



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

**BID PROCESS N° 09/2024**

**Online Reverse Bid Auction**

**NOTICE**

**Object: Hiring of specialized company for the door-to-door transport to the Brazilian Navy personnel unaccompanied baggage working for the Brazilian Naval Attache Office in Colombia (AdiNavColombia).**

**Annexes:**

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

**Process n° 60918.000055/2024-94**

Online Reverse Bid Auction – Bid Process nº 09/2024

NOTICE Nº 9/2024

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 Nº. 09/2024, in the form of a Online Reverse Bid Auction, according to article 10, II, of Regulation GM-MD nº. 5.175, of December 15, 2021, rules adapted to the local peculiarities, for the Brazilian Naval Attache Office in Colombia, organization supported by this Naval Commission.

**Date of the Online Reverse Bid Auction: October 3<sup>rd</sup>, 2024**

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

**Judgment Criteria:** lowest overall 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 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](mailto:cnbw.bid@marinha.mil.br).

2 - Proposals and documents sent to any e-mail address other than [cnbw.bid@marinha.mil.br](mailto: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 OF SERVICE**.

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

**PUBLICATION DATE:** September 19<sup>th</sup>, 2024.

**1. OBJECT**

1.1 Hiring of specialized company for the door-to-door transportation of unaccompanied baggage for military serving the Brazilian Navy in the Brazilian Naval Attache Office in Colombia (AdiNavColombia), originating from Colombia and destined for Brazil, comprising collection, storage, insurance, loading, unloading, customs clearance, delivery, and assembly of goods, according to the conditions established in this Notice and its annexes.

1.2 The bidding will be conducted in a single group, as per the table contained in Annex C of this Notice, Price Proposal, and the bidder must offer a proposal for all items included therein and for the insurance.

1.3 Weights will be assigned to each volume range. Due to historical usage, greater weight will be assigned to the 20-foot container.

Volume Range per Number of Transportation	(A) Up to 5m3 (by Air)	(B) Up to 10m3	(C) 10m3 to 15m3	(D) 15m3 to 20m3	(E) 20m3 to 20ft Container	(F) 40ft Container
Weight	5	5	20	30	35	5

1.4 The weighted average value for each item will be obtained through the weighted average of the individual costs in each volume range, considering the specified weighting factors.  $(A*5+B*5+C*20+D*30+E*35+F*5)/100$ .

1.5 The maximum insurance premium to be paid will be obtained by multiplying the maximum insured amount by the rate proposed by the bidder.

1.6 The judgment criterion will be the lowest overall price, obtained by summing the total values of each item and the maximum insurance premium, in accordance with the requirements specified in this Notice and its annexes regarding the specifications of the object.

1.7 The specifications and details of the calculation method are included in the Price Proposal, as outlined in Annex C of this Notice.

1.8 Bids that serve the Naval Attaché of Brazil in Colombia are centralized with the Brazilian Naval Commission in Washington (BNCW), which is responsible for contracting tickets and baggage abroad, as the mentioned Attaché is under the jurisdiction of CNBW, according to Article 6 of Annex I of Ordinance No. 5,175 of 2021, combined with Article 2.2.2 of SGM 202 MOD-2, with specialized personnel assigned for such contracting purposes.

## 2 - PARTICIPATION IN THE BIDDING

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

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

2.3 The bidder is exclusively and formally responsible for transactions made in their name, and they consider their proposals and bids as firm and true, including actions taken directly or by their representative. The responsibility of the system provider or the entity promoting the bidding is excluded 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 it updated with the responsible authorities. They must promptly correct or update the records as soon as they identify any inaccuracies or when the information becomes outdated.

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

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) The author of the preliminary project, basic project, or executive project, whether an individual or legal entity, when the bidding concerns services or the supply of goods related to it;
- c) A company, either alone or in a consortium, responsible for the preparation of the basic or executive project, or a company whose project author is an executive, manager, controller, shareholder, or holds more than 5% (five percent) of the voting capital, technical responsible, or subcontracted, when the bidding concerns services or the supply of goods necessary for it;
- d) 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;
- e) 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;
- f) An individual or legal entity that, in the 5 (five) years preceding the publication of the notice, has been judicially convicted, with final judgment, for the exploitation of child labor, for subjecting workers to conditions analogous to slavery, or for hiring adolescents in cases prohibited by labor legislation;
- g) Public agent of the bidding body or entity;
- h) A public agent of the contracting entity may not participate, directly or indirectly, in the bidding or the execution of the contract, and situations that could constitute a conflict of interest in the exercise or after the exercise of the position or employment must be observed, in accordance with the legislation governing the matter, as per § 1 of Article 9 of Law No. 14,133 of 2021;
- i) Auctioneer, staff, or leader of the BNCW;
- j) 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
- k) The author of the terms of reference, individual or legal entity.

### **3. - SUBMISSIONS OF PROPOSALS AND QUALIFICATION DOCUMENTS**

3.1 In this bidding process, the qualification phase will follow the phases of proposal and bid submission 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 For the purpose of quotations, 13 transports of unaccompanied baggage were considered over the course of one year.

3.4 The conditions for submitting proposals are as follows:

3.4.1 Participants are requested to send **two e-mails, separately,** to the mailbox [cnbw.bid@marinha.mil.br](mailto: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**.

3.4.2 The e-mails should be addressed to:

**Brazilian Naval Commission in Washington**

BID process n° 09/2024

E-mail: [cnbw.bid@marinha.mil.br](mailto:cnbw.bid@marinha.mil.br)

Sent by: \_\_\_\_\_

3.4.3 Proposals sent to any e-mail address other than [cnbw.bid@marinha.mil.br](mailto:cnbw.bid@marinha.mil.br), or sent by post, will not be accepted.

3.4.4 The BNCW will not accept proposals after the date specified in Phase 2 of the Schedule **(October 1<sup>st</sup>, 2024)**.

3.4.5 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.

3.4.6 All documents must be up to date and valid.

3.4.7 Expired documents will not be accepted.

3.4.8 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.

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

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

3.6.1 All prices must be in US Dollars;

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



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

3.7 It will be the responsibility of the bidder interested in participating in the bidding process to monitor the operations in the electronic system during the bidding process and to bear the consequences of losing business due to failure to observe messages issued by the Administration or due to disconnection.

3.8 The bidder must immediately notify the system provider of any event that could compromise confidentiality or security, so that access can be immediately blocked.

### **Qualification Documents**

3.9 The documents required to prove the qualification are:

#### **3.9.1 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).



#### **3.9.2 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.

#### **3.9.3 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.

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

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

3.12 Expired documents will not be accepted.

3.13 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:

3.13.1 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

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

3.14 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.

3.15 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 PROPOSALS**

4.1 The bidder may not offer a proposal with a quantity less than the maximum amount foreseen for the contract.

4.2. The proposed values will include all operational costs, social security charges, labor charges, tax charges, commercial charges, and any other costs that directly or indirectly affect the execution of the object.

4.3. The prices offered, both in the initial proposal and in the bidding phase, will be the sole responsibility of the bidder, who will not have the right to request any changes on the grounds of error, omission, or any other pretext.

4.4. The submission of proposals implies the obligation to comply with the provisions contained therein, in accordance with the Terms of Reference, with the proponent assuming the commitment to execute the contracted object as described, as well as to supply the necessary materials, equipment, tools, and utensils, in quantities and qualities adequate for the perfect execution of the contract, and to provide replacements when required.

4.5. The proposal must be prepared with:

- a. Clarity, without corrections, erasures, additions, or interlineations;
- b. Numbered and initialed pages;
- c. The legal name of the bidding company, address with postal code, and, if applicable, telephone number, fax number, and email address;
- d. Detailed and accurate description of the services' characteristics, according to the specifications in this notice;
- e. Prices per item and total;
- f. Values expressed in figures and, where applicable, in words;
- g. Proposal validity periods; and
- h. Date and signature of the person authorized for this purpose.

4.6 The model in Annex C must be used.

#### **5. OPENING OF THE SESSION, CLASSIFICATION OF PROPOSALS, AND FORMULATION OF BIDS**

5.1 The public session is considered open, including for the purpose of counting the deadline for challenges, on the date of **October 2nd, 2024**.



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

5.3. 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. SCHEDULE

Item	Date	Time	Events
1	September 19 <sup>th</sup> 2024	15:00	Phase 1: Bidding Notice for Process No. 09/2024 (Online Reverse Bidding Auction) publication.
2	October 1 <sup>st</sup> 2024	16:00	Phase 2: Last day for submission of proposals containing the "Qualification Documents" and the initial "Price Proposal".(Please send both documents <b>separately</b> to <a href="mailto:cnbw.bid@marinha.mil.br">cnbw.bid@marinha.mil.br</a> ).
3	October 2 <sup>nd</sup> 2024	09:00	Phase 3: Opening of the initial price proposals.
4	October 3 <sup>rd</sup> 2024	09:00 a 09:15	Phase 4: The session will be divided as follows:  <b>09:00 - 09:04 - Opening of the Online Reverse Bid Auction.</b>  <b>09:05 - 09:15: Bids</b>
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.

TBD: To be determined.

## 7. CLASSIFICATION OF PROPOSAL AND SUBMISSION OF BIDS:

7.1 After the phase of classification/disqualification of proposals, the bidding phase will begin.

7.2 The bidding phase will start from the opening of the Online Reverse Bid Session.

7.3 Started the bidding phase, bidders must submit their bids exclusively through the electronic system.

7.4 The mode of dispute will be open, subject to the following conditions:

7.4.1 Bidders will receive a unique user code and password, which will be sent by email, to participate in the electronic auction session;

7.4.2 The identity of the participants **must not** be disclosed before or during the electronic auction session, under penalty of being disqualified;

7.4.3 The auctioneer will provide initial instructions and open the bidding session;

7.4.4 Bidders will have 10 minutes to place their respective bids;

7.4.5 A single session will be held for bid submissions;

7.4.6 Bidders can monitor their respective bids via chat;

7.4.7 The final minute will be announced before the closing of the respective bids;

7.4.8 Bidders may submit successive bids, adhering to the time fixed for the opening of the session and the rules established in this notice; and

7.4.9 After the closing of the bidding sessions, the auctioneer will consolidate the results of the lowest bid and notify the participants by email.

7.5 Two or more bids of the same value will not be accepted, with precedence given to the bid received and recorded first.

7.6 If the chat remains "offline" or disconnected for more than 10 minutes, the electronic auction process will be suspended, and a new session will be scheduled, with notification to all bidders.

7.7 If the bidder does not submit any bids, they will compete with the value of their initial proposal.

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

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

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

7.11 The minimum interval for bid value differences during the electronic auction session must be USD 100.00.

## **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.

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.

## **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 infeasible prices or remain above the maximum price defined for the contract;

9.2.4 Fail to demonstrate their feasibility 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 proposal's infeasibility or if additional clarifications are needed, inquiries may be conducted so that the company can demonstrate the feasibility of the proposal.

9.4 For the purpose of analyzing the proposal with respect to the fulfillment of the specifications of the object, a written statement may be obtained from the requesting department or the area specialized in the object.

## **10. QUALIFICATION**

10.1 The documents listed in this Notice and its annexes, 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 electronic sites of issuing bodies and entities constitutes a legal means of proof for the purposes of qualification.

## **11. PROTEST**

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

11.1.1 Judgment of the proposals;

11.1.2 Qualification or non-qualification of Bidders; and

11.1.3 Cancellation or revocation of the bid.

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

11.2.1 The intention to protest must be made by e-mail to "[cnbw.bid@marinha.mil.br](mailto: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.

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

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

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

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

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

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

11.8 Protests submitted outside the deadline will not be considered.

## **12. HIRING GUARANTEE**

12.1 There will be no requirement for a Contract guarantee.

## **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 Bidding Notice.

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

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

13.4 The administrative sanctions in reference to this contract execution are presented in Annex "B" of this Bidding 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.

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

13.6 The winning Bidder shall sign the Contract within 10 (ten) days, counting from the receipt of the Contract, under penalty of forfeiting the right to the Contract.

13.6.1 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.

13.6.2 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.

13.7 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.

## **14. ADMINISTRATIVE INFRACTIONS AND SANCTIONS**

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

## **15. CHALLENGES AND REQUESTS FOR CLARIFICATION**

15.1 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:

15.2 The challenge must be made by e-mail to "[cnbw.bid@marinha.mil.br](mailto:cnbw.bid@marinha.mil.br)".

15.3 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.

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

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

15.6 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.

## **16. FORWARDING TO THE SUPERIOR AUTHORITY**

16.1 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:

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

16.1.2 Revoke the bid for reasons of convenience and opportunity.

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

16.1.4 Award the object and ratify the bid.

## **17. ENVIRONMENTAL SUSTAINABILITY CRITERIA**

17.1 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.

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

17.3 In case it is not possible to use recycled and/or recyclable materials, a formal justification must be submitted to the contracting party, explaining the reasons for the impossibility.

17.4 The treatment of waste generated during the execution of the contract within Brazilian territory must comply with the provisions of Decree No. 10,936, dated January 12, 2022, which regulates the National Solid Waste Policy established by Law No. 12,305, dated August 2, 2010, without prejudice to the observance of local regulations.

## **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:

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

18.1.6 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-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.

18.5 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.

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

18.7 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.

18.8 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.

18.9 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.

## 19. FORUM

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

19.2 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.

19.3 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.

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

19.5 The dispute or claim arising out of or relating to the bidding process 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.

## 20. ANNEXES

20.1 The following Annexes are part of this Bidding Notice:

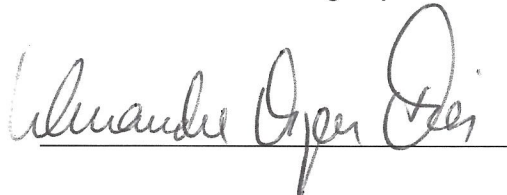
- A) ANNEX A - Terms of Reference and Appendix;
- B) ANNEX B - Contract Draft;
- C) ANNEX C - Price Proposal;
- D) ANNEX D - Online Reverse Bid Auction Information.

Washington, DC, September 18th, 2024.

  
p.p. Luiz Carlos Reis de Lima

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

Approved by:

  
Alexandre Vizeu Dias

ALEXANDRE VIZEU DIAS  
CAPTAIN - BRAZILIAN NAVY  
President