

PRICE REGISTRATION SYSTEM - SRP
ELETRONIC AUCTION Nº 008-2024/GALIC/AC/CBTU
INTERNACIONAL BIDDING
(UASG: 275068)

SUMMARY OF OBJECT:

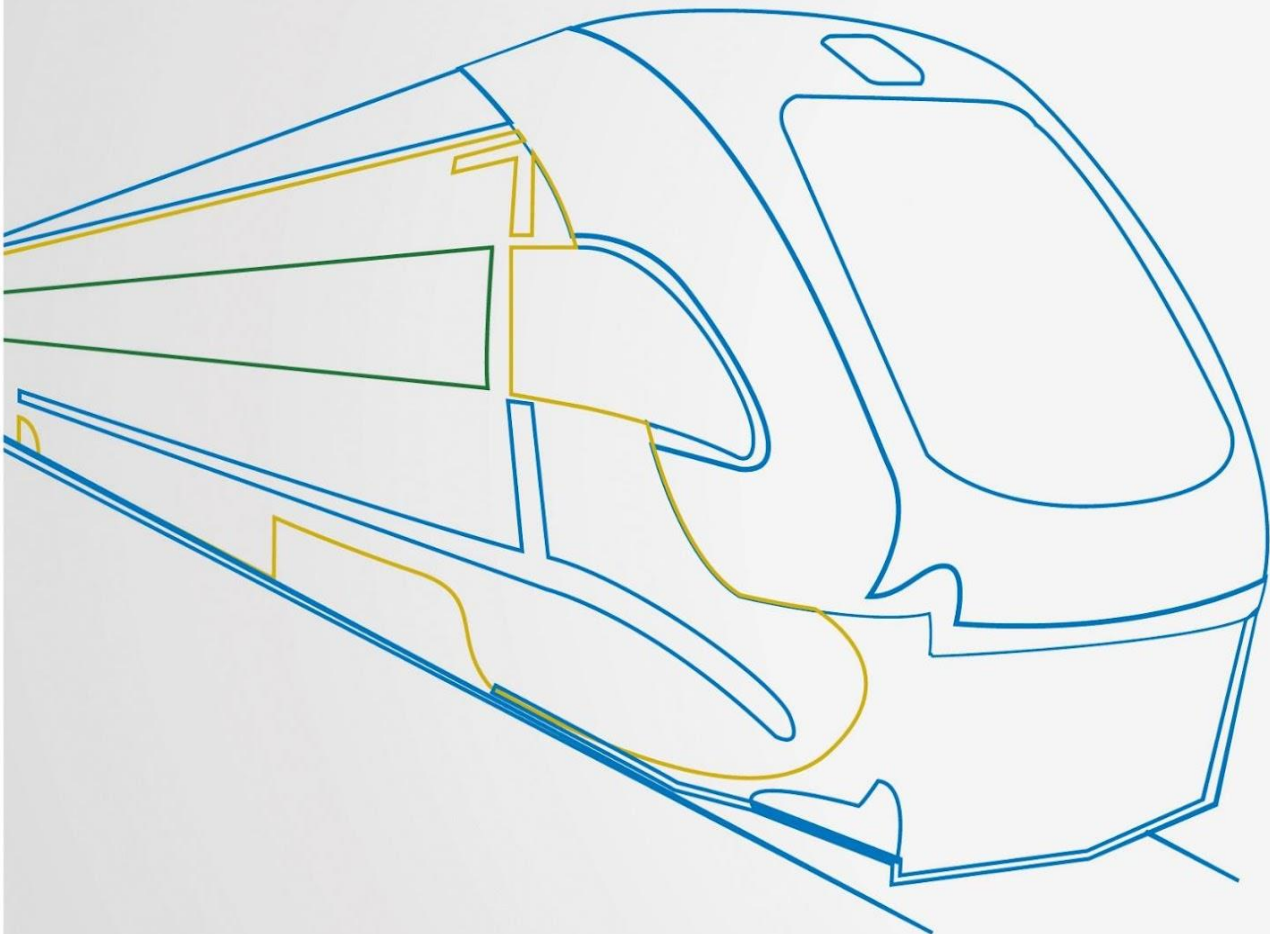
Price registration for possible hiring of a company specializing in the supply of railway tracks for the acquisition of 2,032.01 TON of TR-57 Rails (nominal mass of 56.90 kg/m), new, manufactured and tested in accordance with ABNT NBR 7590 :2012

JUDGMENT CRITERIA:

Biggest discount per item.

PUBLIC SESSION DATE:

09/07/2024 at 14:00 (Brasília time).



MINISTRY OF CITIES - BRAZILIAN URBAN TRAIN COMPANY – CBTU
ELECTRONIC AUCTION SRP No. 008-2024/GALIC/AC/CBTU

GENERAL INFORMATION	
Order Number	Nº 008
Process	1848/2024
Responsible for Bidding	Gerência Geral de Licitação – GALIC
Demanding Sector	GAPRO
Bidding Mode	Auction
Payment Format	Eletronic
Processing mean	Price registration system
Tipo de Licitação	Biggest discount
Means of dispute	Open
Adjudication mean	per item
Execution Regime	Unit price entreprise
Operational System	COMPRAS.GOV - https://www.gov.br/compras/pt-br
Start of proposals receipt	00/00/2024
End of proposals receipt	09/07/2024
Opening of public session	09/07/2024, às 14:00h
impeachment	Up to 5 (five) work days before opening session date
clarification	Up to 3 (three) work days before opening session date
Estimated Value	R\$ 31.360.416,73 (biggest discount).
Access to bidding notice	https://www.gov.br/compras/pt-br
	https://www.cbtu.gov.br/index.php/pt/licitacoes/consulta/novo-sistema
	licitacao@cbtu.gov.br
	Setor Bancário Norte, Quadra 01, Bloco B, Edifício CNC, 13º andar - GALIC - Brasília/DF; Das 09:00h às 12:00h e das 13:00h às 17:00h
RILC-CBTU	https://www.cbtu.gov.br/images/licitacoes/rilc_cbtu.pdf
Execution guarantee	5% (five per cent) contract value
Additional information	licitacao@cbtu.gov.br ou (61) 2107-8374 / 8375 / 8376
Signed original version can be found on the official records of the administrative process.	

**MINISTRY OF CITIES
BRAZILIAN URBAN TRAIN COMPANY – CBTU
ELETRONIC AUCTION SRP Nº 008-2024/GALIC/AC/CBTU**

Sumário

1. Erro! Indicador não definido.
2. Erro! Indicador não definido.
3. Erro! Indicador não definido.
4. Erro! Indicador não definido.
5. Erro! Indicador não definido.
6. Erro! Indicador não definido.
7. Erro! Indicador não definido.
8. 13
9. Erro! Indicador não definido.
10. Erro! Indicador não definido.
11. Erro! Indicador não definido.
12. 27
13. 27
14. 29
15. Erro! Indicador não definido.
16. Erro! Indicador não definido.
17. 33
18. Erro! Indicador não definido.
19. Erro! Indicador não definido.
20. Erro! Indicador não definido.
21. Erro! Indicador não definido.
22. Erro! Indicador não definido.

MINISTRY OF CITIES
BRAZILIAN URBAN TRAIN COMPANY – CBTU
ELETRONIC AUCTION SRP N° 008-2024/GALIC/AC/CBTU

PREÂMBULO

It is made public, for the information of interested parties, that the Brazilian Urban Train Company - CBTU, through the General Bidding Management, headquartered at Setor Bancário Norte, Quadra 01, Bloco B, CNC Building, 9th to 13th floors - Brasília/ DF, CEP.: 70.041-902, will carry out bidding, for PRICE REGISTRATION, in the AUCTION modality, in ELECTRONIC form, of the BIGGEST DISCOUNT type, the purpose of which is the choice of the most advantageous proposal for the acquisition of 2,032.01 TON of TR Rails -57 (nominal mass of 56.90 kg/m), new, manufactured and tested in accordance with ABNT NBR 7590:2012, to meet the needs of the CBTU Central Administration, in accordance with the quantities and requirements established in this NOTICE and its ANNEXES ; under the terms of Law No. 13,303, of June 30, 2016; of Decree No. 8,945, of December 27, 2016; of the Internal Regulations for Bidding, Direct Contracting, Contracts and Agreements of the Brazilian Urban Train Company - RILC-CBTU, with access available at: https://www.cbtu.gov.br/images/licitacoes/rilc_cbtu.pdf; of Complementary Law No. 123, of December 14, 2006; of Decree No. 8,538, of October 6, 2015, amended by Decree No. 10,273, of March 13, 2020; SEGES/MPDG Normative Instruction No. 03, of April 26, 2018 (SICAF); of SEGES/ME Normative Instruction No. 73, of September 30, 2022, as applicable; and other legislation applicable to the matter.

Considering the content of Communication No. 01/2023 from the Secretariat of Management and Innovation of the Ministry of Management and Innovation in Public Services - SEGES/MGI, this tender will be processed through the Auction module, in electronic form, of the Federal Government Purchasing Portal, COMPRAS.GOV System (www.gov.br/compras).

For the purposes of the provisions of the previous paragraph, the rules provided for in Law No. 13,303, of 2016, will be made compatible with the information and communication technology solutions provided in the Auction module of the COMPRAS.GOV System; always prioritizing interpretations that benefit potential bidders, as well as those that enable the implementation of the principles of selecting the best proposal, increasing competitiveness, simplification, efficiency and reasonable duration of processes.

This bidding is considered international, since the participation of foreign bidders who do not work in Brazil is permitted to execute the object in national territory, under the terms of art. 23-A of the RILC-CBTU. A full version of the call for proposals will be made available in a foreign language (English).

1. OBJECT

1.1. The object of this tender is the registration of prices for the future acquisition of 2,032.01 tons of TR-57 Rails (nominal mass of 56.90 kg/m), new, manufactured and tested in accordance with ABNT NBR 7590:2012, in accordance with the conditions, quantities and requirements established in this Notice and its annexes.

1.1.1. If there is a discrepancy between the description established in the system (www.gov.br/compras), as a result of the use of the Materials and Services Catalog, and that provided for in the Terms of Reference, the terms expressed in the latter will prevail.

1.2. The bidding will consist of (one) single item, in accordance with the Terms of Reference – Annex I of this Notice, under the terms of the table below.

Trilho TR57 em aço-carbono - C = 12 m							
CBTU	Local de entrega	Quantidade	Unidade	Preço Unitário	Total (TRUNCADO 2 casas, recomendação TCU)	Referência de precificação	codigo ref
STU-REC	Recife	2032,01	Ton	R\$ 15.433,20	R\$ 31.360.416,73	sicro3 - 01-2024	M2202
	SOMA	2032,01		SOMA	R\$ 31.360.416,73		

1.1. The technical specifications and other requirements and characteristics of the object are described in the Terms of Reference and its ANNEXES, which are part of this Notice.

1.2. The judging criterion will be the BIGGEST DISCOUNT.

1.3. The dispute mode will be OPEN.

1.4. The contractual execution regime is that of contract for unit price.

1.5. The estimated value of the bid, according to item 5 of the Terms of Reference: R\$ 31,360,416.73 (thirty-one million, three hundred and sixty thousand, four hundred and sixteen reais and seventy-three cents).

1.6. The estimated values in this tender were extracted from the Road Works Cost System (SICRO) table – base date: JANUARY/24.

1.7. The goods subject to this tender must be delivered, in accordance with item 8.18 of the Terms of Reference, to the following location:

STU Recife	Rua Curumirim s/n, Pontezinha, Cabo de Santo Agostinho - PE. CEP: 54589-015
------------	---

2. PRICE REGISTER

2.1. The adoption of the Price Register is justified, under the terms of art. 181 of the RILC/CBTU and item 2.4 of the Terms of Reference – Annex I of this Notice, due to the need for frequent contracting (item I), when it is convenient to acquire goods with provision for deliveries in installments or contracting services remunerated per unit measure or on a task basis (section II); and when it is convenient to acquire goods or contract services to serve more than one area or Administrative Unit of the CBTU (section III). The validity period of the Registration Minutes

2.2. Prices will not exceed 12 months, including possible extensions, in accordance with Art 189 of the RILC.

2.3. The managing body of the Price Registration Minutes will be designated by the Technical Directorate of the Brazilian Urban Train Company – CBTU (UASG 275068), among one of its management.

2.4. It was not in CBTU's interest to disclose the Intention to Register Prices - IRP, duly justified in the process by the area requesting the contracting in item 18.1 of the Terms of Reference, in accordance with art. 186 of the RILC-CBTU.

2.5. CBTU will not accept additions to the Price Registration Minutes relating to this bidding process.

3. BUDGETARY RESOURCES

3.1 Considering that this is a price record, it is not necessary to indicate, at this time, the budgetary allocation, which will only be required for the formalization of the relevant contractual instrument, according to art. 183 of the RILC-CBTU.

4. CREDITATION

4.1. Accreditation is the basic level of registration in the Unified Supplier Registration System (SICAF), which allows interested parties to participate in the Auction bidding modality, in its electronic form.

4.2. Registration with SICAF can be initiated on the Federal Government Purchasing Portal, on the website (www.gov.br/compras), with the interested party requesting a login and password.

4.3. Accreditation with the system provider implies the responsibility of the bidder or his legal representative and the presumption of their technical capacity to carry out the transactions inherent to this Auction.

4.4. The use of the access password by the bidder is their sole responsibility, including any transaction carried out directly or by their representative, and the system provider, or the body or entity responsible for this bid, is not responsible for any damages arising from improper use of the password, even by third parties.

4.5. Loss of the password or breach of confidentiality must be immediately reported to the system provider for immediate blocking of access.

5. AUCTION PARTICIPATION

5.1. Interested parties whose field of activity is compatible with the purpose of this tender and who are previously accredited in the Unified Supplier Registration System - SICAF and in the Federal Government Purchasing Portal (www.gov.br/compras) may participate in this Auction.

5.1.1. Considering that this is an international bidding, the participation of foreign bidders is permitted, who must observe the guidelines

established by the Federal Executive Branch for the purposes of register in SICAF and bidding participation (art. 20-A da IN SEGES/MPDG nº 03/2018).

5.2. The bidder is exclusively and formally responsible for transactions carried out on his behalf, assuming that his proposals and bids are firm and true, including acts carried out directly or by his representative, excluding the responsibility of the system provider or the body or entity promoting the bid. bidding for possible damages resulting from misuse of access credentials, even by third parties.

5.3. It is the responsibility of the registered person to check the accuracy of their registration data in the systems listed in the previous item and keep them updated with the bodies responsible for the information, and must immediately correct or change the records as soon as an error is identified or they become outdated.

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

5.5. Favored, differentiated and simplified treatment will be granted to micro-enterprises, small businesses, family farmers, individual rural producers, individual micro-entrepreneurs – MEI and cooperative societies, within the limits set out in Complementary Law no. 123, of 2006 and Decree no. 8,538, of 2015, with wording amended by Decree No. 10,273, of 2020.

5.5.1. The legal entities listed in paragraph 4 of art will not be able to benefit from the favored, differentiated and simplified legal treatment. 3rd of Complementary Law No. 123, of 2006.

5.6. Its prevented from participating in this bidding, under the terms of art. 38 of Law 13,303, of 2016, the natural or legal person, alone or in a consortium:

5.6.1. Whose administrator or partner holding more than 5% (five percent) of the share capital is a director or employee of CBTU, in accordance with the law;

5.6.2. Suspended from bidding and contracting by CBTU, in accordance with the law;

5.6.3. Declared unsuitable by a body or entity of the Federal Public Administration, while the effects of the sanction continue, in accordance with the law;

5.6.4. Established by a partner of a company that is suspended, prevented or declared unsuitable by a body or entity of the Federal Public Administration, in accordance with the law;

5.6.5. Whose administrator is a partner of a company suspended, prevented or declared unsuitable by a body or entity of the Federal Public Administration, in accordance with the law;

5.6.6. Established by a partner who was a partner or administrator of a company suspended, prevented or declared unsuitable by a body or entity of the Federal Public 5.6.9.

- 5.6.7. Whose administrator was a partner or administrator of a company suspended, prevented or declared unsuitable by a body or entity of the Federal Public Administration, during the period of the events that gave rise to the sanction, in accordance with the law;
- 5.6.8. That has, on its board of directors, a person who participated, due to a relationship of the same nature, in a company declared unsuitable by a body or entity of the Federal Public Administration, in accordance with the law;
- 5.6.9. To anyone who has a kinship relationship, up to the third civil degree, in accordance with the law, with:
 - 5.6.9.1. CBTU Director;
 - 5.6.9.2. Employee whose duties involve working in the area responsible for bidding or contracting;
- 5.6.10. Authority of the public entity to which the CBTU is linked.
- 5.6.11. Whose owner, even as a member, has ended his term of management or severed his relationship with CBTU less than 6 (six) months ago;
- 5.6.12. With a declared bankruptcy.
- 5.7. Will also not be able to compete in this bid:
 - 5.7.1. Anyone who does not meet the conditions of this Notice and its annexes;
 - 5.7.2. The author of the preliminary project, basic project or executive project, an individual or legal entity, when the bidding concerns services or the supply of related goods;
 - 5.7.3. The company, alone or in a consortium, responsible for preparing the basic project or the executive project, or company of which the author of the project is director, manager, controller, shareholder or holder of more than 5% (five percent) of the capital with right to vote, technical responsible or subcontractor, when the bid concerns services or supply of goods necessary for it;
 - 5.7.4. The natural or legal person who, at the time of the bidding, is unable to participate in the bidding as a result of a sanction imposed on them;
 - 5.7.5. Anyone who maintains a relationship of a technical, commercial, economic, financial, labor or civil nature with a CBTU manager or employee who performs a role in the areas of bidding or demand, as well as who acts in the management or supervision of the contract, or who is their spouse, companion or relative in a direct line, collateral or by affinity, up to the third degree;
 - 5.7.6. Controlling, controlled or affiliated companies, under the terms of Law No. 6,404, of December 15, 1976, competing with each other;
 - 5.7.7. The natural or legal person who, in the 5 (five) years prior to the publication of the notice, has been judicially convicted, with final and unappealable judgment, for exploiting child labor, for subjecting workers to

conditions analogous to slavery or for hiring teenagers in cases prohibited by labor legislation;

5.7.8. The CBTU employee or manager;

5.7.9. Civil Society Organizations of Public Interest - OSCIP, acting in this capacity, under the terms of Ruling No. 2,426/2020-Plenário-TCU; It is

5.7.10. Cooperative society.

5.8. The legal entity that is in judicial and extrajudicial recovery may participate in the bidding as long as it is supported by a certificate issued by the competent judicial body stating that the interested party is economically and financially capable of participating in the bidding procedure under the terms of Ruling No. 1,201/2020 – Plenary – TCU.

5.9. The impediment referred to in item 5.7.4 will also be applied to the bidder who acts in substitution for another person, natural or legal, with the aim of circumventing the effectiveness of the sanction applied to him, including his controlling, controlled or affiliated company, provided that the illicit or fraudulent use of the bidder's legal personality is duly proven.

5.10. At CBTU's discretion and exclusively at its service, the author of the projects and the company referred to in items 5.7.2 and 5.7.3 may participate in supporting contracting planning, bidding execution or contract management activities, as long as it is under the exclusive supervision of Company employees.

5.10.1. Companies belonging to the same economic group are equivalent to the authors of the project;

5.10.2. The provisions of items 5.7.2 and 5.7.3 do not prevent the bidding or contracting of services that include as a contractor's responsibility the preparation of the basic project and the executive project, in integrated contracts, and the executive project, in other execution regimes. .

5.11. The prohibition referred to in item 5.8.8 extends to third parties who assist in the conduct of the contract as a member of a support team, specialized professional or employee or representative of a company that provides technical assistance.

5.12. In bids carried out within the scope of projects and programs partially financed by an official foreign cooperation agency or by an international financial organization with resources from financing or national counterpart, no natural or legal person who is part of the list of people sanctioned by these entities or who be declared unsuitable by the Federal Public Administration, under the terms of art. 38, item III, of Law 13,303, of 2016.

5.13. In the case of a consortium, the following rules must be observed, without prejudice to others existing in this Notice, in the RILC-CBTU and in the relevant legislation:

5.13.1. A public or private commitment to establish the consortium must be presented, signed by the consortium members; The legal entity responsible for leading the consortium must be indicated

5.13.2 The rules relating to proving the qualification of the consortium established in this Notice must be observed;

5.13.3 The disqualification of any consortium member will result in the automatic disqualification of the consortium;

5.13.4 There is no maximum limit on the number of participants to form the consortium;

5.13.5 The consortium companies will be jointly and severally responsible for the acts carried out by the consortium in this bidding;

5.13.6 In the consortium of Brazilian and foreign companies, leadership will necessarily belong to the Brazilian company or entity.

5.13.7 After the opening of the public session of this bidding, the inclusion, replacement, withdrawal or exclusion of any consortium member will not be permitted, nor will it be possible to change the proportion of participation of the consortium members, or even replace the leading company.

5.13.8 The changes provided for in the previous sub-item may only be made after the eventual conclusion of the contract, as long as they are expressly authorized by the CBTU;

5.13.9 The winning bidder is obliged to promote, before signing the contract, the constitution and registration of the consortium.

5.14 According to item 12 of the Terms of Reference, subcontracting will only be permitted for accessory services, such as: loading, unloading, transportation, stacking, among others.

6 PROPOSAL PRESENTATION

6.1 In this bidding process, the qualification phase will follow the proposal and bid submission and judgment phases

6.2 Bidders will submit, exclusively through the electronic system (www.gov.br/compras), the proposal with the price or discount percentage, according to the judging criteria adopted in this Notice, until the date and time established for opening of the public session.

6.3 All time references provided for in this Notice, in the notices and during the public session will observe Brasília/DF time.

6.4 When registering the initial proposal, the bidder will declare, in a specific field in the system, that:

6.5 Is aware of and agrees with the conditions contained in the notice and its annexes, as well as that the proposal presented comprises the entire cost of complying with labor rights guaranteed in the Federal Constitution, labor laws, infra-legal norms, collective agreements of work and under the terms of adjustment of conduct in force on the date

of definitive delivery and which fully meets the qualification requirements defined in the call for action;

- 6.6 Does not employ anyone under the age of 18 in night, dangerous or unhealthy work and does not employ anyone under the age of 16, except for minors over the age of 14, as an apprentice, in accordance with article 7, XXXIII, of the Constitution;
- 6.7 There are no employees performing degrading or forced work, observing the provisions of items III and IV of art. 1 and in item III of art. 5th of the Federal Constitution;
- 6.8 Complies with the requirements for reserving positions for people with disabilities and those rehabilitated from Social Security, provided for by law and other specific standards.
- 6.9 The bidder classified as a micro-enterprise or small company or cooperative society must also declare, in a specific field of the electronic system, that it meets the requirements established in article 3 of Complementary Law No. 123, of 2006, being able to benefit from the treatment favored party established in its articles 42 to 49.
 - 6.9.1 In the case of the existence of an exclusive item for the participation of micro and small companies, marking the “no” field will prevent the continuation of the contest for that item;
 - 6.9.2 For items in which participation is not exclusive to micro and small businesses, marking the “no” field will only produce the effect that the bidder is not entitled to the favored treatment provided for in Complementary Law No. 123, of 2006, even if it is a micro-enterprise, small company or cooperative societ
- 6.10 False declaration referred to in items 6.3 to 6.4 will subject the bidder to the sanctions provided for in Law No. 13,303, of 2016, in the RILC-CBTU and in this Notice.
- 6.11 Bidders may withdraw or replace the proposal entered into the system, until the opening of the public session.
- 6.12 There will be no classification order at the stage of presentation of the proposal and qualification documents by the bidder, which will only occur after the opening procedures of the public session and the bid submission stage.
- 6.13 The documents that make up the proposal of bidders invited to submit proposals will be made available for public access, after the bid submission phase.
- 6.14 As long as the functionality is made available in the system, the bidder will be able to parameterize their minimum final value or their maximum discount percentage when registering the proposal and will comply with the following rules;

- 6.14.1 The application of the minimum range of difference in values or percentages between bids, which will apply both to intermediate bids and to the bid that covers the best offer; It is
- 6.14.2 Bids will be automatically sent by the system, respecting the minimum final value, if established, and the interval referred to in the sub-item above.
- 6.15 The minimum final value or maximum final discount percentage parameterized in the system may be changed by the supplier during the dispute phase, and it is prohibited to:
 - 6.15.1 Value higher than the bid already registered by the supplier in the system, when the lowest price judgment criterion is adopted; It is
 - 6.15.2 Discount percentage lower than the bid already registered by the supplier in the system, when the highest discount judgment criterion is adopted.
- 6.16 The minimum final value or maximum final discount percentage parameterized in the form of item 6.10 will be confidential for other suppliers and for the body or entity promoting the bid, and may be made strictly and permanently available to external and internal control bodies.
- 6.17 The bidder will be responsible for all transactions carried out in his name in the electronic system, assuming his proposals and bids are firm and true.
- 6.18 It will be up to the bidder interested in participating in the bidding to monitor operations in the electronic system during the bidding process and be responsible for the burden resulting from loss of business due to non-observance of messages issued by the CBTU or the system, as well as its disconnection.
- 6.19 The bidder must immediately communicate to the system provider any event that could compromise secrecy or security, so that access can be blocked immediately.

7 PROPOSAL FULLFILMENT

- 7.1 The bidder must send his proposal by filling in, in the electronic system (www.gov.br/compras), the fields related to the item(s) of interest.
- 7.2 The Price Proposal must be presented in accordance with the model provided by CBTU - Annex II of this Notice.
- 7.3 The proposal must contain a detailed description of the object, including brand, manufacturer and quantity, in addition to all the information that makes up any cost spreadsheet and price formation;
 - 7.3.1 All object specifications contained in the proposal bind the bidder
 - 7.3.2 Bidders must respect the maximum unit and/or global prices estimated by the CBTU;

- 7.3.3 If the judging criterion is the highest discount, the price resulting from the application of the discount offered must respect the maximum prices estimated by the CBTU;
- 7.3.4 The validity period of the proposal will not be less than 60 (sixty) days, counting from the date of its presentation.

7.4 The presentation 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 object bid in accordance with its terms, as well as to provide the materials, equipment, tools and necessary utensils, in quantities and qualities suitable for perfect contractual execution, promoting, when required, their replacement

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

- 7.5.1 The proposal and bids offered by bidders must consider the ICMS to be paid by the contractor in the state of origin and the ICMS differential to be collected by CBTU in the state of destination, in addition to other taxes that may apply in the present case;
- 7.5.2 Regardless of the tax percentage entered in the spreadsheet, the percentages established in current legislation will be withheld from payment;
- 7.5.3 If the company's tax regime involves the payment of taxes in variable percentages, the appropriate quotation will be the one that corresponds to the average of the company's actual payments in the last twelve months;
- 7.5.4 Payment terms that require an advance, under any title, will not be accepted by CBTU.

7.6 The prices offered, both in the initial proposal and in the bidding stage, will be the sole responsibility of the bidder, without the right to request any change, under allegations of error, omission or any other pretext.

8 OPENING OF THE PUBLIC SESSION AND BID FORMULATION

8.5 The opening of this tender will take place automatically in a public session, through an electronic system (www.gov.br/compras), on the date, time and place indicated in this Notice.

8.6 Bidding.

- 8.6.1 Bidders may withdraw or replace the proposal entered into the system, until the opening of the public session;
- 8.6.2 Verification of the proposal's compliance will be carried out exclusively during the judging phase, in relation to the best-ranked proposal.

- 8.7 The system will provide a dedicated field for exchanging messages between the Auctioneer and bidders.
- 8.8 Once the competitive stage has begun, bidders must submit bids exclusively through an electronic system, being immediately informed of their receipt and the value recorded in the register.
- 8.9 The bid must be offered for the global value of the item.
- 8.10 Bidders may offer successive bids, observing the time set for the opening of the session and the rules established in this Notice.
- 8.11 The bidder may only offer a bid of a lower value or higher discount percentage than the last one offered and registered by the system, observing the minimum interval of difference in values or percentages between bids.
- 8.12 The minimum range of difference in values or percentages between bids, which will apply both to intermediate bids and to the proposal that covers the best offer, must be 0.1% (one tenth of a percent).
- 8.13 The bidder may, once, delete his last bid offered, within fifteen seconds after registration in the system, in the event of an inconsistent or unfeasible bid.
- 8.14 The auctioneer may, during the dispute, as an exceptional measure, exclude the proposal or bid that could compromise, restrict or frustrate the competitive nature of the bidding process, through automatic electronic communication via the system.
- 8.15 Through the system.
- 8.15.1 Any exclusion of the bidder's proposal, referred to in item 8.9, implies the bidder's withdrawal from the competition, without prejudice to the right of defense, at the appropriate time.
- 8.16 The procedure will follow according to the dispute mode adopted.
- 8.17 If the “open” bidding mode is adopted for sending bids in the electronic auction, bidders will submit public and successive bids, with extensions, according to the judging criteria adopted in this Notice.
- 8.18 Bidding notice.
- 8.18.1 The bidding stage of the public session will last ten minutes and, after that, it will be automatically extended by the system when there is a bid offered in the last two minutes of the public session period.
- 8.18.2 The automatic extension of the bidding stage, referred to in the previous sub-item, will be for two minutes and will occur successively whenever there are bids sent during this extension period, including in the case of intermediate bids.
- 8.18.3 If there are no new bids as established in the previous items, the public session will close automatically, and the system will order and publish the bids according to the final classification order.
- 8.18.4 8.18.4 Once the best proposal has been defined, if the difference in relation to the proposal classified in second place is at least 5% (five percent), the auctioneer, assisted by the support team, may admit the resumption of the open dispute, for the definition of other placements.

8.18.5 8.18.5 After the restart provided for in the item above, bidders will be called to submit intermediate bids.

8.19 If the “open and closed” bidding mode is adopted for sending bids in the electronic auction, bidders will submit public and successive bids, with a final and closed bid, in accordance with the judging criteria adopted in this Notice.

8.19.1 The bidding stage of the public session will initially last fifteen minutes. After this period, the system will send a notice of imminent closing of bids, after which a randomly determined period of up to ten minutes will elapse, after which the reception of bids will automatically end.

8.19.2 Once the period set out in the previous sub-item has expired, the system will open an opportunity for the author of the offer with a lower value or higher discount percentage and those of offers with values or percentages up to 10% (ten percent) higher or lower to that, according to the judging criteria adopted in this Notice, can offer a final and closed bid within five minutes, which will be confidential until the end of this period.

8.19.3 In the procedure referred to in the sub-item above, the bidder may choose to keep their last bid in the stage open, or to offer the best bid.

8.19.4 If there are not at least three offers under the conditions defined in this item, the authors of the best subsequent bids, in the order of classification, up to a maximum of three, may offer a final and closed bid within five minutes, which will be confidential until the end of this period.

8.20 After the deadlines established in the previous sub-items have expired, the system will order and publish the bids as follows:

8.20.1 In ascending order, when the lowest price judgment criterion is adopted;

8.20.2 In descending order, when the highest discount judgment criterion is adopted.

8.21 Two or more bids of the same value will not be accepted, with the one received and registered first prevailing.

8.22 During the public session, bidders will be informed, in real time, of the value of the lowest registered bid, with the bidder's identification prohibited.

8.23 In case of disconnection with the Auctioneer, during the competitive stage of the Auction, the electronic system may remain accessible to bidders to receive bids.

8.24 When the disconnection of the electronic system for the auctioneer persists for more than ten minutes, the public session will be suspended and restarted only after twenty-four hours have passed since the fact has been communicated by the Auctioneer to the participants, through the dedicated field for exchanging messages made available via the electronic system (www.gov.br/compras), notice in the system and/or on the CBTU website.

8.25 If the bidder does not submit bids, he will compete with the value of his proposal.

8.26 Once the bidding stage is complete, automatic verification will be carried out, with the Federal Revenue Service, of the size of the business entity. The system will identify in its own column the participating micro- and small-sized companies, comparing them with the values of the first placed company, if this is a larger company, as well as the other classified companies, for the purpose of applying the provisions of the articles 44 and 45 of Complementary Law No. 123, of 2006, regulated by Decree No. 8,538, of 2015.

- 8.26.1 Under these conditions, proposals from micro and small companies that are within a range of up to 5% (five percent) above the best proposal or best bid will be considered tied with the first place.
- 8.26.2 The best placed under the terms of the previous sub-item will have the right to forward a last offer to break the tie, necessarily in a value lower than that of the first placed, within a period of 5 (five) minutes controlled by the system, counted after the automatic communication to do so.
- 8.26.3 If the best-ranked micro-enterprise or small-sized company withdraws or does not respond within the established deadline, the remaining micro-enterprise and small-sized company bidders that fall within that 5% (five percent) range will be called, in the order classification, to exercise the same right, within the period established in the previous sub-item.
- 8.26.4 In case of equivalence of values presented by micro-enterprises and small companies that fall within the ranges established in the previous sub-items, a draw will be carried out between them to identify the one that can first present the best offer

8.27 There can only be a tie between equal proposals (not followed by bids), or between final bids in the closed phase of the open and closed competition mode.

8.28 If there is a possible tie between proposals or bids, the tiebreaker criteria will be that set out in art. 55 of Law No. 13,303, of 2016, combined with art. 124 of the RILC-CBTU, in this order:

- 8.28.1 Final dispute, in which the tied bidders may submit a new proposal in a continuous process for classification;
- 8.28.2 Assessment of bidders' prior contractual performance, provided that there is an objective assessment system established by the CBTU;
- 8.28.3 The criteria established in art. 60 of Law No. 14,133, of April 1, 2021;
- 8.28.4 Draw.

8.29 Once the bid submission stage of the public session is over, in the event that the first placed bid remains above the maximum price or below the discount defined by CBTU for the contract, the auctioneer will be able to negotiate more advantageous conditions, after defining the result of the judgment.

8.29.1 Negotiations may be carried out with the other bidders, according to the classification order initially established, when the first place bidder, even after negotiation, is disqualified due to its proposal remaining above the maximum price defined by the Administration.

8.29.2 Negotiations will be carried out through the system and may be monitored by other bidders.

8.29.3 The result of the negotiation will be disclosed to all bidders and attached to the bidding process records.

8.30 The auctioneer will ask the highest ranked bidder to, within 6 (six) hours, send the proposal appropriate to the last bid offered after the negotiation carried out, accompanied, if applicable, by additional documents, when necessary to confirm those required in this Notice.

8.30.1 In the case of bids in which the procedure requires the presentation of spreadsheets indicating quantities and unit costs, as well as details of Bonuses and Indirect Expenses (BDI) and Social Charges (ES), this must be forwarded through the system with the respective values readjusted to the winning proposal.

8.30.2 The bidder must also send a declaration of knowledge of the RILC-CBTU – Annex VI of this Notice.

8.31 The auctioneer is entitled to extend the deadline established in the previous item in the following situations:

8.31.1 At the request of the bidder, duly justified, before the deadline;

8.31.2 Ex officio, when it is found that the established deadline is not sufficient to send the documents required in the notice to verify the proposal's compliance.

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

9 JUDGMENT FASE

9.20 Once the negotiation stage is over, the auctioneer will check whether the bidder provisionally ranked first meets the conditions for participation in the competition, as provided for in art. 14 of Law No. 14,133/2021, related legislation and in item 3.7 of the notice, especially regarding the existence of a sanction that prevents participation in the competition or future hiring, by consulting the following records:

9.20.1 Unified Supplier Registration System - SICAF;

9.20.2 National Register of Disqualified and Suspended Companies - CEIS, maintained by the General Comptroller of the Union (<https://www.portaltransparencia.gov.br/sancoes/ceis>);

9.20.3 National Register of Punished Companies – CNEP, maintained by the General Comptroller of the Union (<https://www.portaltransparencia.gov.br/sancoes/cnep>);

9.21 National Register of Civil Convictions for Acts of Administrative Improbity, maintained by the National Council of Justice, available at : (www.cnj.jus.br/improbidade_adm/consultar_requerido.php);

- 9.21.1 List of Disqualified Persons, maintained by the Federal Audit Court – TCU, available at: (<https://contas.tcu.gov.br/ords/f?p=INABILITADO:INIDONEOS>);
- 9.21.2 9.21.2 Correctional Clearance Certificate, issued by the Comptroller General of the Union – CGU, available at: (<https://certidoes.cgu.gov.br/>). (<https://certidoes.cgu.gov.br/>).
- 9.22 The consultation of records will be carried out on behalf of the bidding company and also its majority shareholder, due to the prohibition referred to in article 12 of Law No. 8,429, of 1992.
- 9.23 The verification with SICAF provided for in sub-item 9.1.1 will include, in relation to the bidder holding the best proposal, consultation of the “Supplier X-Ray” tool or another tool for crossing supplier data obtained from government databases that will replace it, it or update it.
- 9.24 If the Bidder's Situation Consultation indicates the existence of Indirect Impeditive Occurrences, the Auctioneer will take steps to verify whether there has been fraud on the part of the companies mentioned in the Indirect Impeditive Occurrences Report, in accordance with art. 29, caput, of IN SEGES/MPDG nº 3/2018.
- 9.24.1 Attempted fraud will be verified through corporate ties, similar supply lines, among others, in accordance with art. 29, § 1, of IN SEGES/MPDG nº 3/2018.
- 9.24.2 The bidder will be summoned to demonstrate prior to any possible disqualification, in accordance with art. 29, § 2, of IN SEGES/MPDG nº 3/2018.
- 9.24 If the existence of a sanction is confirmed, the bidder will be considered disqualified, due to lack of participation conditions.
- 9.25 If the bidder provisionally ranked first has used some treatment favored by micro or small companies, the auctioneer will check whether he is entitled to the benefit.
- 9.26 Once the conditions for participation and use of the favored treatment have been verified, the auctioneer will examine the proposal ranked first in terms of suitability for the purpose and price compatibility in relation to the maximum estimated by the CBTU.
- 9.27 The judging criterion will be the BIGGEST DISCOUNT.
- 9.28 Once the compliance check has been carried out, the winning proposal that
- 9.28.1 Contains irremediable defects;
- 9.28.2 Failure to comply with the technical specifications contained in the Terms of Reference and other annexes to this Notice;
- 9.28.3 Present prices that are unfeasible or remain above the maximum price defined for contracting;
- 9.28.4 Their feasibility has not been demonstrated, when required by the CBTU;
- 9.28.5 Present non-compliance with any other requirements of this Notice or its annexes, as long as it cannot be remedied

9.29 In the case of goods and services in general, values lower than 50% (fifty percent) of the value estimated by the CBTU are an indication that proposals are unfeasible.

9.29 Unenforceability, in the hypothesis referred to in the item above, will only be considered after due diligence by the auctioneer, which proves:

9.30 Prove:

9.30.1 that the bidder's cost exceeds the value of the proposal; It is

9.30.2 there are no opportunity costs capable of justifying the size of the offer

9.31 In tenders for engineering services, regardless of the execution regime, proposals with overall values lower than 70% (seventy percent) of the lowest of the following values are considered unfeasible:

9.31.1 Arithmetic average of proposal values greater than 50% (fifty percent) of the budget value estimated by CBTU; or

9.31.2 Budget value estimated by CBTU.

9.32 When contracting engineering services, in addition to the provisions above, an overpricing analysis must be carried out, under the following terms:

9.32.1 In the execution regimes by task, global price contract or full, semi-integrated or integrated contract, the characterization of the overprice will be based on exceeding the estimated global value;

9.32.2 In the unit price contract regime, the characterization of the overprice will occur by exceeding the estimated global value and by exceeding the unit cost considered relevant, according to the spreadsheet attached to the bidding notice;

9.33 If there is evidence that the price proposal is unfeasible, or in the case of the need for additional clarifications, steps may be taken so that the company can prove the feasibility of the proposal, in the manner established in articles 116 and 126 of the RILC-CBTU.

9.34 If the estimated global cost of the object being bid has been broken down into its respective unit costs through a Cost and Price Formation Spreadsheet prepared by CBTU, the bidder ranked first will be invited to present a Spreadsheet prepared by him, with the respective values appropriate to the final value of your proposal, under penalty of non-acceptance.

9.35 In the case of engineering services, the winning bidder will be invited to present to the CBTU, by electronic means, spreadsheets indicating the quantities and unit costs, following the model prepared by the Administration, as well as detailing the Bonuses and Indirect Expenses (BDI) and Social Charges (ES), with the respective values appropriate to the final value of the winning proposal, the use of unit prices being permitted, in the case of global price contracting, full contracting, semi-integrated contracting and

integrated contracting , exclusively for any essential adjustments to the physical-financial schedule and to mark exceptional subsequent amendments to the contract.

9.36 Errors in filling out the spreadsheet do not constitute grounds for disqualification of the proposal. The spreadsheet may be adjusted by the bidder, within the period indicated by the system, as long as there is no increase in the price and it is proven that this is enough to cover all contracting costs.

9.37 The adjustment referred to in this provision is limited to correcting errors or flaws that do not alter the substance of the proposals;

9.38 An error in filling out the spreadsheet subject to correction is considered to be an indication of payment of taxes and contributions in the form of Simples Nacional, when this regime is not applicable.

9.39 The Auctioneer may, when judging the proposals, correct errors or flaws that do not alter the content of the proposals, documents and their legal validity, through a reasoned decision, recorded in ta and accessible to other bidders.

9.40 For the purpose of analyzing the proposal regarding compliance with the specifications of the object, a written statement may be collected from the area requesting the contract or from an area of the Company specializing in the object

9.40.2 In the case of item 9.15, it is mandatory to state that this item is in relation to the Spreadsheet presented by the bidder.

9.41 If the Terms of Reference require the presentation of a sample or the carrying out of a conformity examination, proof of concept or other tests of interest to the CBTU, the bidder ranked first must present or carry it out, as applicable; in the form and manner stipulated in that document and its annexes, under penalty of non-acceptance of the proposal.

9.41.2 Through a message in the system, the location and time for carrying out the procedure referred to in the item above will be announced, the presence of which will be available to all interested parties, including other bidders.

9.41.3 The results of the evaluations of samples, exams, tests or tests required by the CBTU will be published via a message in the system and recorded on the Company's website.

9.41.4 If the sample is not delivered or there is a delay in delivery, without justification accepted by the Auctioneer, or if a sample is delivered outside the specifications set out in this Notice, the bidder's proposal will be rejected.

9.42 If the sample(s), examination(s), proof(s) or test(s) presented or carried out by the first classified are not accepted, the Auctioneer will analyze the acceptability of the proposal or bid offered by the runner-up.

9.42.2 The sample(s), examination(s), proof(s) or test(s) will be verified and so on, until the verification of one that meets the specifications contained in the Terms of Reference

9.44 The final proposal, after bidding, will be considered acceptable if:

9.45 Complies with all terms of this NOTICE.

9.46 Contenha valor que resulte em preço compatível com os praticados no mercado e resulte em valores compatíveis com as regras deste Edital.

9.47 Do not exceed the maximum value estimated by CBTU for each item.

9.48 If necessary, the Auctioneer will suspend the session, informing the new date and time for its continuation in the system's own field.

10 LICENSING PHASE

10.44 Once the judging phase is over, after checking the proposals for compliance, the Auctioneer will check the qualification documentation.

10.44.1 The presentation of qualification documents will only be required by the bidder ranked first, except in the case of inversion of phases provided for in § 1, of art. 51, of Law No. 13,303, of 2016.

10.44.2 In case of disqualification, the qualification documents of subsequent bidders will be requested and evaluated, in order of classification;

10.45 The documents provided for in this Notice and in the Terms of Reference - Annex I, necessary and sufficient to demonstrate the bidder's ability to carry out the purpose of the bidding, will be required for qualification purposes.

10.45.1 The documentation required for legal, tax and economic-financial qualification purposes may be replaced by registration with SICAF.

10.46 When the participation of foreign companies that do not operate in the country is permitted, the qualification requirements will be met through equivalent documents, initially presented in free translation.

10.46.1 In the event that the winning bidder is a foreign company that does not operate in the country, for the purposes of signing the contract or price registration minutes, the documents required for qualification will be translated by a sworn translator in the country and apostilled in accordance with the terms of provided for in Decree No. 8,660, of January 29, 2016, or another that may replace it, or consularized by the respective consulates or embassies.

10.47 When the participation of a consortium of companies is permitted, each consortium member must individually meet the requirements relating to legal qualification and tax regularity.

10.47.1 The technical qualification requirements may be met through any of the consortium members, individually or through the sum of certificates and,

10.47.2 For the purpose of proving the economic-financial qualification requirements, the sum of the values of each consortium member will be admitted, in proportion to their participation, plus 30% (thirty percent), except for demonstrating good financial situation through accounting indices provided for in item 10.25 of this Notice, which must be proven individually by each company.

10.47.3 The increase provided for in the previous sub-item does not apply in the case of a consortium made up entirely of micro or small companies.

10.45 The documents required for qualification may be presented in original or copy, by publication in the official press or obtained online from the issuing body's official websites.

10.45.1 Identification and digital signature by an individual or legal entity in electronic form will be permitted, through a digital certificate issued within the scope of the Brazilian Public Key Infrastructure (ICP Brasil).

10.45.2 Unless there is reasonable doubt as to the authenticity or legal provision, signature recognition and authentication of copies of documents issued in Brazil and intended for proof before the CBTU are waived.

10.45.3 Any need to prove the authenticity of a copy of a public or private document may be provided to the Auctioneer or the Support Team, upon presentation of the original or a declaration of authenticity by a lawyer, under his personal responsibility.

10.46 It will be verified whether the bidder presented a declaration that he meets the qualification requirements, with the declarant responding for the veracity of the information provided.

10.47 It will be verified whether the bidder submitted in the system, under penalty of disqualification, the declaration that he meets the requirements for reserving positions for people with disabilities and those rehabilitated from Social Security, provided for by law and other specific standards, as well as the declarations required in this Notice.

10.48 The bidder must present, under penalty of disqualification, a declaration that its economic proposals include the entire cost of complying with labor rights guaranteed in the Federal Constitution, labor laws, infra-legal norms, collective labor agreements and terms of adjustment of conduct in force on the date of submission of proposals.

10.49 The bidder who chooses to carry out the preliminary inspection must present the inspection certificate at the time of qualification.

10.50 If the bidder chooses not to carry out the inspection, he may replace the declaration required in this item with a formal declaration signed by his technical manager regarding full knowledge of the conditions and peculiarities of the contract.

10.51 Qualification will be verified through Sicaf, using the documents covered by it.

10.50.1 It is the bidder's responsibility to check the accuracy of their registration data in Sicaf and keep them updated with the bodies responsible for the information, and must immediately correct or change the records as soon as they identify an inaccuracy or they become out of date.

10.50.2 Failure to comply with the provisions of the previous item may result in the bidder being disqualified.

10.51 Verification by the auctioneer, on official websites of bodies and entities issuing certificates, constitutes a legal means of proof, for qualification purposes.

10.52 license.

10.53 When analyzing the qualification documents, the auctioneer may remedy errors or flaws, which do not alter the substance of the documents and their legal validity, through a reasoned decision, recorded in minutes and accessible to all, giving them effectiveness for qualification and classification purposes.

10.54 There will only be a need to prove compliance with requirements by presenting the original non-digital documents when there is doubt regarding the integrity of the digital document or when the law expressly requires it, under the terms of art. 4, § 1 and art. 6th, § 4th of IN SEGES/MPDG n° 3/2018.

10.55 Verification in Sicaf or the request for documents not contained therein will only be carried out in relation to the winning bidder.

10.56 Documents required for qualification that are not included in Sicaf will be sent through the system, in digital format, within 6 (six) hours, extendable for an equal period, counting from the auctioneer's request.

10.57 at:

10.57.1 Legal qualification;

10.57.2 Tax regularity;

10.57.3 Economic and financial qualification;

10.57.4 Technical qualification; It is

10.57.5 Declaration that it does not employ anyone under 18 (eighteen) years of age in night, dangerous or unhealthy work and does not employ anyone under 16 (sixteen) years of age, except from 14 (fourteen) years of age, as an apprentice, under the terms of item XXXIII of art. 7th of the Federal Constitution.

10.58 The documentation relating to legal qualification, as applicable, will consist of:

10.58.1 Identity document.

10.58.2 Proof of registration in the Register of Individuals or the National Register of Legal Entities.

10.58.3 Commercial registration, in the case of an individual company.

10.58.4 Constitutive act, statute or social contract in force, duly registered, in the case of commercial companies, and, in the case of joint-stock companies, accompanied by documents for the election of their administrators.

10.58.5 Registration of the constitutive act, in the case of civil societies, accompanied by proof of acting directorship.

10.58.6 Authorization decree, in the case of a foreign company or company operating in the country, and act of registration or authorization for operation issued by the competent body, when the activity so requires.

10.59 Companies that participate in the bidding in a consortium form must present a public or private commitment to form a consortium, signed by all consortium members, including, at least, the following information:

10.59.1 Name of the consortium;

10.59.2 Qualification of consortium members;

10.59.3 Organization and objectives of the consortium, considering the participation of the consortium companies in this bid and, if the winner of the bid is won, the execution of the object of the bid;

10.59.4 Composition of the consortium, indicating the percentage of participation of each of the consortium members;

10.59.5 Indication of the leading company of the consortium;

10.59.6 Commitment that the consortium members will respond separately and jointly for all the requirements of the call for proposals, including in the event that, upon winning the bid, they do not promote, before the conclusion of the contract, the creation and registration of the consortium.

10.60 Documentation relating to tax regularity consists of

10.60.1 Proof of regularity with the Federal Treasury (Certificate of Debts relating to Federal Tax Credits and the Union's Active Debt);

10.60.2 Proof of regularity with the Length of Service Guarantee Fund (CRF-FGTS);

10.61 Even if the bidder is a micro-enterprise or small company, they must present all the documentation required for the purpose of proving tax regularity, even if this presents some restriction, under penalty of disqualification

10.61 In the event of any restriction regarding the fiscal regularity of a Micro-enterprise or Small Business, a period of 5 (five) business days will be granted for regularization, extendable for an equal period at the discretion of the CBTU, provided that it is requested within the initial period, upon request from the bidder accompanied by appropriate justifications.

10.62 The period referred to in the previous sub-item will be counted from the publication of the result of the qualification phase.

10.63 Failure to regularize the documentation within the period provided for in this item will result in the right to contract being terminated, without prejudice to the sanctions provided for in this Notice, in Law No. 13,303, of 2016 and in the RILC-CBTU, with the CBTU being entitled to summon the remaining bidders, in the order of classification, or revoke the bid.

10.64 In the case of a branch, the documents of legal qualification and tax regularity must be in the name of the branch, except those which, by their very nature, are issued only in the name of the head office.

10.65 Documentation relating to economic and financial capacity consists of:

10.66 Presentation of the balance sheet and financial statements for the last fiscal year, already required and presented in accordance with the law, which prove the good financial situation of the company, their replacement by balance sheets or provisional balance sheets is prohibited, and they can be updated by official indices when closed for more than 3 (three) months from the date of submission of the proposal, as long as they are accompanied by the respective update calculation memories

10.67 Updated negative certificate of bankruptcy request or judicial or extrajudicial recovery regime, issued by the distributor at the bidder's headquarters.

10.68 The legal entity undergoing judicial recovery must present a certificate issued by the competent court stating that the interested party is economically and financially capable of participating in the bidding procedure, in accordance with Ruling No. 1,201/2020 – TCU – Plenary.

10.68.1 The certificate referred to in the previous sub-item may be replaced by a document proving the approval of the bidder's Judicial Recovery Plan, in accordance with the understanding recently reaffirmed by the Superior Court of Justice (RESP nº 1.826.299-CE).

10.68.2 Proof of the bidder's good financial situation, by obtaining and evaluating the General Liquidity (GL), General Solvency (GS) and Current Liquidity (CL) indices, greater than 1 (one), resulting from the application of the formulas below, with the values extracted from their balance sheet or calculated through online consultation, in the case of companies registered with SICAF:

10.69 SICAF:

$$GL = \frac{\text{Current Assests} + \text{Long Term Achievable}}{\text{Current Liabilities} + \text{Non Current liabilities}}$$

$$SG = \frac{\text{Total Assets}}{\text{Current Liabilities} + \text{Non Current Liabilities}}$$

$$CL = \frac{\text{Current Assets}}{\text{Current Liabilities}}$$

10.61 Proof that you have net worth equivalent to at least 10% (ten percent) of the estimated value of the contract, by presenting the balance sheet and financial statements from the last legally required fiscal year.

10.61.1 The bidder who presents one of the indexes required in item 10.25 less than or equal to 1 (one), however, presents net worth as required in item 10.26 will not be disqualified due to the index issue

10.62 For the purposes of proving the values referring to the analysis of the bidder's economic and financial capacity, the estimated value of the contract will be considered on an annualized basis – 12 (twelve) months; except when the term of the contract to be signed is shorter than such period, in accordance with Ruling No. 1,335/2010 - TCU - Plenary.

10.63 The documentation relating to technical qualification consists of:

10.64 present one or more certificate(s) and/or declaration(s) of technical capacity operational on letterhead, signed(s) by a person responsible at a level equivalent to Superintendent or Director or holder of a position with administrative powers (manager, head of department, division), issued in the name of the proposing company, by

public or private company, which proves its ability to provide relevant and compatible supply in terms of characteristics, quantities and deadlines with the purpose of this contract.

10.65 The certificate(s) must demonstrate, individually or together, the provision of tracks (examples: TR-57, TR-45, TR-68, UIC-54, UIC-60), which may quality equivalent to the STANDART standard established in the AREMA Standard for use in metro rail systems must be accepted, in a quantity equal to or greater than 10% of the intended item, according to item 10.2 of the Terms of Reference – Annex I of the Notice.

10.66 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, observing the deadline set out in sub-item 10.15.

10.67 Only the qualification documents of the bidder whose proposal meets the bidding notice will be made available for public access, after the procedures referred to in the previous sub-item have been completed.

11. APPEAL

10.61 The possibility of filing an appeal regarding the judgment of proposals, the qualification or disqualification of bidders, the cancellation or revocation of the bid will be allowed.

10.62 The filing of an appeal regarding the judgment of proposals, the qualification or disqualification of bidders, the annulment or revocation of the bid, will comply with the provisions of Law No. 13,303, of 2016 and the RILC-CBTU.

10.63 The bidder may, during the period granted in the public session, immediately after the end of the judgment of the proposals and/or the act of qualification or disqualification, in the system's own field, express their intention to appeal, under penalty of estoppel. The competent authority is authorized to award the object to the bidder declared the winner.

10.61 The deadline for expressing the intention to appeal will not be less than 60 (sixty) minutes, both for the intention expressed after the end of the judgment of the proposals and for that relating to the act of qualification or disqualification.

10.62 Aiming to harmonize the provisions of IN SEGES/ME nº 73, of 2022 with art. 59 of Law No. 13,303/2016, the bidder is allowed to register his intention to appeal only after the qualification phase, regardless of whether his resignation results from the judgment of the proposals or the act of qualification/disqualification.

10.63 The reasons for the appeal must be presented in a single moment, in a specific field in the system, within 5 (five) working days, counting from the date of notification or drawing up of the act of qualification or disqualification.

10.64 10.65 Other bidders will be notified to, if they wish, present their counter arguments, within 5 (five) working days, counting from the date of personal notification or announcement of the filing of the appeal

10.65 Bidders are assured of the elements essential to the defense of their interests.

10.66 Appeals and objections must be sent in the system's own field.

10.67 Appeals filed after the deadline will not be considered.

10.68 Appeals will have the effect of suspending the appealed act or decision until a final decision is made by the competent authority.

10.69 Acceptance of the appeal only invalidates acts that cannot be used.

10 AWARD AND APROVAL

11.61 In bidding processes carried out within the scope of the CBTU, it is mandatory to initiate an administrative procedure to determine and possibly apply administrative sanctions applicable to the bidder for the unjustified practice of the following conduct:

10.61.1 Failing to deliver the documentation required for the event;

11.61.2 Failing to deliver or partially delivering the documentation required in the call notice;

11.61.3 Submit documentation in clear non-compliance with the requirements of the call instrument;

11.61.4 Failing to forward or forwarding in clear non-compliance with the call instrument the samples requested by the auctioneer;

11 INFRACTIONS AND ADMINISTRATIVE SANCTIONS

11.61 In bidding processes carried out within the scope of the CBTU, it is mandatory to initiate an administrative procedure to determine and possibly apply administrative sanctions applicable to the bidder for the unjustified practice of the following conducts :

11.61.1 Failing to deliver the documentation required for the event;

11.61.2 Failing to deliver or partially delivering the documentation required in the call notice;

11.61.3 Submit documentation in clear non-compliance with the requirements of the call instrument;

11.61.4 Failing to forward or forwarding in clear non-compliance with the call instrument the samples requested by the auctioneer;

11.61.5 Failing to deliver additional documentation required by the auctioneer, necessary to prove the veracity and/or authenticity of documentation required in the bidding notice;

11.61.6 Do not maintain the proposal, except as a result of a duly justified supervening fact;

11.61.7 Request disqualification, without justification, after the opening of the public bidding session or abandon the competition;

11.61.8 Not concluding the contract or not delivering the documentation required for contracting, when called within the validity period of your proposal;

- 11.61.9 Submit a false statement or documentation required for the tender or provide a false statement during the bidding or execution of the contract;
- 11.61.10 Fraud the bid, behaving inappropriately or committing fraud of any nature during the bidding procedure;
- 11.61.11 Carrying out illegal acts with a view to frustrating the objectives of the bidding;
- 11.61.12 Carrying out a harmful act provided for in art. 5th of Law No. 12,846, of August 1, 2013.

11.62 Com Based on Law No. 13,303 of 2016, the CBTU may, subject to prior defense, apply the following sanctions to bidders, without prejudice to civil and criminal

12.62.1 Warning;

12.62.2 Fine;

12.62.3 Temporary suspension of participation in bidding and impediment from contracting with CBTU, for a period not exceeding 2 (two) years;

12.63 The fine will be set at a percentage of 0.5% (five tenths percent) to 30% (thirty percent) on the value of the proposal presented by the bidder or, failing that, the estimated value of the bid.

12.63.1 After completion of the administrative procedure, the fine imposed must be collected within a maximum period of 30 (thirty) business days, counting from the official communication.

12.64 The sanctions of warning and temporary suspension of participation in bidding and impediment of contracting with the CBTU may be applied, cumulatively or not, to the penalty of a fine.

12.65 During the administrative procedure, the following must be observed:

12.65.1 Law No. 13,303, of 2016 and the RILC-CBTU;

12.65.2 The guarantee of due administrative process, with respect to full defense and adversarial proceedings.

12.66 When investigating infractions, the bidder will be allowed to defend themselves within 10 (ten) working days, counting from the date of notification.

12.67 The application of administrative sanctions may be appealed within 10 (ten) working days, counting from the date of communication.

12.67.1 The appeal will have a suspensive effect until a final decision is made by the competent authority.

12.68 The competent authority, when applying sanctions, will take into account the seriousness of the offender's conduct, the educational nature of the penalty, as well as the damage caused to the CBTU, observing the principle of proportionality and reasonableness.

12.69 Penalties must be registered with SICAF.

12.70 Administrative sanctions arising from infractions and conduct related to the execution of the object are provided for in the Terms of Reference and/or the Contractual Instrument, attached to this Notice.

12 NOTICE IMPUNATION AND CLARIFICATION REQUEST

13.61 Up to 5 (five) business days before the date set for the opening of the public session, any person may, with good reason, challenge the act calling for the auction, through documentation delivered directly to the CBTU general protocol or sent to licitacao@cbtu.gov.br.

13.61.1 The objection will be responded to within 3 (three) business days, counting from the request;

13.61.2 The decision regarding the objection will be communicated by the auctioneer directly to the challenger, as well as to all bidders, through the Federal Government Purchasing Portal and/or the CBTU website on the internet.

13.62 Requests for clarification must be sent to the Auctioneer, exclusively electronically, via email licitacao@cbtu.gov.br, within 3 (three) business days prior to the date set for the event.

13.62.1 The request for clarification will be responded to within 2 (two) business days, counting from the request;

13.62.2 The responses given to the clarifications will be communicated by the auctioneer to all interested parties, through the Federal Government Purchasing Portal and/or the CBTU website on the internet, becoming part of the call instrument as annexes.

13.63 The auctioneer may not decide or take any action contrary to that recorded in the responses to requests for clarification.

13.64 Challenges and requests for clarification, a priori, do not suspend the deadlines set out in the contest.

13.64.1 The granting of a suspensive effect to the objection is an exceptional measure and must be motivated by the auctioneer, in the records of the bidding process.

13.64.2 In the event that CBTU does not decide on the objection or does not respond to clarifications by the date set for submission of proposals, the bidding must be postponed, calling for a new date for submission of proposals at least 3 (three) days in advance. working days.

13.65 Once the objection is accepted, a new date for the event will be defined and published.

13 PRICE REGISTRATION DATE

14.61 Once the bid has been approved, the winning bidder will be summoned to execute the price registration minutes, the model of which can be found in Annex III of this Notice, within a period of up to 5 (five) working days, counting from the communication sent by the CBTU, under penalty of losing the right to contract, without prejudice to the sanctions provided for in Law No. 13,303, of 2016 and in the RILC-CBTU.

14.61.1 For the purposes of this item, the CBTU will carry out the call, preferably via electronic mail, forwarding, as soon as possible, the draft price registration minutes to the winning bidder.

14.61.2 Alternatively, the bidder may be summoned by any other skillful and effective means, such as postal correspondence with acknowledgment of receipt, telephone or fax, and this circumstance must be recorded in the process.

14.61.3 The bidder's attendance at the CBTU headquarters to collect the contractual instrument fulfills the need for a summons.

14.62 The deadline set out in the previous item may be extended in the following situations:

14.62.1 At the request of the bidder, with justification accepted by the CBTU;

14.62.2 Ex officio, at the discretion of the CBTU, when it is found that the established period is not sufficient for the complete and effective formalization of the price registration minutes.

14.63 In addition to the price registration minutes with the winning bidder, the CBTU will also invite any bidders who agree to quote values equal to those offered by the winning bidder, to sign the reserve registration form that will constitute an annex to the price registration minutes.

14.63.1 The reservation register will be used in cases where it is impossible for the first place in the minutes to serve or in the event of cancellation of the registration of the supplier who is the beneficiary of the minutes.

14.63.2 The qualification of suppliers that will make up the reserve register will be carried out when there is a need for remaining contracting, in accordance with art. 187, § 2, of the RILC-CBTU.

14.63.3 In any contracting, the order of classification of suppliers included in the reserve register in this tender will be respected.

14.64 In the event that the person called does not sign the price registration minutes within the deadline and under the established conditions, the CBTU is entitled to call the remaining bidders, in the order of classification, to do so within the same period and under the conditions proposed by the first classified.

14.65 In the event that none of the bidders agrees to execute the price registration minutes under the terms of the previous item, the CBTU.

14.66 Summon the remaining bidders for negotiation, in the order of classification, with a view to obtaining a better price, even if higher than the price of the proposal originally awarded, as long as it is equal to or lower than the estimated budget for the contract;

14.66.1 Summon the remaining bidders, in order of classification, to execute the price registration minutes under the conditions offered by them, provided that the value is equal to or lower than the estimated budget for the contract;

14.66.2 Revoke the bid.

14.67 As many price registration minutes as necessary may be formalized to record the items that form the object of this tender, indicating the winning bidder, the description of the item(s), the respective quantities, registered prices and other conditions.

14.68 The price registration minutes will be valid for 12 (twelve) months, counting from the date of signature.

14.69 The price registration minutes may be formalized in physical or electronic form, with the digital signature of the person's representatives permitted, through a digital certificate issued within the scope of the Brazilian Public Key Infrastructure (ICP Brasil).

14.70 The registered price, with the indication of suppliers, will be published on the CBTU website and made available during the validity of the price registration minutes.

14.71 The review of prices recorded in the minutes will comply with the provisions of the relevant legislation, the RILC-CBTU and the contractual instrument, the draft of which constitutes an annex to this Notice.

14.72 The registration of the supplier beneficiary of the minutes referred to in this item will be canceled when he:

14.72.1 Failure to comply with the conditions of the price registration minutes;

14.72.2 Not signing the contract term or not withdrawing the equivalent instrument within the period established by the CBTU, without acceptable justification;

14.72.3 Do not agree to reduce your registered price, in the event that it becomes higher than those practiced in the market;

14.72.4 Be sanctioned by suspending the right to bid and being prevented from contracting with the CBTU.

14.73 In addition to the hypotheses set out in the previous item, the registration of the supplier will also take place, by unilateral act of the CBTU or upon request, based on a supervening fact, resulting from unforeseeable circumstances, force majeure or a fact of the prince that impairs compliance with the minutes, duly proven and justified.

14.74 The existence of registered prices will imply a commitment to supply under the established conditions, but will not oblige CBTU to contract, with the possibility of carrying out a specific bidding process for the intended acquisition, as long as it is duly justified.

14 CONDITIONS FOR HIRING

15.61 During the validity of the price registration minutes and as required by the CBTU, the registered supplier may be summoned to conclude the contractual instrument, within a period of up to 5 (five) business days, counted from the communication sent by the CBTU, under penalty of the right to contract being lost.

15.61.1 For the purposes of this item, CBTU will carry out the call, preferably via electronic mail, forwarding, as soon as possible, the draft of the contractual instrument to the winning bidder;

15.61.2 Alternatively, the bidder may be summoned by any other skillful and effective means, such as postal correspondence with acknowledgment of receipt, telephone or fax, and this circumstance must be registered in the process;

15.61.3 The bidder's attendance at the CBTU headquarters to collect the contractual instrument fulfills the need for a summons.

15.62 The deadline set out in the previous item may be extended in the following situations:

15.62.1 At the request of the bidder, with justification accepted by the CBTU;

15.62.2 Ex officio, at the discretion of the CBTU, when it is found that the established period is not sufficient for the complete and effective formalization of the contractual instrument.

15.63 Prior to hiring, the CBTU will verify that the qualification conditions are maintained, as well as consult the Informative Register of Unpaid Credits – CADIN, the results of which will be attached to the case files.

15.64 The registered supplier is obliged to fulfill all orders placed during the validity of the price registration minutes, as long as they do not exceed the registered quantity.

15.65 If it is impossible for the registered supplier to conclude the contractual instrument or when the latter, formally summoned, does not accept, sign or withdraw the contractual instrument within the established period and conditions, the CBTU may summon the suppliers included in the reserve register referred to in the item 15.3 of this Notice, in the order of classification, for the conclusion of the contract under the conditions offered by the registered supplier.

15.66 The adoption of any of the measures provided for in the previous items will occur without prejudice to the investigation and application of administrative sanctions provided for in Law No. 13,303, of 2016 and in the RILC-CBTU to the registered supplier.

15.67 CBTU contractual instruments may be formalized in physical or electronic form, with the digital signature of the person's representatives permitted, through a digital certificate issued within the scope of the Brazilian Public Key Infrastructure (ICPBrasil).

15.68 Contracting will take place in the form and conditions set out in this Notice and its annexes, and under no circumstances will privileges be granted in meeting contractual requirements

16 CONDITIONS AND DEADLINES FOR EXECUTION OF OBJECT

16.62 The area requesting the contracting object of this Notice is GAPRO/DT, which is subordinate to the Technical Directorate.

16.62.1 The area covered by this item will be responsible for managing the contractual instrument, supervising inspection activities and receiving the object.

16.63 The CBTU will designate employees responsible for the management, inspection and supervision of the contract who, among other duties that are specific to it, will be responsible for monitoring the conformity of the execution of the object, the materials, techniques and equipment used, in order to ensure the perfect compliance with the adjustment; pointing out delays and events that occurred during the execution of services subject to sanctions.

16.63.1 The contractor must designate a representative to monitor and control the execution of the object of this tender.

16.64 The object of this tender will be received in accordance with art. 225 of the RILC-CBTU and other rules provided for in the Terms of Reference – Annex I of this Notice.

16.64.1 The form, deadlines, locations and conditions for delivery of the object are set out in item 8 of the Terms of Reference.

16.65 The term of the contract will be 9 (nine) months, counting from its signature, and may be extended under legal, regulatory and contractual terms.

16.66 The deadline for executing the object of this tender will be 6 (six) months, starting after the contractor accepts the 1st Execution Order sent by the contract management.

16.67 The deadlines set out in the items above may be suspended due to unforeseeable circumstances or force majeure, in accordance with clauses stipulated in the contractual instrument.

16.68 During the execution of the object, the contractor must observe and comply with all requirements, conditions and obligations established in the Terms of Reference and in the contractual instrument, documents attached to this Notice.

16.69 Failure to comply with the previous item will result in the contractor being subject to the application of applicable administrative sanctions, after regular administrative procedures in which the guarantees of full defense and contradictory proceedings are observed.

17 GARANTEE

17.62 The contractor will provide an execution guarantee corresponding to the percentage of 5% (five percent) of the total value of the contract, and may, under the terms of the first paragraph of art. 70, of Law No. 13,303/2016, choose the modalities listed below:

- 17.62.1 Cash deposit;
- 17.62.2 Guarantee insurance;
- 17.62.3 Bank guarantee.

17.63 If the contractor chooses to provide the guarantee through a bank guarantee, it must use the model provided by CBTU – Annex V of this Notice.

17.64 The contractor must present to the CBTU proof of provision of the guarantee, within a maximum period of 10 (ten) working days, counting from the signing of the contract.

17.64.1 The contractor may request in writing, with due justification, before the end of the aforementioned period, an extension of the deadline for presenting the guarantee, for an equal period, for a single time, the approval of which will be at the discretion of the CBTU, with the consent of contract management.

17.64.2 Failure to comply with the deadline set for presenting the guarantee will result in a fine of 0.07% (seven hundredths of a percent) of the contract value per day of delay, up to a maximum of 2% (two percent).

17.65 Delay in providing the performance guarantee of more than 30 (thirty) days authorizes CBTU to terminate the contract, due to breach of contract, under the terms of art. 240, item I, of the RILC-CBTU.

17.66 The rules, conditions and requirements regarding the provision of the contractual execution guarantee are set out in the draft of the contractual instrument and in item 13 of the TR, which are annexes to this Notice.

17.67 Any technical guarantee requirements relating to the object of this tender, especially in relation to equipment, goods, materials and services, are regulated in the Terms of Reference.

18 CONDITIONS AND DEADLINES FOR PAYMENT

18.62 Billing documentation will be able to be issued after attestation of receipt of the object by the management and supervision of the contract.

18.62.1 In the case of contracts executed in stages or measurements, the contractor may present the billing documents to the CBTU as soon as inspection/management confirms compliance with the contractual stages provided for.

18.63 Unless otherwise specified in the Terms of Reference or in the contractual instrument, billing documents (invoices/invoices) relating to the object of this tender may be delivered by the contractor:

18.63.1 In physical form, in the CBTU Protocol, whose address will be provided by the management/supervision of the contract; or

18.63.2 In digital form at the electronic address provided by the management and supervision of the contract, as long as it is possible to attest to the reliability of the document sent.

18.64 Billing documents must be accompanied by documentation essential to verifying their accuracy, in addition to any other documents required by current legislation.

18.65 Payment will be made by bank order to be credited to the contractor's current account within 30 (thirty) days from the entry of the billing document in accordance with the rules set out in the Terms of Reference and in the contractual instrument, as long as there is certification (attestation) for the management and supervision of the contract.

18.65.1 If there is a provision in the Terms of Reference or in the contractual instrument about payment being made within a shorter period than that provided for in this item, the shorter period shall prevail.

18.66 The other rules and conditions for payment are set out in the Terms of Reference and/or in the draft of the contractual instrument, annexes to this Notice.

19 REAJUSTMENT

19.62 The contractor will be entitled to an adjustment, in the case of a proposal not presented in foreign currency, 12 months, counting from the date of presentation of the final awarded proposal.

19.63 Price proposals presented in national currency may, as long as the annual periodicity is observed, apply the variation in the price index to the Broad Producer - Basic Metallurgical Transformation Industry, observing the following formula

$R = P_0[(I - I_0)/I_0]$ being:

R= Value of reajustment sought;

P₀= measurement to be adjusted;

I = Broad Producer Price Index – Basic Metallurgical Transformation Industry – 1006823, published in FGV's Conjuntura Econômica magazine, corresponding to the month of annual adjustment of the contract; I₀ = Broad Producer Price Index – Basic Metallurgical Transformation Industry – 1006823, published in FGV's Conjuntura Econômica magazine, corresponding to the month of the base date. Base Date: deadline for submitting the proposal or last adjustment.

19.62 In the case of a contract concluded in foreign currency, the adoption of the adjustment index provided for in item 20.2 will not be applicable, since payment will be based on the value of the foreign currency in force on the business day immediately preceding the date of actual payment, under the terms of art. 23-A, § 4, of RILC-CBTU; hypothesis in which the maintenance of the effective conditions of the proposal presented in the bidding will be guaranteed.

19.63 The adoption of the rule provided for in the previous item does not prevent the carrying out of a contractual review, aiming to reestablish the initial economic-financial balance of the contract, in accordance with art. 81, item VI, of the Law n° 13,303/2016;

as long as the legal requirements are effectively demonstrated by the party interested in the review.

19.64 The risk matrix – Annex IV of the Terms of Reference, establishes the risks and responsibilities between CBTU and the contractor and characterizes the initial economic-financial balance of the contract.

20 GENERAL PROVISION

20.62 The minutes of the public session will be published in the electronic system (www.gov.br/compras) and on the CBTU website.

20.63 If there are no business hours or any supervening event occurs that prevents the event from being held on the scheduled date, the session will be automatically transferred to the first subsequent business day, at the same time previously established, as long as there is no communication to the contrary by the auctioneer.

20.64 All time references in the Notice, in the notice and during the public session will observe the official time of Brasília – DF.

20.65 When counting the deadlines established in this Notice and its Annexes, the start date will be excluded and the due date will be included. Deadlines only begin and expire on business days at CBTU.

20.66 By accepting the terms of this notice and participating in this event, the bidder unequivocally agrees and consents to the processing of their personal data for the purposes sought in the bidding, in accordance with art. 7, items I, V and VI of Law 13,709, of August 14, 2018 - General Data Protection Law.

20.67 As this is a bid processed through the Price Registration System – SRP, approval of the result of this bid will not imply the right to contract.

20.68 Bidding disciplinary rules will always be interpreted in favor of expanding the dispute between interested parties, as long as they do not compromise the public and CBTU interests, the principle of equality, the purpose and security of the contract.

20.69 Bidders assume all costs of preparing and presenting their proposals and CBTU will not, in any case, be responsible for these costs, regardless of the conduct or result of the bidding process.

20.70 The use of the system by the bidder is their sole responsibility, and they must be aware of the Electronic Auction Manual – Supplier (https://www.gov.br/compras/pt-br/centrais-de-conteudo/manuals/manual-pregao/manual_pregao-eletronico-fornecedor.pdf/view), as well as resolve your doubts or operational problems directly with the Customer Service Center at https://www.gov.br/compras/pt-br/canais_atendimento /call center.

20.71 The Federal Government Purchasing Portal provides an interactive tutorial on all phases of the Electronic Auction – Supplier Profile at: <https://www.gov.br/compras/pt-br/centrais-de-conteudo/manuais>.

20.72 Guidance on Registration with SICAF, as well as its implementation, and consultation with Registration Units can be obtained at <https://www.gov.br/compras/pt-br/sistemas/sicaf-digital>.

20.73 Failure to comply with non-essential formal requirements will not result in the removal of the bidder, as long as it is possible to take advantage of the act, observing the principles of equality and public interest.

20.75 The CBTU may revoke the bid for reasons of public interest arising from a supervening fact duly proven, relevant and sufficient to justify such conduct, and must cancel it for illegality, ex officio or at the provocation of third parties, through a reasoned decision; contradictory and broad defense are ensured.

20.77 The contractor must fully observe, throughout the execution of the contract, the provisions set out in the Code of Ethics, the Code of Conduct and Integrity and the Related Party Transactions Policy, prepared by CBTU and available at the following electronic addresses:

ARTEFATOS DE INTEGRIDADE DA CBTU	
Code of ethics:	https://www.cbtu.gov.br/images/home/acbtu/codigodeeticacbtu190918.pdf
Codes of conduct and integrity:	https://www.cbtu.gov.br/images/gagov/codigo_de_conduta_e_integridade.pdf
Policy of transition with relating parties:	https://www.cbtu.gov.br/images/gagov/politica_de_transacoes_com_partes_relacionadas.pdf

20.78 In case of divergence between the provisions of this Notice and its annexes or other parts that make up the process, those of this Notice will prevail.

20.79 The Notice and its annexes are available, in full, on the electronic system (www.gov.br/compras) and on the CBTU website.

21 ANNEXES

21.1 The following annexes form part of this Notice, for all purposes and effects:

ANNEX I - Terms of Reference and its annexes;

ANNEX II - Proposal Model;

ANNEX III - Draft Price Registration Minutes;

ANNEX IV - Draft Contractual Instrument;

ANNEX V – Bank Guarantee Model; It is

ANNEX VI - Declaration of knowledge of the RILC

Brasília, on the date of the electronic signature

PAULO CESAR B. DE MORAES JUNIOR

General Bidding Manager

GALIC/P

JOSÉ MARQUES DE LIMA

CEO

Competent authority