



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

BID PROCESS N° 07/2024

Online Reverse Bid Auction

NOTICE

Object: Acquisition of Individual Ballistic Protective Equipment (EPBI), its components and accessories for the operative units of the Marine Corps.

Annexes:

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

NUP: 63150.001440/2024-66

Online Reverse Bid Auction – Bid Process nº 07/2024

NOTICE Nº 7/2024

1 - PREAMBLE

1.1 It is hereby made public that the Brazilian Naval Commission in Washington, located at 5130 MacArthur Blvd., NW, Washington, DC, 20016-3316, announces for the knowledge of interested parties the Bidding Process No. 07/2024, in the modality of an Electronic Auction, with the judgment criterion of the lowest price per lot (acquisition of Individual Ballistic Protection Equipment (EPBI), its components, and accessories for the operational units of the Marine Corps), in accordance with GM-MD Ordinance No. 5,175, dated December 15, 2021, Law No. 14,133/2022, and regulations adapted to local peculiarities.

1.2 The bidding will be conducted electronically and will be operationalized on Click4Assistance.

1.3 The judgment criteria will be the lowest price per lot/product, in compliance with the requirements contained in this Notice and its Annexes regarding the specifications of the object.

Date of the Online Reverse Bid Auction: October 10th, 2024

Time: 09:00 (Washington Local Time – EDT)

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 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 price per lot. Bidders may submit proposals for all lots if they wish.

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

PUBLICATION DATE: September 27th, 2024.

2 - OBJECT:

2.1 The object of this bid process is the acquisition of Individual Ballistic Protective Equipment (EPBI), its components and accessories for the operative units of the Marine Corps, according to this document and its annexes.

Item	BNCW Reference	NSN - Description	Specification/ Size	QTY
1	PE31000-2024-00040	8470-99-671-1467 - Positively Buoyant Ballistic Plate Level III	Front	2300
2	PE31000-2024-00041	1386-99-493-5757 - Positively Buoyant Ballistic Vest Level IIIA	M	16
3	PE31000-2024-00042	1386-99-181-0945 -Positively Buoyant Ballistic Vest Level IIIA	L	96
4	PE31000-2024-00043	1386-99-344-4440 -Positively Buoyant Ballistic Vest Level IIIA	XL	48
5	PE31000-2024-00044	8470-99-269-4702 - Ground Troops Ballistic Helmet Level III-A with no accessories	M	460
6	PE31000-2024-00045	8470-99-602-8050 - Ground Troops Ballistic Helmet Level III-A with no accessories	L	460
7	PE31000-2024-00046	8470-99-155-9945 - Ground Troops Ballistic Helmet Level III-A with no accessories	XL	230
8	PE31000-2024-00047	8470 - BR3336923 Ballistic Vest Level III-A	M	100
9	PE31000-2024-00048	8470 - BR3336924 Ballistic Vest Level III-A	L	600
10	PE31000-2024-00049	8470 - BR3336942 - Ballistic Vest Level III-A	XL	300

2.1.1 The specifications, descriptions, and quantities of the goods that make up the object of this bidding are included in the terms of reference, as per Annex A and its attachments.

2.1.2 Given the need for the validity period of the EPBI to expire at the same time, the Body Armor Ballistic Vests Level III-A and the Positively Buoyant Ballistic Plates Level III must be bid as a single lot and must be supplied by the same manufacturer.

2.1.3 The decision of the Auctioneer will be based on the lowest price per lot, as follows:

LOT 1						
Item	BNCW Reference	NSN - Description	Specification	QTY	Unit Cost	Max. Cost
1	PE31000-2024-00040	8470-99-671-1467 - Positively Buoyant Ballistic Plate Level III	Front	2300	\$108,00	\$248.400,00
2	PE31000-2024-00047	8470 - BR3336923 Ballistic Vest Level III-A	Size - M	100	\$340,00	\$34.000,00
3	PE31000-2024-00048	8470 - BR3336924 Ballistic Vest Level III-A	Size - L	600	\$340,00	\$204.000,00
4	PE31000-2024-00049	8470 - BR3336942 - Ballistic Vest Level III-A	Size - XL	300	\$340,00	\$102.000,00

LOT 2						
Item	BNCW Reference	NSN - Description	Specificati-on	QTY	Unit Cost	Max. Cost
1	PE31000-2024-00041	1386-99-493-5757 - Posi-tively Buoyant Ballistic Vest Level IIIA	Size - M	16	\$350,00	\$5.600,00
2	PE31000-2024-00042	1386-99-181-0945 - Posi-tively Buoyant Ballistic Vest Level IIIA	Size - L	96	\$350,00	\$33.600,00
3	PE31000-2024-00043	1386-99-344-4440 - Posi-tively Buoyant Ballistic Vest Level IIIA	Size - XL	48	\$350,00	\$16.800,00

LOT 3						
Item	BNCW Reference	NSN - Description	Specificati-on	QTY	Unit Cost	Max. Cost
1	PE31000-2024-00044	8470-99-269-4702 - Ground Troops Ballistic Helmet Level III-A with no accessories	Size - M	460	\$140,00	\$64.400,00
2	PE31000-2024-00045	8470-99-602-8050 - Ground Troops Ballistic Helmet Level III-A with no accessories	Size - L	460	\$140,00	\$64.400,00
3	PE31000-2024-00046	8470-99-155-9945 - Ground Troops Ballistic Helmet Level III-A with no accessories	Size - XL	230	\$140,00	\$32.200,00

2.1.4 The Contract will be awarded to the bidder who offers the lowest price per lot, provided that the proposal complies with the terms and conditions established in the following documents, which are an integral part of this Bidding Process:

- Notice;
- Annex "A": Terms of Reference and its appendices;
- Annex "B": Draft Contract;
- Annex "C": Price Proposal; and
- Annex "D": Information on the Online Reverse Bid Auction.

3 - PARTICIPATION IN THE BIDDING

3.1 Companies participating in this bidding process must be previously registered as an approved supplier with the BNCW.

3.2 The guidelines for registering suppliers are available on the BNCW's website.

3.3 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) 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;
- c) 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;
- d) Public agent of the bidding body or entity;
- e) Auctioneer, staff, or leader of the BNCW;
- f) The third party that helps conduct the contract as a member of the support team, specialized professional or employee, or representative of a company that provides technical advice; and
- g) The author of the terms of reference, individual or legal entity.

4 - TECHNICAL QUALIFICATION OF THE BIDDER

4.1 In order to meet the demands of the units of the Brazilian Navy, the Individual Ballistic Protection Equipment (EPBI) must possess characteristics such as reliability, durability, and performance. Thus, to ensure the necessary performance of the equipment, the standards of the National Institute of Justice of the United States of America, NIJ Standard 0101.06 / 0101.07 and 0106.01 / 0108.01 - Levels III-A and III were used as reference. These compliance standards are the most comprehensive and rigorous in effect. The details of the specifications are included in the appendices of the Terms of Reference.

4.2 In addition to the requirements set forth in item 7 of this Notice, the companies eligible to participate in the bidding will be those that supply similar products (level III-A ballistic vests), made from Ultra-High Molecular Weight Polyethylene (UHMWPE) and/or ARAMID.

5. - SUBMISSIONS OF PROPOSALS AND QUALIFICATION DOCUMENTS

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

5.2 The conditions for submitting proposals are as follows:

5.2.1 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**.

5.2.2 The e-mails should be addressed to:

Brazilian Naval Commission in Washington

BID process n° 07/2024

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

Sent by: _____

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

5.4 The BNCW will not accept proposals after the date specified in Phase 2 of the Schedule (**October 8th, 2024**).

5.5 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.

5.6 All documents must be up to date and valid.

5.7 Expired documents will not be accepted.

5.8 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.

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

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

5.10.1 The price proposal must be submitted using the form included in Annex C;

5.10.2 All prices must be in US Dollars;

5.10.3 The information must be clear, without amendments or erasures; and

5.10.4 All quotations must be valid for over **40 days** from the date the proposal is submitted to the BNCW.

6 - OPENING OF THE SESSION

6.1 The public session is considered open, including for the purpose of counting the deadline for challenges, on the date of **October 10th, 2024**.

6.2 All time references in the notice, in the announcement, and during the public session will observe Eastern Time (ET) in the United States.

6.3 The bidding will be conducted by an auctioneer, assisted by a support team, as per the designation act by the President of this Naval Commission.

6.4 SCHEDULE

Item	Date	Time	Events
1	September 27th 2024	15:00h	Phase 1: Bidding Notice for Process No. 07/2024 (Online Reverse Bidding Auction) publication.
2	October 9th 2024	16:00h	Phase 2: Last day for submission of proposals containing the "Qualification Documents" and the initial "Price Proposal".(Please send both documents <u>separately</u> to cnbw.bid@marinha.mil.br).
3	October 10th 2024	09:00h	Phase 3: Opening of the initial price proposals.
4	October 11th 2024	09:00h – 09:20h	Phase 4: The session will be divided as follows: 09:00 – 09:04 - Opening of the Online Reverse Bid Auction. 09:05 – 09:10 Bids for LOT 1 09:15 – 09:20 Bids for LOT 2 09:25 – 09:30 Bids for LOT 3
5	October 11th 2024	16:00h	Phase 5: The Auctioneer announces the winning bidder.
6	October 14 th 2024	16:00h	Phase 6: Intention to protest according to item 12.2.1 of this Notice.
7	TBD	TBD	Phase 7: Signature of the contract.

7 - PRESENTATION OF QUALIFICATION DOCUMENTS

7.1 The qualification documents indicated in this notice must be submitted in accordance with item 5 of this Notice.

7.2 The necessary documents for proving qualification are:

7.2.1 Legal Qualification

- a) Identity Card and complete identification of the bidder, with the respective title of its representative, complete address, e-mails, and telephone numbers for contact;
- b) Copy of the company's articles of incorporation if available, business license or permit and certificates of registration if available;
- c) Government-issued authorization document for the exercise of the bid object (sales tax permit or resale certificate);
- d) Company tax identification number (TIN) and tax clearance certificate; and

e) Certificate of good standing and certificate of liability insurance (proof of insurance).

7.2.2 Technical Qualification

a) 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;

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

7.2.3 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.

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

7.4 Expired documents will not be accepted.

7.5 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:

7.5.1 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; and

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

7.6 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.

7.7 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 low or medium.

8- PROPOSALS AND FORMULATION OF BIDS

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

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

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

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

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

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

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

8.4.4 Bidders will have 5 minutes to apply their bids;

8.4.5 There will be one session (5 minutes) for each lot;

8.4.6 Bidders can monitor their bids via chat;

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

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

8.4.9 The minimum bid decrement between the bids during the Online Reverse Bid Session must be USD 200.00 per Liter, for all the Lots.

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

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

8.7 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.

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

8.9 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.

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

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

9 - NEGOTIATION

9.1 Once the bid submission stage of the public session is over, if 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.

9.2 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.

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

9.4 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.

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

9.6 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.

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

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

10 - DISQUALIFICATION OF PROPOSALS

10.1 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.

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

10.3 The winning proposal will be disqualified if:

10.3.1 contains irremediable defects;

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

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

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

10.3.5 Bids in any currency other than US Dollars.

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

11- QUALIFICATION

11.1 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.

11.2 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.

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

11.3.1 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;

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

11.4 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.

11.5 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.

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.

13 - CHALLENGES AND REQUESTS FOR CLARIFICATION

13.1 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:

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

13.3 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.

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

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

13.6 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.

14 - FORWARDING TO THE SUPERIOR AUTHORITY

14.1 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:

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

14.1.2 Revoke the bid for reasons of convenience and opportunity.

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

14.1.4 Award the object and ratify the bid.

15 - HIRING GUARANTEE

15.1 There will be no requirement for a Contract guarantee.

16 - CONTRACT

16.1 After the qualification phase and approval of the prototypes, the company will be summoned to sign the contract, the draft of which is located in Annex B of this Notice.

16.2 Within the term of the Contract, prices cannot be adjusted, except in the case of item 15.2 of the Annex B (Contract).

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

16.4 The sanctions related to the execution of the contract, related to its the total or partial non-execution, the **BUYER** can, guaranteeing a previous defense, apply to the **SELLER** the following sanctions:

a) Written warning in the event of non-compliance with any contractual obligations considered minor offenses, understood as those that do not cause significant harm to the contracted service;

b) The unjustified delay in the execution of the contract, starting from the first day of the postponement of the service, will subject the **SELLER** 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. After the thirtieth day and at the discretion of the Administration, in the case of delayed execution, non-acceptance of the object may occur, thereby constituting total non-performance of the assumed obligation in this case, without prejudice to the unilateral termination of the agreement;

c) Compensatory fine, in a percentage of 10 (%), levied on the value of the unfulfilled portion of the contract;

d) Temporary suspension from participating in bidding processes and prohibition from contracting with this Naval Commission, for a period not exceeding 2 (two) years; and

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 **SELLER** reimburses the **BUYER** for the resulting damages and after the period of the sanction used based on the item "d" elapses.

16.5 The penalties provided in item 16.4 - "a", "d" and "e" may be applied together with one of the paragraphs "a" and "b", being allowed the previous defense of the **SELLER**, in the respective process, within 5 (five) working days.

16.6 The sanction established in paragraph "e" of item 16.4 is of the exclusive competence of the Minister of Defense, the defense of the **SELLER** 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.

16.7 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.

16.8 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.

16.8.1 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.

16.8.2 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.

16.9 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.

17 - DELIVERY CONDITIONS

17.1 The delivery conditions are detailed in the Terms of Reference, Annex A, of this Notice.

Regarding the Requirement for Samples and Laboratory Testing

17.2 The bidder ranked first, after being notified as such, must send a prototype of each item to CMatFN within 20 days for evaluation. The vests and helmets must be sent in size "L."

17.3 In the event of non-acceptance of the prototype due to discrepancies with the technical specifications, the company will have a period of 20 days to send a new prototype with the necessary corrections. In the case of further disapproval, the company must be disqualified, and the next participating company in the bidding process will be called.

17.4 The winning bidder(s) must manufacture, within the same lots, 05 (five) additional units of Body Armor Ballistic Vests III-A, 20 (twenty) additional units of ballistic plates, 03 (three) additional units of ballistic helmets, and 05 (five) additional units of Positively Buoyant Vests, intended for ballistic compliance testing. These additional quantities must be included in the amounts to be delivered in Brazil.

17.5 The EPBI samples designated for compliance testing with the standards of the National Institute of Justice (NIJ) will be randomly selected from the quantities received after the arrival of the EPBI in the country. The company will be notified and will have a period of up to 05 (five) business days to collect the selected samples. After collecting the selected samples, the company will have an additional 20 (twenty) days to conduct the ballistic tests.

17.6 To schedule and coordinate the collection of samples, the company representative must contact the Marine Corps Material Command (CMatFN) using the following means: Phone: +55 21 2126-5192 and emails: figueiredo@marinha.mil.br / afonso.bastos@marinha.mil.br / w.pantoia@marinha.mil.br.

17.7 The winning bidder(s) will conduct ballistic compliance tests according to the standards of the National Institute of Justice (NIJ) 0101.06 / 0101.07 (for vests and plates) and 0106.01 / 0108.01 (for helmets), as established by the Compliance Testing Program (CTP) Requirements. These tests must be conducted in a laboratory accredited by the NIJ (see item below), the list of which can be found at <https://cittec.org/compliance-testing-program/nij-approved-test-laboratories/>. The resulting reports from these tests must be sent to the end user and must include the lot and serial numbers of the samples tested.

17.8 Oregon Ballistic Laboratories (OBL), located in Oregon, USA, is designated as the reference laboratory for conducting compliance tests of the samples with the standards established by the National Institute of Justice (NIJ), as it is certified by the NIJ and accredited by NVLAP (NVLAP Lab Code 200826-0), and is capable of executing all parts of the NIJ 0101.06 / 0101.07 standard, including the environmental conditioning cycles of hard and soft armor.

17.9 Representatives of the Marine Corps may observe the laboratory tests conducted at Oregon Ballistic Laboratories (OBL) in the United States. To do so, the winning bidder(s) must inform, at least 30 (thirty) days in advance, the anticipated schedule for the compliance tests at OBL, as well as provide the contacts of the representative(s) who will accompany them in the USA.

18 - MISCELLANEOUS PROVISIONS

18.1 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:

18.1.1 Deadlines expressed in calendar days will be computed continuously;

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

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

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

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

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

18.2 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.

18.3 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.

18.4 The non-compliance 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.

18.5 Any additional information regarding this notice can be obtained at the following website: www.cnbw.mar.mil.br, at the address 5130 MacArthur Blvd., NW, Washington, DC 20016-3316, or by email at manoela.accioly@marinha.mil.br.

18.6 This bidding process can only be revoked for reasons of public interest arising from duly proven supervening facts, relevant and sufficient to justify such conduct, and must be annulled for illegality, either ex officio or at the request of third parties, through a written and duly substantiated opinion.

18.7 The annulment of the bidding process due to illegality does not create an obligation for indemnification, except in cases where the object has already been executed by the date the bidding is declared null, and for other regularly proven damages, provided that it is not attributable to the bidder, holding responsible those who caused it.

18.8 The nullity of the bidding process leads to the nullity of the contract, except as provided in the previous item.

18.9 In the case of cancellation of the bidding process, the right to a fair hearing and ample defense is guaranteed.

18.10 All expenses arising from the submission of proposals will be borne by the bidders.

18.11 Bidders must thoroughly analyze all documents related to the notice of this bidding process, particularly the contract.

18.12 Guidance for supplier registration will be available on this Commission's webpage on the Internet.

18.13 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.

19 -ANNEXES

19.1 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; and
- D) Annex D - Online Reverse Bid Auction Information.

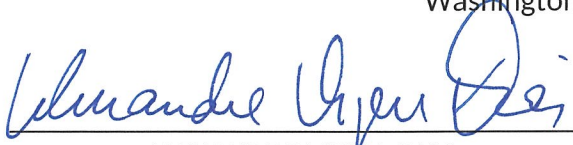
Washington, DC, September 27th, 2024.



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

Approved:

Washington, DC, September 27th, 2024.



ALEXANDRE VIZEU DIAS
Captain - Brazilian Navy
President

