



MINISTRY OF DEFENSE

BRAZILIAN NAVY

BRAZILIAN NAVAL COMMISSION IN WASHINGTON

BID PROCESS N° 11/2024

Online Reverse Bid Auction

Notice N° 11/2024

Object: Hiring of a service provider company for meal supply for the workforce of the Brazilian Naval Commission in Washington (BNCW) and the Naval Attaché in the United States (AdiNavEUA) on business days.

Annexes:

- A) Terms de Reference and Appendices;**
- B) Contract Draft;**
- C) Price proposal; and**
- D) Online Reverse Bid Auction Information.**

Processo n° 63150.002250/2024-66

Online Reverse Bid Auction – Bid Process n. 11/2024

NOTICE N° 11/2024

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°. 11/2024, in the form of a Online Reverse Bid Auction, according to article 10, II from Regulation GM-MD n°. 5.175, of December 15, 2021, rules adapted to local peculiarities.

Date of Online Reverse Bid Auction: November 14th, 2024

Time: 10:00 (EST – Washington DC Time)

Judging Criteria: lowest average *per capita* price, in accordance with the requirements contained in this Notice and its annexes.

Estimated contract value: \$266,832.00

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 in accordance with Brazilian law:

1 - Participants are requested to send two e-mails, **separately**, when submitting their initial proposals: one with the **Qualification Documents** and another with the **Price Proposals**, according to the schedule established in this Bidding Notice , to the mailbox: cnbw.bid@marinha.mil.br.

2 - 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.

3 - 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.

4 - The winning bid will be the **LOWEST AVERAGE PER CAPITA PRICE**.

5 - The schedule established in this Bidding Notice follows the United States Eastern Standard Time – Washington DC local time.



PUBLICATION DATE: October 30th, 2024.

1 – OBJECT:

The object regarding this process is the hiring of a service provider company for meal supply for the workforce of the Brazilian Naval Commission in Washington (BNCW) and the Naval Attaché in the

United States (AdiNavEUA) on business days, based on the conditions, quantities and requirements listed in the Notice and its annexes.

1.2 The judging criterion will be the lowest average *per capita* price. The specifications and details of the calculation method are included in the Price Proposal, as per Annex C of this Notice.

2 - PARTICIPATION IN THE BIDDING

2.1 Any supplier whose line of business is compatible with the object may participate in this Bidding. Interested parties must be previously accredited in the approved suppliers registry.

2.2 Guidelines for supplier registration are available on this Commission's website at the link: <https://www.marinha.mil.br/cnbw/?q=pt-br/content/formul%C3%A1rio-de-cadastro>

2.3 The bidder is exclusively and formally responsible for the transactions made in their name, and considers their proposals and bids as firm and true, including actions taken directly or by their representative, excluding the responsibility of the system provider or the agency or entity promoting the bidding for any damages resulting from the misuse of access credentials, even if by third parties.

2.4 It is the responsibility of the registered party to verify the accuracy of their registration data in the systems mentioned in the previous items and to keep them updated with the responsible agencies, immediately correcting or altering the records as soon as they identify inaccuracies or if they become outdated.

2.5 Failure to comply with the provisions of the previous item may result in disqualification at the time of habilitation.

2.6 The following may not participate in this process:

- a) One that does not meet the conditions of this Bidding Notice and its attachment(s);
- b) Companies that do not submit the initial proposal and the qualification documents according to the schedule contained in this Notice;
- c) Individual or legal person who is, at the time of the bidding, unable to participate in the bidding due to a sanction imposed on him;
- d) Anyone who maintains a technical, commercial, economic, financial, labor, or civil relationship with a leader of the contracting body or entity or with a public agent who plays a role in the bidding process or acts in the inspection or management of the contract, or who is their spouse, partner or relative in a straight line, collateral or by affinity, up to the third degree;
- e) Third parties who assist in conducting the contracting as part of a support team, specialized professional, or employee or representative of a company providing technical advisory services;
- f) The author of the Terms of Reference, whether an individual or legal entity;
- g) Public agent of the bidding body or entity;
- h) Companies that are under bankruptcy, insolvency, or in the process of dissolution or liquidation.

3 - SUBMISSIONS OF PROPOSALS AND QUALIFICATION DOCUMENTS

3.1 In this bidding process, the qualification phase will follow the phases of proposal submission and bidding, and evaluation.

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

3.3 The conditions for submitting proposals are as follows:

3.3.1 Participants are requested to send **two e-mails, separately**, to the mailbox cnbw.bid@marinha.mil.br as follows:

- a) An e-mail for the price proposal, when submitting their initial proposals, titled: **Price Proposal**; and
- b) An e-mail for the qualification documents, titled: **Qualification Documents**.

3.3.2 The e-mails should be addressed to:

Brazilian Naval Commission in Washington

BID process n° 11/2024

E-mail: cnbw.bid@marinha.mil.br

Sent by: _____

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

3.3.4 The BNCW will not accept proposals after the date specified in Phase 2 of the Schedule (**November 12th, 2024**).

3.3.5 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.

3.3.6 All documents must be up to date and valid.

3.3.7 Expired documents will not be accepted.

3.3.8 Bidders must carefully observe the limit outlined in this Bidding Notice's schedule for submitting Qualification Documents and Price Proposals. The bids will be opened by the auctioneer on the date established in the Bidding Notice, and the lowest price will be the reference for the online reverse bid auction.

3.4 The **Qualification Documents** and the initial **Price Proposals** must be presented on paper, preferably with letterhead, containing all the bidder's contact information.

3.5 The Price Proposal should be sent electronically, within the term and conditions established in items 3 and 4 of this Bidding Notice, observing the following:

3.5.1 All prices must be in US Dollars;

3.5.2 The information must be clear, without amendments or erasures;

3.5.3 All quotations must be valid for over **90 days** from the date the proposal is submitted to the BNCW.

3.6 It is the responsibility of the bidder interested in participating in the bidding process to monitor operations in the electronic system during the bidding process and to assume the burden resulting from lost business due to noncompliance with messages issued by the Administration or due to disconnection.

3.7 The bidder must immediately inform the system provider of any event that may compromise confidentiality or security, for immediate access blocking.

PRESENTATION OF QUALIFICATION DOCUMENTS

3.8 The documents required to prove the qualification are:

3.8.1 Legal Qualification

- a) Identity document and complete identification of the bidder, including the identification of their representative, full address, email addresses, and contact phone numbers;
- b) Copy of the company's founding documents, articles of incorporation, or current bylaws, duly registered;
- c) Operating license, commercial registration, or compatible document authorizing the operation of the company, according to local peculiarities;
- d) Valid Certificate of Liability Insurance (proof of insurance) and proof of workers' compensation insurance; and
- e) Tax Identification Number of the company.

3.8.2 Technical Qualification

- a) Proof, provided by the bidder, that they have received the documents and are aware of all the information necessary to fulfill the obligations related to the bidding process, as per the model in Appendix I of the Terms of Reference;
- b) Letters of recommendation, good performance, or guarantees provided by authorities or entities regulating the corresponding commercial activity;
- c) Installation license for food service that allows a company to operate a commercial kitchen;
- d) In the case of a shared kitchen, a current signed contract for a commercial kitchen space and a letter from the kitchen owner confirming that the company is using the space 6 days a week, as well as all necessary operational documentation;
- e) Food handling license; and
- f) Signed Technical Inspection Form – Appendix II of the Terms of Reference.

3.8.3 Economic-Financial Qualification

- a) 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; and
- b) 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.

3.9 In the event that it is impossible to present any qualification document due to local legislation, an equivalent document must be submitted or a formal justification must be provided to the contracting party explaining the reasons for the impossibility.

3.10 All documents must be up to date and valid and may be submitted in original or by copy.

3.11 Expired documents will not be accepted.

3.12 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:

3.12.1 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; and

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

3.13 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.

3.14 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 low or low to medium.

4 - SUBMISSION OF PRICE PROPOSAL

4.1 The price stated in the Initial Proposal submitted by the bidder, as per Annex C, must be prepared on a *per capita* basis, presenting the proposed amount to be charged per meal for each type of menu: A, B, and C, as detailed in Annex A and its appendices.

4.2 The proposed amounts will include all operational costs, social security contributions, labor charges, taxes, commercial fees, and any other costs that may directly or indirectly affect the execution of the object.

4.3 The prices offered, both in the initial proposal and in the bidding stage, will be the sole responsibility of the bidder, who will not have the right to request any changes, citing errors, omissions, or any other pretext.

| | | | |
|---|---------------------|---------------|--|
| 2 | November 12th, 2024 | 16:00 | Phase 2: 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 | November 13th, 2024 | 09:00 | Phase 3: Opening of the initial price proposals. |
| 4 | November 14th, 2024 | 10:00 - 10:15 | Phase 4: The session will be divided as follows: <ul style="list-style-type: none"> • 10:00 - 10:04 - Opening of the Online Reverse Bid Auction. • 10:05 - 10:15 - Bid. |
| 5 | TBD | TBD | Phase 5: The Auctioneer announces the winning bidder. |
| 6 | TBD | TBD | Phase 6: Intention to protest according to item 10.2.1 of this Notice. |
| 7 | TBD | TBD | Phase 7: Signature of the contract. |

7 - PROPOSALS AND SUBMISSION OF BIDS

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

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

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

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

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

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

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

7.4.4 Bidders will have 10 minutes to apply their bids;

7.4.5 A bidding session will be held in ONE session;

7.4.6 Bidders can monitor their bids via chat;

7.4.7 The Auctioneer will inform the final minute before the respective bid session is closed;

7.4.8 Bidders may offer successive bids, observing the time fixed for opening the session and the rules established in this Bidding Notice; and

4.4 The submission of proposals implies an obligation to comply with the provisions contained therein, in accordance with the requirements of the Terms of Reference, with the proposer committing to execute the contracted object as stipulated, as well as to provide the materials, equipment, tools, and utensils necessary, in quantities and qualities suitable for the proper contractual execution, promoting, when required, their replacement.

4.5 The proposal must be prepared with:

- a) Transparency, without amendments, erasures, additions, or interlineations;
- b) Numbered and initialed pages;
- c) Company name of the bidding entity, address with postal code, and, if applicable, telephone number, fax number, and email address;
- d) Detailed and accurate description of the characteristics of the services, in accordance with the specifications contained in this notice;
- e) Prices by item and total;
- f) Amounts expressed in numerals and, where applicable, in words;
- g) Validity periods for the proposals; and
- h) Date and signature of someone authorized for this purpose.



4.6 The model in Annex C must be used.

4.7 The initial proposal submitted must contain firm and non-adjustable prices for the supply of the object throughout the term of the contract.

5 - OPENING OF THE BIDDING SESSION

5.1 The public bidding session is considered open, including counting the deadline for protest, **on November 14th, 2024.**

5.2 All time references in the Bid Notice and during the public bidding session will be in **Eastern Standard Time (EST) – Washington DC local time.**

5.3 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.

6 - SCHEDULE:

| Item | Date | Time | Events |
|------|--------------------|-------|---|
| 1 | October 30th, 2024 | 15:00 | Phase 1: Bidding Notice for Process No. 11/2024 (Online Reverse Bidding Auction) publication. |

7.4.9 After closing the bidding sessions, the Auctioneer will consolidate the result of the lowest bid and disclose it to the participants, during the session or by e-mail.

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

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

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

7.8 No additional information to the Price Proposals will be accepted after the date set in the schedule of this Notice, unless the auctioneer requests necessary additional information.

7.9 If no bids are made, it will be verified whether the lowest price proposal does not exceed the estimated value for the contract.

7.10 BNCW will not accept joint proposals from two or more companies.

7.11 O The minimum bid decrement between the bids during the Online Reverse Bid Session must be USD 00.10.

8 - NEGOTIATION

8.1 Once the bid submission stage of the public session is over, whether the first placed bid remains above the maximum price or below the discount defined for the contract, the auctioneer will be able to negotiate more advantageous conditions, after defining the result of the judgment, being prohibited negotiation under conditions different from those specified in this Notice.

8.2 Negotiations may be carried out with the other bidders, according to the classification order initially established, when the first placed, even after negotiation, is disqualified due to its proposal remaining above the maximum price defined in the bidding.

8.3 After the negotiation is concluded, its result will be disclosed to all bidders and attached to the bidding process records.

8.4 The auctioneer will ask the best-ranked bidder to, within 4 hours, send the proposal appropriate to the last bid offered after the negotiation is carried out, accompanied, if applicable, by complementary documents, when necessary to confirm those required in this Notice and already presented.

8.5 If the winning proposal or bid is disqualified, the Auctioneer will examine the subsequent proposal or bid, and so on, in order of classification.

8.6 Once the analysis regarding the acceptance of the proposal has concluded, the auctioneer will verify the bidder's qualifications, observing the provisions of this Notice and its annexes.

8.7 The winning bidder who presents the lowest price and meets all the requirements described in this Notice will be considered qualified.

8.8 After negotiating the price, the Auctioneer will begin the acceptance and judgment phase of the proposal.

8.9 BNCW reserves the right to extend, reschedule, halt, or cancel a bidding process. In such circumstances, participants will be notified.

9 - DISQUALIFICATION OF PROPOSALS

9.1 Once the negotiation stage is over, the auctioneer will check whether the bidder provisionally ranked first meets the participation conditions in terms of suitability for the object and price compatibility concerning the Notice.

9.1.1 Verification of proposal compliance will be carried out exclusively to the best-ranked proposal.

9.2 The winning proposal will be disqualified if:

9.2.1 contains irremediable defects;

9.2.2 does not comply with the technical specifications contained in the Terms of Reference;

9.2.3 Present unfeasible prices or remaining above the maximum price defined for the contract. Prices are considered unfeasible if their viability is not demonstrated through documentation that proves the costs of inputs are consistent with market rates and that productivity coefficients are compatible with the execution of the contract's object;

9.2.4 Not having their feasibility demonstrated when required by the administration;

9.2.5 Presents non-compliance with any other requirements of the notice, as long as it cannot be remedied; and

9.2.6 Bids in any currency other than US Dollars.

9.3 If there are indications of the unfeasibility of the price proposal, or if there is a need for additional clarifications, inquiries may be made for the company to demonstrate the feasibility of the proposal.

9.4 For the purpose of analyzing the proposal regarding compliance with the specifications of the object, a written statement may be obtained from the requesting service department or the specialized area related to the object.

10 - QUALIFICATION

10.1 The documents listed in the Terms of Reference, necessary and sufficient to demonstrate the bidder's ability to carry out the object of the bidding, will be required for qualification purposes.

10.2 It is the bidder's responsibility to check the accuracy of their registration data and keep them updated with the organization responsible for the information, and must immediately correct or change the records as soon as they identify an inaccuracy or they become outdated.

10.3 After delivery of the qualification documents, replacement or presentation of new documents will not be permitted, except as part of due diligence to:

10.3.1 Supplementation 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;

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

10.4 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.

10.5 In the event that the bidder does not meet the requirements for qualification, the auctioneer will examine the subsequent proposal and so on, in the order of classification, until the determination of a proposal that meets this notice.

10.6 The verification by the auctioneer on official websites of agencies and entities issuing certificates constitutes a legal means of proof for the purpose of qualification.

11 - WINNING BIDDER

11.1 The decision will be based on the lowest average *per capita* price presented.

11.2 The average *per capita* price will be that stated in the Initial Price Proposal submitted by the bidder, in accordance with Annex C, presenting the proposed amount to be charged per diner for each type of menu: A, B, and C, as detailed in Annex A and its appendices.

11.3 The bidder who presents the lowest average *per capita* price will be declared the winner, provided that the commercial details and qualifying and qualifying information meet the terms and conditions contained in this Notice and its Annexes.

11.4 If the bidder with the lowest average *per capita* price is disqualified, their proposal will be rejected, and the next qualified bidder will then be submitted for evaluation. If successful, that bidder will be the winner. Otherwise, the review and evaluation process will repeat until approval is granted or all bidders are disqualified.

11.5 The winning bidder will be announced during the bid session and via email to all bidders, as well as published on the BNCW website.

12 - PROTEST

12.1 Bidders may file a protest regarding the acts resulting from this Bidding Process against:

12.1.1 Judgment of the proposals;

12.1.2 Qualification or non-qualification of Bidders;

12.1.3 Cancellation or revocation of the bid.

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

12.2.1 The intention to protest 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 protest, and the deadline for the presentation of the reasons for the protest, of 3 (three) workdays, will be initiated on the date of receipt of the intention to protest by the Auctioneer.

12.2.2 The examination of the protest will be done in a single phase.

12.3 The protest will be directed to the Auctioneer, who will present his decision within 5 (five) workdays.

12.4 Acceptance of the protest will imply invalidation only of the act that cannot be used.

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

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

12.7 After the protest phase verifies the acts' regularity, the competent authority shall approve the bidding procedure.

12.8 The protests filed after the deadline will not be received.

13 - HIRING GUARANTEE

13.1 There will be no requirement for a Contract guarantee.

14 - CONTRACT

14.1 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 Bidding Notice.

14.2 Within the term of the Contract, prices cannot be adjusted, except in the case of item 12.5.

14.3 The obligations of the BUYER and SELLER are set forth in Annex B (draft contract).

14.4 The administrative sanctions in reference to this contract execution are presented in Annex "B" of this Bidding Notice (Contract Draft).

14.5 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.

14.5.1 If 25% represents a non-integer number, the first integer above the calculated number will be considered.

14.6 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.

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

14.6.2 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.

14.7 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.

15 - ADMINISTRATIVE INFRACTIONS AND SANCTIONS

15.1 The infractions and penalties related to the contractual phase are specified in the Contract Draft, attached to this Notice.

16 - CHALLENGES AND REQUESTS FOR CLARIFICATION

16.1 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:

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

16.3 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.

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

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

16.6 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.

17 - FORWARDING TO THE SUPERIOR AUTHORITY

17.1 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:

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

17.1.2 Revoke the bid for reasons of convenience and opportunity.

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

17.1.4 Award the object and ratify the bid.

18 - ENVIRONMENTAL SUSTAINABILITY CRITERIA

18.1 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 **SELLER**, if possible, prioritizes recycled and recyclable products compatible with consumption standards socially and environmentally sustainable.

18.2 The materials used for packaging goods must be recycled and/or recyclable.

19 - MISCELLANEOUS PROVISIONS

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

19.1.1 Deadlines expressed in calendar days will be computed continuously;

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

19.1.3 Deadlines expressed in working days, only the days on which are not Federal Holidays in the United States.

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

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

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

19.3 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.

19.4 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.

19.5 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.

19.6 If there is no office hours or if any unforeseen event occurs that prevents the bidding from taking place on the scheduled date, the session will be automatically rescheduled to the next business day at the same time previously established, provided there is no contrary communication from the Auctioneer.

19.7 The approval of the results of this bidding does not imply a right to a contract.

19.8 The rules governing the bidding will always be interpreted in favor of increasing competition among interested parties, as long as they do not compromise the interests of the Administration, the principle of equality, the purpose, and the security of the contract.

19.9 Bidders assume all costs for preparing and presenting their proposals, and the Administration will not be responsible for these costs under any circumstances, regardless of the conduct or outcome of the bidding process.

19.10 In case of any discrepancy between the provisions of this Notice and its attachments or other documents that make up the process, the provisions of this Notice shall prevail.

20 - FORUM

20.1 If the **PARTIES** cannot resolve any disputes arising from or relating to this Contract amicably, such claims shall be determined by arbitration following the International Arbitration Rules of the American Arbitration Association.

20.2 The place of arbitration will be in Washington, DC, the number of arbitrators will be three, and the arbitrator's decision will be final and binding on the **PARTIES**. Each party shall select one arbitrator within thirty (30) days after the commencement of the, be arbitration, and both arbitrators shall select a third. If either party fails to appoint an arbitrator within this period, the arbitrator chosen by the other party will be the sole arbitrator. Suppose the two arbitrators do not agree on the selection of a third arbitrator within 45 (forty-five) days after the commencement of the arbitration, the American Arbitration Association will select the third arbitrator.

20.3 The arbitration must be conducted in English, and all documentation must also be in English. The arbitration award shall be the sole and exclusive remedy between the parties concerning claims, counterclaims, issues, or bills presented or pleaded to the arbitrators. The award must be paid in US Dollars, net of any tax, deduction, or offset. Any costs, fees and, expenses incurred in enforcing the judgment will be charged against the party resisting such enforcement.

20.4 All notices relating to the arbitration shall be in English and writing.


20.5 The dispute or claim arising out of or relating to the Contract will be determined following the Maritime and Commercial Laws applicable to this type of trade, and the parties will submit to the jurisdiction of the federal courts located in the District of Columbia. They will waive the right to claim a lack of personal jurisdiction in any legal process.

21 - ANNEXES

21.1 The following Annexes are part of this Bidding Notice:

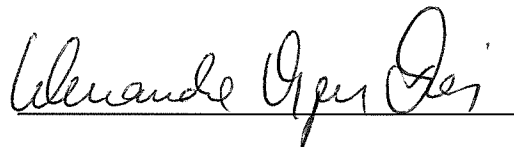
- A) Annex A - Terms of Reference and Appendices;
- B) Annex B - Contract Draft;
- C) Annex C - Price Proposal;
- D) Annex D - Online Reverse Bid Auction Information.

Washington, DC, October 29th, 2024.



LUIZ CARLOS REIS DE LIMA
CDR, Brazilian Navy
Head of Purchasing Department

Approved by:



ALEXANDRE VIZEU DIAS
CAPTAIN - Brazilian Navy
President