



**MINISTRY OF DEFENSE
BRAZILIAN NAVY
BRAZILIAN NAVAL COMMISSION IN WASHINGTON**

BID NOTICE FOR PROCESS N° 10/2023

ONLINE REVERSE BID AUCTION

Object: Acquisition of 04 (four) Marine Engine Generator Sets for the Multipurpose Dock Ship “Bahia”.

Annexes:

- A - Term of reference and its appendix;**
- B - Contract Draft;**
- C - Price Proposal;**
- D - Online Reverse Bid Auction Information.**

PROCESS N° (NUP): 63275.008434/2023-42

Bid Notice for Process N° 10/2023

1 de 14

BID PROCESS N° 10/2023

PREAMBLE

The Brazilian Naval Commission in Washington, headquartered at 5130 MacArthur Blvd, NW, Washington, DC, 20016-3316, informs all interested parties, the opening of the Bidding Process N°. 10/2023, in the form of a Online Reverse Bid Auction, to be awarded to the **LOWEST GLOBAL PRICE**, for the acquisition of 04 (four) Marine Engine Generator Sets for the Multipurpose Dock Ship "Bahia", according to Regulation GM-MD n°. 5.175, of December 15, 2021, and Law n° 14.133/2022, rules adapted to local peculiarities.

The bidding auction adopts the electronic form and will be operated in the **Click4Assistance chat**.

The judgment criteria adopted will be the lowest price per lot, subject to the requirements contained in this Bid Notice and its Annexes regarding the object's specifications.

Date of the Online Reverse Bid Auction: December 18th

Time: From 10:00 to 10:20 am

Judgment Criteria: LOWEST GLOBAL PRICE

IMPORTANT NOTES REGARDING THE ONLINE REVERSE BID AUCTION

The **Online Reverse Bid Auction** is the type of bidding intended for the acquisition of common goods and services, in which the competition among bidders is carried out utilizing distance bidding through a chat room designated for this purpose.

It is essential to legitimate participation in the bidding process, read the Bid Notice and Annexes, taking notice of the process schedule and requirements for participation. The BNCW will disqualify any proposal that does not follow the requirements of this process.

The following rules must be observed following Brazilian law:

1 - Proposals and documents sent to any e-mail address other than cnbw.bid@marinha.mil.br, or sent by mail, will not be accepted, and, therefore, the bidder will be disqualified from this bidding process.

2 - No e-mail address should be sent as a copy under penalty for violating the proposals' confidentiality.

3 - Proposals and documents sent to any e-mail address other than cnbw.bid@marinha.mil.br or sent by mail will not be accepted, and, therefore, such bidders will be disqualified from participating in this bid process.

4 - Bids and documents received after the closing date and time provided in the schedule or that do not meet the requirements of this Bidding Process will not be considered valid.

5 - The winning bid will be the **LOWEST GLOBAL PRICE**.

6 - The schedule established in this Bid Notice follows the **United States Eastern Standard Time**.

PUBLICATION DATE: December 4th

BID PROCESS N° 10/2023

1. OBJECT

1.1 The object related to this bid process is to choose the most advantageous proposal for the acquisition of 04 (four) Marine Engine Generator Sets for the Multipurpose Dock Ship "Bahia," including the execution of Acceptance Tests by the conditions and requirements established in the Term of Reference, Appendix I.

1.2 The bidding will be carried out in a single group, considering the need for standardization of engines.

1.3 The judging criteria will be the lowest global price per item, observing the requirements contained in this Notice and its annexes regarding the specifications of the object.

2. CONDITIONS FOR PARTICIPATION IN THE BIDDING PROCESS

2.1 Corporate entities whose activities, as foreseen in their articles of incorporation, are compatible with the subject of this bid may participate in this Bidding Process.

2.2 May not participate in this bidding:

2.2.1 The author of the Term of Reference, whether an individual or legal entity;

2.2.2 The company, alone or in a consortium, responsible for preparing the Term of Reference or of which the author is a director, manager, shareholder, or holder of more than 5% (five percent) of the voting capital or controller, technical manager or subcontractor;

2.2.2.1 Indirect participation is considered to be the existence of any technical, commercial, economic, financial, or labor relationship between the author of the Term of Reference, whether an individual or legal entity, and the bidder or the party responsible for the supplies;

2.2.3 The Auctioneer, Employee, or Officer of this Naval Commission;

2.2.4 The third party assisting in the conduct of the procurement as a member of a support team, specialized professional, employee, or representative of a company that provides technical advice;

2.2.5 The legal entity that is, at the time of the bid, unable to participate in the bid due to a sanction imposed on it, extending the impediment to the bidder that acts in substitution of another legal entity to circumvent the effectiveness of the sanction applied to it, including its parent company, controlled company or affiliate, provided that the illicit act or the fraudulent use of the legal entity of the bidder is duly evidenced.

2.2.6 Anyone who does not meet the conditions of this Notice and its annex(s).

RS

BID PROCESS N° 10/2023

3. PRESENTATION OF THE PROPOSAL AND QUALIFICATION DOCUMENTS

3.1 The deadline for submitting bids will be eight **8 (eight) working days** from the publication date of this Notice on the BNCW website.

3.1.1 In this bid process, the qualification phase will occur before the proposal, bid submission, and judgment phases.

3.2. The conditions for sending proposals are as follows:

3.2.1. Participants are requested to send **two separate e-mails** when submitting their initial proposals, with the following titles:

3.2.1.1 Qualification documents; and

3.2.1.2 Price Proposal.

The two e-mails should be sent to:

Brazilian Naval Commission in Washington
BID process n° 10/2023
E-mail: cnbw.bid@marinha.mil.br
Submitted by: _____

3.3 Proposals sent to any e-mail address other than cnbw.bid@marinha.mil.br, or sent by post, will not be accepted.

3.4 The BNCW will not accept proposals after the date specified in Phase 1 of the Schedule **(December 14th, 2023)**.

3.5 A member appointed by this Naval Commission will be responsible for opening e-mails on the day and time defined in this Notice, of which a detailed log will be drawn up.

3.6 All documents must be up-to-date and valid.

3.7 Expired documents will not be accepted.

3.8 The Qualification Documents and initial Price Proposals must be presented on letterhead paper containing all the bidder's contact information.

3.9 All proposals must comply with the provisions established in this Notice and its Annexes. The bidder who does not comply with the requirements set out in this Notice will be disqualified, and a formal notification will be issued, with the respective motivation for the decision.

3.10 Bidders must submit the proposals elaborated with the following:

3.10.1 Clarity, with values expressed in figures and, where applicable, in words;

FB

BID PROCESS N° 10/2023

3.10.2 Expiration date;

3.10.3 Detailed and correct description of the characteristics of the services, following the specifications of this Notice and its annexes;

3.10.4 Numbered and signed pages;

3.10.5 Dated and signed by whoever has powers for this purpose;

3.10.6 Unit and global price; and

3.10.7 Company name, address with postal code and, if applicable, telephone number, fax number, electronic address (e-mail).

3.11. Bidders must carefully observe the limit set out in the schedule of this Notice for sending Qualification Documents and Price Proposals. Proposals will be opened by the auctioneer on the date established in the Notice, and the lowest price will be the reference for holding the auction electronically.

3.12 All proposals must be valid for **180 (One hundred and eighty) days** from the date they were submitted to the BNCW.

4. OPENING OF THE BIDDING SESSION

4.1 The public bidding session is considered open, including counting the deadline for objection, on **December 18th 2023.**

4.2 All time references in the Bid Notice and during the public bidding session will be in **US East Coast Time.**

4.3 The bidding will be carried out by an Auctioneer, assisted by a support team, as per the designation act of the President of this Naval Commission.

4.4 SCHEDULE

Item	Date	Time	Events
1	December 4 th	15:00 pm	Bidding Notice for Process n° 10/2023 (Online Reverse Bidding Auction) publication.
2	December 14 th	16:00 pm	Phase 1: Last day for submission of proposals containing the "Qualification Documents" and the initial "Price Proposal".(Please send both documents separately to cnbw.bid@marinha.mil.br).
3	December 15 th	09:00 am	Phase 2: Opening of the initial price proposals.
4	December 18 th	10:00 - 10:20 am	Phase 3: The session will be divided as follows:

120

BID PROCESS N° 10/2023

			10:00 am – Opening of the Online Reverse Bid Auction. 10:05 -10:20 - Bids for item;
5	TBD	TBD	Phase 5: The Auctioneer announces the winning bidder(s).
6	TBD	TBD	Phase 6: Intention to appeal according item 9.2.1 of this Notice.
7	TBD	TBD	Phase 7: Signature of the contract.

5. PRESENTATION OF QUALIFICATION DOCUMENTS

5.1 Legal Qualification

5.1.1 Identity Card and complete identification of the bidder, with the respective title of its representative, complete address, e-mails, and telephone numbers for contact;

5.1.2 Copy of the company's articles of incorporation if available, business license or permit and certificates of registration if available;

5.1.3 Government-issued authorization document for the exercise of the bid object (sales tax permit or resale certificate);

5.1.4 Company tax identification number (TIN) and tax clearance certificate;

5.1.5 Certificate of good standing and certificate of liability insurance (proof of insurance);

5.2.2 Technical Qualification

5.2.1 Proof, provided by the bidder, that it received the documents and that it became aware of all the information for the fulfillment of the obligations object of the bidding;

5.2.2 Letters of recommendation, good performance, or guarantees provided by authorities or entities that regulate the related commercial activity.

5.3 Economic-Financial Qualification

5.3.1 Balance sheet and income statements for the last fiscal year, or equivalent documents, that prove the good financial situation of the company, their replacement by trial balances or provisional balance sheets being prohibited, and may be updated by official indices when closed for more than 3 (three) months from the date of proposal submission;

5.3.2 A declaration that it is not in bankruptcy, in the case of a legal entity, or of asset execution, in the case of an individual.

13

BID PROCESS N° 10/2023

5.4 Suppose it is impossible to present a qualification document due to local legislation. In that case, an equivalent document must be presented, or a formal justification must be made to the BNCW explaining the reasons for the impossibility.

5.5 After the delivery of the documents for qualification, no substitution or submission of new documents will be allowed, except in the case of diligence, for:

5.5.1 Complementation of information about the documents already presented and provided that it is necessary to verify existing facts at the time of the opening of the bidding process

5.5.2 Update of documents whose validity has expired after the date of receipt of proposal.

5.6 In the analysis of the qualification documents, errors or failures that do not alter the substance of the documents and their legal validity may be remedied, through a reasoned order registered and accessible to all, being assigned effectiveness for qualification and classification.

5.7 After judging the proposals, the Contracting Party will verify the documentation demonstrating the financial capacity of the provisionally winning bidder on an official website of notorious specialization. The bidder will be considered qualified if it has a risk indicator of 1 (low) or 2 (low to medium).

PB

6. PROPOSALS AND FORMULATION OF BIDS

6.1 The bidding phase will begin after the phase of classification/declassification of proposals.

6.2 The bidding phase will begin following the opening the Online Reverse Bid Session.

6.3 Started the bidding phase; the Bidders shall submit bids exclusively through the electronic system.

6.4 The bidding mode shall be open bid, subject to the following conditions:

6.4.1 Bidders will receive a unique user code and password, informed by e-mail, to participate in the Online Reverse Bid Auction session;

6.4.2 The identity of the participants may not be disclosed before or during the Online Reverse Bid Auction session, under penalty of being disqualified.

6.4.3 The Auctioneer will make the initial instructions and open the bidding section;

6.4.4 Bidders will have **15 (fifteen) minutes** to apply their bids;

6.4.5 Bidders can follow their bids via chat;

6.4.6 The final minute will be informed before the respective bid closes;

BID PROCESS N° 10/2023

6.4.7 Bidders may offer successive bids, observing the time set for the opening of the session and the rules established in this Notice;

6.4.8 The minimum value difference range for offering bids during the electronic auction session must be **USD 500.00 (Five hundred)**.

6.5 After closing the bidding sessions, the Auctioneer will consolidate the result of the lowest bid and disclose it to the participants, by e-mail, within **48 (forty-eight) hours**.

6.6 Two or more bids of the same value will not be accepted; the one received and recorded first will prevail.

6.7 If the chat remains offline or disconnected for more than **10 (ten) minutes**, the Online Reverse Bid Auction will be suspended, and a new session will be scheduled. A notification will be sent to all Bidders.

6.8 If the Bidder does not submit bids during the bidding session, it will compete with the value of its Price Proposal.

6.9 Closed the Online Reverse Bid Auction Session, the Auctioneer shall e-mail a counter-proposal to the highest-ranked Bidder, to negotiate the best possible price, following the conditions provided this Bidding Notice.

6.10 The Auctioneer will request that the highest-ranked Bidder, within 4 hours, send the best proposal possible after negotiations, accompanied, if applicable, by additional documents, when necessary, for confirmation of those required in this Bidding Notice and already submitted.

7. DISQUALIFICATION OF PROPOSALS

7.1 The Auctioneer will conduct the Price Proposal conformity check only for the highest-ranked bid.

7.2 Proposals will be disqualified:

7.2.1 That contains insurmountable errors;

7.2.2 That do not meet the requirements of this Bidding Notice;

7.2.3 With manifestly unfeasible prices, considering those that do not have their viability demonstrated through documentation that proves that the costs of the inputs are coherent with those of the market and that the productivity coefficients are compatible with the execution of the object of the contract;

7.2.4 Present nonconformity with any other requirements of the Bidding Notice.

BID PROCESS N° 10/2023

7.2.5 Bids in any currency other than **US Dollars**.

7.3 Steps may be taken to assess the proposal's feasibility, and the bidder may be required to demonstrate it.

7.4 No additional information to the Price Proposals will be accepted after the date of the schedule established in this Bidding Notice unless the Auctioneer requests necessary additional information.

7.5 If there are no bids, it will be checked whether the Lowest Price Proposal is viable.

7.6 The BNCW will not accept joint proposals from one or more companies.

7.7 When all bidders are disqualified, or all proposals are disqualified, the Administration may set bidders 8 (eight) working days to present new documentation or other refined proposals.

7.8 Presented proposals that do not meet the requirements set out in this Notice will be disqualified.

8. NEGOTIATION

8.1 The Auctioneer will negotiate more advantageous conditions with the highest-ranked Bidder once the Online Reverse Bid Auction results are defined.

8.2 Negotiation may be made with the other Bidders, according to the order of classification initially established, when the first place, even after negotiation, is disqualified due to its proposal remaining above the maximum price defined in the bid.

8.3 After the negotiation is concluded, its result will be disclosed to all Bidders and attached to the bidding records, and the Auctioneer will initiate the proposal acceptance and judgment phase.

8.4 Once the negotiation stage is closed, the Bidder will examine the proposal classified in the first place regarding the acceptability of the objects for each lot and the compatibility of the price concerning the Bid Notice.

8.5 If the winning proposal is disqualified, the Auctioneer will examine the subsequent proposal successively, in the order of classification.

8.6 Once the analysis regarding the acceptance of the Price Proposals is concluded, the Auctioneer will verify the qualification of the Bidder, observing the provisions in this Bidding Notice.

8.7 The highest-ranked Bidder, who presents the lowest global price and fulfills all the requirements described in this Bid Notice, will be considered qualified.

9. ADMINISTRATIVE APPEAL

9.1 Bidders may file an appeal regarding the acts resulting from this Bidding Procedure against:

AB

BID PROCESS N° 10/2023

9.1.1 Judgment of the proposals;

9.1.2 Qualification or non-qualification of Bidders;

9.1.3 Cancellation or revocation of the bid.

9.2 The following provisions shall be observed concerning appeals presented regarding the judgment of the proposals and the qualification or disqualification of Bidders:

9.2.1 The intention to appeal must be made by e-mail to "cnbw.bid@marinha.mil.br" and manifested within 1 (one) workday, as of the winning Bidder's publicity, under penalty of loss of the right to appeal, and the deadline for the presentation of the reasons for the appeal, of **3 (three) workdays**, will be initiated on the date of receipt of the intention to appeal by the Auctioneer.

9.2.2 The examination of the appeal will be done in a single phase.

9.3 The appeal will be directed to the Auctioneer, who will present his decision within **5 (five) workdays**.

9.4 Acceptance of the appeal will imply invalidation only of the act that cannot be used.

9.5 The deadline for filing counterarguments will be the same as for the appeal and will start on the date of the request filing.

9.6 The Bidder will be assured of the essential elements to defend its interests.

9.7 After the appeal phase verifies the acts' regularity, the competent authority shall approve the bidding procedure.

10. ADMINISTRATIVE INFRACTIONS AND SANCTIONS

10.1 Commits an administrative infraction, under the terms of the law, the bidder who, with intent or fault:

10.1.1 Fail to deliver the documentation required for the event or fail to deliver any document requested by the auctioneer during the event;

10.1.2 Unless due to a duly justified supervening fact, do not maintain the proposal in particular when:

10.1.2.1 Not sending the appropriate proposal to the last bid offered or after negotiation;

10.1.2.2 Refuse to send details of the proposal when required;

10.1.2.3 Requests to be disqualified when the competitive stage ends.

FD

BID PROCESS Nº 10/2023

10.1.3 Not concluding the Contract or not delivering the documentation required for contracting when called within the validity period of their proposal;

10.1.4 Refuse, without justification, to sign the Contract or to accept or withdraw the equivalent agreement within the period established by the Administration;

10.1.5 Present false declaration or documentation required for the bidding or provide false statement during the bidding;

10.1.6 Fraud in the bid process.

10.2 For the total or partial non-execution of the Contract, the BNCW can, guaranteeing a previous defense, apply to the bidder the following sanctions:

a) Warning.

b) The unjustified delay in the execution of the contract, starting from the first day of the postponement of the service, will subject the bidder to the fine of **0.1% (0.1 percent)** for a day of delay, limited to **30 days (thirty) days**. Reaching this limit, the fine will be converted into a compensatory fine.

c) Compensatory fine, in a percentage of **10% (ten percent)**, levied on the value of the unfulfilled portion of the Contract;

d) Temporary suspension from participation in bidding and impediment to contract with this Naval Commission for a period not exceeding **2 (two) years**;

e) Declaration of ineligibility to bid or contract with the Brazilian Public Administration while the reasons that determined the punishment last or until rehabilitation is promoted before the authority that applied the penalty, which will be granted whenever the bidder reimburses the BNCW for the resulting damages and after the period of the sanction used based on the item "c" elapses.

10.3 The penalties provided in item 10.2, paragraphs "a," "d," and "e" may be applied together with one of the paragraphs "a" and "b," being allowed the previous defense of the bidder, in the respective process, within 5 (five) working days.

10.4 The sanction established in paragraph "e" of item 10.2 is of the exclusive competence of the Minister of Defense, the defense of the bidder being allowed in the respective process within **10 (ten) days** of the opening of the case, and the rehabilitation can be requested after **2 (two) years** of its application.

11. CHALLENGES AND REQUESTS FOR CLARIFICATION

11.1 Anyone may challenge the terms of this Notice up to **3 (three) business days** before the date set for the opening of the Online Reverse Bid Auction, subject to the following conditions:

11.2 The challenge must be made by e-mail to "cnbw.bid@marinha.mil.br".

BID PROCESS N° 10/2023

11.3 The challenge does not have a suspensive effect, and it will be up to the Auctioneer, assisted by those responsible for preparing the Notice and annexes, for deciding on the challenge within **2 (two) business days**, counted from the date of receipt of the challenge.

11.4 The granting of suspensive effect to the challenge is exceptional and must be motivated by the Auctioneer in the bidding process records.

11.5 Once the challenge is accepted, a new date for the bidding process will be defined and published.

11.6 Any modifications to the Bidding Notice will imply a new disclosure in the same way as its initial disclosure, in addition to compliance with the same deadlines as the original acts and procedures, except when the alteration does not compromise the formulation of proposals.

12. FORWARDING TO THE SUPERIOR AUTHORITY

12.1 Once the judging and qualification phases are closed and the administrative appeals are exhausted, the bidding process will be forwarded to the superior authority, which may:

12.1.1 Order the case records to be returned for correction of irregularities.

12.1.2 Revoke the bid for reasons of convenience and opportunity.

12.1.3 Annul the bidding, ex officio, or upon instigation by third parties, whenever there is irreconcilable illegality.

12.1.4 Award the object and ratify the bid

13. CONTRACT

13.1 After the qualification phase, the winning Bidder per each lot will be summoned to sign the Contract, whose draft can be found in Annex "B" of this Bid Notice.

13.2 Within the term of the Contract, prices cannot be adjusted, except in the case of item 13.5.

13.3 The Buyer's and the Seller's obligations are presented in Annex "B" of this Bid Notice (Contract Draft).

13.4 The administrative sanctions relating to the execution of the Contract are those provided for in Annex "B" of this Bid Notice (Contract Draft).

13.5 The Buyer is authorized to promote, under the same contractual conditions, the additions or deletions that may be necessary up to the limit of **25% (twenty-five percent)** of the updated initial value of the Contract.

BID PROCESS N° 10/2023

13.6 The winning Bidder shall sign the Contract within **5 (five) days**, counting from the receipt of the Contract, under penalty of forfeiting the right to the Contract.

13.7 The deadline may be extended **1 (one)** time for the same period at the request of the successful Bidder during its duration, duly justified, and provided that the reason given is accepted.

13.8 When the term of the Contract is sent to the winning Bidder for signature, by mail or e-mail, it will have a period of **5 (five) days** for its return, counting from the receipt, under penalty of loss of the right to contract, without prejudice to the application of the sanctions provided for in this notice.

13.9 The non-signature of the term of the Contract translates into the total non-performance of the object, whose applicable sanctions are those provided for in art. 65 of Regulation GM-MD No. 5.175, of December 15, 2021.

14. MISCELLANEOUS PROVISIONS

14.1 The deadlines outlined in this Bid Notice will be counted excluding the starting day and including the due date and will observe the following provisions:

14.1.1 Deadlines expressed in calendar days will be computed continuously;

14.1.2 Deadlines expressed in months or years will be computed from date to date;

14.1.3 Deadlines expressed in working days, only the days on which administrative work occurs in this Naval Commission will be computed.

14.2 It is considered the day of the beginning of the term:

14.2.1 The first business day following the information being made available on the internet;

14.2.2 The date on which the acknowledgment of receipt is added to the records when the notification is by mail.

14.3 The deadline is considered extended until the first following business day if the due date falls on a day when there are no business hours, if the business hours are closed before the usual time, or if there is the unavailability of electronic communication.

14.4 In terms expressed in months or years, if the month of maturity does not have the day equivalent to the beginning of the term, the last day of the month shall be considered the term.

14.5 The non-complying with merely formal requirements that do not compromise the assessment of the bidder's qualification or the understanding of the content of its proposal will not imply its withdrawal from the bidding process or the invalidation of the process.

14.6 Any additional information about this Notice can be obtained at the BNCW's web page at www.cnbw.mar.mil.br, at the BNCW's address at 5130 MacArthur Blvd., NW, Washington, DC 20016-3316, or by e-mail at raphael.benicio@marinha.mil.br.

BID PROCESS N° 10/2023

14.7 This bid may only be revoked for reasons of public interest arising from a duly proven supervening fact relevant and sufficient to justify such conduct. It must be canceled due to illegality, ex officio, or at the provocation of third parties through a written and duly substantiated opinion.

14.8 The annulment of the bidding procedure due to illegality does not generate an obligation to compensate, except if the object has already been carried out by the date on which the bidding is declared null and for other regularly proven losses, as long as they are not attributable to it, promoting the responsibility of those who caused it.

14.9 The bidding procedure's nullity leads to the Contract's nullity, subject to the provisions of the previous item.

14.10 In the event of cancellation of the bidding process, adversarial proceedings and complete defense are ensured.

14.11 The bidders will bear all expenses arising from the presentation of proposals.

14.12 Bidders must thoroughly analyze all documents related to the Notice of this bidding process, particularly the Contract and the **Appendix I of the Term of Reference**.

14.13 Guidelines for registering suppliers will be available on this Commission's website.

15. ENVIRONMENTAL SUSTAINABILITY CRITERIA

15.1 This acquisition must be informed by the environmental sustainability criteria, based on Law n° 12.187/2009, combined with the international commitments assumed by the Brazilian government, so that the bidder, if possible, prioritizes recycled and recyclable products compatible with consumption standards socially and environmentally sustainable.

16. ANNEXES

16.1 The following Annexes are part of this Bidding Notice:

- a) Term of Reference and its appendix;
- b) Contract Draft;
- c) Price Proposal;
- d) Online Reverse Bid Auction Information.

Washington, DC, December 4th, 2023.



FERNANDA RICARDO DA SILVA

CDR, Brazilian Navy

Head of the Purchasing Department

Bid Notice for Process N° 10/2023