

BRAZILIAN AERONAUTICAL COMMISSION IN WASHINGTON D.C.



**REPUBLISHING
INVITATION FOR BID 191054/CABW/2019
PAG 67102.191054/2019-16**



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

REPUBLISHING INVITATION FOR BID 191054/CABW/2019
PAG 67102.191054/2019-16

Approved on: March 11th, 2020

ROBERTO MARTIRE PIRES Col
BACW'S Chief

Legal basis. The Brazilian Federal Government, through the Brazilian Aeronautical Commission in Washington (BACW), announces to whom it may concern, that at the date, time and place shown below, it will hold a Bidding Process, relative to an Invitation For Bid, for the **GREATEST OFFER** (Art 45, § 1, IV of Brazilian Law 8,666/93), in accordance with this Republishing Invitation For Bid and its Annexes and the Aeronautical Command Guide (MCA), item 7.1.2.1.3 (a). The bidding process will follow the principles of Law N° 8.666/93 (Brazil), as well as other requirements provided in this REPUBLISHING INVITATION FOR BID and its Annexes.

Date of Delivery and Opening of Envelopes:		March 24, 2020	
Hours:	10:00 a.m. (U.S. Eastern Standard Time)		
Address:	1701 22nd St. N.W. Washington, D.C., 20008	Telephone:	(202) 483-4031
		Fax:	(202) 483-4684
		Email:	con@cabw.org
Accreditation:	March 24, 2020		
Hours:	10:00 a.m. (U.S. Eastern Standard Time)		



1. DEFINITIONS

1.1. In order to facilitate comprehension of terminology and simplify the composition of the text, the following abbreviations and phrases were adopted, with the meanings provided herein:

- 1.1.1.** BACW-Brazilian Aeronautical Commission in Washington-DC (CABW);
- 1.1.2.** COMAER-Aeronautical Command;
- 1.1.3.** CONTRACTED PARTY- Winning Bidder in the Bidding Process, after issue of ratification (“Homologation”) and Bid Award (“Adjudication”);
- 1.1.4.** CONTRACTING PARTY- The Brazilian Federal Union-Aeronautical Command, represented by the Brazilian Aeronautical Commission in Washington D.C. (BACW);
- 1.1.5.** CONTRACT - The agreement which the Public Administration (CONTRACTING PARTY), acting in this capacity, signs with other Administrative Body (CONTRACTED PARTY), for the purpose of contracting the aeronautical services contemplated here under the conditions established by the Public Administration itself. Within the scope of this document, it is referred to the future contract to be signed between the CONTRACTING PARTY and the CONTRACTED PARTY;
- 1.1.6.** DOU- Official Gazette;
- 1.1.7.** FAB- Brazilian Air Force;
- 1.1.8.** MONITOR – Administration Agent especially appointed as its representative to monitor and oversee Contract performance, whereby the sub-contracting of third parties is permitted to assist and provide information pertaining to its duties in the situations in which his technical knowledge is not sufficient to perform them;
- 1.1.9.** MONITORING: Generic term for the activity exercised by the Administration Agent acting as Contract Monitor, or by a specifically and systematically appointed Commission, for the purpose of verifying compliance with contractual provisions and with complementary orders issued by the Administration regarding Contract Execution, in all its aspects, for the purpose of identifying deviations and taking corrective measures, or- when outside of its sphere of competence, forwarding them to a higher-ranking authority;
- 1.1.10.** Brazilian Law Nº 8.666: Law dated June 21, 1993, governing art. 37, Line XXI, of the Federal Constitution [of Brazil], establishes rules for the Public Administration’s solicitations and contracts, and provides other guidelines. It establishes general rules or norms on administrative contracts and solicitations relating to projects, services, including advertising, purchases, divestments and rentals within the scope of the Powers of the Union, its States, Federal District and Municipalities;
- 1.1.11.** BIDDER- Company submitting a Proposal in the Bidding Process;

2. OBJECT

- 2.1.** Selling **6 (six) engines JT3D-3B**, in “scrap” condition, that equipped the KC-137 (Boeing 707) of the Brazilian Air Force in accordance with Annex I of this Invitation For Bid.
- 2.2.** For all intents and purposes, this INVITATION FOR BID includes the following ANNEXES:
ANNEX I - LIST OF ENGINES;



ANNEX II- PRICE PROPOSAL MODEL;
ANNEX III- CONTRACT DRAFT;
ANNEX IV – SURVEY DECLARATION MODEL; and
ANNEX V – SURVEY WAIVER MODEL.

3. PARTICIPATION REQUIREMENTS

3.1. Interested **companies or individuals**, registered with the BACW or not, operating in the field contemplated by this Bidding Process, may participate in the bidding process, in accordance with its founding document.

3.2. Companies that are subject to the conditions listed below may not participate in this bidding process:

3.2.1. Bankruptcy, judicial reorganization or extra-judiciary reorganization;

3.2.2. Company dissolution or liquidation;

3.2.3. Suspension from participating in bids with the Brazilian Government, or companies with a contractual failure record with the BACW within the past 03 (three) months;

3.2.4. Suspension from participating in bids with the Brazilian Federal Government; and

3.2.5. Declaration of unfitness to enter into an agreement with the Public Administration (Brazil);

4. ACCREDITATION

4.1. The bidder, or its legal representative must provide personal identification before the BIDDING COMMISSION (CPL) on the date, and at the time and place shown in the Preamble of this INVITATION FOR BID for the purpose of recording all participants in this bidding process, with photo ID or other identification document issued by the government or state, in conjunction with a power-of-attorney signed by the participating company representative, ensuring full powers to express opinions during the procedure (this document must be available outside of the envelopes containing qualification documents and price proposals).

4.1.1. Failure to submit any registration documents, or improper document submission, does not prevent bidder participation. However, it will prevent the representative from speaking on behalf of the Bidder

4.2. The Bidder representative may be any individual accredited based on the company's certificate of incorporation, public and private power-of-attorney verified by a notary, or other equivalent document.

4.2.1. The Bidder representative's authority to represent the bidder before third parties must be stated in the company documents or its certificate of sole proprietorship.

4.2.2. The power-of-attorney must describe all necessary attributions enabling the representative to submit a proposal and perform all actions related to the bidding process; it must be presented with company documents or founder's certificate of ownership.

4.3. Each registered representative may represent only 1 (one) bidder

5. ENVELOPES WITH QUALIFICATION DOCUMENTATION AND PROPOSAL



5.1. Each bidder must submit **2 (two) envelopes**, the **1st (first) containing Qualification Documents, the 2nd (second) containing the Price Proposal**.

5.2. The sets of documents pertaining to qualification, technical proposal and price proposals shall be delivered separately, in sealed envelopes, which will be initialed on the tab and identified with the bidder's name

5.3. Bidders are encouraged to use the label template below to mark and identify their envelopes.

ENVELOPE Nº 01 – QUALIFICATION

BRAZILIAN AERONAUTICAL COMMISSION IN WASHINGTON
REPUBLISHING INVITATION FOR BID Nº 191054/CABW/2019

COMPANY NAME

ENVELOPE Nº 02 – PRICE PROPOSAL

BRAZILIAN AERONAUTICAL COMMISSION IN WASHINGTON
REPUBLISHING INVITATION FOR BID Nº 191054/CABW/2019

COMPANY NAME

5.4. The ENVELOPE Nº 01 - QUALIFICATION, ENVELOPE No. 02 - PRICE PROPOSAL must mandatorily be placed inside a larger envelope, which must be addressed to the BIDDING COMMISSION. The name and address of the bidder must be shown in the upper-left hand corner of the envelope, and include the Bidding Number, as well as the time and place of the Open Session for the Bidding process, per the following template:

C/O OF BIDDING COMMISSION – BID # 191054/CABW/2019

BRAZILIAN AERONAUTICAL COMMISSION IN WASHINGTON

1701 22nd Street N.W. Washington, DC 20008

SESSION OF **March 24, 2020, 10:00 a.m. (EST)**

(US Standard Eastern Time)

5.4.1. The envelope may be delivered by mail or other similar shipping service, with tracking and delivery confirmation. The envelope must be delivered in time for open session on **March 24, 2020, 10:00 a.m. (EST)**

5.4.2. Prior to the time of the Open Session, Bidders are encouraged to notify its envelopes' tracking numbers to the BIDDING COMMISSION by the email con@cabw.org.

5.4.3. Late envelopes addressed to the BIDDING COMMISSION, delayed by delivery problems or improper identification, shall not be taken into consideration.

5.4.4. The BACW does not accept responsibility for mistakes caused by improper envelope identification.

5.4.5. If the envelope is sent by Mail, the bidder must include the INVITATION FOR BID Number on the outside of the envelope, so that the package may be identified when it arrives at the BACW. (Please note: some mailing services allow the bidding number to be



included in the REFERENCE field).

5.4.6. Envelopes may also be delivered in person to the BIDDING COMMISSION at the beginning of the open session.

6. QUALIFICATION (ENVELOPE # 01)

6.1. All documentation 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.

6.2. Bidders must also submit QUALIFICATION ENVELOPES for their **Legal Qualification**:

6.2.1. INDIVIDUALS:

6.2.1.1. Copy of the Passport;

6.2.1.2. Copy of the document of accreditation of Individual (e.g. *Cadastro de Pessoa Física* – CPF [Brazil], Social Security Number –SSN (USA), or equivalent.

6.2.2. COMPANIES:

6.2.2.1. Present proof of **Federal Tax identification number** (e.g. national registry of legal entities (CNPJ), Federal Identification Number (FEIN), Tax ID Number (TIN).

6.2.2.2. Present the **Basic Business License** or other evidence of authorization to operate in the relevant jurisdiction, in the relevant field and issued by relevant Government Agency;

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

6.2.2.4. For Brazilian companies, the documents referenced in the above sub-items 6.2.2.1 to 6.2.2.3 may be replaced by **SICAF (Brazilian Unified Suppliers Registration System)** with valid dates, or alternatively the documents prescribed in articles 27 through 32 of Law 8.666/93.

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

6.3.1. Evidence of Survey, according to model of Annex IV of this INVITATION FOR BID, **OR**.

6.3.2. Survey Waiver, according to model of Annex V of this INVITATION FOR BID.

6.3.2.1. Bidders, whether they carry out an survey or not, cannot complain about the condition of the material, nor can they request technical clarification of the condition of the material by other means, since the material is being disposed of in the “Scrap” condition, as presented (“As Is”).

6.4. Considering the object of this solicitation, the BIDDING COMMISSION may forward the qualification documents to Requesting Military Organization technical department for obtaining a conclusive technical opinion regarding the qualification of the Bidders participating in this Bidding Process.

6.5. The required certificates or statements must be valid if an expiration date applies.

6.6. Proof of filing the requested documents shall not be accepted as a replacement of the actual documents required in this INVITATION FOR BID and its ANNEXs.



7. PRICE PROPOSAL (ENVELOPE # 02)

7.1. The proposal, which must be typed and written in **ENGLISH, and presented in US dollars**, must be clear, without corrections and erasures, duly dated and signed, with all its pages initialed by the bidder representative.

7.2. The price proposal shall be submitted for the whole BATCH, in other words, for all the engines together.

7.2.1. Acquisition of aircrafts individually shall not be accepted.

7.3. The prices offered shall include all expenses resulting from the acquisition of the engines, directly or indirectly, including but not limited to: all costs such as taxes and / or taxes, social contributions, expenses, insurance, workers compensation, civil liability insurance, labor, social security, tax, administration fees, equipment, materials, transportation expenses, insurance, licenses, authorizations, formalities necessary to transport the object of this solicitation outside Brazil and all and any other costs or fees necessary for the execution of the object of the CONTRACT, in accordance with the terms of the Invitation to Bid and its Annexes.

7.4. Expenses on obtaining, and eventual renewals of the authorization by the French Government for intermediation and commercialization of war material shall be borne by the bidder.

7.4.1. In the event that the French Government refuses to provide authorization to the bidder, the respective bidder shall not be entitled to indemnification of any nature, in relation to the expenses incurred as a result of this bidding process.

7.5. The information supplied by the bidder must reflect all costs.

7.6. Proposal validity may not be inferior to **60 (sixty) days** starting on the date on which Price Proposals are opened.

7.7. Under no circumstance must the content of the proposals be modified, with regard to prices, or any other terms or conditions implying a change to the original proposal. Exceptions are permitted when the modifications are formal in nature, aiming to resolve immaterial errors, without substantially altering the content or referenced terms and conditions, and provided that they do not adversely affect other bidders.

7.7.1. The above modifications must be submitted to the Bidding Commission for review.

7.7.2. The Bidding Commission may proceed to correct the highlighted errors, or may require that the Bidder submit a corrected proposal.

7.8. After the qualification phase, withdrawal of proposals will not be permitted, unless due to unforeseeable facts accepted as such by the Commission.

7.9. Offers lower than the appraised value presented in this INVITATION FOR BID shall not be accepted.

8. APPRAISED VALUE

8.1. The appraised value of the object of this INVITATION FOR BID shall be de **USD 3,142.80 (three thousand one hundred forty-two U.S. dollars and eighty cents)**, being the appraised amount per engine of US\$ 523.80.



9. SURVEY BY THE BIDDERS

9.1.1. Survey for the examination and identification of Aircrafts are mandatory and must be performed in the period from **February 20, 2020 from to March 5, 2020**, from 09:30 a.m. to 11:30 a.m. 13:30 a.m. to 3:30 p.m. (EST – Eastern Standard Time), with prior appointment, at the Brazilian Aeronautical Commission's Warehouse, located at 4601 Beech Road, Temple Hills MD 20748, by means of the email con@cabw.org.

9.2. The Bidder's representative (s), expressly authorized, shall be present at the places where the engines, object of this bidding process, during the mentioned period, in order to carry out the surveys. The PROOF OF SURVEY shall be provided, in the form of Annex IV, signed by a COMAER representative and by the representative(s) of the bidders.

9.2.1. PROOF OF SURVEY must be submitted in the qualification envelope.

9.3. In order to perform the surveys, the representative (s) must present a document proving that they are accredited by the interested party, which can be a simple Letter informing the company data (Corporate Name, address, CNPJ, contacts and etc.) and the information of the person who will be performing the survey (name, identity, CPF and etc.).

9.4. COMAER will not be responsible for any kind of alteration of the quality and other conditions of the goods, which shall be delivered in the state that they are, when they are effectively removed by the CONTRACTED PARTY, being their full responsibility and risk the use of the items purchased.

9.5. The address mentioned in the clause, where the engines are located under the guard of the Brazilian Aeronautical Commission in Washington D.C. is located in the United States Brazil, therefore interested parties shall be responsible for all transport, food, subsistence and other expenses that may be necessary to perform the surveys described in this Clause.

9.6. Bidders, whether they carry out an survey or not, cannot complain about the condition of the material, nor can they request technical clarification of the condition of the material by other means, since the material is being disposed of in the "Scrap" condition, as presented ("As Is").

10. PROCEDURE FOR OPENING ENVELOPES

10.1. The proposal judgment, once all conditions and technical specifications established in this INVITATION FOR BID are met, shall be processed based on **HIGHEST OFFER criteria**.

10.2. At the time, date and place indicated in this INVITATION FOR BID, in an open session, in the presence of all bidders, the Bidding Commission shall receive sealed envelopes (item 5), containing **Envelopes n.º 01 and n.º 02** and start the Bidding Process.

10.2.1. Anyone may be present at these public sessions, but only bidders and their accredited representatives may participate in the meeting, interacting with the Bidding Commission.

10.3. Once the deadline for submitting documents has expired, no other documents shall be accepted, or further addenda or clarification concerning the qualification documentation, the technical proposal or price proposal submitted.

10.4. In case there are not 3 (three) participating bidders at the bidding meeting, the Bidding Commission will inquire to the present bidders about safeguarding their envelopes for a republishing of the IFB to be announced at later date.



10.5. After identifying the Bidders, the Bidding Commission shall proceed to open Envelopes nº 01 - QUALIFICATION.

10.5.1. The content of the envelopes must be initialed by members of the Bidding Commission and by all present Bidder's representatives.

10.6. Bidder qualification shall be verified, in accordance with the terms of this INVITATION FOR BID.

10.6.1. Should the Bidding Commission deem it necessary, it may postpone the public session, for the purpose of analyzing the documents submitted by the bidders, at which time it must inform all bidders of the time and place of the new meeting.

10.6.1.1. Taking into account the complexity of the services to be provided, the BIDDING COMMISSION may submit to Requesting Military Organization the documents pertaining to qualification for the purpose of receiving a definitive technical opinion regarding the qualification of participating bidders.

10.6.2. Considering the situation described in the **item 10.5.1**, if the Bidding Commission deems it necessary, it may postpone the open session, for the purpose of analyzing the documents submitted by the bidders, at which time it must inform the bidders of the time and place for the new meeting; all initialed qualification documents, as well as Envelopes 2- Price Proposals with the initials of all members of the Bidding Commission and all present Bidders, shall be kept by the Bidding Commission until completion of the qualification phase.

10.7. Disqualified bidders shall have their Envelopes nº 2 returned still sealed, after the legal timeframe for appeals has expired without the submission of any appeals, or their removal shall be subject to an adverse decision further to their appeal.

10.8. After analyzing qualification documents, a timeframe of 2 (two) business days shall be granted to the bidders for the submission of possible appeals. After that, a new date for the opening of the price proposal shall be announced.

10.9. In exceptional circumstances, the opening of the price proposals may occur during the same meeting, in the following cases:

10.9.1. All Bidders are present and waive their right to appeal.

10.9.2. Should the Bidding Commission consult the candidates who are not present at the meeting, and they waive their right to appeal.

10.10. If any other bidder does not waive the right to appeal during the qualification phase, Envelope nº 2 - Price Proposal, shall be initialed and stored in a safe place until the date set for their opening.

10.11. After completing the qualification phase and opening all proposals, bidders may not be disqualified for any reason associated with this phase, except until after the classification of proposals.

10.12. After the qualification phase, the Bidding Commission shall proceed to open Envelopes nº 02 – PRICE PROPOSALS.

10.12.1. The content of the envelopes must be initialed by all members of the Bidding Commission and by all present Bidder representatives.

10.13. The Bidders' PRICE PROPOSALS shall be verified, in accordance with the terms of this INVITATION FOR BID.



10.13.1. Should the Bidding Commission deem it necessary, it may postpone the open session, for the purpose of analyzing the documents submitted by the bidders, at which time it must inform all bidders of the time and place set for the new meeting.

10.13.1.1. Taking into account the complexity of the services to be provided, the BIDDING COMMISSION may submit to the Requesting Military Organization technical department the documents associated with the PRICE PROPOSAL, for the purpose of obtaining a definitive technical opinion regarding the price proposals received from the participating Bidders.

10.13.2. Considering the situation described in **item 10.11.1**, if the Bidding Commission should deem it necessary, it may postpone the open session, for the purpose of analyzing the documents submitted by the bidders, at which time it must inform all bidders of the time and place set for the new meeting. All price proposals documents which have already been initialed shall be kept by the Bidding Commission until completion of the proposal phase.

10.14. If all participants are disqualified with regard to their qualification documents, or if all price proposals are disqualified, the Bidding Commission may grant a **3 (three)** business day period for the submission of new documentation or proposals to the Bidding Commission.

10.15. During all open sessions, Meeting Minutes shall be prepared and signed by the members of the Commission and by the legal representatives of the present Bidders.

11. QUALIFICATION DOCUMENTS REVIEW

11.1. Bidders shall be disqualified if:

11.1.1. They submit documents required by this INVITATION FOR BID which are already expired and/or have not been properly updated and/or do not comply with the requirements of this INVITATION FOR BID.

11.1.2. They include the Price Proposal in Envelope nº 01.

11.2. Bidders shall be informed of their qualification or disqualification through publication on the BACW website, as well as through submission of the Meeting Minutes for the Open Session through the accredited legal representative's email. If the Bidder, or its representative, participates at the open session in which the decision was taken, such notification shall be made directly to the Bidder, or its representative, and recorded in the Meeting Minutes.

12. PRICE PROPOSAL REVIEW

12.1. The criteria for reviewing price proposals shall be the **HIGHEST OFFER**.

12.2. A Proposal shall be **DISQUALIFIED** if:



- 12.2.1. It does not comply with **item 7** of this INVITATION FOR BID;
 - 12.2.2. If the proposal is flawed or illegible, if it is not specific or presents irregularities or errors which make its review difficult;
 - 12.2.3. If it fails to comply with any of the requirements set forth in this INVITATION FOR BID or in the Basic Project Plan;
 - 12.2.4. If it includes any advantage which is not established in this INVITATION FOR BID, such as subsidized financing;
 - 12.2.5. If they present offer lower the appraised value demonstrated in this INVITATION FOR BID;
- 12.3. Once it is ascertained that the price proposal does not meet the requirements set forth in the previous items, it shall be disqualified, and the remaining proposals shall be qualified in descending order from highest to lowest offer.
- 12.4. Bidders shall be notified of the outcome of Price Proposal evaluation through publication on the BACW website, as through submission of the Meeting Minutes from the Open Session to the accredited legal representatives' emails, whose price proposals were opened.
- 12.4.1. Should any bidder, or its representative, be present at the Bid open session, in which a decision was made, this notification shall be made in person to the bidder and recorded in the meeting minutes.

13. PROPOSAL RANKING

- 13.1. Final ranking of proposals shall occur in accordance with the **HIGHEST OFFER criteria**.
- 13.1.1. In case of a tie between proposals, a draw will be conducted. The names of the tied bidders shall be placed in a sealed box, from which they will be extracted and classified based on the order in which they were drawn.
 - 13.1.2. After thirty minutes the draw will be conducted regardless of whether the companies or their representatives are present.
- 13.2. Bidders shall be notified of the outcome of the Bid through publication on the BACW website, publication on the Official Gazette (DOU), as well as submission of the Meeting Minutes to the emails of the accredited legal representatives whose proposals were opened.

14. RATIFICATION (“HOMOLOGATION” AND BID AWARD (“ADJUDICATION”)

- 14.1. The services contemplated by this Bidding Process shall be awarded to the Bidder with the **HIGHEST OFFER FOR THE BATCH**.
- 14.2. The bidding process shall be submitted to the relevant higher-ranking authority for the purpose of Bid Award and ratification to the winning bidder.

15. CONTRACT

- 15.1. After approval of the bid, the winning bidder (the ‘CONTRACTED PARTY’) shall have 5 (five) business days, from the date of notification, to sign the CONTRACT attached as per ANNEX III, under penalty of losing the right to a contract, as well as being subject to the sanctions established in this INVITATION FOR BID and other sanctions or damages available based on applicable law.



15.1.1. The provisions in the previous subitem may be extended to an additional period of 5 (five) business days, if requested by the CONTRACTED PARTY, and approved by the Administration (CONTRACTING PARTY), at its sole discretion.

15.2. The Administration (CONTRACTING PARTY) shall have the option of contacting the remaining participants, should the winning bidder not sign the CONTRACT, in the established terms and conditions, in accordance with classification order. It may do so at the same terms and conditions proposed by the winning bidder, also as regards to updated prices, in accordance with the Invitation for Bid.

15.3. Upon signing the CONTRACT, the CONTRACTED PARTY declares its express agreement with the BASIC PROJECT PLAN.

15.4. The CONTRACTED PARTY must maintain all qualification conditions required during the bidding process through the execution of the CONTRACT, in accordance with the obligations it has undertaken.

15.5. The CONTRACTED PARTY shall be responsible for any and all expenses associated with the CONTRACT.

16. SUBCONTRACTING

16.1. Subcontracting is not permitted for this solicitation.

17. TERMS

17.1. Validity Term

17.1.1. This Contract's validity term shall be **120 (one-hundred and twenty) days** starting on signature date.

17.1.2. Under exceptional circumstances, with proper justification and approval by a higher-ranking authority, the validity term may be extended by 12 months, as per §1º of Art. 57 of Law Nº 8,666/93.

17.2. Execution Time

17.2.1. The Contract's execution time shall be **60 (sixty) days**, starting on the issue of the respective Service Order, i.e. the document signed by the CONTRACTING PARTY's legal representative, authorizing the commencement of service performance.

17.2.2. The issuance of a Service Order is subject to the full payment of the offered value.

17.3. Timeframe for Aircrafts Removal

17.3.1. The winning bidder shall remove the acquired aircrafts within 60 (sixty) days, after the issuance of the Service Order.

17.4. Payment Processing Time

17.4.1. The winning bidder shall perform the full payment within 5 (five) days from the Contract execution.

18. PERFORMANCE LOCATION

18.1. The engines are located at the Brazilian Aeronautical Commission Warehouse, located at 4601 Beech Road, Temple Hills MD 20748.

19. CHANGES TO THE CONTRACT



19.1. The offered value by the bidders is fixed and firm.

20. PAYMENT

20.1. Payment term shall be 5 (five) business days starting on date of Contract execution.

20.2. The payment shall be made in full in U.S. Dollars (US\$), being the CONTRACTED PARTY required to contact the FINANCIAL DIVISION of the CONTRACTING PARTY during business days and operative time (7:15 am to 12 pm and 1 pm to 3:15pm), with the objective of obtaining the instructions for performing the payment.

21. MONITORING

21.1. The MONITORING must be performed by members of the Administration, specifically appointed by the Administration.

21.2. The MONITOR shall note in his records all events related to the performance of the Contract.

21.3. The monitoring of contractual performance carried out by the CONTRACTING PARTY does not eliminate the CONTRACTED PARTY'S responsibility, also before third parties, due to any irregularity, even if arising from technical imperfections, flaws or inadequate use of equipment, and when these incidents occur, they do not imply any responsibility by the CONTRACTING PARTY, its representatives or employees.

22. REMOVAL OF THE OBJECT

22.1. The CONTRACTED PARTY shall remove the acquired aircrafts within 60 (sixty) days, after the issuance of the Service Order, from BACW's Warehouse, in accordance with item 18 of this Invitation for Bid.

22.2. The CONTRACTING PARTY shall officially communicate to the CONTRACTED PARTY, through the issuance of the Service Order, for the release of the object of the CONTRACT.

22.2.1. The removal of the object of the CONTRACT shall depend on prior coordination with the CONTRACT MONITOR indicated by the CONTRACTING PARTY regarding security aspects and schedules for its operationalization.

22.3. In case the CONTRACTED is unable to remove the engines within the specified period, it must formalize the request with an explanatory statement and submit it to the Expenses Supervisor of the CONTRACTING PARTY, regardless of the applicable sanctions.

22.4. All proposals, questions, discrepancies and difficulties encountered during the execution of the CONTRACT or that need an evaluation shall be presented to the MONITOR, for consideration by the Expenses Supervisor (BACW's Chief).

23. FORCE MAJEURE AND UNFORESEEABLE EVENTS

23.1. Unforeseeable or Force Majeure events must be notified in writing the CONTRACTING PARTY's EXPENSES SUPERVISOR, through the MONITORING team, so that it may decide the appropriate course of action, provided it has been proven that such events affected the services/materials provided in accordance with the Object of this CONTRACT.



23.2. For the purpose of this CONTRACT, events shall be considered unforeseeable or Force Majeure, if they fit the legal definition provided in the single paragraph of Art. 393 of the Brazilian Civil Code, in accordance with Line II, §1º, Art. 57 of Law Nº 8.666/93.

24. OBLIGATIONS OF THE CONTRACTING PARTY AND CONTRACTED PARTY

24.1. The CONTRACTING PARTY and CONTRACTED PARTY's obligations are set forth in the BASIC PROJECT PLAN, in the CONTRACT and in this INVITATION FOR BID.

25. CONTRACT TERMINATION

25.1. Reasons for CONTRACT termination, as well as the measures to be taken in this case, are described in the CONTRACT.

26. ADMINISTRATIVE SANCTIONS AND PENALTIES

26.1. The application of administrative sanctions must take into account the gravity of the failure, its recurrence, the damage caused to Public Interest and the loss caused to the Administration, in accordance with terms and conditions foreseen on **Clause 22** of the Contract, Annex III of this Invitation For Bid.

27. APPEALS

27.1. The Administration's (BACW) actions during this bidding process may be appealed as follows:

27.1.1. Appeal to the BIDDING COMMISSION within **2 (two) business days** of date of notification or record of meeting minutes/session, in case of:

27.1.1.1. Bidder qualification or disqualification;

27.1.1.2. Proposal judgment;

27.1.1.3. Annulment or repeal of bidding process;

27.1.1.4. Termination of CONTRACT, as regards Line I of Art. 79 of Law Nº 8.666/93;

27.1.1.5. Application of warning fees, temporary suspension or fine.

27.2. After a bidder files an appeal, the other bidders shall be informed so that they may submit counter-arguments within a period of **2 (two) business days**.

27.3. The appeal must be addressed to the Bidding Commission, which may reconsider its decision within a period of **5 (five) business days**.

27.3.1. Should it reject the reasons presented in the appeal, the Bidding Commission must send the appeal to BACW's Chief, for due evaluation within an addition **5 (five) day period**, which shall be duly notified.

28. GENERAL PROVISIONS

28.1. Any doubts arising from the provisions of this INVITATION FOR BID may be the subject of consultation, in writing, with the Bidding Commission in charge of this bidding process, up **2 (two) business days** before the delivery of the proposals.



- 28.1.1.** All questions will be consolidated and answered in writing after the deadline for consultation has elapsed. A circular communication will be posted by the Bidding Commission and forwarded to the interested parties that have provided an e-mail address.
- 28.2.** Participation in this bidding process, including the delivery of qualification documents and price proposal, implies full acceptance of the terms and conditions established in this Invitation for Bid and its Annexes, as well as with the requirement to comply with the provisions herein.
- 28.3.** Any changes or amendments to this INVITATION FOR BID will require its disclosure in the same publication method in which the original bidding process was published, with an extension of the original term, except when the changes do not affect price formation in any way.
- 28.4.** If the day is not a business day or if there are any events preventing the bidding process from being held on the scheduled date, the session will automatically be rescheduled to the following business day at the same time and place as previously indicated, unless otherwise advised by the Bidding Commission.
- 28.5.** In any phase of the bidding process, the Bidding Commission, or any higher-ranking authority may submit a request for clarification to complement or answer questions about the process, provided it does not imply the later inclusion of any document or information which must be made available at the time of the Bidding open session.
- 28.6.** The ratification (“homologation”) of the Bidding process result does not imply the right to execute the Contract.
- 28.7.** The BACW reserves the right to revoke this Bidding Process for reasons of public interest associated with the occurrence of an unforeseen and duly proven event, which is relevant and sufficient to justify such measures, or annul them due to illegality, through an official letter, or by the request of third parties, through a substantiated opinion.
- 28.8.** The INVITATION FOR BID and its ANNEXs may be read and/or obtained from the BACW, at the address below, on business days between 08:30 a.m. and 11:30 a.m., and then again between 1:30 p.m. and 3:00 p.m. (EST) as well as through its website <http://www.fab.mil.br/cabw> during the external phase of the bidding process.
- 28.9.** The records of this administrative process shall be made available at the address below, on business days, between 08:30 a.m. and 11:30 a.m., and then again between 1:30 p.m. and 3:00 p.m. (EST), based on scheduled appointment:
1701 22nd St N.W. Washington, D.C. 20008
Ph.: (202) 483 4031 Fax: (202) 483 4684
E-mail: con@cabw.org
- 28.10.** The United States District Court in Washington, D.C., shall be the court in which any action or proceedings that might arise in connection with the bidding process must be filed and judged. This Invitation For Bid and the bidding process shall be interpreted in accordance with the principles of Brazilian Law N° 8,666/93 and any other applicable laws and regulations of the Federative Republic of Brazil, and shall be governed by and enforced in accordance with the laws of the District of Columbia.
- 28.11.** It is hereby agreed between the parties that the official language of the bid, for the purpose of documentation, correspondence and any other matter is **ENGLISH**.

Washington, DC, March 11, 2020.



LEANDRO FERNANDES DA SILVA ROMAN Lt Col.
President of BACW's Bidding Commission