

Dear Sir/Madam,

Invited Entities

YOUR REFERENCE:

YOUR LETTER DATED:

OUR REFERENCE:

OUR DATE:

CV08/CPG07/2022

07/ 10 /2022

SUBJECT: Prior consultation procedure no. 07/2022 - Procurement of technical support services for the international promotion and marketing of Porto and North Portugal Destination, in the German Market, within the scope of the “REERGUER O TURISMO DA REGIÃO – Juntos Somos Mais Norte” Project [REBUILDING THE REGION’S TOURISM - Together We Are More North].

Invitation to Bid

The company is hereby invited to submit a bid for the procurement of the services in the title, in accordance with the respective contract specifications. The award procedure shall follow the terms and conditions indicated below:

1. Object of the Procedure

This procedure defines the terms of the contract formation phase up to its entering into and adopts the prior consultation procedure for the procurement of technical support services for the international promotion and marketing of the Porto and North of Portugal Destination, in the German Market, subject to the specifications and conditions outlined in Appendix A - Technical Specifications of the contract specifications.

2. Awarding entity

The procedure is promoted by the Associação de Turismo do Porto, an association under private law, holder of legal person number 503393517, with offices at Rua Miguel Bombarda n.º 211, 4050-381 Porto, hereinafter referred to as ATP.

3. Grounds for choosing the type of procedure

The procedure is by prior consultation.

4. Body making the decision to contract

The decision to contract was made by the Chairman of the ATP Board, as the competent body for the decision to contract and for authorising the expenditure according to the order dated 26 September 2022.

5. Base price

5.1-The base price of this procedure is EUR **50.939,08 (fifty thousand, nine hundred and thirty nine euros and eight cents)**, plus VAT at the legal rate in force (VAT in force under Portuguese tax law-23%). This is the maximum price the awarding entity is willing to pay for the performance of all the services that are the purpose of the contract.

5.2-The prices of the bid, which must include all charges inherent to the purpose of the contract to be entered into, are indicated in figures and do not include value added tax (VAT). The bid must mention that VAT is added to the prices, indicating the amount and the legal rate applicable, and when also written in words, the amounts written in words shall prevail, for all intents and purposes, over those indicated in figures, in the case of divergence (VAT in force under Portuguese tax law-23%).

6. Availability and access to the procedure

This procedure will be made available in its entirety on the ACINGOV electronic public procurement platform (<https://www.acingov.pt/>), according to the submission's deadline and local Portugal time.

7. Clarifications, errors and omissions of tender documents

The request for clarifications and/or the presentation of a list of errors and omissions of the tender document shall be made through the electronic public procurement platform ACINGOV (<https://www.acingov.pt/>), by the end of the first third of the period established for submitting bids.

8. Deadline for the submission of bids

The bid, as well as the accompanying documents, must be submitted before 17:00 (Local Portugal Time) on the 6th (sixth) day following the date this invitation is sent. The time period is continuous, including Saturdays, Sundays in their computation.

9. Form in which the bid is submitted

The Bid and accompanying documents must be submitted exclusively electronically, on the ACINGOV electronic platform (<https://www.acingov.pt/>).

10. Bid Documents

The bid is made up of the following documents, without prejudice to any others foreseen by law:

- a) Declaration of submission of the bid by the bidder or by a representative with the power to bind, of acceptance of the content of the contract specifications, drawn up in accordance with the template of Appendix I to this invitation.
- b) Document that, according to the purpose of the contract to be entered into, contains the attributes of the bid according to which the bidder is willing to contract, such as:
 - i. Overall price with and without VAT (VAT in force under Portuguese tax law- 23%), corresponding to all the services that comprise the purpose of the contract, drawn up in accordance with the template of Appendix III to this invitation;
- c) Extract of the registration in the Commercial Register of the bidder, access code or certificate from the Commercial Registry Office (Unternehmensregister), with all the updated records, listing the legal representatives of the bidder with the powers to bind.
- d) Any other documents that the bidder considers essential to clarify the bid's attributes.

11. Bids' Analysis

11.1 The bids are analysed in terms of the attributes that expand on the respective award criteria.

11.2 Excluded bids are those that, on analysis:

- a) Do not submit the documents listed in point ten of this invitation;
- b) Do not fulfill all the requirements established in the Contract Specifications;
- c) The contractual price is higher than the base price;
- d) For any of the reasons established in Article 146 (2 and 3) by remission of Article 122(2), both of the Public Procurement Code (CCP).

12. Document requirements

The Bid and all documents associated with it must be electronically signed through the use of qualified electronic signature certificates, pursuant to that established by Article 54 of Law no. 96/2015 of 17 August.

13. Language of the bid documents

The bid documents must be written in English.

14. Variant bids

14.1 Variant bids are not admissible.

14.2 Negotiation shall not take place, but the tenderer may be invited to improve its bid.

15. Bid validity period

The bidder is obliged to maintain its bid valid for a period of 66 (sixty-six) days from the deadline for submission, otherwise the bidder may be excluded.

16. Award criterion

- a) The award shall be made according to the criterion of the most economically advantageous bid, in the form of evaluation of the most economical price or cost.
- b) In case there is a tie, the jury of the procedure draws lots, in the presence of a representative from each one of the bidders. Minutes shall be drawn up for all present to sign.
- c) All the bidders will be notified of the date, time and place of the draw, with prior notice of three days, for the purposes of the previous paragraph. The bidders must present their respective identification and proof or declaration that confers powers to represent the entity, issued by whoever has the power to bind it.

17. Deadline for submission of authorising documents

17.1-The contractor must submit, within 3 (three) business days from the respective notification, reproduction of the following authorising documents that will be requested when the award decision is notified, through the electronic ACINGOV platform (<https://www.acingov.pt/>) or, if the platform is unavailable, by e-mail to the address compras@portocvb.com:

- a) Declaration issued according to the template provided in Appendix II of the CCP, in accordance with the provisions of paragraph 1(a) of Article 81 of the same code, in accordance with Appendix II of this invitation.

- b) Documentary proof, or provision of access for online consultation, that the following situations exist:
- No social security contributions are owed in Portugal or, as the case may be, the State in which they are a national or where they are established.
 - No taxes are owed in Portugal or, as the case may be, the State in which they are a national or where they are established.
- c) Criminal record document of the legal entity and of all the members of the board of directors, senior management or management who are actively employed by the company, to prove that they are not in any of the situations established in sub-paragraphs b) and h) of Article 55 of the CCP;

17.2. - The contractor who is a national of a State signatory of the Agreement on the European Economic Area or the Agreement on Public Contracts of the World Trade Organisation may also present, in substitution of the qualification documents provided for in the previous point, a statement under oath, made before a notary public, judicial or administrative authority or any other competent authority, that it is able to perform the service that is the purpose of the contract to be awarded in the State of which it is a national in accordance with the rules applicable therein.

18. Security deposit

The provision of a security deposit is not required.

19. Signing of the contract

The contract shall be in writing.

20. Confidentiality

Interested parties and bidders must ensure confidentiality, according to legal terms, about the information and documentation, technical and non-technical, commercial or other, related to the Associação de Turismo do Porto, of which they may have knowledge under the scope of or in relation to the procedure. They must keep this obligation even after its termination, and such information and documentation may not be transmitted to third parties, nor object of use or any form of exploitation other than the one directly and exclusively intended for the procedure.

21. Integrating documents, applicable law and legislation

21.1 All the appendices referred to in the preceding articles form an integral part of this invitation.

21.2 The contract is governed by Portuguese law. The provisions of the CCP and other applicable legislation and regulations shall apply to the procedure and in all matters not covered by this invitation, as well as, if applicable, the provisions set forth in the contract specifications of this procedure.

Porto, October 7th, 2022

On behalf of the Associação de Turismo do Porto

The General Operations Directorate

Assinado por: **SUSANA ISABEL DA SILVA RIBEIRO**
Num. de Identificação: 10830657
Data: 2022.10.07 16:53:57+01'00'

Susana Ribeiro
 **CHAVE MÓVEL**
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APPENDIX I

STATEMENT TEMPLATE

[referred to in Article 57(1)(a) of the CCP]

1-

_____, _____, _____ (name, number of identification document and address), in the capacity of legal representative of _____, _____, _____¹ (company name, tax identification number and registered office or, in the case of a tendering group, company names, tax identification numbers and registered offices), having duly noted the contract specifications regarding the performance of the contract to be entered into, in the procedure _____, (designation of, or reference to the relevant procedure) and, as the case may be, the contract specifications of the framework agreement applicable to the procedure, solemnly declares that the company the undersigned represents² undertakes to perform the said contract in compliance with the content of the aforesaid contract specifications, whose clauses the undersigned declares are unconditionally approved.

2 - The undersigned further declares that it shall perform the said contract according to the terms provided for in the following documents³ attached as Appendices:

a) _____

b) _____

3 - The undersigned further declares that he/she waives special jurisdiction and will abide, in all matters concerning the performance of the said contract, by the applicable Portuguese legislation.

4 - The undersigned further solemnly declares that he/she is not in any of the situations provided for in article 55 (1) of the Public Procurement Code.

5 - The undersigned is fully aware that giving false declarations will entail, as applicable, the disqualification of the bid submitted or the forfeiture of the contract that may have been awarded

¹ Only applicable to bidders who are legal persons

² Should the bidder be a natural person, delete the expression "the company the undersigned represents".

³ Itemise all documents making up the bid, in addition to this statement, under the terms of Article 57(1)(b), (c) and (d) and (2) and (3).

to him/her, and is a very serious administrative offence, according to the provisions of Article 456 of the Public Procurement Code, which may determine the application of the additional penalty of disqualification from participating, as applicant, bidder or member of an applicant or bidding group in any procedure adopted for public procurement, without prejudice to reporting to the relevant authorities for the purpose of criminal action.

6 - As requested by the awarding entity, the tenderer undertakes, according to the provisions of article 81 of the Public Procurement Code, to submit the documents confirming that it does not conform with the situations described in article 55 (b), (d), (e) and (i) of the said Code.

7 - The undersigned is also fully aware that failure to submit the requested documents under the terms of the previous paragraph, for reasons attributable to him/her, entails the forfeiture of the contract that may have been awarded to it, and is a very serious administrative offence, according to the provisions of Article 456 of the Public Procurement Code, which may determine the application of the additional penalty of disqualification from participating, as applicant, bidder or member of an applicant or bidding group in any procedure adopted for public procurement, without prejudice to it being reported to the relevant authorities for the purpose of criminal action.

____(place), ____ (date), _____[signature⁴]

⁴ Pursuant to Article 57(4) and (5).

APPENDIX II

STATEMENT TEMPLATE

[referred to in Article 81(1)(a) of the CCP]

1 - _____ (name, number of identification document and address), in his/her capacity as legal representative of _____, _____⁵(company name, tax identification number and registered office or, in the case of a bidding group, company names, tax identification numbers and registered offices), contractor in the tender procedure of _____⁶(designation of, or reference to the relevant procedure), solemnly declares that the company the undersigned represents is not in any of the situations established in Article 55(1) of the Public Procurement Code.

2 -The signatory attaches as an Appendix [or indicates _____ as an Internet address where they may be consulted⁷] the documents providing evidence that the company the undersigned represents⁸ is not in any of the situations provided for in Article 55 (1)(b), (d), (e) and (i) of the Public Procurement Code.

3 - The undersigned is fully aware that giving false declarations will entail, as applicable, the disqualification of the bid submitted or the forfeiture of the contract that may have been awarded to them, and is a very serious administrative offence, according to the provisions of Article 456 of the Public Procurement Code, which may determine the application of the additional penalty of disqualification from participating, as applicant, tenderer or member of an applicant or tendering group in any procedure adopted for public procurement, without prejudice to reporting to the relevant authorities for the purpose of criminal action.

_____(place), _____(date), _____[signature⁹].

⁵ Applicable only to tenderers that are legal persons.

⁶ Should the bidder be a natural person, delete the expression "the company the undersigned represents".

⁷ Add necessary information for consultation, if applicable.

⁸ Should the bidder be a natural person, delete the expression "the company the undersigned represents".

⁹ Pursuant to Article 57(4) and (5).

APPENDIX III

CONTRACTUAL PRICE STATEMENT TEMPLATE

_____, _____, _____ (name, number of identification document and address), in the capacity of legal representative of _____, _____, _____¹⁰ (company name, tax identification number and registered office or, in the case of a bidding group, company names, tax identification numbers and registered offices), having duly noted the contract specifications regarding the performance of the contract to be entered into, in the procedure _____, _____ (designation of, or reference to the relevant procedure), solemnly declares that the company the undersigned represents¹¹ undertakes to perform the said contract in compliance with the content of the aforesaid contract specifications and applicable legislation, in the following terms:

Bid Price: EUR _____ (_____ euros)

V.A.T. at the legal rate of _____% , in the amount of EUR _____ (_____ euros) is to be added to the abovementioned price, making an overall price of EUR _____ (_____ euros).

It is further declared that it waives special jurisdiction and will abide, in all matters concerning the performance of the said contract, by that established in applicable Portuguese legislation.

_____(place), _____(date), _____[signature].

¹⁰ Applicable only to tenderers that are legal persons.

¹¹ Should the bidder be a natural person, delete the expression "the company the undersigned represents".