



Circular Letter ICB002 / 2020 / 003 / 2020

Vitória-ES, October 26th, 2020

Object: Acquisition of Tank Pump and Rescue Vehicle - ABTS

CLARIFICATIONS

In view of the request for clarifications made by a company interested in participating in the ICB bid No. 002/2020 SEAMA 1H325 which has as its object the “**AUTO TANK PUMP AND RESCUE CAR ACQUISITION**”, the Special Bidding Committee clarifies the following:

Question 01: By analyzing the 3. Technical Specification, we identified, that there is combination of requirements, were there is NO option from any chassis manufacturer available on the market, to provide an original double cabin from the chassis manufacturer EN 29/02 certified (4.1.), side airbags (4.30.2), 4x4 wheel drive (2.1.4), two PTO's to drive the pump and the generator 2.15.1).

- 2.1.4. It must have wheel drive (type of drive) 4x4, dual tires on rear axles, customized for PTO Fire Service.
- 2.15.1. The transmission must be fully automatic with torque converter. It shall offer the option of mounting a minimum of 2 power take-offs (PTO) to drive the fire pump and the power generator. The gearbox should be installed on the chassis manufacturer's assembly line.
- 4.1. A double cabin, original from factory (factory assembly line), manufactured by the chassis builder and in compliance with ECE R29, ECE R16, ECE R17 and ECE R14, confirmed by the chassis manufacturer's statement to be submitted together with the price proposal.
- 4.30.2. 01 airbag for garrison chief protection. & 4.30.3. 02 (minimum) airbag for side protection.
- GENERATOR The generator will be driven by the engine of the car through a power take-off; The vehicle must be equipped with a power generator that complies with National Electrical Codes (NEC) or equivalent; The generator shall be capable of long-term operation without overheating and fatigue of its components. The generator shall have the following characteristics: Minimum power of 5.000 W;

We presume that during the elaboration of the Technical Specification, at a certain stage of the process, there must have been a 4x2 option admitted. Once this option was eliminated and 4x4 defined as exclusive option, the technical team forgot that one PTO will be used for the four wheel drive and there will be only one left to drive the pump. Since we assume, that the PTO must be from the original chassis manufacturer, in order to not lose the warranty, there is simply no PTO left to drive the generator, which in our point of view is no problem, since a 5 kW generator is a rather small one and unusual for fixed installation, and can be easily installed and transported to more remote areas, if needed.

Therefore, we presume that this is an inconsistency of the technical specification and the generator in the equipment list can be provided as an independent unit, with the same characteristics mentioned in the RFB.

Question: Is this understanding correct?



Answer: No, the understanding is not correct. This is not an inconsistency of the technical specification.

The object to be delivered must meet the chassis manufacturing specification with original double outlet factory.

Question 02: Analyzing the Terms of Reference, we observed that the combination of requirements does not leave any chassis option available on the market. We will clarify below.

2.1.4. It should have 4x4 wheel traction, double tires on the rear axles, customized for the fire service with a double, adjustable PTO.

2.15.1. The transmission must be fully automatic with a torque converter. It must offer the option of mounting at least 02 power take-offs (PTO) to activate the fire pump and the electric power generator. The gearbox must be installed on the chassis manufacturer's assembly line.

4.3. The internal dimensions of the cabin, doors and access to the cabin must provide good ergonomic conditions in compliance with the EN-1846 standard.

4.30.3. At least 02 (two) inflatable bags (air bag) for side protection.

03 - GENERATOR

The generator will be driven by the vehicle's engine through a power take-off;

It is evident that the described solution needs three power take-offs, one for the motor pump, one for the 4x4 traction and one for the energy generator. This option does not exist for manufacturers that meet the EN 1846 norm, that is, there is no possibility of starting the energy generator through the power take-off.

We understand that: compliance with the EN 1846 standard is essential and criterion for disqualification, and that the chassis set, double cab, gearbox, power take-off must be original from the factory, not to lose the warranty. The cost for chassis that meet the requested standards is much higher than other chassis, which do not and the non-requirement of the standards would lead to the dispute between non-equivalent products and would undermine the basic principles of the bidding. We think this is an important point, as it directly defines the price level. The bidding requires objective criteria for the description of purchases, even to avoid questions and legal problems after the event.

So we ask for clarification if the non-length of the standard EN 1846 or equivalent of the NFPA leads to disqualification or not?

We understand that the requirement for the third PTO is an inconsistency in the Terms of Reference and should have happened when a 4x2 to 4x4 traction was migrated at the time of the preparation of the public notice. Therefore, we believe that a gasoline powered generator with equal or superior characteristics of the specified solution is accepted. Is our understanding right?

Answer: No, the understanding is not correct. This is not an inconsistency of the technical specification.

The object to be delivered must meet the chassis manufacturing specification with original double outlet factory.



Question 03: A company interested in participating in the bidding informs that: in an e-mail received from the fire department in which it sent us the bidding notice, we questioned the matching of taxes between Brazilian and foreign companies, they told that there will be no matching and that this bidding will not follow law 8.666.

I would like to confirm this condition and if possible a brief explanation of why (if so) it will be done in this way.

Another question about the bidding process value, that is U\$ 225,000,000.00, which I believe is the overall value of the operation, I ask what percentage will be allocated for the acquisition of the 15 ABTS of the bidding process.

Answer: As stated in the general announcement of the bidding, the funds for payments of the present bid come from the loan agreement BIRD 8353-BR (P130682), signed between the State of Espírito Santo and the World Bank. Thus, with legal permissive contained in art. 42, §5 of Law 8.666/1993, applies on this bid the Procurement Regulations of the World Bank, 2011, which provides in paragraph 1.2, paragraph (b) **"the Bank's interest in giving all eligible bidders from developed countries and in development the same information and equal opportunity to compete for the supply of goods, works and technical services financed by the Bank"**.

For bid price comparison, the notice provides in paragraph 34.5 of Section I - Instructions to Bidders (IAL), that:

The Purchaser's evaluation of a Bid will exclude and not take into account:

- (a) in the case of Goods manufactured in the Purchaser's Country, sales and other similar taxes, which will be payable on the goods if a contract is awarded to the Bidder;
- (b) in the case of Goods manufactured outside the Purchaser's Country, already imported or to be imported, customs duties and other import taxes levied on the imported Good, sales and other similar taxes, which will be payable on the Goods if the contract is awarded to the Bidder;
- (c) any allowance for price adjustment during the period of execution of the contract, if provided in the Bid.

As to the percentage that will be allocated for the acquisition of the 15 ABTS of the call for bid, this cannot be informed, as this bid is based on the Guidelines for the Acquisition of Goods, Works and Technical Services Financed by BIRD Loans and AID Credits & Donations by World Bank borrowers (2011 version). In this sense, in the procedures of the guidelines, the bidders must present their proposals according to the values they consider appropriate, bringing, consequently, greater advantage for the Contractor (Public Administration).

Customs Taxes and Fees

Question 04.1: I - According to item 2.21 of the applicable Guidelines, "the CIP does not include the payment of customs tariffs and other import taxes, which are the responsibility of the Borrower"

Question: Will the import be on behalf of the SECRETARIAT FOR THE ENVIRONMENT AND WATER RESOURCES - SEAMA? If so, since it



is a public agency, will it be exempt from paying customs and other import taxes?

Question 04.2: We were informed that the importer will be the SECRETARY OF ENVIRONMENT AND WATER RESOURCES SEAMA, as it is a government agency, some doubts have arisen regarding the taxes that we should consider for the import calculations. Could you help us with the tax information that we should consider? We are considering:

NCM 8705.30.00
Import tax: 35%
Tax on industrialized products: 0%
PIS: 2.65%
COFINS: 13.57%
ICMS: 17%
AFRMM freight tax: 25%

Answer: The Public Notice indicates that in order to prepare the proposal, the bidder must observe:

Section I - Instructions to Bidders (IAL), paragraph 14.8 indicates how prices should be specified. It is worth mentioning that the indications must correspond to the different cases, among them "Goods manufactured in the country of the buyer, goods manufactured outside the country of the buyer, to be imported or those manufactured outside the country of the buyer, already imported".

Still in Section I - Instructions to Bidders (IAL), paragraph 35 presents how the Bid Comparison will be carried out.

In Section IV - Bidding Forms, in the form called "Price Sheet: For Goods manufactured outside the Country of the Buyer to be imported" information about any customs taxes or fees is not required. What is requested is the CIP Unit Price and the CIP Price per item.

The opposite occurs in Section IV - Bidding Forms, in the form called "Price Sheet: For Goods manufactured outside the Buyer's Country, already imported". If the import has already been completed, the information related to this transaction must be provided.

In Section VIII - Special Conditions of the Contract:

17.1 For Goods manufactured outside the Buyer's Country, the Supplier will be entirely responsible for all taxes, tax stamps, license fees and other taxes collected outside the Buyer's Country.

17.2 For Goods manufactured in the Purchaser's Country, the Supplier will be entirely responsible for all taxes, fees, license fees, etc., incurred until delivery of the Goods contracted to the Purchaser.

The dimensioning of tax and customs costs includes aspects related to Treaties and Commercial Agreements, which must be observed by each bidder in their particular situation.



Proposal Guarantee

Question 05.1: With reference to the bidding above, I am writing to request clarification on whether the Bid Guarantee can be provided in US dollars or British pounds instead of Brazilian reais. Unfortunately, we do not have a BRL account, so we cannot issue bonds in this currency.

I would like you to pay your quick attention to this matter, as it takes several days to organize this mechanism and make it available to our partners in Rio de Janeiro.

Question 05.2: Regarding the Proposal Guarantee, a question arose in relation to the answer in Circular Letter No. ICB002 / 2020/002/2020, question 09.

Our Represented company is foreign and does not have a current account in Brazil, do we understand that the Proposal Guarantee can be made, according to item 19.3 Section I IAL (a) (b)?

19.3. If a Bid Guarantee is specified in accordance with IAL 19.1, it will be a demand guarantee in any of the following ways, the Bidder's judgment:

- (a) an unconditional guarantee issued by a bank or non-bank financial institution (such as an insurance, guarantee or surety company);
- (b) an irrevocable letter of credit;

The form of administrative check in Reais will not be possible by our Representative, due to the reason stated.

Answer: Motivated by the expansion of competition and the participation of interested companies, the Special Bidding Commission believes that a Guarantee can be presented in the form of Administrative Check in the same currencies allowed to present the proposal, namely, Real (BRL), Dollar (USD) and Euro (EUR).

Request to extend the deadline for submitting the proposal

Question 06.1: A company interested in participating in the event request the postponement of the opening of the session, in a timely and express manner, based on the fact that the Bidding Commission will not have enough time to answer the questions made by this company, questions that are extremely important so that the proposal is produced and presented in the most satisfactory and feasible way possible.

Question 06.2: We are writing to respectfully request a 14-day extension to the closing date due to delays caused by the impact of the Covid 19 pandemic in Europe, which adversely affected our ability to finalize our proposal in time to submit a proposal in accordance with the tender instructions...

We very much hope that our application will receive your approval, as this grant will allow us to present our proposal on time.

Answer: The Special Bidding Committee postpones the presentation and opening of the proposals until November 06, 2020, at 10:00 am.



GOVERNMENT OF ESPÍRITO SANTO STATE
PROGRAM STEERING COMMITTEE ESPÍRITO SANTO INTEGRATED SUSTAINABLE WATER
MANAGEMENT PROJECT
SPECIAL BIDDING COMMITTEE

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