amount – what, as for the rules set forth by the Invitation for BID, cannot happen.

Also, to conclude our thought, the Invitation for BID, provided by Brazilian Aeronautical Commission in Washington D.C. (CABW), does not provide the possibility of documents to be presented and to be valid as qualification documents for different legal entities, even if they are related companies.

- Garmin dealer letter was issued to A.S., but the letter was presented as an authenticated copy from Brazil and presented without the apostille procedure.
- Whereas the authorized Garmin Dealer is A.S. (a Brazilian Company), and it's not the BIDDER participating in the BID, and since the items must be purchased and supplied by the Garmin Dealer, LÍDER infers that:
 - a. The Garmin Dealer will be A.S. in Brazil: a company responsible to purchase and supply the items, but that is not participating at the BID.
 - b. The installation services will be provided in Brazil, and according to all paperwork presented, the services will be performed by A.S.
 - c. Technical documentation were presented, by IAI, under A.S. name.
 - d. There was never any intention of consortium formation.

We understand that A.S. must be considered as a subcontracted company and according to all services intended to be accomplished by A.S. the value amount related for this company will be more than 40% (Forty percent) of the contract amount.

- IAI did not present **the entirety of the required documents** since part of the documents presented by it were of a different company (A.S.). Documents presented as below:

- Repair Station License under name of IAI **does not** mention avionics upgrade, only shows limited to line maintenance only – HIS.
 - Commitment to replacing any professionals only with others of equivalent or greater experience was not notarized and neither contains an apostille.
 - IAI self-declaration with panel services, without any link with third party company, also without an apostille.
 - IAI self-declaration for inspection and maintenance services to Israel Air Force equipments support field of polish combat, digital video, without any link with third party company, also procedure without an apostille.
 - Technical Certification presented by IAI were not certificates issued by third party companies, the certificates were issued not contemplating upgrade of avionics
- The A.S. Company **did not present all proper documents** requested on invitation for BID due to not being a BIDDER accredited company. Documents presented as below:
 - Presented only a copy of its Federal Tax Identification Number CNPJ, without a certified translation and without the apostille procedure.
 - Certificates presented in the company's name registered in the relevant professional organizations, CREA - Conselho Federal de Engenharia e Agronomia – (Federal Council of Engineering and Agronomy) were not certified and not apostilled, certified translation without apostille procedure.
 - The proof that it possesses within its professional cadre, higher education and technical level professionals were not accomplished due to not presented any employment relationship between the companies and the employers. It was presented only copy of maintenance authorization licenses, not certified and not apostilled, documents without certified translation.
 - The list of equipment's and machinery was presented only from A.S. – which is not a participant of the BID.
 - Operating Specifications of the Maintenance Organization (EO) were presented from A.S. company, in Portuguese, without translation.
 - All certificates in the company's name and similar services attesting provision of services with characteristics, timelines and in quantities comparable to those specified in the BASIC PROJECT PLAN, some were presented as non-certified copies and all of them without apostille procedure. Company didn't accomplished with Invitation for BID instructions.

Due to all topics specified above, and according to terms published at Invitation for BID, this company requests that the company IAI Israel Aerospace Industries LTD, should be disqualified as a potential supplier, since it did not accomplish with Invitation for BID instructions.

3. SARASOTA, INC (“SARASOTA”)

- The company SARASOTA is an American company. They presented all the company's documents as copies with some documents notarized in the past, but none of the documents containing an apostille. Furthermore, the services will be executed in Brazil, and the company did not present the required documentation to prove that it will be possible for it to perform the services in Brazil.
- Since the services will be executed in Brazil, the company did not provide documentation that operates in the field, did not include any document issued by DIRMARB, ANAC or FAA attesting the capability to execute the service in Brazil.
- SARASOTA presented a service contract with Engineer Felipe Freitas Nardi. This contract is not current, but only a **possible** future contract. Nevertheless, Mr. Felipe Nardi appears as responsible engineer for another Bidder as well: AEROMOT.

- The contact between SARASOTA and Mr. Felipe Nardi, was signed by Felipe in Brazil and not apostilled, the contract was signed by SARASOTA in US and was not notarized. The contract was a certified translation but without the apostille procedures.
- Certificates presented in the company's name registered in the relevant professional organizations, CREA - Conselho Federal de Engenharia e Agronomia – (Federal Council of Engineering and Agronomy) was issued under AEROMOT company name, another BIDDER on this process.
- Certificate presented with similar service, registered in the relevant professional organizations, CREA - Conselho Federal de Engenharia e Agronomia – (Federal Council of Engineering and Agronomy), was issued under AEROMOT company name and was also used by AEROMOT as proof of similar service.
- The proof that it possesses within its professional cadre, higher education and technical level professionals were not accomplished, because it was not presented any document that proves employment relationship between the company and the indicated employers.
- It was presented only a copy of FAA maintenance authorization licenses, without certified translation, not certified and not apostilled.
- None of the companies presented a list of equipment's and machinery according to item 7.5.8.
- None of the companies presented commitment to replacing any professionals only with others of equivalent or greater experience and didn't present a Statement that the above professional(s) must participate in the services addressed by this BASIC PROJECT PLAN;

Due to all topics specified above, and according to terms published at Invitation for BID, this company requests that the company SARASOTA, should be disqualified as a potential supplier.

We do appreciate an analyses and a reply from the Bidding Commission.

Thank you for now.

A handwritten signature in black ink, appearing to read "Raphael Oliveira".

Raphael Oliveira

Renato R. Gomes

From: David Goldschmidt <dgoldschmidt@iai.co.il>
Sent: Monday, March 18, 2019 7:53 AM
To: Lista da Seção de Contratos
Subject: 190102 – T-27 – AVIONICS SYSTEM
Attachments: 190102 - T-27 Avionics System IAI Letter to BACW.pdf

Categories: Bidder Communication

Dear Col Leonardo Guedes,
Please find attached a letter from Israel Aerospace Industries Ltd. (IAI) with our observations and comments after our review of the contents in Envelope 1 of the bids submitted for the T-27 Avionics System on March 4, 2019, at BACW, at the meeting headed by Lt. Col. RENATO ALVES DE OLIVEIRA - President of Bidding Commission.

Yours respectfully,

David Goldschmidt
IAI's Accredited Representative

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18 March 2019

Col Leonardo Guedes
Chief of the Brazilian Aeronautical Commission in Washington DC (BACW)
Ministry of Defense
Aeronautical Command
1701 22nd Street, N.W.
Washington, DC 20008, **USA**

Subject: **Avionics System for T-27 "Tucano" (EMB-312) Aircraft - Invitation For Bid**

Reference: (i) Republished Invitation For Bid 190102/CABM/2019
(ii) March 4th 2019 meeting held at BACW for opening Envelope 1
(iii) 010/CPL/2019 Meeting Minutes dated March 15, 2019

Dear Col Leonardo Guedes,

Firstly, we wish to thank you and your staff at the Brazilian Aeronautical Commission in Washington DC (BACW) for the hospitality shown to all the competitors participating in the reference (ii) meeting, and the efficiency of the proceedings. We were pleased to receive the reference (iii) results of the analysis, and Israel Aerospace Industries Ltd. (IAI) being evaluated as qualified.

After reviewing the material provided by the other participating competitors, we wish to make the following comments regarding the Envelope 1 requirements:

Paragraph 7.5.3: Proof of certification by DIRMAB or ANAC [proving its ability to supply] INSTALLATION SERVICES comparable to those contemplated in this BASIC PROJECT PLAN.

Paragraph 7.5.3.1: For the purpose of this item, a similar service shall be defined as: complete panel replacement, from analog to digital, including engine parameter indication, in an aircraft category equal to- or higher than- T-27 aircraft.

1. AEROMOT/SEA AROSPACE

1.1. Under paragraph 7.5.3. and 7.5.3.1. (see above) we did not find any evidence of a Glass Cockpit Modernization, only a FMS and camera system was found with certification by ANAC or DIRMAB.

2. SARASOTA AVIONICS

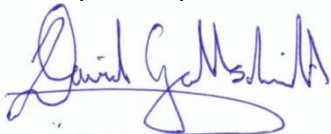
- 2.1. Under paragraph 7.5.3. and 7.5.3.1. (see above) we did not find any evidence of Glass Cockpit modernization with certification by ANAC or DIRMAB.
- 2.2. It also appears that they are using the same Aeronautical Engineer as AEROMOT, a company participating in the Bid as a competitor.

3. LIDER TÁXI AÉREO – LIDER SIGNATURE

- 3.1. Under paragraph 7.5.3. (see above) the certificates submitted from DIRMAB and ANAC do not match what was requested.
- 3.2. Under paragraph 7.5.3.1. (see above) we only found evidence of TCAS / TDR installation.
- 3.3. We did not find documents providing responses to paragraph 7.5.8 - Submission of a list of machinery and equipment, as well as a technical, specialized staff, considered essential to perform the object of the Invitation For Bid, and a formal statement of availability of said human resources and materials to perform the object of the BASIC PROJECT PLAN.

We are looking forward to having the opportunity of working together with BACW and supporting the requirements of the Brazilian Ministry of Defense.

Yours respectfully,



David Goldschmidt
Proposal Center Manager
Aviation Group
Israel Aerospace Industries Ltd.

cc: Lt. Col. RENATO ALVES DE OLIVEIRA - President of Bidding Commission

Renato R. Gomes

From: Henrique Da Silva <hsilva@sarasotaavionics.com>
Sent: Thursday, March 21, 2019 7:12 PM
To: Renato R. Gomes; Lista da Seção de Contratos
Cc: Lista da Seção de Contratos
Subject: Re: [190102 Avionic T27] - Appeals and Counter-Arguments
Attachments: Sarasota Avionics March 21-2019.pdf

Dear Bid Commission,

See attached our letter response of arguments made by Lider Aviacao and Israel Aerospace Industries LTD.

Please feel free to contact me if you have any questions.

Thank you,



Henrique Da Silva
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From: Renato R. Gomes <renato@cabw.org>
Sent: Tuesday, March 19, 2019 2:15:44 PM
To: guilherme@aeromot.com.br; raphael.tropia@lideraviacao.com.br; David Goldschmidt; Henrique Da Silva; mario.alencar@sabaviacao.com.br
Cc: Lista da CPL; Chefe CABW
Subject: [190102 Avionic T27] - Appeals and Counter-Arguments

Dear Bidders,

As instructed by the Bidding Commission, and in accordance with the item 33.2 of the IFB 190102/CBW/2019, "after a bidder enters an appeal, the other bidders shall be informed so that they may submit counter-arguments within a period of 2 (two) business days."

Based on that, the Bidding Commission forwards the appeals from the Bidders **LIDER, SAB AVIAÇÃO** and **IAI** for counter-arguments.

The counter-arguments shall be submitted to the Bidding Commission (con@cabw.org) by **March 21, 2019**.

Nonetheless, the open session for the opening of the Price Proposal shall be announced at later date, after the appeal phase has been resolved.

Kind Regards,



Renato Gomes
Bidding and Contract Division
renato@cabw.org
(202) 518-**7303**

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Sarasota, FL 34243

LANTANA (LNA)
Palm Beach County
Park Airport
2633 Lantana Rd
Hangar 214
Lantana, FL 33462

TAMPA (TPF)
Peter O. Knight Airport
845 Seavern Avenue
Tampa, FL 33606

PUNTA GORDA (PGD)
Charlotte County
Airport
28000 Airport Rd, #A-3
Punta Gorda, FL 33982

March 21ST, 2019

Hello Bidding Commission,

Considering the arguments made by Lider Aviacao and Israel Aerospace Industries LTD against Sarasota Avionics, we clarify as bellow:

The arguments Lider makes against Sarasota Avionics in section 3 of their appeal are entirely illegitimate and lack any sort of solid foundation for their findings. Sarasota Avionics has performed many installs of this magnitude both within the United States and internationally, as proven in the qualification documents. Sarasota Avionics is undoubtedly capable and fully prepared to perform this install in Brazil.

The Federal Aviation Authority of the United States has authorized and certified Sarasota Avionics as a Part 145 Repair Station, granting Sarasota Avionics the power to perform installs of this caliber. Furthermore, the FAA and ANAC have a bilateral agreement which states that all of the regulations and requirements are the same. For further clarification, please see the agreement between the government of the United States of America and the government of the Federal Republic of Brazil, Implementation Procedures for Airworthiness and Environmental Certification.

The contract between Felipe Freitas Nardi and Sarasota Avionics is a current contract, as of the date of signing February 15th, 2019, contingent upon Sarasota Avionics winning BID n° 190102/CABW/2019. This document was notarized and signed at the same location by both parties. Felipe Freitas Nardi does not have a contract with Aeromot for BID n° 190102/CABW/2019. Please contact Felipe Freitas Nardi, if you need further verification on this matter.

The CAT document provided in the Qualification Envelope was issued to Felipe Freitas Nardi on behalf of the company Aeromot. But it is IMPORTANT to make it clear. It is a document issued by CREA to the engineer, not to the Company. The engineer, Felipe Freitas Nardi, did the job at that time as part of an extinguished contract that he had in the past with Aeromot. He was also responsible for more than one thousand CST (Brazilian STC) issued by ANAC. IAI also mention this in their appeal. Again, Aeromot has no agreement with Felipe Freitas Nardi for this BID. This document was only provided to further establish and prove Sarasota Avionics' resources and capabilities.

The FAA issued licenses in the Qualification Envelope were only a small portion of professionals employed by Sarasota Avionics. For further information concerning those employed by Sarasota Avionics, tax documents can be made readily available to the Bidding Commission. We focused on sending approved documents issued by the FAA which establishes our capabilities.

Lider argues that the United States issued licenses were not translated or apostilled. The word "apostille" is not mentioned one time in the IFB, nor would an English issued document need to be translated and apostilled for this bid. Lider is likely confusing this bid with the previous bid 13/GAL/2018 that took place in Brazil. Per 7.2 of the IFB 190102/CABW/2019, "All documents for Envelope No. 1 must be submitted in ENGLISH. Documents issued in a language other than English, must be submitted along with a certified and notarized translation." These licenses are already in English.

Lider claims that the list of equipment was not provided. Please see pages 77 & 78 of Sarasota Avionics' qualification documents for the machinery and equipment to be used.

For Lider's last argument that a statement was not provided, please see page 4 of Sarasota Avionics' qualification documents.

Sincerely,



Henrique Da Silva

Director, Sales/Marketing S.A.

941-360-6877 Ext. 111

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Renato R. Gomes

From: Raphael Tropa C. de Oliveira <raphael.tropia@lideraviacao.com.br>
Sent: Thursday, March 21, 2019 3:47 PM
To: Renato R. Gomes
Cc: Lista da CPL; Chefe CABW
Subject: RES: [190102 Avionic T27] - Appeals and Counter-Arguments
Attachments: COUNTER ARGUMENT APPEAL MARCH 21 2019.pdf

Hello Mr Renato.

Hope you are great today.

Hereby our company would like to present our counter argument appeal for the appeals presented by other BIDDER.

Please feel free to contact me for any reason.

We will be waiting for a reply by this Bidding Commission.

We be waiting for the respective opening section date.

Best Regards.

Raphael Trópia

Gerente de vendas de manutenção – Sales Manager – Customer Services & Support

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CEP 04357-060 – São Paulo – SP

Tel: 55 11 5090 4049

Cel: 55 11 987551667

Fax: 55 11 5090 4079

raphael.tropia@lideraviacao.com.br

www.lideraviacao.com.br



De: Renato R. Gomes <renato@cabw.org>

Enviada em: quarta-feira, 20 de março de 2019 10:16

Para: guilherme@aeromot.com.br; Raphael Tropa C. de Oliveira <raphael.tropia@lideraviacao.com.br>; David Goldschmidt <dgoldschmidt@iai.co.il>; hsilva@sarasotaavionics.com; mario.alencar@sabaviacao.com.br

Cc: Lista da CPL <cpl@cabw.org>; Chefe CABW <chefecabw@cabw.org>

Assunto: RE: [190102 Avionic T27] - Appeals and Counter-Arguments

Dear Bidders,

As instructed by the Bidding Commission, and in complement of the e-mail sent yesterday at 3:16 pm (EST), please find attached the appeal received from SARASOTA on March 19, 2019 at 4:06 pm (EST) for counter-arguments.

The counter-arguments shall be submitted to the Bidding Commission (con@cabw.org) by **March 21, 2019**.

Nonetheless, the open session for the opening of the Price Proposal shall be announced at later date, after the appeal phase has been resolved.

Kind Regards,



Renato Gomes
Bidding and Contract Division
renato@cabw.org
(202) 518-**7303**

Brazilian Aeronautical Commission, D.C.
Phone: (202) 483-4031
www.cabw.org
1701 22nd St, N.W., Washington, D.C. 20008

From: Renato R. Gomes

Sent: Tuesday, March 19, 2019 3:16 PM

To: guilherme@aeromot.com.br; raphael.tropia@lideraviacao.com.br; David Goldschmidt <dgoldschmidt@iai.co.il>; hsilva@sarasotaavionics.com; mario.alencar@sabaviacao.com.br

Cc: Lista da CPL <cpl@cabw.org>; Chefe CABW <chefecabw@cabw.org>

Subject: [190102 Avionic T27] - Appeals and Counter-Arguments

Dear Bidders,

As instructed by the Bidding Commission, and in accordance with the item 33.2 of the IFB 190102/CBW/2019, "after a bidder enters an appeal, the other bidders shall be informed so that they may submit counter-arguments within a period of 2 (two) business days."

Based on that, the Bidding Commission forwards the appeals from the Bidders **LIDER, SAB AVIAÇÃO** and **IAI** for counter-arguments.

The counter-arguments shall be submitted to the Bidding Commission (con@cabw.org) by **March 21, 2019**.

Nonetheless, the open session for the opening of the Price Proposal shall be announced at later date, after the appeal phase has been resolved.

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

**TO MR. RENATO ALVES DE OLIVEIRA, BACW'S PRESIDENT OF THE BIDDING
COMMISSION.**

INVITATION FOR BID nº 190102/CABW/2019

LIDER TÁXI AÉREO S/A - AIR BRASIL ("LIDER"), a company duly organized and existing under the laws of Brazil, with head office at Av. Santa Rosa, 123, São Luiz, Belo Horizonte, Minas Gerais Brazil, enrolled with the Corporate Taxpayer's Register (CNPJ/MF) under 17.162.579/0001-91, hereby represented by its undersigned legal representative, as a participant in INVITATION FOR BID nº 190102/CABW/2019, which's purpose is to "hire a specialized company to perform improvements to the avionics system of 40 (forty) FAB T-27 aircraft, by means of the system contracted by Lowest global price, according to specifications contained in the invitation", hereby, presents, in a timely and proper manner, its COUNTER-ARGUMENTS TO THE ADMINISTRATIVE APPEALS filed by IAI - Israel Aerospace Industries Ltd. ("IAI") and by SARASOTA, Inc. - Sarasota Avionics International ("SARASOTA").

ADMINISTRATIVE APPEAL PRESENTED BY IAI

According to Administrative appeal presented by IAI, the company claims that LIDER did not provide part of the documents requested by the Invitation for BID, according to the below:

"Paragraph 7.5.3: Proof of certification by DIRMAB or ANAC [proving its ability to supply] INSTALLATION SERVICES comparable to those contemplated in this BASIC PROJECT PLAN'.

'Paragraph 7.5.3.1: For the purpose of this item, a similar service shall be defined as: complete panel replacement, from analog to digital, including engine parameter indication, in an aircraft category equal to- or higher than- T-27 aircraft'.

- *Under paragraph 7.5.3. (see above) the certificates submitted from DIRMAB and ANAC do not match what was requested.*
- *Under paragraph 7.5.3.1. (see above) we only found evidence of TCAS / TDR installation.*
- *Could not find documents providing responses to paragraph 7.5.8 - Submission of a list of machinery and equipment, as well as a technical, specialized staff, considered essential to perform the object of the Invitation For Bid, and a formal statement of availability of said human resources and materials to perform the object of the BASIC PROJECT PLAN."*

Such allegations, though, are not correct, as these requirements were all duly met by LÍDER. Therefore, we have to disagree and **request** that this administrative appeal **be disregarded**, since all Technical Qualification Documents required by the invitation for BID were duly accomplished by our company.

Please see below the list of accomplished items:

- Regarding to certificates submitted by LÍDER, hereby we would like to inform that many other certificates were provided and included on ENVELOPE #1, including the TCAS, TDR installation previously informed.

These services were performed according to work orders duly registered according and informed to ANAC, complied according to Maintenance Organization Certificate and Operating Specifications for Maintenance Organization.

- Certificate issued for the service of Garmin Avionics installation, PFD and MFD G600 TXI, GPS-VOR-VHF COMM GTN 750 & GTN 650, AUDIO BOX GARMING GMA 35. GWX 68 WEATHER RADAR AND TCAS GTS 800 LRU. Document registered at legal entity, registered at CREA under ART# 142019000000545310, work performed according to Work Orders 2075829 - STC SA02571SE and ANAC CST 2018S05-14, 2075838 - STC SA02019SE-D and ANAC CST 2012S01-05, 2075839 - STC SA02019SE-D and ANAC CST 2012S01-05, 2075841 - STC SA01670SE-D and ANAC CST 2018S06-03, 2075842 - STC SA02121SE and ANAC CST 2014S11-10, complied according to Maintenance Organization Certificate and Operating Specifications for Maintenance Organization. Paperwork was provided in Portuguese with a certified and notarized translation at Envelope #1;
- Certificate issued for the service of panel retrofit installation of Proline 21 from Rockwell Collins with FLIGHT MANAGEMENT SYSTEM (FMS) UNS-1LW DA UNIVERSAL. Document registered at legal entity, registered at CREA under ART# 1420150000002848271, work performed according to Work Order 1660096 - STC SA10800SC and ANAC CST 2018S08-08, complied according to Maintenance Organization Certificate and to Operating Specifications for Maintenance Organization. **Paperwork was** provided in Portuguese with a certified and notarized translation at envelope #1;
- Regarding the documents providing responses to Paragraph 7.5.8, LÍDER has submitted (i) a list of machinery and equipment, (ii) a list of a technical, specialized staff, considered essential to perform the object of the Invitation for BID, and (iii) a formal statement of availability of said human resources and materials to perform the object of the BASIC PROJECT PLAN.

Once again, we are led to believe that the bidder IAI did not check the documents presented inside Envelope #1. Both documents were included in the paperwork.

- The list of equipment were included as “EQUIPMENT AND TOOL LIST OF BELO HORIZONTE” according to identification of referred items, INDEX, the list is included on page 513 of qualification documents.
- The technical and specialized staff, considered essential to perform the object of the Invitation for BID were declared with a list of the employees witch will be available to meet trading floor 190102/CABW/2019, and also, declared that the indicated professionals must participate in the execution of the services that are the purpose of this tender. Our company also declared that it undertakes to maintain all conditions requested by this invitation for BID during the entire bidding process and the validity of the future agreement. All of this statements is available from page 364 of qualification documents.

ADMINISTRATIVE APPEAL PRESENTED BY SARASOTA, INC.

Mainly, it will be demonstrated hereby (*i*) that the information provided by SARASOTA is absolutely groundless, false and acrimonious (and therefore, immoral and reproachable), and (*ii*) that, contrarily to SARASOTA’s allegations, LÍDER’s finances are healthy, stable and solid.

First off, it should be noted that, although SARASOTA’s Appeal was based on the “*review of the documents submitted by Líder*”, the conclusions presented therein were not. In SARASOTA’s opinion, the fact that LÍDER provided a thorough and detailed documentation is actually an attempt to overshadow its “*lack of financial stability*”.

It should be emphasized: SARASOTA did not analyze nor had access to any documents pertaining to LÍDER’s financial situation. The grave adductions posed by SARASOTA are fruit of its fanciful perception alone.

The frivolous manner with which the Appellant treats such serious matters should not be overlooked because, if anything, it describes SARASOTA's loose morals and amateurism.

In fact, LÍDER is a solid and reputable company which, bearing 60 (sixty) years of experience and market leadership, is deemed to be the biggest in its field, in the whole Latin America.

Nevertheless, attached hereto is a copy the 2017 financial statements of Líder Taxi Aéreo S.A. – Air Brasil, with clean opinion from the external audits.

Based on these 2017 consolidated financial statements, a series of comments can be made in order to prove that SARASOTA's allegation are vain:

- The total debt of USD 188 million will be due in the period from 2018 to 2024 and only USD 45 million is due in 2018. The company has a cash balance of USD 136 million, which is sufficient to cover 72% of the total debt, which demonstrates that the company has enough money to support most of its debts.
- The liquidity ratio (current assets / current liabilities) is 2,04, which is much better than usual market ratios.
This ratio means that the company has USD 201 million of assets with liquidity in the next 12 months and only USD 99 million of debts to be paid in the next 12 months.
Again, this ration demonstrates that the company is in a very good financial health.
- The company also presents a book value of fixed assets of USD 204 million, with most part formed by helicopters and airplanes that have a very good market value.
- LÍDER also presents an equity balance of USD 192 million as of December 31, 2017, also demonstrating its financial health and support.
- As it can be seen in the audited cashflow statements, in 2017 the company generated USD 46 million of cash from its operations.
- In the year of 2017, LÍDER had a net profit of USD 23 million, which proves its profitability and the success of its business strategy.
- From the 2018 statements LÍDER's capability to guarantee the business continuity and the fulfillment of all the company's obligations are still clearly visible (which can be seen, for instance, from the good EBITDA and the ongoing comfortable cash position).

The 2018 consolidated financial statements is in the process of external audit, but some figures may be anticipated such as:

- Equity is around USD 161 million.
- Cash balance is higher than USD 110 million, what is more than sufficient to guarantee the continuity of the company for many years.
- EBITDA (Earnings Before Interests, Taxes, Depreciation and Amortization) is around USD 20 million for the year 2018.
- From the 2018 statements LÍDER's capability to guarantee the business continuity and the fulfillment of all the company's obligations are still clearly visible.

Therefore, according to the explanations set above, LÍDER hereby requests that the allegations made by SARASOTA in its Appeal be disregarded.

We do appreciate an analyses and a reply from the Bidding Commission.

Thank you for now.

Raphael Oliveira

Raphael Oliveira

Renato R. Gomes

From: David Goldschmidt <dgoldschmidt@iai.co.il>
Sent: Thursday, March 21, 2019 1:29 PM
To: Lista da Seção de Contratos
Subject: RE: [190102 Avionic T27] - Appeals and Counter-Arguments
Attachments: IAI Counter-Arguments to T-27 Avionics System Bid Appeal 190102.pdf

Dear Col Leonardo Guedes,

After reviewing the material in the Appeals from Bidders, we at Israel Aerospace Industries Ltd. (IAI) wish to provide our counter-arguments which are provided in the attached document.

Yours respectfully,

David Goldschmidt
Accredited Representative
Israel Aerospace Industries Ltd.

From: Renato R. Gomes [renato@cabw.org]
Sent: Tuesday, March 19, 2019 9:15 PM
To: guilherme@aeromot.com.br; raphael.tropia@lideraviacao.com.br; David Goldschmidt; hsilva@sarasotaavionics.com; mario.alencar@sabaviacao.com.br
Cc: Lista da CPL; Chefe CABW
Subject: [190102 Avionic T27] - Appeals and Counter-Arguments

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Based on that, the Bidding Commission forwards the appeals from the Bidders LIDER, SAB AVIAÇÃO and IAI for counter-arguments.

The counter-arguments shall be submitted to the Bidding Commission (con@cabw.org<mailto:con@cabw.org>) by March 21, 2019.

Nonetheless, the open session for the opening of the Price Proposal shall be announced at later date, after the appeal phase has been resolved.

Kind Regards,

[cid:image004.png@01D45717.4148A050]

Renato Gomes
Bidding and Contract Division
renato@cabw.org<mailto:renato@cabw.org>
(202) 518-7303

Brazilian Aeronautical Commission, D.C.
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21 March 2019

Col Leonardo Guedes
Chief of the Brazilian Aeronautical Commission in Washington DC (BACW)
Ministry of Defense
Aeronautical Command
1701 22nd Street, N.W.
Washington, DC 20008, USA

Subject: **Avionics System for T-27 "Tucano" (EMB-312) Aircraft**
IAI counter-arguments to the Lider Táxi Aéreo – Lider Signature Appeal

Reference: (i) Republished Invitation For Bid 190102/CABM/2019
(ii) March 4th 2019 meeting held at BACW for opening Envelope 1
(iii) 010/CPL/2019 Meeting Minutes dated March 15, 2019
(iv) Appeals from the Bidders sent on March 19th, 2019

Dear Col Leonardo Guedes,

After reviewing the material in the reference (iv) Appeals from Bidders, we at Israel Aerospace Industries Ltd. (IAI) wish to provide our counter-arguments to the Lider Táxi Aéreo – Lider Signature Appeal. After careful examination of the Invitation For Bid and the Appeal we wish to provide justification that the reasons for the appeal are void and do not present any grounds for the disqualification of our proposal.

For your convenience our response below is arranged in the same order as the Lider Táxi Aéreo – Lider Signature Appeal.

Text from the Appeal:

"The IAI Company from Israel was participating by itself in the BID, did not include the formation of a consortium with any other company, and it was shown as the accredited company on the accreditation form on behalf of the BID.

During document analyses, it was brought to our attention that the paperwork presented on BID, as qualification papers on ENVELOPE # 1, were presented under a company name of AVIONICS SERVICES ("A.S."), and according to BIDDER, this company AS is a company controlled by IAI or colligated to it.

The bidder only submitted a statement that IAI owns a company called EAT at Belgium, and this company EAT owns A.S. The demonstration of such, though, was just a Brazilian document with a certified translation – the latter without the apostille procedure.

Such proof should not be admissible.

The Bidder should have submitted a formal document, such as a company registration body, issued by a legal entity on its country of origin, duly demonstrating the companies partners, their participation, and informing all companies controlled or owned by IAI.

This paper, nevertheless was not presented by the Bidder in ENVELOPE #1.”

IAI Response 1:

Israel Aerospace Industries Ltd. (IAI) is participating in the bid as the prime contractor and not part of a consortium with any other company. However, as permitted under the bid terms, IAI shall subcontract to A S Avionics Services S.A (Avionics) tasks related to the program, up to, but not more than 40% of the contract amount. We wish to clarify that Avionics is a company belonging to IAI, via its wholly owned subsidiary EAT – Belgium.

Therefore, the documents presented on pages 5 - 23 in IAI's Envelope 1 Qualification Documents are valid and truthful evidence of the relation between the two companies. The relationship between EAT and A S Avionics Services S.A. is legally established and shown in the official corporate documents duly registered with the Commercial Registry of competent jurisdiction (São Paulo State) and were accompanied by the relevant certified and notarized translations.

Text from the Appeal:

“However, in order for the qualification documents of one company to meet the qualification requirements of the other companies, the related companies should participate as a consortium of this BID. The consortium formation was never requested nor formed, though, as the documents presented by IAI demonstrate.

Our conclusion is that A.S. will be an essential partner to IAI for this bid, but that, since it was not appointed for the formation of a consortium, it will have to be considered as a subcontracted company. Thus, and considering the amount of services intended to be accomplished by A.S., it should be deemed that it will exceed the threshold of 40% (Forty percent) of the contract amount – what, as for the rules set forth by the Invitation for BID, cannot happen.

Also, to conclude our thought, the Invitation for BID, provided by Brazilian Aeronautical Commission in Washington D.C. (CABW), does not provide the possibility of documents to be presented and to be valid as qualification documents for different legal entities, even if they are related companies.”

IAI Response 2:

The assumption by Lider TÁxi Aéreo – Lider Signature is wrong. Under the bid rules, the qualification documents may include certificates relating to third parties that are not necessarily bound by a consortium relationship, i.e. subcontractors that may have the necessary skills and expertise, specifically regarding performing work on the aircraft in Brazil.

The above rationale was expressly stated by the Bidding Commission in the response to questions submitted in regard to this specific issue:

Question: - *A bidder could present a technical qualification documents issued in the name of another company pertaining to the same economic group of bidder? Is this understanding correct?*

Answer: *For this solicitation it will be accepted the composition of parent companies, subsidiaries and the companies with society participation"*

CABW - QEA3 – March 1st, 2019

Additionally, as stated in Response 1 above, the services intended to be subcontracted to A S Avionics Services S.A for the proposed program **do not** exceed 40% of the contract amount.

Text from the Appeal:

"Whereas the authorized Garmin Dealer is A.S. (a Brazilian Company), and it's not the BIDDER participating in the BID, and since the items must be purchased and supplied by the Garmin Dealer, LÍDER infers that:

- a. The Garmin Dealer will be A.S. in Brazil: a company responsible to purchase and supply the items, but that is not participating at the BID.*
- b. The installation services will be provided in Brazil, and according to all paperwork presented, the services will be performed by A.S.*
- c. Technical documentation were presented, by IAI, under A.S. name.*
- d. There was never any intention of consortium formation.*

We understand that A.S. must be considered as a subcontracted company and according to all services intended to be accomplished by A.S. the value amount related for this company will be more than 40% (Forty percent) of the contract amount."

IAI Response 3:

In accordance with the official position of the bidding authority, IAI provided qualification documents from IAI and Avionics a company belonging to the IAI organization and economic group. Avionics is a GARMIN dealer and will place the purchase orders for the necessary equipment, which will be bought and paid for by IAI. In this manner, the dealership requirement will be fulfilled. The fact that Avionics, as a GARMIN dealer, presents the purchase order to Garmin, does not cause its participation as a subcontractor to exceed the 40% limit. As a company belonging to the same group, IAI is authorized to purchase from GARMIN under the same terms granted to Avionics.

Text from the Appeal:

"- The A.S. Company did not present all proper documents requested on invitation for BID due to not being a BIDDER accredited company. Documents presented as below:

- Presented only a copy of its Federal Tax Identification Number CNPJ, without a certified translation and without the apostille procedure."

IAI Response 4:

Certified and notarized translation was duly attached (see pages 110-111 in the IAI Envelope 1).

Text from the Appeal:

"- Garmin dealer letter was issued to A.S., but the letter was presented as an authenticated copy from Brazil and presented without the apostille procedure."

IAI Response 5:

With regard to the apostille issue, it is probably a misunderstanding of Lider T xi A reo – Lider Signature, about the actual requirements of the bidding terms, since this is not expressly a requirement. All the documents presented were duly accompanied by the necessary certified and notarized translations, as applicable, exception made were for documents originally issued in the English language.

Text from the Appeal:

"IAI did not present the entirety of the required documents since part of the documents presented by it were of a different company (A.S.). Documents presented as below:

IAI Response: See the Responses 2 and 5 above.

Text from the Appeal:

- IAI self-declaration with panel services, without any link with third party company, also without an apostille.

IAI Response: Avionics Services documents meet these requirements.

See the Response 5 above for apostille.

Text from the Appeal:

"- IAI self-declaration for inspection and maintenance services to Israel Air Force equipment support field of polish combat, digital video, without any link with third party company, also procedure without an apostille."

IAI Response: Avionics Services documents meet these requirements.

See the Response 5 above for apostille.

Text from the Appeal:

"- Certificates presented in the company's name registered in the relevant professional organizations, CREA - Conselho Federal de Engenharia e Agronomia – (Federal Council of Engineering and Agronomy) were not certified and not apostilled, certified translation without apostille procedure."

IAI Response: See the Response 5 above.**Text from the Appeal:**

"- All certificates in the company's name and similar services attesting provision of services with characteristics, timelines and in quantities comparable to those specified in the BASIC PROJECT PLAN, some were presented as non-certified copies and all of them without apostille procedure. Company didn't accomplished with Invitation for BID instructions."

IAI Response: See the Response 5 above.**Text from the Appeal:**

"- Repair Station License under name of IAI does not mention avionics upgrade, only shows limited to line maintenance only – HIS."

IAI Response 6:

Please see documentation on pages 106 - 107 in the IAI Envelope 1.

Text from the Appeal:

"- Commitment to replacing any professionals only with others of equivalent or greater experience was not notarized and neither contains an apostille."

IAI Response 7:

Please refer to the documents on pages 173-175, in English language, in the IAI Envelope 1.

Text from the Appeal:

"- Technical Certification presented by IAI were not certificates issued by third party companies, the certificates were issued not contemplating upgrade of avionics."

IAI Response 8:

Please refer to the documents on pages 106-107 in the IAI Envelope 1.

Text from the Appeal:

"- The proof that it possesses within its professional cadre, higher education and technical level professionals were not accomplished due to not presented any employment relationship between the companies and the employers. It was presented only copy of maintenance authorization licenses, not certified and not apostilled, documents without certified translation."

IAI Response 9:

Please refer to the documents on pages 170-172 in the IAI Envelope 1.

Text from the Appeal:

"- The list of equipment's and machinery was presented only from A.S. – which is not a participant of the BID."

IAI Response: See the Response 2 above.**Text from the Appeal:**

"- Operating Specifications of the Maintenance Organization (EO) were presented from A.S. company, in Portuguese, without translation."

IAI Response 10:

Please refer to the documents on pages 196-198 in both Portuguese and English languages which were included in the IAI Envelope 1.

Furthermore, IAI hereby declares that:

- i. Subcontracting to A S Avionics Services S.A. will be submitted for authorization by the director of SELOG;
- ii. The portion of the program subcontracted will not exceed 40% of the contract amount;
- iii. Subcontracted company possesses all technical qualification requirements, as per the documents presented in the ENVELOPE #1;
- iv. IAI shall remain legally and contractually responsible for all subcontracted services.

In view of the counter-arguments detailed above, IAI believes that the Appeal submitted by Lider Táxi Aéreo – Lider Signature is unfounded and the BACW Meeting Minutes 010/CPL/2019 dated March 15, 2019, that evaluated IAI to be qualified, is fully and IAI will be accepted and allowed to proceed in the Bid process.

Yours respectfully,

A handwritten signature in blue ink, which appears to read "David Goldschmidt". The signature is written in a cursive style and is positioned above a horizontal line.

David Goldschmidt
Accredited Representative
Israel Aerospace Industries Ltd.

Renato R. Gomes

From: Gabriel Heinlein <gabriel.heinlein@aeromot.com.br>
Sent: Friday, March 22, 2019 1:15 AM
To: Renato R. Gomes; Lista da CPL; Chefe CABW
Cc: Guilherme Cunha; Sidney Moacyr Jaques Pereira
Subject: RES: [190102 Avionic T27] - Appeals and Counter-Arguments
Attachments: Aeromot Counter Arguments.pdf

Mr. Renato, good evening

Follow attached the Counter-Arguments from Aeromot.

Best Regards,



From: "Renato R. Gomes" <renato@cabw.org>
Date: Tuesday, 19 March 2019 16:15
To: Guilherme Cunha <guilherme@aeromot.com.br>, "raphael.tropia@lideraviacao.com.br" <raphael.tropia@lideraviacao.com.br>, David Goldschmidt <dgoldschmidt@iai.co.il>, "hsilva@sarasotaavionics.com" <hsilva@sarasotaavionics.com>, "mario.alencar@sabaviacao.com.br" <mario.alencar@sabaviacao.com.br>
Cc: Lista da CPL <cpl@cabw.org>, Chefe CABW <chefecabw@cabw.org>
Subject: [190102 Avionic T27] - Appeals and Counter-Arguments

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The counter-arguments shall be submitted to the Bidding Commission (con@cabw.org) by **March 21, 2019**.

Nonetheless, the open session for the opening of the Price Proposal shall be announced at later date, after the appeal phase has been resolved.

Kind Regards,



Renato Gomes
Bidding and Contract Division
renato@cabw.org
(202) 518-7303

Brazilian Aeronautical Commission, D.C.
Phone: (202) 483-4031
www.cabw.org
1701 22nd St, N.W., Washington, D.C. 20008

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Mr. PRESIDENT OF THE BIDDING COMMITTEE
BRAZILIAN AERONAUTICAL COMMISSION IN WASHINGTON
DEFENSE MINISTRY

- Ref.: (1) Invitation to BID nº 190102/CABW/2019;
(2) Meeting minute nº 009/CPL/2019
(3) Meeting minute nº 010/CPL/2019
(4) Administrative Appeal ISRAEL AEROSPACE INDUSTRIES LTD. ("IAI"),
(5) Administrative Appeal LIDER TÁXI AÉREO S/A - AIR BRASIL ("LIDER"),
(5) Administrative Appeal SARASOTA AVIONICS (SARASOTA")

REF.: COUNTER-ARGUMENTS OF THE ADMINISTRATIVE APPEAL OF THE BIDDING INVITATION Nº 190102/CABW/2019, PROCESSO N.º 67102.190102/2019-59

COUNTER-ARGUMENTS TO ADMINISTRATIVE RESOURCES

AEROMOT AERONAVES E MOTORES SA, headquartered in the city of Porto Alegre, State of Rio Grande do Sul, at 1988 Sertório Avenue, São João, Postal Code 91020-000, TAX ID under no. 92.833.110 / 0001-52, represented in this instrument in the form of its Bylaws, as Chairman, Mr. Guilherme Roberto da Cunha, bearer of the General Register of Individuals (CPF) no. 058.709.636-56 and Identity Card (RG / SSP - RS) n ° 7131437985, being legally qualified to represent the company AEROMOT AERONAVES E MOTORES SA, comes, through this document, based on art. 109, paragraph 4 of Law no. 8.666 / 1993, lodged these COUNTER-ARGUMENTS versus appeals submitted by ISRAEL AEROSPACE INDUSTRIES LTD. (IAI), LIDER TÁXI AÉREO S / A - AIR BRAZIL ("LIDER") and SARASOTA AVIONICS (SARASOTA "), applicant on 19.03.2019.

The respectable judgment of the conter-arguments brought lies at this moment for its responsibility, which AEROMOT relies on the candor, the isonomy and the impartiality to be practiced in the judgment in question, searching for the most advantageous proposal for this dignified administration.

I - FULL RIGHT AS CONTRADICTIONS TO THE ADMINISTRATIVE RESOURCE

The Right to Counter-Arguments:

(...) XVIII – declared the winner, any bidder may immediately and reasonably state the intention to appeal, when it will be granted a period of 03 (three) days to present the reason for appeal, and other bidders are immediately summoned to file counter-claims in an equal



number of days, which shall begin to run from the expiry of the time-limit and shall have immediate access to the file;

Decree N.º 5.450/2005, Article 26

Art. 26.

Once the winner has been declared, any bidder may, during the public session, immediately and reasonably, in its own field of the system, expresses its intention to appeal, when it will be granted a period of 03 (three) days to present it the reasons for and the other bidders are immediately summoned to want to file an anti-counterfeit in the same period, which shall begin at the end of the time limit, and shall be assured of an immediate view of the elements indispensable for the defense of their interests.

II - BRIEF REPORT

This is a bidding process for the installation and supply of equipment for the composition of the 40-aircraft T-27 TUCANO (EMB-312) aircraft, including the necessary consumables, as detailed in this BASIC PROJECT.

At the time of the accreditation, opening and analysis of the envelopes containing the qualification and qualification documents of the bidders, 04 (four) of the 05 (five) companies participating in the competition were qualified in the bidding process, namely: **AEROMOT AERONAVES E MOTORES S.A (AEROMOT), IAI - ISRAEL AEROSPACE INDUSTRIES LTD., LIDER TAXI AÉREO - LIDER ASSIGNATURE, SARASOTA AVIONICS e SAB - MILLENIUM TECHNOLOGIES**, as recorded in the Minutes of Meeting n.º. 009 / CPL / 2019, dated March 4, 2019, stipulating the maximum deadline for submission of possible appeals by the bidders, as provided for in Article 109 of Law 8666/93, dated March 21, 2019.

III - REASONS FOR ADMINISTRATIVE RESOURCES

The applicant IAI - ISRAEL AEROSPACE INDUSTRIES LTD. motivated on March 19, the intention to appeal with the following allegations:

- 1.1.** Under paragraph 7.5.3. and 7.5.3.1. (see above) we did not find any evidence of a Glass Cockpit Modernization, only a FMS and camera system was found with certification by ANAC or DIRMAB”.

As item 7.5.3 of the present Bidding, it says: “Paragraph 7.5.3: Proof of certification by DIRMAB or ANAC [proving its ability to supply] INSTALLATION SERVICES comparable to those contemplated in this BASIC PROJECT PLAN.

Paragraph 7.5.3.1: For the purpose of this item, a similar service shall be defined as: complete panel replacement, from analog to digital, including engine parameter indication, in an aircraft category equal to- or higher than- T-27 aircraft..”

In our view, since the present event was conducted by the Brazilian Aeronautical Commission in Washington / DC-USA and aimed at increasing the number of participants / bidders of the event, including the foreign manufacturers themselves, of the items needed to attend the object described in the Basic



Project, we believe such certification may be admitted upon presentation of a certificate issued by the competent federal aeronautical or space agency or military office - including the FAA, or ANAC, DIRMAB or other equivalent body certifying the qualification to provide the services covered by the Basic Project . According to the documentation of Aeromot Accreditation, the consortium SOUTHEAST AEROSPACE INC - SEA has records and registers at Aircraft Electronics Association membership (est 1991) and FAA Part 145 Repair Station Certificate (est 1995), as documentation appended to Aeromot, available to all participants of the event.

As pointed out for the non-compliance with item 7.5.3, despite the variety of technical certifications presented by Aeromot for several clients and services, including complexity above the fair, the consortium presented through SEA previous performance quotations with US NAVY (USN (Avionics System Upgrade Modification Kits), on model T-44 aircraft, as well as updating the United Arab Emirates (UAE) BELL 407MRH aircraft mission systems, also attached to the related qualification documentation, according to Annex 1 of this resource:

The applicant company **LIDER TAXI AÉREO - LIDER ASSIGNATURE**, on March 19th, reasoned the appeal with the following allegations:

*First of all, the Brazilian company AEROMOT presented **all** the documents as “certified copies”, but the necessary apostille pages were mere common copies, and were attached on separated sheets of the paperwork. **That makes such documents inadmissible for this BID’s purposes.***

*The reason for that is that, according to the widely known apostille procedures, set off by the International Hague Apostille Convention, the apostille should be attached on **the back of the last page**, making a cross reference to the respective apostille brochure.*

In the present case, though, the aforementioned certified translations were presented as a simple colored print paper, and none of them contained the respective apostille certifications.

We believe that the applicant was wrong to question the enabling documents, since, in observing the qualification documents, when the document contains information in its reverse, it should contain the stamp with the same numbering on the front and the addition of the word " (Paragraph 4, Art. 8, Normative Instruction No. 191, of March 27, 2015 of the Supreme Federal Court), there was the care of the 6th Notary Public of Porto Alegre (Avenida Benjamin Constant, 1921 CEP 90550-005) of stamping the sequence of the sheets, as the example below, between the sheets subsequent to the original / authenticated document, thus demonstrating their veracity, even if attached on a separate sheet of the document, but cross-referencing the original document.

The courts repeatedly disapprove the formal and rigorous analysis of qualifying documents submitted by bidders. The Superior Court of Justice, has long since, established the understanding that:

"The binding of the convening instrument, in the bidding procedure, in the face of the law of regency, does not go so far as to require anodyne measures,"

otherwise the Administration will eventually require

"Excessively formalistic providence, externalizing fetishistic reverence to the clauses of the edict."



AEROMOT
A NEW COMPANY

SERVICO PÚBLICO FEDERAL
DEPARTAMENTO DE POLÍCIA FEDERAL
DIRETORIA DE ADMINISTRAÇÃO E LOGÍSTICA POLICIAL
COORDENAÇÃO DE ADMINISTRAÇÃO

ATESTADO DE CAPACIDADE TÉCNICA

Atestamos para os devidos fins que a empresa **AEROMOT AERONAVES E MOTORES S.A.**, com sede na Avenida Sertório 1988 - Cx.5 - Aeroporto Internacional Salgado Filho - Porto Alegre - RS, CEP 91020-000, Fone (51) 3357.8533 ou 3357.8500, Fax. (51) 3343.0325, email: aeronaves@aeromot.com.br, inscrita no CNPJ sob o nº 92.833.110/0001-52, forneceu para o **DEPARTAMENTO DE POLÍCIA FEDERAL**, com sede no Setor de Antangulas Sul, Quadra 06, Lote 09/10, Brasília-DF, inscrito no CNPJ sob o nº 00.394.694/0014-50, Sistema de Missão Aerotransportado, através de pessoa jurídica homologada pela Agência Nacional de Aviação Civil - ANAC, incluindo: a) Fornecimento, instalação e integração de equipamentos, componentes, acessórios e materiais; b) Homologação, licenciamento e certificação junto às autoridades aeronáuticas e de telecomunicações; c) Atualização de toda a documentação da aeronave; d) Treinamento e capacitação de usuários e mecânicos, bem como outros serviços necessários para cumprimento das especificações técnicas constantes do Anexo I - Termo de Referência - do edital, de acordo com as condições estabelecidas no Contrato nº 46/2012-COAD/DLOG/DPF, firmado entre as partes, com vigência de 01 de julho de 2014 a 16 de abril de 2016, no valor total de **RS 9.900.000,00** (nove milhões e novecentos mil reais).

Atestamos, ainda, que a referida empresa cumpriu de forma satisfatória com todas as suas obrigações, não havendo em nossos arquivos nada que a desabone, sendo assim favorável a emissão do atestado de capacidade técnica.

Brasília-DF, 09 de setembro de 2015.

Omar Gabriel Haj Mussi
OMAR GABRIEL HAJ MUSSI
Delegado de Polícia Federal
Matrícula nº 8296
Diretor de Administração e Logística Policial/DPF
Ordenador de Despesas da UG 20034

6º TABEL
6º TABEL

11 TABELAMENTO DE NOTAS DE PORTO ALEGRE - RS
[QR Code]

12 TABELAMENTO DE NOTAS DE PORTO ALEGRE - RS
[QR Code]

13 TABELAMENTO DE NOTAS DE PORTO ALEGRE - RS
[QR Code]

Cristiano da Silva Torres
Escriturante Autorizado

¹ Judgment published in the DJ of 17.02.99, delivered in the records of the Mandate of Security No. 5647 / DF, reported by Min Democritus Reinaldo.



AEROMOT
A NEW COMPANY



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		BRASIL REPÚBLICA (Constituído em 15 de Setembro de 1961)	
REPÚBLICA FEDERATIVA DO BRASIL			
Zona documental pública (This public document / Le présent acte public)			
1. País / Países / País		2. Foi assinado por / Was been signed by / A été signé par	
3. No qualificação de / Classification / Clasificación		4. Tipo de selo / carimbo de / Stamp / Sceau / Timbre	
5. Data / Date / Fecha		6. No. do / No. / No.	
7. Por / By / Por		8. No. / No. / No.	
9. Selo / Carimbo / Sceau / Stamp / Timbre		10. Tipo de / Type of / Tipo	
11. Nome do / Name of / Nombre de		12. Descrição / Description / Descripción	

BRASIL
REPÚBLICA
(Constituído em 15 de Setembro de 1961)

REPÚBLICA FEDERATIVA DO BRASIL

Zona documental pública
(This public document / Le présent acte public)

2. Foi assinado por / Was been signed by / A été signé par: **DIRCO HICKMANN**

3. No qualificação de / Classification / Clasificación: **ESCRIVENTE AUTORIZADO**

4. Tipo de selo / carimbo de / Stamp / Sceau / Timbre: **ATABLEIONATO DE NOTAS DE PORTO ALEGRE/RS**

5. Data / Date / Fecha: **08/02/2019**

6. No. do / No. / No.: **783927**

7. Por / By / Por: **LAYS DE CLÁUDIA MELLO**

8. No. / No. / No.: **783927**

9. Selo / Carimbo / Sceau / Stamp / Timbre: **BRASIL**

10. Tipo de / Type of / Tipo: **Autenticação Eletrônica**

11. Nome do / Name of / Nombre de: **AEROMOT AERONAVES E MOTORES S.A.**

12. Descrição / Description / Descripción: **ATENTICAÇÃO / ATESTADO DE CAPACIDADE TÉCNICA**

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As it is presented in the MANUAL OF RULES AND PROCEDURES OF ADMINISTRATIVE PROTOCOL 2nd ed. of the Federal Senate - Secretariat of Information and Documentation Management - SGIDOC - Coordination of Archive - COARQ, (3.2.2 Numbering of sheets and parts): "in cases where the part of the process is in reduced size, if the document presents information only on the front, it will be glued on white paper, the stamp of the numbering of pieces being applied in such a way that the upper right corner of the document is hit by the said stamp. Part of the marking should be on the document and part on the blank sheet. If the document presents information on the front and back, paste in a way so as not to hinder the reading of the information. " Therefore, it is not necessary to mention a blank document whose obverse contains documentation relating to the consignee, but the contrary.

This same STJ, the highest court in the country to deal with violation of the Federal Law, through the voice of Minister Rapporteur Democritus Reinaldo, starting from the assumption that "as is trivial knowledge, the principle of binding on the edict is not absolute," decided that:

"formalism in the bidding procedure does not mean that bidders can be disqualified or declassified in the face of simple omissions or irrelevant irregularities."

2 Acórdão publicado no DJ de 01.06.98, proferido nos autos do Mandado de Segurança nº 5418/DF, relatado pelo Min. Demócrito Reinaldo.



The Court of Justice of Rio Grande do Sul professes the same view on the subject:

"It is intended for public competition to ensure that the largest number of bidders are enabled to the objective of facilitating the procurement of things and services that are more convenient to their interests. Because of this scope, too many demands and inconsistent rigorisms with the good exegesis of the law must be dismissed. **There should be no rigorism in the works and in the first stage of qualification the bidding procedure should be simple."**

Ad arguandum tantum, in the event of a documentary irregularity, there is no doubt that the irregularity was merely formal, manifestly irrelevant and incapable of compromising the effectiveness of the guarantee stated in the documents referred to by the applicant.

In the same line, check the following precedent, from c. Superior Justice Tribunal:

"ADMINISTRATIVE. BIDDING. ENABLING. EXCESSIVE REQUIREMENT.

*3. The bidding procedure must be as comprehensive as possible in order to enable as many competitors as possible to choose the most advantageous tender. 4. Candidates must not be removed from the bidding competition for mere formal details. In particular, the administrative act must be bound to the principle of reasonableness, moving away from having non-substantial effects. "*⁴

In the present case, the public translation, commonly known as a certified translation by Brazilians, is the translation made by a public translator, also called a sworn translator. The Public Translator and Commercial Interpreter - correct name of the trade - qualified in one or more foreign languages and Portuguese, is named and registered in the commercial board of his state of residence after being approved in a public contest. Therefore, only natural persons can be sworn translators. Only the sworn (public) translation is officially recognized by various public institutions and agencies in Brazil and has validity as an official or legal document. According to Decree No. 13609 (of October 21, 1943, Chapter III, Article 18):

"No book, document or paper of any nature that is drawn up in a foreign language shall have effect in the offices of the Union of States and municipalities, in any instance, court or entity maintained or supervised or directed by the public authorities, without being accompanied by translation into conformity with this Regulation."

Considering that "Brazilian law requires the certified translation of documents in a foreign language for them to be valid in Brazil. In the case of sworn translation from Portuguese to a foreign language, acceptance of sworn translations by Brazilian translators and commercial interpreters is determined by the law of the country of destination. In countries where there is no legislation in place, each entity is free to define its own rules. "

³ Peeve n. 11363, TJRS, in RDP 14/240.

⁴ MS 5.631/DF, Rel. Min. José Delgado. Primeira Seção, j. 13.05.98, DJ 17/08/98, p. 7 – our griffins.



The sworn/certified translation has its own format. It begins with a paragraph containing the identification of the sworn translator, and may also contain the identification of the document to be translated and the requestor of the translation, followed by the translation itself. A particular feature of the sworn translation is that it must faithfully describe the original document, including stamps, seals, coats, shields, signatures and other non-textual marks of the document. The sworn translation concludes with a paragraph stating that nothing else appears in the document and that the translation is true to the original.

As a rule, the sworn translation is made from original documents. Electronic texts, such as e-mails, scanned images and faxes, should be attached to the translation and the translator should mention the nature of the text on which the translation was based (for example: original document, certified copy, electronic file, fax, etc.). It is up to the requester to check the acceptability of the original and the translation from electronic copies for the intended purposes.

The electronic translation has the electronic signature, the last page of each translation, has information about the authenticity of each document, each translation, its legal validity and this certification that this translation. If we verify the link described in the translated documents, there is a link to the OAB portal, in which the information of the translator can be checked, as well as the translated document itself and its translation.

According to Machado's concept (2010):

"The electronic signature represents a set of data, in electronic format, which is attached or logically associated with another set of data, also in electronic format to give it authenticity or authorship." (MACHADO, 2010, p.61).

Andréa Cristina Rodrigues Studer (2007) corroborates the statement.

"In general terms, Electronic Signature is a more comprehensive term and it covers all means of recognizing authorship of a document in the electronic medium, for example, checking the IP of origin of an e-mail, comparing written signatures through of used video copies in boxes of banks, etc. and the Digital Signature itself. While Digital Signature is a logical sequence of digits that is only recognized through algorithms, it is written and read in low-level language (machine language), so it is said to be based on asymmetric byte encryption. Thus, an electronic signature may originate from any electronic medium; while Digital Signature is created from the implementation of asymmetric public key cryptography. " (STUDER, 2007, page 48).

The text seeks to affirm that documents issued electronically and signed through the procedure established by MP 2.200-2 / 2001 may have the same legal validity as documents notarized and containing autograph signature.



The Provisional Measure nº. 2,200 / 2001 was the first concrete governmental initiative to regulate the electronic document in our country. This was responsible for setting the regulatory framework for digital signatures in Brazil, raising the legal validity of the electronic document. Article 1 of the aforementioned legal document states that "The Brazilian Public Key Infrastructure - ICP-Brasil is hereby instituted to guarantee the authenticity, integrity and legal validity of documents in electronic form".

In the case of a sworn translation, the Brazilian Consulate-General, for example, in London declines on its website (http://cglondres.itamaraty.gov.br/en/traducao_juramentada.xml) that:

Sworn/Certified Translation

a) This is a public translation made by a sworn translator. It is officially recognized by institutions and public bodies and has validity as an official document.

Our Code of Civil Procedure in its article 369 defines as authenticated the document whose signature of the signatory is recognized by the notary, stating the one that was affixed in his presence. Moacyr Amaral writes that in the strict sense "public documents are said to be authentic."

These, in the words of Moacyr Amaral Santos, are formed "by those who are in the exercise of a public function that authorizes him to form it". That is because, if different, they will have the same effectiveness of the particular documents, as stated in article 367 of the Code of Civil Procedure, it means to say that the information about the author and the context are true if they are not challenged, as explained in article 37230 of the same law.

As a note, what would be the significance of the applicant seeking the decommissioning of the Aeromot consortium and SEA for the alleged formal irregularity of the sworn translation, when the proposed Law 8.666 / 93, allows the Pregoeiro itself to "cure errors or faults that do not change the substance of documents"?

As well, do not forget that "failure to meet non-essential formal requirements will not affect the removal of the bidder, provided that it is possible to take advantage of the act, observing the principles of isonomy and public interest."

Still in this step, one can not lose sight of what is available in art. 3 of Law 8.666 / 93, when it explains the objective of the bidding procedures, *verbis*:

"Art. 3º. "The bidding is intended to ensure compliance with the constitutional principle of isonomy, the selection of the most advantageous proposal for the administration and promotion of sustainable national development and shall be processed and judged in strict accordance with the basic principles of legality, impersonality, morality, publicity, administrative probability, adherence to the convening instrument, the marriage contract and the courier are correlated."

In fact, according to the jurisprudence crystallized by the plenary of the Court of Auditors of the Union:

"The bidding should not lose its main objective, which is to obtain the most advantageous proposal to the Administration, through a wide competitiveness, the content of art. 3, caput, of Law 8.666 / 1993 ⁵.



The doctrine, as it could not fail to be, positions itself in the same sense, being worth transcribing the escolia of the unsuspected Celso Antônio Bandeira de Mello:

“It is easy to see that the bidding is not an end in itself, but a means by which one seeks to obtain the most convenient business to meet the public interests and needs to be met.”

The appellant reports in its appeal that:

- *The formation of consortium contract, between AEROMOT and SEA AEROSPACE, was not signed by SEA AEROSPACE. The name of Mr. Rob Reed is shown as a contact appointed in the contract, but he did not sign the formation of consortium.*
- *The Power of Attorney presented by SEA AEROSPACE giving legal power to AEROMOT was signed by Mr. John Boyd, but the presented document was a simple copy and the signature was not notarized. Moreover, the Power of Attorney only gives the power of "receiving an appointment, signature of commercial proposal and administrative andjudicial **response** for the BID".*
- *The Accreditation Form was filled with the name of SEA AEROSPACE, but the Formation of Consortium was not signed by SEA AEROSPACE*

The Term of Commitment of Consortium Constitution submitted to the authorization, the parties undertake to consorciar to participate in a Public Competition for example, promoted by governmental body, in all its stages, presenting proposal, and, if it is adjudicated, the sign the respective CONTRACT, for which they will sign CONSORTIUM CONSTITUTION AGREEMENT, in compliance with the terms of Laws 6,404 / 76 and 8,666 / 93, and undertake to comply fully with all obligations assumed under this instrument, which they celebrate irrevocably and irreversibly.

In the qualification documents presented in the bidding, SEA AEROSPACE - SEA named Mr. Guilherme Cunha by the company president Mr. John Boyd Braddock in order to receive nomination, signature of the commercial proposal and to respond administratively and judicially on behalf of the company. SEA, for the purposes of the participation and contract resulting from the INVITATION TO THE COMPETITION Nº 190102 / CABW / 2019. Furthermore, the SEA company is fully aware of the terms of the bidding document by showing all documentation related to the qualification, including the Accreditation Form - according to Annex II of the notice and reiterated in the statement attached to the appeal. (Annex II).

Unlike the Brazilian legislation, in the country of origin of the event, the validity of such document signed by one of the parties named for such event, which may represent the company, in any administrative and judicial act during the bidding process of this event.

Leaving aside the most advantageous proposal, in order to take account of the formalism advocated by the applicant, in addition to making no sense, would mean an intolerable frustration of the essential purpose of this event, which has already been achieved, consubstantiating a frontal violation of the principles of prevalence of public interest and reasonableness.

⁵ Agreement 1734/2009, Plenary.

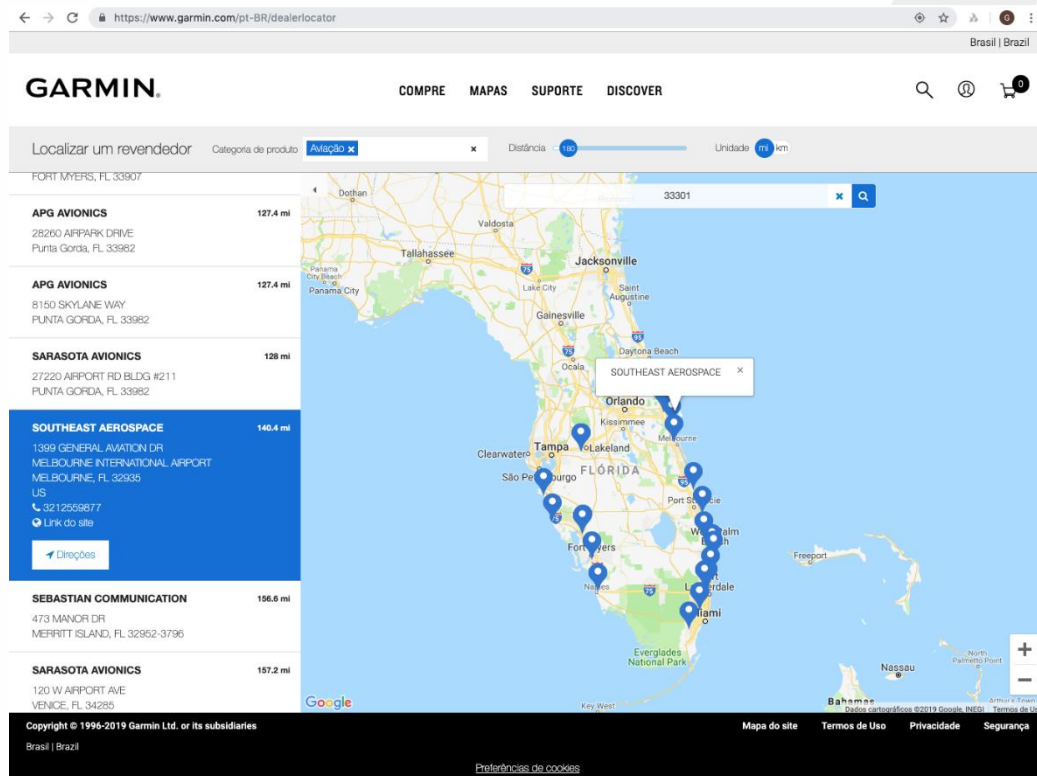
⁶ BANDEIRA DE MELLO, Celso Antônio. Pressupostos da Licitação: Temas Atuais e Controvertidos, RT, 1999.p 123

Do not forget, also, that, in the precise terms of the bidder's own bidding documents, "the non-essential non-essential requirements will not matter to the bidder's departure, provided that it is possible to use the act, observing the principles of isonomy and interest public."

Similarly, where the applicant states:

"Garmin dealer letter was issued to SEA AEROSPACE, dated 2016. The document was presented as a simple copy and it was not notarized",

There is no requirement for the document to be notarized and there is an understanding of the non-necessity, in light of the US legislation, of "signature recognition". In order not to leave doubts and to be public, the representation of sale of the products GARMIN can be verified in the site of the manufacturer of public way as pictured below:



The appellant reports in its appeal that:

None of the companies forming the consortium presented a list of equipment's and machinery, required as per the Item 7.5.8. The only documents of such kind presented were pictures of bench tests and computers;

The proof that it possesses within its professional cadre, higher education and technical level professionals were not accomplished due to the fact that were not



presented any employment relationship proof between the company and the employees;

None of the certificates presented under the company's name and similar services attesting provision of services with characteristics, timelines and in quantities comparable to those specified in the BASIC PROJECT PLAN, were duly registered in the relevant professional organizations, mainly CREA - Conselho Federal de Engenharia e Agronomia – (Federal Council of Engineering and Agronomy). Not registered under company or employees name.

To the qualifying/accreditation documents, the documents listed below were added by the company Aeromot, together with the work contracts of the engineers João Jotz, Felipe Nardi and André Cateb, together with the corresponding Technical Collection Certificates

- 94. DECLARATION 16.1.8 – GENERAL CONTROL BENCH;
- 95. DECLARATION 16.1.8 – RELATION OF HANGAR TRACK TOOLS;
- 96. DECLARATION 16.1.8 – RELATION OF HANGAR PANEL TOOLS; and
- 97. DECLARATION 16.1.8 – SERVERS LIST

In addition, SEA has also submitted service registrations to the relevant US professional organizations, which are contained in the SOUTHEAST AEROSPACE company documentation and redundant to those already submitted by Aeromot, since the event required only one company in the consortium to comply with the technical requirements.

The appellant refers in its appeal that:

Restrictions: AEROMOT Company is not authorized in the industrial engineering areas to work in: design, aircraft homologation, its engines, components, parts and accessories, including avionics, related work in the project area, homologation, including unit and systems aerospace in its segments and satellite and ground.

Aeromot Aeronaves e Motores S.A. is registered with CREA-RS under nº 29694, for the following services:

1. IN THE AREA OF INDUSTRIAL ENGINEERING: AIRCRAFT INDUSTRY, ITS ENGINES, COMPONENTS, PARTS AND ACCESSORIES, INCLUDING AVIOMS; THE PROVISION OF AIRCRAFT MAINTENANCE, CONSERVATION AND REPAIR SERVICES, ITS ENGINES, COMPONENTS, PARTS, PARTS AND ACCESSORIES, INCLUDING AVIOMS; MANUFACTURE OF AIRCRAFT, ITS ENGINES, COMPONENTS, PARTS, PARTS AND ACCESSORIES, INCLUDING AVIANS; WORK AFFECTED IN THE AREAS OF MANUFACTURE, INTEGRATION AND SERVICE PROVISIONS, INCLUDING AEROSPACE UNITS AND SYSTEMS IN THEIR SATELLITE AND SOIL SEGMENTS; MANUFACTURE OF SPECIALIZED EQUIPMENT, INCLUDING COLLECTIVE SECURITY AND INDIVIDUAL PROTECTION SYSTEMS, AND CORRELATES (WITHIN THE PURPOSES OF ITS PROFESSIONALS).
2. IN THE AREA OF ELECTRONICS: MANUFACTURE OF COMPONENTS, PARTS AND ELECTRONIC ACCESSORIES;
3. ELECTRONIC MAINTENANCE AND REPAIR SERVICES IN AIRCRAFT.

4. IN THE MECHANICS AREA: WITHIN THEIR RESPONSIBILITIES UNDER RESOLUTION 278/83 ART. 4.

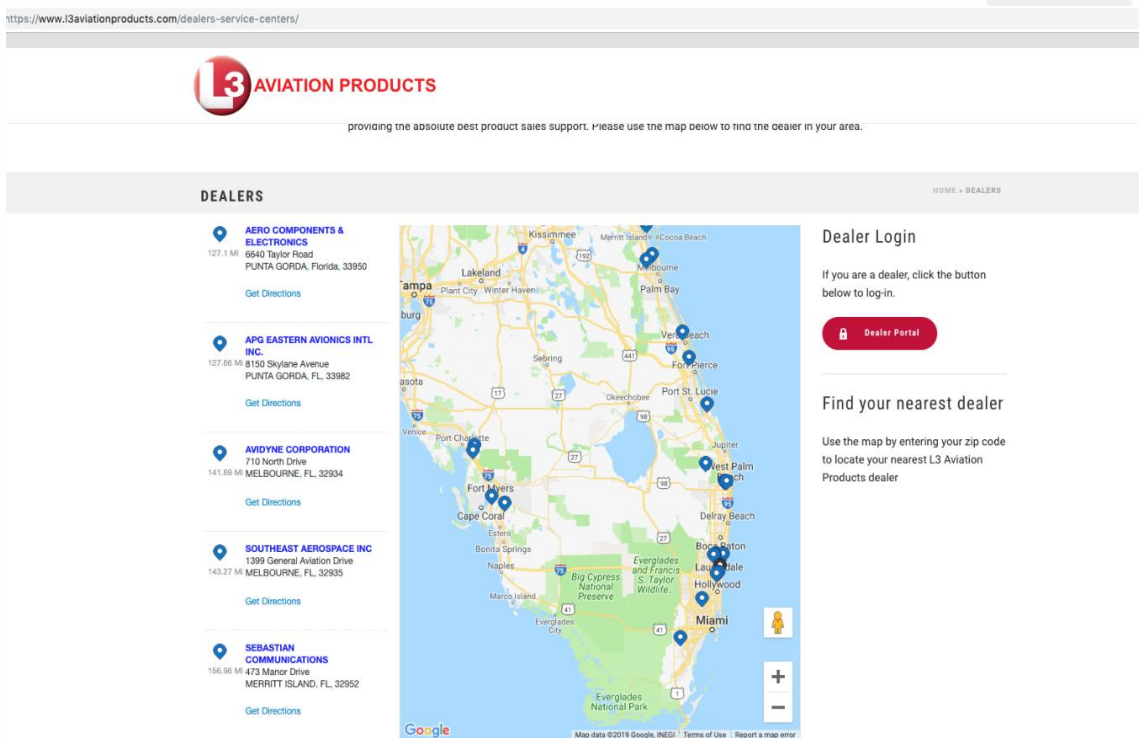
We believe that the applicant intends to induce the bidding committee to be mistaken, since the limitation of the services related in cre- didad in the Regional Council of Engineering and Agronomy of Rio Grande do Sul - CREA / RS, included in the qualification of the competition, refer to the area of INDUSTRIAL ENGINEERING, that is to work in the manufacture of new aircraft and similar, engines, aerospace systems, among others.

The applicant SARASOTA AVIONICS. motivated on March 19, the intention to appeal with the following allegations

In review of the documents during the open session, we noticed that Aeromot has certified translations, but they are not notarized as requested in section 7.2 of the IFB. For 7.5.1, Southeast Aerospace does not have an original letter of proof, but instead, a computer printout is provided. Also, there is nothing to suggest that they are an L3 or Electronics International dealer.

The company SARASOTA makes the wrong claim, since according to item 7.2 of the notice Aeromot followed the whole rite of the event and presented all documents translated, apostilled and notarized in a notary, with the exception of the original English documents accepted by the public notice the item in question.

Regarding the fact that the consortium does not prove to be a dealer of L3 and Eletronics International, it is first necessary to inform that according to item 7.5.1 of the notice, the bidder must prove through documentation to be a representative only of the manufacturer GARMIN that was promptly presented in the contest and can be checked on the manufacturer's website. However, the two companies have representation from the manufacturer L3, which can be verified and filled out on the L3 website (www.l3aviationsproducts.com/dealers-service-centers/).



https://www.l3aviationproducts.com/dealers-service-centers/

L3 AVIATION PRODUCTS

providing the absolute best product sales support. Please use the map below to find the dealer in your area.

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DEALERS

- AERO COMPONENTS & ELECTRONICS INC.**
127.1 MI 6540 Taylor Road
PUNTA GORDA, Florida, 33950
Get Directions
- APG EASTERN AVIONICS INTL. INC.**
127.66 MI 8150 Skyline Avenue
PUNTA GORDA, FL, 33982
Get Directions
- ARDYNE CORPORATION**
710 North Drive
141.69 MI MELBOURNE, FL, 32934
Get Directions
- SOUTHEAST AEROSPACE INC**
1399 General Aviation Drive
143.27 MI MELBOURNE, FL, 32935
Get Directions
- SEBASTIAN COMMUNICATIONS**
156.96 MI 473 Manor Drive
MERRITT ISLAND, FL, 32952
Get Directions

Dealer Login

If you are a dealer, click the button below to log-in.

Dealer Portal

Find your nearest dealer

Use the map by entering your zip code to locate your nearest L3 Aviation Products dealer



AEROMOT
A NEW COMPANY

← → ↻ https://www.l3aviationproducts.com/dealers-service-centers/

Leading provider of commercial and military avionics with unsurpassed performance, quality and customer support

L3 AVIATION PRODUCTS

Search by Name, City, State or

DEALERS

DEALERS LIST:

- AEROMOT**
Air Sertorio
PORTO ALEGRE, Rio Grande do Sul, 91020-000
1090.08
MB
[Get Directions](#)
- DYMEQ LTDA.**
Av. Principe de Gales 6225
SANTIAAGO, SANTIAGO, 7850000
1767.31
MB
[Get Directions](#)
- PENINSULA AVONICS**
1429 SW 127 Street
MIAMI, FL, 33186
3356.04
MB
[Get Directions](#)
- AVONICS SALES CORP**
15001 NW 42nd Avenue
CPR LOCKAL, FL, 33054
3354.01
MB
[Get Directions](#)

Map **Satellite**

Map of South America: Shows locations of Aeromot dealers in Brazil (Porto Alegre, Santiago), Paraguay (Asunción), and Argentina (Buenos Aires, Montevideo).

Dealer Login: If you are a dealer, click the button below to log in. [HOME](#) [DEALERS](#)

[Dealer Portal](#)

Find your nearest dealer

Use the map by entering your zip code to locate your nearest L3 Aviation Products dealer

In reference to the company Eletronics International, Aeromot is also a dealer authorized to C its products according to the letter below issued for the first event occurred for this object on April 19, 2018.

ELECTRONICS INTERNATIONAL INC.

April 19, 2018

To whom it may concern

This letter is to confirm that Aeromot Aeronaves & Motores S/A located at Av. Sertorio 1988, Porto Alegre Brazil 91020-000 is an Electronics International dealer and is authorized to purchase and then resell the following Electronics International products: Engine Monitoring and Management Systems.

This confirmation is valid as long as Aeromot Aeronaves & Motores remains in good standing with Electronics International.

For any queries relating to this letter, please contact me at support@buy-ei.com.

Yours sincerely,

Dave J. Arista
Sales/Tech Support

Address: 63296 Powell Butte Hwy, Bend, OR 97701
Phone: (541) 318-6060; Fax: (541) 318-7575
E-mail: support@buy-ei.com; Web: www.buy-ei.com

V – THE APPLICATION



In view of the foregoing, due to the fact that Aeromot has complied with all the requirements required in the bidding process, it is nevertheless required, that the applicant's claim regarding the request for the disqualification of the CONTRACTOR should be dismissed, any legal endorsement or editalicio diploma, since it has complied intrinsically with the requirement of the public notice, therefore there is no need to speak of disqualification, arising from argumentation, at the moment in which the document is properly placed in the case file.

In these terms, we ask for deference.

Porto Alegre/RS - Brazil, March 21st 2019.

GUILHERME ROBERTO DA CUNHA

PRESIDENTE

AEROMOT AERONAVES E MOTORES S.A.

CNPJ Nº 92.833.110/0001-52

ANNEX I - PROOF OF TECHNICAL CAPACITY

ANNEX II – DECLARATION OF CONSORTIUM AGREEMENT



7.5.9 Past Performance Citations

U.S. NAVY (USN) T-44 AVIONICS SYSTEM UPGRADE MODIFICATION KITS

CONTRACTOR:	SOUTHEAST AEROSPACE, INC.		DUNS NUMBER:	159820190	
Cage Code:	1G9Y1		Delivery / Task Order:	Not Applicable (N/A)	
Contract Number:	N68836-13-D-0004		Contract Type (FFP, T&M, CPAF):	Firm Fixed Price (FFP)	
Program Title:	USN T-44 Avionics Systems Upgrade (ASU) Modification Kits		Short Program Title (i.e., Acronym):	T-44 ASU	
Contracting Agency / Customer:	Department of the Navy (DoN), Naval Supply Systems Command (NAVSUP), Fleet Logistics Center (FLC) Jacksonville		Prime or Subcontractor Role:	Prime Contractor	
Customer Program / Site Manager Point of Contact:	<p>Name: David Pfeffer Title: Primary/Multi-Engine Trainer Aircraft Fleet Support Team (FST) Lead Phone: 904-790-6128 Email: david.d.pfeffer@navy.mil Address: Bldg. 110, 3rd Floor, NAS Jacksonville, FL 32212</p>				
Customer Contracting Officer Contact:	<p>Name: Derek Devine Office: NAVSUP Fleet Logistics Center Jacksonville, Contracts Division Phone: 904-542-1090 Email: derek.devine@navy.mil Address: Bldg. 110, 3rd Floor, NAS Jacksonville, FL 32212</p>				
Original Contract Dollar Value:	\$9,108,234.66		Current Contract Dollar Value:	\$14,272,438.75	
Explain the differences in dollar value, if applicable:					
After initial contract period, Option Year 1 was selected. The dollar value differential is due to additional A-Kits and B-Kits ordered by the USN.					
Start Date (mm/dd/yyyy):	01/25/2013	Original End Date (mm/dd/yyyy):	01/25/2014	Current End Date (mm/dd/yyyy):	01/25/2015
Explain the differences in Period of Performance, if applicable:					
After initial contract period, an option year (Option Year 1) was selected.					
POINTS OF CONTACTS (POCs) AND KEY INDIVIDUAL(S)					
Contractor Contact:	<p>Name: Rob Reed Title: Director, Aircraft Modification Programs Program Role: Program Manager Acquisition Role: Corporate Management Phone: 321-255-9877, x228 Email: rob.reed@seaerospace.com Address: 1399 General Aviation Drive, Melbourne, FL 32935</p>				

Relevancy: Contract Summary and Brief Description of Services

SEA performed as the prime contractor that provided program management (SOW 3.3, 3.3.1) for the assembly and delivery of A-Kits and B-Kits, data management (SOW 3.11.3), efficient parts

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procurement (SOW 3.12.2), controlled parts warehousing (SOW 3.12.11), inventory accountability, configuration management (SOW 3.11), counterfeit prevention (SOW 3.2.6), obsolescence management (SOW 3.12.4) and delivery of modification kits for the ASU of T-44 aircraft at NAVSUP FLC Jacksonville. The ASU program consisted of a complete avionics suite upgrade to the Rockwell Collins Proline 21 system. This system is a modern, state of the art "glass cockpit" avionics architecture. All program requirements were performed in accordance with Society of Automotive Engineers (SAE) AS9100C, which is recognized in the aerospace industry for exceptional quality management standards (SOW 3.5). SEA's Program Management Office (PMO) participated in a post award conference (SOW 3.3.8) and supported weekly program status meetings (SOW 3.3.4) to address performance, schedule, logistics, milestones, Government concerns and proactive resolutions to any issues.

To maintain requirements traceability and establish flow-down of requirements for the modification kits, SEA utilized a Central Tracking Database (CTD). The CTD was central to material and requirements management, built from the Bill of Material as provided by the Government. CTD was the core utility used by SEA to control all part number and serial number material that defined the configuration of the kits and sub-kits, and therefore the bureau number aircraft that received specific kits. The database was integrated with the SEA research and analysis system to ensure a real-time, best value procurement of parts and provide input to the SEA purchasing and billing system. SEA utilized the CTD system's near real-time tracking functionality for material acquisition and delivery. CTD was also utilized by SEA to capture and retain all system requirements documentation and information pertinent to the process, such as vendor quotes, FAA Form 8130-3 airworthiness documentation, Certificates of Conformance and images of the specific parts (SOW 3.2.2.1).

Reference favorable CPARS rating issued by the US Navy:

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**CONTRACTOR PERFORMANCE ASSESSMENT REPORT (CPAR)
Nonsystems**

Name/Address of Contractor:

Company Name: SOUTHEAST AEROSPACE, INC.

Division Name:

Street Address: 1399 GENERAL AVIATION DR

City: MELBOURNE

State/Province: FL Zip Code: 329356310

Country: US

DUNS Number: 159820190

PSC: 1560 NAICS Code: 336413

Evaluation Type: Final

Contract Percent Complete: 100

Period of Performance Being Assessed: 01/28/2014 - 01/24/2015

Contract Number: N6883613D0004 **Business Sector & Sub-Sector:** Nonsystems - Structural

Contracting Office: N68836 **Contracting Officer:** DARRYL Q. NELSON **Phone Number:** 9045424931

Location of Work:

Award Date: 01/28/2013 **Effective Date:** 01/28/2013

Completion Date: 01/24/2015 **Actual Completion Date:** 01/24/2015

Total Dollar Value: \$16,466,187 **Current Contract Dollar Value:** \$5,905,702

Complexity: Medium **Termination Type:** None

Competition Type: Full and Open Competition after Exclusion of Sources **Contract Type:** Firm Fixed Price

Key Subcontractors and Effort Performed:

DUNS:

Effort:

DUNS:

Effort:

DUNS:

Effort:

Project Number: AFC-20

Project Title:

T-44 Aircraft ASU Kits

Contract Effort Description:

The contractor shall provide T-44 ASU "A" and "P" kits. All aircraft components utilized to develop each complete part kit shall be in new and Ready for Issue (RFI) condition. No expired shelf life, used, reconditioned, or remanufactured components will be accepted.

Small Business Utilization:

Does this contract include a subcontracting plan? No

Date of last Individual Subcontracting Report (ISR) / Summary Subcontracting Report (SSR): N/A

Evaluation Areas	Past Rating	Rating
Quality:	N/A	Satisfactory
Schedule:	N/A	Satisfactory
Cost Control:	N/A	Satisfactory
Management:	N/A	Very Good

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Utilization of Small Business: N/A Satisfactory
Regulatory Compliance: N/A Satisfactory

Other Areas:

(1) : N/A
(2) : N/A
(3) : N/A

Variance (Contract to Date):

Current Cost Variance (%): Completion Cost Variance (%):
Current Schedule Variance (%): Completion Schedule Variance (%):

Assessing Official Comments:

QUALITY: The quality of the subject Contractors work is acceptable.

SCHEDULE: The Contractor has met the performance criteria required by the Contract.

COST CONTROL: This is a firm fixed price Contract and the Contractor has met the requirements.

MANAGEMENT: The Contractors Management of the Contract is acceptable. Interaction between the Contractor and the Contracting Officers Representative was excellent. Especially the services provided by the Contractors locally staged Quality Assurance Specialist.

UTILIZATION OF SMALL BUSINESS: The Contractor is considered a Small Business.

REGULATORY COMPLIANCE: With regard to Regulatory requirements the Contractor has met all of the applicable provisions and requirements. Including the Cost Accounting procedures utilized.

ADDITIONAL/OTHER: During this Contracts Period of Performance the Contractor performed well. The Contractor exhibited a very good business relationship with the customer and the key personnel were more than willing to provide help and/or input at any time.

RECOMMENDATION:

Given what I know today about the contractor's ability to perform in accordance with this contract or order's most significant requirements, I would recommend them for similar requirements in the future.

Name and Title of Assessing Official:

Name: KEVIN ROCKWELL
Title: CNATRA PMA-273 FST Logistics Lead
Organization: Fleet Readiness Center Southeast
Phone Number: 904-790-6003 Email Address: kevin.rockwell@navy.mil
Date: 05/12/2015

Contractor Comments:

QUALITY: We agree with this assessment.

SCHEDULE: We agree with this assessment.

COST CONTROL: We agree with this assessment.

MANAGEMENT: We agree with this assessment.

UTILIZATION OF SMALL BUSINESS: We agree with this assessment.

REGULATORY COMPLIANCE: We agree with this assessment.

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<https://cpars.cpars.gov/cpars/common/viewevaluation.do?Id=981137&RequestType=P>

5/15/2015

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REFERENCE PROPOSAL: Q19049, REVISION (-)

DATE: FEBRUARY 28, 2019

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ADDITIONAL/OTHER: SEA is very satisfied with the business relationship between our company and the US government in relation to this contract. Communication was very good and was key to the success of this contract. We look forward to the opportunity to serve again in the near future.

CONCURRENCE: I concur with this evaluation.

Name and Title of Contractor Representative:

Name: ROBERT REED

Title: Director, Aircraft Mod Programs

Phone Number: 321-255-9877 Email Address: rreed@seaerospace.com

Date: 05/14/2015

Review by Reviewing Official:

Review by Reviewing Official not required.

Name and Title of Reviewing Official:

Name:

Title:

Organization:

Phone Number: Email Address:

Date:

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UNITED ARAB EMIRATES (UAE) BELL 407MRH SPECIAL MISSIONS UPGRADE

CONTRACTOR:	SOUTHEAST AEROSPACE, INC.	DUNS NUMBER:	159820190		
Cage Code:	1G9Y1	Delivery / Task Order:	N/A		
Contract Number:	Q12027 Rev (F)	Contract Type (FFP, T&M, CPAF):	FFP		
Program Title:	UAE Bell 407MRH Special Missions Upgrade	Short Program Title (i.e., Acronym):	UAE Bell 407 Special Missions Upgrade		
Contracting Agency / Customer:	NorthStar Aviation, Limited Liability Company (LLC)	Prime or Subcontractor Role:	Subcontractor		
Customer Program / Site Manager Point of Contact:	Name: Lyle Becka Title: Deputy Vice-President Phone: +97 (50) 6120162 Email: lbecka@usanstar.com Address: 1300 Wilson Blvd., Suite 400, Arlington, VA 22209				
Original Contract Dollar Value:	\$6,027,538.17	Current Contract Dollar Value:	\$37,115,895.32		
Explain the differences in dollar value, if applicable:					
Phase I was for avionics modifications to Bell 407 trainers. Phase II was for special mission upgrades to operational Bell 407GX helicopters.					
Start Date	04/12/2011	Original End Date	05/04/2012	Current End Date	11/01/2016
Explain the differences in Period of Performance, if applicable:					
Original end date was for Phase I. Phase II option was selected and end date was on 11/01/2016.					
POINTS OF CONTACTS (POCs) AND KEY INDIVIDUAL(S)					
Contractor Contact:	Name: Frank Corro Title: Program Manager Program Role: Program Manager Phone: 321-255-9877, x217 Email: frank.corro@seaerospace.com Address: 1399 General Aviation Drive, Melbourne, FL 32935				

Relevancy: Contract Summary and Brief Description of Services

SEA is currently a subcontractor to NorthStar Aviation, LLC, supporting a Foreign Military Sales (FMS) program for the UAE Presidential Guard. SEA is providing complete engineering design, program management, A-Kits, B-Kits, spares and performing aircraft retrofits and integration for special mission modifications on forty-five (45) Bell 407/407GX aircraft. The Bell 407 Trainer aircraft are being retrofitted with dual Garmin G500H Primary Flight Display systems, dual Garmin Global Network Services-430W (GNS-430W) Navigators, digital audio system, radar altimeter, 406 Emergency Locator Transmitter (ELT), TDR-94 transponder and other systems. The 407GX aircraft are being retrofitted with an L-3 Electronic Standby Instrument-2000 (ESI-2000) Self-Contained Attitude Indicator (SCAI) to replace the existing analog standby indicators, S-TEC Corporation (S-TEC) Stability Augmentation System (SAS) System, Cobham Digital Audio Control System (DACS), ARC-210 Very High Frequency (VHF)/ Ultra-High Frequency (UHF)/ Satellite Communications (SATCOM) system, Forward Looking Infrared (FLIR), Broadcast Microwave Services, Inc. (BMS) Downlink, Identification Friend or Foe (IFF), Stores Management System, 406MHz ELT, Tactical Air Navigation (TACAN) and Bluesky tracker.

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SEA conducted Technical Interchange Meetings (TIM), Test Readiness Review (TRR), System Requirements Review (SRR), System Functional Review (SFR), Preliminary Design Review (PDR), Critical Design Review (CDR), Physical Configuration Audit (PCA), and Functional Configuration Audit (FCA) with the customer for validation and approval of the design. SEA was tasked with fabrication of harness assemblies, cockpit instrument panel and other structural assemblies including equipment shelves, composite tail boom modifications to incorporate additional antennas of the new systems, carbon fiber doors and FLIR mounts.

Reference customer survey for proof of completion:

From: SEA Survey <no-reply@seaerospace.com>
Sent: Tuesday, February 12, 2019 11:46 AM
To: rob.reed@seaerospace.com; surveys@seaerospace.com;
Subject: Completed SEA Survey

Cost Center ID: 12007

Company: NorthStar Aviation

How satisfied are you with the following in regards to your recent purchase with Southeast Aerospace (SEA)

Quality of Product:
 Very Satisfied

Representatives & Customer Service Support:
 Satisfied

Order Accuracy:
 Very Satisfied

Timely Response to Email/Phone Inquiries:
 Satisfied

On-time Delivery:
 Satisfied

Product Lead Time:
 Very Satisfied

Price:
 Satisfied

Comments:

Contact Name:
Adam Gunn

Contact Email:
agunn@usanstar.com

Contact Phone:
3213399492

Contact Allowed:
 Yes

Permission to Use Company Logo and Testimonial on Website or in Future Marketing Efforts:
 No

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REFERENCE PROPOSAL: Q19049, REVISION (-)

DATE: FEBRUARY 28, 2019



March 20, 2019

Brazilian Aeronautical Commission in Washington

Subject: Invitation for Bid No. 190102/CABW/2019

To Whom it may concern,

Southeast Aerospace (SEA) is aware that if the commercial proposal presented is declared the winner the company will form a consortium with Aeromot as required by the Invitation for BID.

Sincerely,

Rob Reed
Director, Aircraft Modification Programs