MINISTRY OF DEFENSE

Marinha

Direção de Abastecimento

CALL FOR TENDERS

NPD: 3020008968 - Procurement Spare

Procedure: DIRECT AWARD

Annexes:

A - Declaration Template (Annex I PPC)
B - Declaration Template (Annex II PPC)
C - Bank Deposit Guide Template
D - Bank Guarantee Template / Insurance-Bail
E - Draft of the Proposal
F - Further Information of the Procedure

Approval Order:

I approve under the delegated authority by the Supply Director Dispatch no. 2791/2020, published in the Official Gazette 2nd Serie no. 43, on March 2, 2020, combined with no. 2 of article 40th of the Public Procurement Code.

The Head of Procurement Division,

Assinado de forma digital por Bruno Alexandre Vilhena Lúcio
DN: c=PT, o=Marinha Portuguesa, cn=Bruno Alexandre Vilhena Lúcio
Dados: 2020.04.17 20:00:49 +01'00'

Bruno Alexandre Vilhena Lúcio
Lt Cdr

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CALL FOR TENDERS

Dear Sirs,

The Ministry of Defense – Navy – Supply Direction invites you to submit a proposal for the supply of goods described below, in which it must comply with the following terms and conditions:

1. Aim of the Procedure

1.1. The contractual Procedure aims the award of goods mentioned in Annex F and, listed in annex B to the Specifications and in accordance with the respective clauses and annexes.

1.2. The Public Procurement Code (PPC) rules this Procedure.

2. Call to Hire

The competent body to hire, authorize the expenditure and approve the Procedure is the one, mentioned in Annex F to this Call, under the sub-delegated powers, in conjunction with articles 36th, 38th e 40th of the PPC.

3. Contracting Authority

The public contracting authority is the Ministry of Defense – Navy, represented by the Supply Directorate at Lisbon Naval Base - Alfeite, CP 2810-001 Almada.

4. Selection of Procedure

Based on economic standards, efficiency and effectiveness, combined with material's nature to acquire and degree of urgency, it has been approved and chosen the mentioned procedure in Annex F of this Call.

5. Availability of the Procedure

This Procedure will be fully available according to Annex F of this Call.

6. Clarifications and Corrections

6.1. The necessary Clarifications for the understanding and interpretation of the whole Procedure must be requested by the end of the first third of the period for submission of proposals, by electronic means, which is defined in Annex F of this Call.

6.2. The referred Clarifications in the previous number shall be provided by the end of the second third period for submission of proposals.

6.3. Clarifications and Corrections belong to this Procedure and prevail over these in case of difference.

7. Errors and Omissions

Up to the five-sixths term of the period for Submission of proposal, competitors can submit to the competent body the Call to hire a list in which they identify, expressly and unequivocally, the detected errors and omissions in the specifications, in accordance with article 50th of the PPC.

8. Deadline, Mode and Place of delivery

8.1. Proposals shall be delivered, promptly, until time/date and location shown in Annex F of this Call.

8.2. The set date for the submission of proposals can be extended for an appropriate period at the request of the parties and in duly grounded cases.

8.3. The way for submission of proposals is exclusively carried out electronically in accordance with annex F.

9. Proposal Documents

9.1. The proposal shall come along with the following documents, individually signed and with use of qualified electronic, prior to proposal submission, under penalty of exclusion:

a. Declaration of acceptance of the content of the Specifications, prepared according to annex I of the PPC, in annex A to this Call, signed by the contractor or his representative with power to do so.

b. Document, according to Annex E, with the attributes information, terms, conditions and detailed technical information. The document shall be fully filled namely the identified fields as being mandatory, or replacing another one expressly containing the same information, in the referred Annex;

c. Document proving the subscriber's power of representation, and his/her quality / ability to compel the company (permanent certificate, power of attorney or equivalent document), in accordance with no. 4 of article 57, of the PPC.

9.2 Shall be eventually submitted any other documents in which the competitor may deem necessary to the clarifications of the proposal attributes.

10. Proposal Elements

10.1. Total amount in EUROS, with no more than two decimal places, not including VAT, and plus that tax to these prices, at legal rate. If there's a divergence between price in words and figures shall prevail the price in words and in installments;

10.2. If the unit price is shown with more than two decimal places, shall prevail the one with two decimal places by default;

10.3. If any divergence comes between the unit price and the total amount of the proposal, shall prevail the unit price per supply unit as shown in Annex A of the Specifications, per article in each lot;

10.4. The applicable tax at legal rate shall be separately indicated. In cases of exemption it is mandatory to mention the appropriate legal basis (standard, article, number, sub-heading);

10.5. Payment conditions, prepared in accordance with the key dates as supply, conditioned, where applicable by the Specifications.

10.6. Expiration date of the proposal, never less than 90 (ninety) days.

10.7. Discrimination of the supply period with a stagger express in days and/or described per figures, per lot. The period which is to present term supply will always have to be in calendar days, counting on Saturday, Sunday and Holidays;

10.8. If the presented period term is shown otherwise other than calendar days, it will be converted into calendar days as shown in the previous number. If there is a divergence between dates by figures and words, it will always prevail the one, which shows the shortest term.

10.9. Whenever proposals are presented by trading company or grouping, it must be signed by anyone who has powers to compel them.

11. Sample Delivery

11.1. Whenever Technical Specification, or Annex A of the Specification is required, the competitor has to deliver the respective sample for verification of compliance with the requirements and characteristics, which are defined in the Technical Specification.

11.2. The sample is delivered in spare section of the Technical Operating Division of the Supply Direction, until 15h00 of the last working day of deadline for the submission of the proposal.

11.3. The non-delivery of the sample, as described, is the reason for his exclusion.

12. Alternative proposals

Variant proposal are absolutely not accepted to this procedure in accordance with nr 7 of article 59th of PPC, in other words, which may alter the Specification clauses

13. Period of validity of the proposals

The minimum period of the proposed maintenance obligation is 90 (ninety) days.

14. Award Criterion

14.1. The award criterion is mentioned in annex F of this Call.

14.2. Unit prices must take into account unit base prices, if applicable.

14.3. If there are several lots awarded to the same entity, it shall be carried out a single contract, resulting in the same obligations to each one of the identified benefits.

14.4. It can be carried out partial awards, if there is a need of an adjustment regarding to public interest to acquire.

14.5. After the award criterion is applied, and if it is found a tie situation between two or more competitors, these will be notified by electronic mail, in order to attend on the indicated date and time in the identified address of this call, for the application of the raffle method not requiring their presence. The raffle shall consists of the identification of the names of the competitors, in A5 sized sheets folded into four equal parts and put in a black sack, being drawn to luck merely one of the sheets by an element of the jury. The award shall be made to the identified competitor in the drawn sheet. This raffle shall be made in the presence of at least two elements of the jury and the representatives of the identified firms who want to be present.

15. Trading and Electronic Auction

No place whatsoever for negotiation and electronic auction of the proposals.

16. Admission and Exclusion of the Proposals

Without loss of any other motives provided by law, proposals shall be excluded on the following situations:

16.1. In accordance with nrs 2 e 3 of article 146th of PPC;

16.2. Are not made up of all required documents;

16.3. The proposal has classified documents without prior authorization of the competent body to contract;

16.4. Do not show all the submitted and non-submitted aspects of the competition, namely the failure to submit a proposal with all articles which consist of the lot;

16.5. When it is found that all documents which consists of the proposal do not be individually signed using the qualified electronic signature, in accordance with nr 96/2015, in August 17th.

17. Award

The award shall be made to the competitor which, in each lot, be in the first place of the final ranking.

18. Qualification Documents

18.1. The contractor is obliged to deliver all needed documentation to his qualification namely:

a. Prepared statement according to annex II of PPC, in annex B of this Call;

b. Criminal record of all holders of social bodies either collective or single, if applicable;

c. Certificate on the amounts regarding tax debts to the State;

d. Certificate on the amounts regarding debts for social security contribution to the State;

e. Permanent certificate of Business Registration.

18.2. By choice, the contractor can issue a permit to the contracting, in order to obtain the referred information next to the competent authorities.

18.3. If any non-conformities are detected in the delivery, regarding qualification documents by the contractor, in accordance with nr 2 of article 86th of PPC, shall be granted the following periods for normalization:

a. Three days attributable to the contractor;

b. Na Additional period to be defined owing to given reasons not attributable to the contractor.

19. Bail

19.1. To ensure the proper performance of the drawn up contract, and the right performance of his obligations, the contractor must grant a bail of at least 5% of the contractual price excluding VAT, whenever the amount surpasses 200.000 €, in accordance with articles 88th and 89th of PPC, whenever the contracting authority requires it according to annex F.

19.2. If required, the bail must be unconditional (*on first demand*) and shall be granted in the following ways:

a. By cash deposit to the order of the Portuguese State – Ministério da Defesa Nacional – Marinha – Direção de Abastecimento, in accordance with the standard Template in annex C of this Call;

b. Through bank guarantee or bail, in accordance with annex D of this Call.

20. Contract

20.1. If applicable, it shall be drawn a contract in accordance with article 95th of PPC. Its pattern shall obey to written procedure described in articles 94th and 106th of PPC.

20.2. The contractor must provide along with the delivery of goods of this contract the following:

a. All required documentation of this contract;

b. Material source certificates;

c. Technical conformity certificates issued by the manufacturer.

20.3. The contract under this procedure shall be disclosed in www.base.gov.pt.

21. Preliminary Consultation – Request for Quotation

Considering this pre-contractual procedure, a preliminary market consultation was carried out in order to set BASE PRICE (Annex A of TENDER SPECIFICATIONS) in accordance with article 35-A of the PPC, which can be consulted at the Supply Division – Procurement Division during office hours.

ANNEX A

Declaration Template (Annex I of PPC)

1. - … (name, document identification number and address), as legal representative of[1]… (firm, identification number and head office or, if group of competitors, (firms, identification numbers and head offices), being perfect aware of the specification of this contract to be drawn of this procedure of… (Description of the procedure and Specifications applicable to this procedure), declares under oath of honour, that his represented[2] undertakes to fulfill the referred contract according to Specifications and accepts all of its clauses.
2. – Moreover, the contract shall be drawn under the terms according to the following documents which are attached:
   a) …
   b) …
3. – It further states that renounces to any special court, and that the contract shall be drawn under the Portuguese Law.
4. – It further states that under oath of honour is not in any of these situations provided for nr 1 of article 55r of the Public Procurement Code.
5. -The declarant is fully aware of what is involved as for false declarations, the exclusion of the proposal or award expiry which consists of a very serious sanction, in accordance with article 456th of the Public Procurement Code, loss of the right to participate as a candidate, competitor or group member, in any procedure whatsoever to public contracts, bringing to knowledge the competent authority for the purposes of criminal procedure.
6. – Whenever required by the contracting, the competitor undertakes to fulfill in accordance with article 81st of the Public Procurement Code, to show supporting documents that is not in the circumstances provided for in b), d), e) and h) of nr 1 of article 55th of the PPC.
7. - The declarant is fully aware that if do not show the referred documents according to previous number the exclusion of the proposal or award expiry which consists of a very serious sanction, in accordance with article 456th of the PPC, loss of the right to participate as a candidate, competitor or group member, in any procedure whatsoever to public contracts, bringing to knowledge the competent authority for the purposes of criminal procedure.
8.

… (local), … (date), … [signature[3]].

[1] Merely applicable to colective competitors
[2] Single competitor, suppressing the expression “his representative”
[3] In accordance with nrs 4 and 5 of article 57th

ANNEX B

Declaration Template (Annex II of PPC)

1. - … (name, document identification number and address), as legal representative of[4]… (firm, tax identification number and head office or, if group of competitors, firms, identification numbers and head offices), contractor under the procedure of… (description or reference of the procedure), hereby declares under oath of honour, that his representative[5] is not in any of the situations provided for in nr 1 of article 55th of the PPC.
2. – The declarant attaches [or shows…. as address in the Internet where he can be called in[6]] the supporting documents which his representative[7] is not in any of the situations provided for in b), d), e) and h) of nr 1 of article 55th of PPC.
3. The declarant is fully aware of what is involved as for false declarations, the exclusion of the proposal or award expiry which consists of a very serious sanction, in accordance with article 456th of the Public Procurement Code, loss of the right to participate as a candidate, competitor or group member, in any procedure whatsoever to public contracts, bringing to knowledge the competent authority for the purposes of criminal procedure.

… (local),… (date), … [signature[8]].

[4] Merely applicable to colective competitors
[5] Single competitor, suppressing the expression “his representative”
[6] Adding the needed information to, if applicable
[7] Single competitor suppressing the Expressions “his representative”
[8] In accordance with nrs 4 and 5 of article 57th

ANNEX C

Bank Deposit Guide Template

Euros _____ €

Shall _____ (*name of the contractor*), with head office in _____ (address), deposit in _____ (head office, *branch, agency or delegation*) from Bank _____ the amount of _____ (by *figures and words*) in cash/bonds _____*(delete what does not matter - discriminate in case of bonds)*, as required bail _____ *(identification of the procedure)*, in accordance with nrs 3 and 4 of article 90th of Public Procurement Code.
This bank deposit, is on behalf of the **Portuguese State – Ministry of National Defense - Navy – Supply Direction**, to whom must bring to knowledge.

[*Date and signature of the legal representative(s)*]

ANNEX D

Bank Guarantee Template / Insurance-Bail

Bank Guarantee/Insurance Bail nr _____

On behalf of_____ (contractor), the _____ (*institution*), warrant by this document, provide, on behalf of the **Portuguese State – Ministry of National Defense – Navy – Supply Direction**, a bank guarantee/Insurance-bail (delete what does not matter), up to the amount of _____ (by *figures and words*), intended to endorse all assumed obligations within the scope _____ (*identification of the procedure*), in accordance with nrs 6 and 8/7 and 8 (delete what does not matter) of article 90th of the PPC.

This guarantee matches to 5% of the contractual price and words as if it were currency, being responsible to deliver the amount up to the guarantee limit, as soon as it is notifies in writing by the contracting.

It is very well established that the bank/Insurance company (delete what does not matter) ensures, if it is called to honour this bail, cannot take into consideration any objections of the contracting, being forbidden oppose the contracting any kind of defenses in which the contracting can profit.

This guarantee remains valid until its release be expressly authorized by the contracting, and cannot be altered without permission regardless of settlement of any due prizes.

[*Date and signature of the legal representatives*]

ANNEX E
Proposed Draft

Item / Lot (1)	Description of the article (2)			Further Information Evolution due to Obsolescense (3)			DPF (4)	UF (5)	QUANT	BASE PRICE (VAT excluding)
	Article designation	Manufacturer	Manufacturer reference	Manufacturer	Manufacturer Reference	Document or supportingevidence				
1	aaaa	aaa	aaa	bbb	bbb	bbb				
…	…	…	…	…	…					
n	n	n	n	n	n					

(1) – Mandatory filling;
(2) - Mandatory filling;
(3) – Mandatory filling, whether there is any other article replacing in the Specifications to the item/lot.
Supporting document or supporting evidence shall have all required technical elements to the correct evaluation of the proposal;
(4) – Mandatory filling, considering the expected delivery date, once formalized the need;
(5) – Mandatory filling, along with supply unit.

ANNEX F

Further Procedure Information

Number of the Procedure	3020008968
Aim of the Contract	Purchase Spare for Naval Units
Call to Hire	Bruno Vilhena Lúcio (Head of Procurement Division) - Dispatch no. 2791/2020, 14FEB (published in Official Gazette no. 43 - 2.nd Serie - 02MAR20)
Choice of the Procedure	Direct award - Technical (Acq of spares) - Art 24.th nr 1 e), of PPC
Procedure Availableness	www.acingov.pt
Request for Clarifications	www.acingov.pt
Deadline for Submission of the Proposals	Until 23h59 of the 7th day counting from the following day to the Call.
Place of Delivery of the Proposals	www.acingov.pt
Award Criterion	Not required
Bail	Not required.