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Ministry of Justice and Public Security
National Secretariat for Penal Policies
SENAPPEN Bidding Center

BIDDING NOTICE

NATIONAL SECRETARIAT OF CRIMINAL POLICIES
ELECTRONIC TRADING No. XX/2023
(ADMINISTRATIVE PROCESS No. 08016.004764/2023-10)

It is made public that the National Secretariat for Penal Policies, through the General Coordination of Bids and Contracts (GCLIC), headquartered in the Setor Comercial Norte - SCN, Quadra 4, Bloco "A", Torre "A", nº 80, Condomínio Multibrasil Corporate, Asa Norte, Brasília/DF, CEP 70.714-000, will carry out bidding, to register prices, in the TRADING modality, in ELECTRONIC form, in accordance with [Law nº 14,133, of 1 Abril 1, 2021](#), of Decree No. 11,462, of March 31, 2023, and other applicable legislation, and also in accordance with the conditions established in this Notice.

Session date: XXXXXXXX

Time: XXXX

Location: Federal Government Purchasing Portal – _____

<https://www.gov.br/compras/pt-br>

Judging Criteria: lowest price per group

Dispute model: Open and Closed

1. PURPOSE

1.1. The purpose of this bidding is the acquisition of Carbine and Rifle-type weaponry, as well as accessories, through a Price Registration System in bidding in the international electronic bidding process, for use by Federal Penal Execution Agents assigned to the Federal Penitentiaries in Catanduvas/PR, Campo Grande/MS, Mossoró/RN, Brasília/DF and Porto Velho/RO, and also at the Headquarters of the National Secretariat for Penal Policies (Brasília/DF), as well as in employment actions of the Penitentiary Special Actions Group (GAEP) and by agents who are members of the Penitentiary Intervention Task Force (FTIP), in accordance with the conditions, quantities and requirements established in this Notice and its annexes. The bidding will be divided into groups, made up of one or more items, according to the table in the Terms of Reference. Bidders may participate in as many groups as they wish, and must offer a bid for all the items that make up the groups.

2. PRICE REGISTRATION

2.1. The rules regarding the managing and participating bodies, as well as any additions, are those set out in the draft Price Registration Minutes.

3. PARTICIPATION IN THE BIDDING

3.1. Interested parties who are previously accredited in the Unified Supplier Registration System - SICAF and in the Federal Government Purchasing System may participate in this Trading (www.gov.br/compras).

3.1.1. Interested parties must meet the conditions required for registration with Sicafe by the third business day prior to the scheduled date for receiving proposals.

3.2. The bidder is solely and formally responsible for the transactions carried out in its name, and assumes as firm and true its proposals and bids, including acts carried out directly or by its representative, excluding the responsibility of the system provider or the body or entity promoting the bid for any damages arising from improper use of access credentials, even by third parties.

3.3. 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.

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

- 3.5. There will be no items for participation is exclusive to micro and small companies, under the terms of [art. 48 of Complementary Law nº 123, of December 14, 2006](#).
- 3.6. The following cannot compete in this bidding:
- 3.6.1. anyone who does not meet the conditions of this Notice and its annex(s);
- 3.6.2. author of the preliminary project, basic project or executive project, an individual or legal person, when the bidding concerns services or the supply of related goods;
- 3.6.3. company, alone or in a consortium, responsible for drawing up the basic project or the executive project, or the company of which the author of the project is a director, manager, controller, shareholder or holder of more than 5% (five percent) of the capital with voting rights, technical manager or subcontractor, when the bidding deals with services or the supply of goods necessary for it;
- 3.6.4. natural or legal person who is, at the time of the bidding, unable to participate in the bidding as a result of a sanction imposed on them;
- 3.6.5. anyone who maintains a relationship of a technical, commercial, economic, financial, labor or civil nature with the leader of the contracting body or entity or with a public agent who performs a role in the bidding process or acts in the supervision or management of the contract, or who is their spouse, partner or relative in a direct line, collateral or by affinity, up to the third degree;
- 3.6.6. controlling, controlled or affiliated companies, under the terms of Law No. 6,404, of December 15, 1976, competing with each other;
- 3.6.7. individual or legal entity that, 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;
- 3.6.8. public agent of the bidding body or entity;
- 3.6.9. legal entities gathered in a consortium;
- 3.6.10. Civil Society Organizations of Public Interest - OSCIP, acting in this capacity;
- 3.6.11. A public agent of the contracting body or entity may not participate, directly or indirectly, in the bidding process or in the execution of the contract, and situations that may constitute a conflict of interest in the exercise or after the exercise of the position or employment must be observed, in accordance with the legislation that discipline the matter, according to [paragraph 1 of art. 9º of Law nº 14,133 of 2021](#).
- 3.7. The impediment referred to in item 3.7.4 will also be applied to the bidder who acts in replacement of another person, natural or legal, with the aim of circumventing the effectiveness of the sanction applied to them, including their controlling, controlled or affiliated company, provided that the illicit or fraudulent use of the bidder's legal personality is duly proven.
- 3.8. At the discretion of the Administration and exclusively at its service, the author of the projects and the company referred to in items 3.7.2 and 3.7.3 may participate in supporting contracting planning, bidding execution or contract management activities, as long as it is under the exclusive supervision of public agents of the body or entity.
- 3.9. Companies belonging to the same economic group are equivalent to the authors of the project.

3.10 The provisions of items 3.7.2 and 3.7.3 do not prevent the bidding or contracting of a service that includes 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.

3.11. In biddings and contracts 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 the financing or the national counterpart, individuals or legal entities that are on the list of people sanctioned by these entities or that have been declared unfit under the terms of [Law nº 14,133/2021](#).

3.12. The prohibition referred to in item 3.7.8 extends to third parties who assist in the conduct of the contract as members of a support team, specialized professionals or employees or representatives of companies providing technical advice.

4. PRESENTATION OF THE PROPOSAL AND QUALIFICATION DOCUMENTS

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

4.2. Bidders will submit, exclusively through the electronic system, the proposal with the price or discount percentage, according to the judging criteria adopted in this Notice, until the date and time established for the opening of the public session.

4.3. If the qualification phase precedes the proposal and bid presentation phases, bidders will forward, in the form and within the deadline established in the previous item, simultaneously the qualification documents and the proposal with the price or discount percentage, observing the provisions of items 8.1.1 and 8.13.1 of this Notice.

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

4.4.1. is aware of and agrees with the conditions contained in the public notice and its annexes, as well as that the proposal submitted includes the full costs of complying with the labor rights guaranteed in the Federal Constitution, in the labor laws, in the infralegal norms, in the collective labor agreements and in the terms of adjustment of conduct in force on the date of its definitive delivery and that it fully complies with the qualification requirements defined in the call for proposals;

4.4.2. 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](#);

4.4.3. does not have employees performing degrading or forced work, observing the provisions of [items III and IV of art. 1 and in item III of art. 5 of the Federal Constitution](#);

4.4.4. complies with the requirements for reserving positions for people with disabilities and those rehabilitated from Social Security, provided for by law and other specific regulations.

4.5. False declaration referred to in items 4.4 or 4.6 will subject the bidder to the sanctions provided for in [Law nº 14,133, of 2021](#), and in this Notice.

4.6. Bidders may withdraw or replace the proposal or, in the event that the qualification phase precedes the proposal and bid submission and judgment phases, the qualification documents previously inserted into the system, until the opening of the public session.

4.7. 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.

- 4.8. 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.
- 4.9. 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:
- 4.9.1. 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; and
- 4.9.2. bids will be automatically sent by the system, respecting the minimum final value, if established, and the range referred to in the sub-item above.
- 4.10. 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:
- 4.10.1. value higher than the bid already registered by the supplier in the system, when the lowest price judgment criterion is adopted; and
- 4.10.2. discount percentage lower than the bid already registered by the supplier in the system, when the highest discount judgment criterion is adopted.
- 4.11. The minimum final value or the maximum final discount percentage parameterized in the form of item 4.11 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.
- 4.12. It is up to the bidder interested in taking part in the bidding to follow the operations on the electronic system during the bidding process and to take responsibility for the burden arising from loss of business due to failure to comply with messages issued by the Administration or its disconnection.
- 4.13. The bidder must immediately notify the system provider of any event that could compromise confidentiality or security, so that access can be blocked immediately.

5. COMPLETING THE PROPOSAL

- 5.1. The bidder must send their proposal by filling in the following fields in the electronic system:
- 5.1.1. total group value;
- 5.1.2. Brand;
- 5.1.3. Manufacturer;
- 5.2. All object specifications contained in the proposal are binding on the bidder.
- 5.2.1. The bidder may [NOT] offer a proposal in a quantity lower than the maximum expected for contracting.
- 5.3. The proposed values will include all operating costs, social security, labor, tax, commercial and any other charges that affect directly or indirectly the execution of the object.

- 5.4. The prices offered, both in the initial proposal and in the bidding stage, will be the sole responsibility of the bidder, and they will not have the right to request any change, under the allegation of error, omission or any other pretext.
- 5.5. If the company's tax regime involves the payment of taxes in variable percentages, the appropriate quote will be the one that corresponds to the average of the company's actual payments in the last twelve months.
- 5.6. Regardless of the tax percentage entered in the spreadsheet, the percentages established in current legislation will be withheld at source when paying.
- 5.7. The submission of bids implies the obligation to comply with the provisions contained therein, in accordance with the Terms of Reference, and the bidder undertakes to execute the bidding object in accordance with its terms, as well as to supply the necessary materials, equipment, tools and utensils, in quantities and qualities suitable for the perfect execution of the contract, promoting their replacement when required.
- 5.7.1. The validity period of the proposal will not be less than 60 (sixty) days, counting from the date of its presentation.
- 5.7.2. Bidders must respect the maximum prices established in the rules governing federal public procurement, when participating in public tenders;
- 5.7.3. If the judging criterion is the highest discount, the price resulting from the application of the discount offered must respect the maximum prices set out in item 4.9.
- 5.8. Non-compliance with the aforementioned rules by the Administration on the part of contractors may give rise to accountability by the Federal Court of Auditors and, after due legal process, generate the following consequences: the signing of a deadline for the adoption of the measures necessary for exact compliance with the law, under the terms of [art. 71, item IX, of the Constitution](#); or condemnation of the public agents responsible and the contracted company to pay the losses to the treasury, if it is verified that overbilling or overpricing occurred in the execution of the contract.
- 5.9. The proposal presented must follow ANNEX I - C of the Terms of Reference.
- 5.10. It should be noted that the same taxes that exclusively burden Brazilian bidders regarding the final sale transaction must be added to the proposals of foreign bidders, as this is a legal fiction created to preserve equality between competitors (art. 52, paragraph 4, of Law No. 14,133/21).

6. OPENING THE SESSION, CLASSIFICATION OF PROPOSALS AND BID FORMULATION

- 6.1. The opening of this bidding will take place automatically in a public session, through an electronic system, on the date, time and place indicated in this Notice.
- 6.2. Bidders may withdraw or replace the proposal or qualification documents, where applicable, previously entered into the system, until the opening of the public session.
- 6.3. The system will provide a dedicated field for exchanging messages between the Auctioneer and bidders.

- 6.4. 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 registry.
- 6.5. The bid must be offered for the unit value of the item.
- 6.6. Bidders will be able to offer successive bids, observing the time set for the opening of the session and the rules established in the Notice.
- 6.7. The bidder may only bid at a value lower than the last one he offered and registered by the system.
- 6.8. 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 0.3% (three tenths of a percent).
- 6.9. The bidder may, once, delete their last bid offered, within fifteen seconds of registration in the system, in the event of an inconsistent or unfeasible bid.
- 6.10. The procedure will follow according to the dispute mode adopted.
- 6.11.
- 6.12. If the "open and closed" bidding mode is adopted for sending bids in the electronic trading, bidders will submit public and successive bids, with a final and closed bid.
 - 6.12.1. 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.
 - 6.12.2. Once the deadline set out in the previous sub-item has expired, the system will open an opportunity for the author of the lowest value offer and those of offers with prices up to 10% (ten percent) higher than that to be able to offer a final and closed bid within five minutes, which will be confidential until the end of this period.
 - 6.12.3. 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 a better bid.
 - 6.12.4. 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 term.
 - 6.12.5. After the deadlines established in the previous items have expired, the system will order and publish the bids in ascending order of values.
- 6.13. After the deadlines established in the previous sub-items have expired, the system will order and publish the bids in ascending order of values.
- 6.14. Two or more bids of the same value will not be accepted, with the one received and registered first prevailing.
- 6.15. 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.

- 6.16. 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.
- 6.17. 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, on the website used for publicity.
- 6.18. If the bidder does not submit bids, they will compete with the value of their proposal.
- 6.19. 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.
- 6.19.1. If there is a possible tie between proposals or bids, the tiebreaker criterion will be that set out in [art. 60 of Law nº 14,133, of 2021](#), in this order
- 6.19.1.1. final dispute, in which tied bidders will be able to submit a new proposal as part of the classification process;
- 6.19.1.2. evaluation of the prior contractual performance of bidders, for which registration records should preferably be used for the purpose of attesting compliance with obligations provided for in this Law;
- 6.19.1.3. development by the bidder of equity actions between men and women in the workplace, in accordance with regulations;
- 6.19.1.4. development by the bidder of an integrity program, in accordance with guidance from control bodies.
- 6.19.2. If the tie persists, preference will be guaranteed, successively, to goods and services produced or provided by:
- 6.19.2.1. companies established in the territory of the State or Federal District of the bidding state or district Public Administration body or entity or, in the case of bidding carried out by a Municipal body or entity, in the territory of the State in which it is located;
- 6.19.2.2. Brazilian companies;
- 6.19.2.3. companies that invest in research and technology development in the country;
- 6.19.2.4. companies that demonstrate mitigation practices, in accordance with the [Law nº 12,187, of December 29, 2009](#).
- 6.20. 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 for the contract, the auctioneer will be able to negotiate more advantageous conditions, after defining the result of the judgment.
- 6.20.1. Negotiations may be carried out with the other bidders, according to the classification order initially established, when the first placed bidder, even after negotiation, is disqualified due to its proposal remaining above the maximum price defined by the Administration.
- 6.20.2. Negotiations will be carried out through the system and can be monitored by other bidders.
- 6.20.3. The result of the negotiation will be disclosed to all bidders and attached to the bidding process records.
- 6.20.4. The auctioneer will ask the highest ranked bidder to, within 2 (two) 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 and already presented.

- 6.20.5. The auctioneer is entitled to extend the established deadline, based on a reasoned request made in the chat by the bidder, before the deadline ends.
- 6.21. After negotiating the price, the Auctioneer will begin the acceptance and judgment phase of the proposal.
- 6.22. The rules relating to international bidding, such as, for example, requirements for participation and qualification, forms of price quotation, customs clearance, taxes on transactions, guarantees and technical assistance, among others, must be verified in the Terms of Reference.
- 6.23. Any divergence between the Notice and the Terms of Reference, the Terms of Reference will prevail.

7. THE JUDGMENT PHASE

7.1. Once the negotiation stage has ended, the auctioneer will verify whether the bidder provisionally classified in first place meets the conditions for participation in the bidding, as provided for in [art. 14 of Law nº 14,133/2021](#), related legislation and in item 2.7 of the public notice, especially as regards the existence of a sanction that prevents participation in the tender or future contracting, by consulting the following registers:

- 7.1.1. SICAF;
- 7.1.2. National Register of Disqualified and Suspended Companies - CEIS, maintained by the General Comptroller of the Union (<https://www.portaltransparencia.gov.br/sancoes/ceis>); and
- 7.1.3. National Register of Punished Companies – CNEP, maintained by the Comptroller General of the Union(<https://www.portaltransparencia.gov.br/sancoes/cnep>).

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](#).

7.3. 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 nº 3/2018, art. 29, caput](#))

7.3.1. The fraud attempt will be verified through corporate ties, similar supply lines, among others. ([IN nº 3/2018, art. 29, paragraph 1](#)).

7.3.2. The bidder will be invited to comment prior to any disqualification. ([IN nº 3/2018, art. 29, paragraph 2](#)).

7.3.3. If the existence of a sanction is confirmed, the bidder will be considered disqualified, due to lack of participation conditions.

7.4. If the participation conditions are met, the qualification procedure will begin.

7.5. 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 stipulated for contracting in this Notice and its annexes, observing the provisions of [articles 29 to 35 of IN SEGES nº 73, of September 30, 2022](#).

7.6. The winning proposal will be disqualified if:

7.6.1. it contains irremediable defects;

7.6.2. it does not comply with the technical specifications contained in the Terms of Reference;

- 7.6.3. it presents prices that are unfeasible or remain above the maximum price defined for contracting;
- 7.6.4. its feasibility has not been demonstrated, when required by the Administration;
- 7.6.5. it presents non-compliance with any other requirements of this Notice or its annexes, as long as it cannot be remedied.
- 7.7. In the case of goods and services in general, values lower than 50% (fifty percent) of the value budgeted by the Administration are an indication that proposals are unfeasible.
 - 7.7.1. Unenforceability, in the hypothesis referred to in the caput, will only be considered after due diligence by the auctioneer, who proves:
 - 7.7.1.1. that the bidder's cost exceeds the value of the proposal; and
 - 7.7.1.2. that there are no opportunity costs capable of justifying the size of the offer.
- 7.8. If there is evidence that the price proposal is unfeasible, or if additional clarification is needed, steps may be taken so that the company can prove the feasibility of the proposal.
- 7.9. If the estimated global cost of the bid object has been broken down into its respective unit costs through a Cost and Price Formation Spreadsheet prepared by the Administration, the bidder ranked first will be invited to present a Spreadsheet prepared by them, with the respective appropriate values to the final value of your proposal, under penalty of non-acceptance of the proposal.
- 7.10. Errors in filling out the spreadsheet do not constitute grounds for disqualification of the proposal. The spreadsheet may be adjusted by the supplier, 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;
 - 7.10.1. The adjustment referred to in this provision is limited to correcting errors or flaws that do not alter the substance of the proposals;
 - 7.10.2. Indicating that taxes and contributions are paid under the Simples Nacional regime, when this regime is not applicable, is considered to be an error in filling in the spreadsheet that can be corrected.
- 7.11. For the purpose of analyzing the proposal regarding compliance with the object's specifications, a written statement may be collected from the sector requesting the service or from the area specializing in the object.
- 7.12. Through a message in the system, the location and time of the procedure for evaluating the samples will be announced, the presence of which will be available to all interested parties, including other bidders.
- 7.13. The results of the assessments will be announced via a message in the system.
- 7.14. 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.

8. QUALIFICATION PHASE

- 8.1. The documents provided for in the Terms of Reference, necessary and sufficient to demonstrate the bidder's ability to carry out the purpose of the bidding, will be required for qualification purposes, in accordance with the terms of [articles 62 to 70 of Law nº 14,133, of 2021](#).

- 8.1.1. The documentation required for legal, tax, social and labor and economic-financial qualification purposes may be replaced by registration with SICAF.
- 8.2. 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.
- 8.3. 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 provisions of [Decree nº 8,660, of January 29, 2016](#), or another that may replace it, or consularized by the respective consulates or embassies.
- 8.4. The documents required for qualification purposes may be presented in original, by copy or by certified copy.
- 8.5. The documents required for qualification purposes may be replaced by a registration record issued by a public body or entity, as long as the registration was made in compliance with the provisions of Law No. 14,133/2021.
- 8.6. It will be verified whether the bidder has presented a declaration that they meet the qualification requirements, and the declarant will be responsible for the veracity of the information provided, in accordance with the law ([art. 63, I, of Law nº 14,133/2021](#)).
- 8.7. It will be verified whether the bidder presented in the system, under penalty of disqualification, a 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.
- 8.8. Bidders must submit, under penalty of disqualification, a declaration that their economic proposals include all the costs of complying with the labor rights guaranteed in the Federal Constitution, labor laws, infra-legal regulations, collective bargaining agreements and conduct adjustment agreements in force on the date the proposals are submitted.
- 8.9. Considering that, in this contract, prior assessment of the place of execution is essential for full knowledge of the conditions and peculiarities of the object to be contracted, the bidder must certify, under penalty of disqualification, that they know the place and the conditions of performance of the service, ensuring them the right to carry out a prior inspection.
- 8.9.1. The bidder who chooses to carry out a preliminary inspection will have an exclusive date and time made available by the Administration, to be scheduled so that their appointment does not coincide with the appointment of other bidders.
- 8.9.2. If the bidder chooses not to carry out an inspection, they may replace the declaration required in this item with a formal declaration signed by their technical manager regarding full knowledge of the conditions and peculiarities of the contract. a prior inspection at the place where the service is to be carried out whenever the contracting body or entity considers such an assessment to be essential for full knowledge of the conditions and peculiarities of the object to be contracted. Even so, according to the legal text, the contractor may choose not to carry out the inspection, in which case they will have to certify full knowledge of the conditions and peculiarities of the contract, through a formal declaration ([art. 63, paragraph 3](#)).
- 8.10. The qualification will be verified through Sicaf, on the documents covered by it.
- 8.10.1. 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. ([IN nº 3/2018, art. 4, paragraph 1, and art. 6, paragraph 4](#)).

- 8.11. 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 outdated. ([IN nº 3/2018, art. 7, caput](#)).
- 8.11.1. Failure to comply with the provisions of the previous item may result in disqualification at the time of qualification. ([IN nº 3/2018, art. 7, sole paragraph](#)).
- 8.12. Verification by the auctioneer, on official websites of bodies and entities issuing certificates, constitutes a legal means of proof, for qualification purposes.
- 8.12.1. Documents required for qualification that are not included in Sicaf will be sent through the system, in digital format, within **02 (two) hours**, extendable for an equal period, counting from the auctioneer's request.
- 8.13. Verification in Sicaf or the requirement for documents not contained therein will only be carried out in relation to the winning bidder.
- 8.13.1. The documents relating to fiscal regularity contained in the Terms of Reference will only be required, in any case, at a time after the proposals have been judged, and only from the best-ranked bidder.
- 8.13.2. Respecting the exception in the previous sub-item, relating to fiscal regularity, when the qualification phase precedes the proposal and bid submission and judgment phases, the verification or requirement of this sub-item will occur in relation to all bidders.
- 8.14. After delivery of the documents for qualification, replacement or presentation of new documents will not be permitted, except as part of due diligence, for ([Law 14,133/21, art. 64](#), and [IN 73/2022, art. 39, paragraph 4](#)):
- 8.14.1. supplementing information on documents already submitted by bidders and provided that it is necessary to ascertain facts existing at the time of the opening of the bidding; and
- 8.14.2. updating documents whose validity has expired after the date of receipt of proposals;
- 8.15. When analyzing qualification documents, the hiring committee may remedy errors that 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 purposes and classification.
- 8.16. 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 subitem 7.12.1.
- 8.17. 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.
- 8.18. The Contractor must provide support infrastructure and technical assistance nationwide, starting no later than the date of actual delivery of the first batch, under penalty of a fine.
- 8.19. Once notified, the Contractor will repair or replace parts of the goods that are defective or defective within a period of up to 90 (ninety) calendar days, counting from the request of the owner of the goods.

- 8.20. In case of replacing the equipment, the period will be up to 120 (one hundred and twenty) calendar days, counting from the request of the owner of the asset.
- 8.21. The period indicated in the previous subitem, during its course, may be extended once, for an equal period, upon written and justified request from the Contractor, accepted by the Employer..
- 8.22. When the qualification phase precedes the judgment phase and has already been concluded, a bidder will not be excluded for reasons related to qualification, except due to supervening facts or those only known after the judgment.
- 8.23. The following proofs will also be required in the qualification phase, to verify the regularity of commercialization and operability of the weapon offered in the proposal:
- 8.23.1. As these are weapons for controlled use, bidders proposing to supply national or nationalized products must prove that they are authorized by the Brazilian Army (EB) to sell, represent, import and export the product in Brazil, complying with the requirements established by Decree no. 10,030, of September 30, 2019.
- 8.23.2. For a Brazilian company, proof of manufacturing and commercialization authorization, as well as the Experimental Technical Report - RETEX (documentation issued by the Brazilian Army or product certification body) or report/certificate issued in accordance with the provisions of Ordinance No. 189-EME, of August 18, 2020;
- 8.23.3. For a foreign company, report/certificate issued in accordance with the provisions of Ordinance No. 189-EME, of August 18, 2020 or proof of manufacturing and commercialization authorization, similar to the Experimental Technical Report (RETEX).
- 8.24. The documents presented must be accompanied by all changes or respective consolidation.

9. PRICE REGISTRATION MINUTES

Once the result of the bidding is approved, the best-ranked bidder will have a period of (.) days, counting from the date of its call, to sign the Price Registration Minutes, whose deadline validity is fixed therein, under penalty of forfeiture of the right to contract, without prejudice to the sanctions provided for in Law No. 14,133, of 2021.

- 9.1. The call period may be extended once, for an equal period, upon request by the best-ranked bidder or the supplier called, provided that:

(a) the request is duly justified and presented within the deadline; and

(b) the justification presented is accepted by the Administration.

- 9.2. The price registration minutes will be signed using a digital signature and made available in the price registration system.

- 9.3. As many Price Registration Minutes as necessary will be formalized to record all items contained in the Terms of Reference, indicating the winning bidder, description of the item(s), respective quantities, registered prices and other conditions.

- 9.4. The registered price, with the indication of suppliers, will be published in the PNCP and made available during the validity of the price registration minutes.
- 9.5. The existence of registered prices will imply a commitment to supply under the established conditions, but will not oblige the Administration to contract, with the possibility of carrying out a specific bidding process for the intended acquisition, as long as it is duly justified.
- 9.6. In the event that the summoned party does not sign the price registration minutes within the time limit and under the conditions established, the Administration may call on the remaining bidders from the reserve list, in the order of classification, to do so within the same time limit and under the conditions proposed by the first classified bidder.

10. FORMATION OF THE RESERVATION REGISTRATION

- 10.1. After approval of the bid, the following registration will be included in the minutes, in the form of an annex:.
- 10.1.1. of bidders who agree to quote the same price as the successful bidder, subject to their ranking in the bidding; and
- 10.1.2. of bidders who maintain their original proposal
- 10.2. The ranking order of the bidders or suppliers registered in the minutes will be respected in the contracting process.
- 10.2.1. The presentation of new proposals in accordance with this item will not prejudice the result of the bidding in relation to the best-ranked bidder.
- 10.2.2. For the purposes of ranking, bidders or suppliers who agree to quote the same price as the successful bidder will precede those who maintain their original bid.
- 10.3. The qualification of bidders who will make up the reserve register will be carried out when there is a need to hire the remaining bidders, in the following cases:
- 10.3.1. when the winning bidder does not sign the price registration minutes within the period and under the conditions established in the notice; or
- 10.3.2. when the supplier registration or price registration is canceled, in the cases provided for in art. 28 and art. 29 of Decree No. 11,462/23.
- 10.4. In the event that none of the bidders who have agreed to quote the same price as the successful bidder agrees to the contract under the same terms and conditions proposed by the first-placed bidder, the Administration may, subject to the estimated value and any updating thereof as provided for in the public notice:
- 10.4.1. summon the bidders who maintained their original proposal for negotiation, in the order of classification, with a view to obtaining a better price, even if above the successful bidder's price; or
- 10.4.2. award and sign the contract on the terms offered by the remaining bidders, observing the ranking order, when the negotiation of better terms has been frustrated.

11. APPEALS

- 11.1. 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 [art. 165 of Law nº 14,133, of 2021](#).
- 11.2. The appeal period is 3 (three) business days, counting from the date of notification or drawing up of the minutes.
- 11.3. When the submitted appeal challenges the judgment of the bids or the act of qualification or disqualification of the bidder:
- 11.3.1. the intention to appeal must be expressed immediately, under penalty of estoppel;
- 11.3.2. the deadline for expressing the intention to appeal will not be less than 10 (ten) minutes.
- 11.3.3. the deadline for presenting the reasons for appeal will begin on the date of summons or drawing up of the minutes of qualification or disqualification;
- 11.3.4. in the event of adopting the phase inversion provided for in [paragraph 1 of art. 17 of Law nº 14,133, of 2021](#), the deadline for presenting the reasons for appeal will begin on the date of notification of the trial minutes.
- 11.4. Appeals must be submitted in the appropriate field in the system.
- 11.5. The appeal shall be addressed to the authority that issued the act or made the decision under appeal, which may reconsider its decision within three (3) working days, or, within the same period, forward the appeal to a higher authority, which shall make its decision within ten (10) working days of receipt of the case file.
- 11.6. Appeals filed after the deadline will not be known.
- 11.7. The deadline for the other bidders to submit a counter-appeal will be three (3) working days, counting from the date of personal notification or disclosure of the filing of the appeal, ensuring that they have an immediate view of the elements indispensable to the defense of their interests.
- 11.8. The appeal and request for reconsideration will have the effect of suspending the appealed act or decision until a final decision is made by the competent authority.
- 11.9. Acceptance of the appeal invalidates only those acts that cannot be used.
- 11.10. The case file will remain open to all interested parties on the website licitadepen@mj.gov.br.

12. ADMINISTRATIVE OFFENSES AND SANCTIONS

- 12.1. Any bidder, with intent or guilt, commits an administrative offense under the terms of the law if:
- 12.1.1. they fail to deliver the documentation required for the bidding or fail to deliver any document requested by the auctioneer during the bidding;
- 12.1.2. Except as a result of a duly justified supervening fact, the proposal cannot be maintained, especially when:
- 12.1.2.1. not sending the appropriate proposal to the last bid offered or after negotiation;

12.1.2.2. refusing to send details of the proposal when required;

- 12.1.2.3. asking to be disqualified when the competitive stage ends; or
- 12.1.2.4. failing to present a sample;
- 12.1.2.5. submitting a proposal or sample that does not comply with the specifications of the notice;
- 12.1.3. not concluding the contract or not delivering the documentation required for contracting, when called within the validity period of their proposal;
 - 12.1.3.1. refusing, without justification, to sign the contract or the price registration minutes, or to accept or withdraw the equivalent instrument within the period established by the Administration;
- 12.1.4. presenting a false statement or documentation required for the bidding process or provide a false statement during the bidding process
- 12.1.5. rigging the bidding process
- 12.1.6. behaving inappropriately or commits fraud of any kind, in particular when:
 - 12.1.6.1. acting in collusion or in violation of the law;
 - 12.1.6.2. deliberately misleading in judgment;
 - 12.1.6.3. presenting a falsified or deteriorated sample;
 - 12.1.6.4. carrying out illegal acts with a view to frustrating the objectives of the bidding
 - 12.1.6.5. performing a harmful act provided for in [art. 5 of Law n.º 12,846, of 2013](#).
- 12.2. Pursuant to [Law nº 14,133, of 2021](#), the Administration may, with prior defense guaranteed, apply the following sanctions to bidders and/or successful bidders, without prejudice to civil and criminal liability:
 - 12.2.1. warning;
 - 12.2.2. fine;
 - 12.2.3. impediment to bidding and contracting and
 - 12.2.4. declaration of unsuitability to bid or contract, while the reasons determining the punishment persist or until rehabilitation is promoted before the very authority that applied the penalty.
- 12.3. When applying sanctions, the following will be considered:
 - 12.3.1. the nature and gravity of the offense committed.
 - 12.3.2. the peculiarities of the specific case
 - 12.3.3. aggravating or mitigating circumstances
 - 12.3.4. the damages resulting from it to the Public Administration
 - 12.3.5. the implementation or improvement of an integrity program, in accordance with standards and guidelines from control bodies.

- 12.4. The fine will be collected in a percentage of 0.5% to 30% on the value of the bidden contract, collected within a maximum period of 10 (ten) business days, counting from the official communication.
- 12.4.1. For infractions provided for in items 9.1.1, 9.1.2 and 9.1.3, the fine will be from 0.5% to 15% of the value of the bidden contract.
- 12.4.2. For infractions provided for in items 9.1.4, 9.1.5, 9.1.6, 9.1.7 and 9.1.8, the fine will be 15% to 30% of the value of the bidden contract.
- 12.5. The sanctions of warning, impediment from bidding and contracting and declaration of unsuitability to bid or contract may be applied, cumulatively or not, to the penalty of a fine.
- 12.6. When applying a fine, the interested party will be able to defend themselves within 15 (fifteen) working days, counting from the date of the summons.
- 12.7. The sanction of impediment to bidding and contracting will be applied to the person responsible as a result of the administrative infractions listed in items 9.1.1, 9.1.2 and 9.1.3, when the imposition of a more serious penalty is not justified, and will prevent the person responsible from bidding and contracting within the direct and indirect Public Administration of the federative entity to which the body or entity belongs, for a maximum period of 3 (three) years.
- 12.8. The person responsible may be sanctioned with a declaration of ineligibility to bid or contract, as a result of committing the infractions set out in items 9.1.4, 9.1.5, 9.1.6, 9.1.7 and 9.1.8, as well as the administrative infractions set out in items 9. 1.1, 9.1.2 and 9.1.3 that justify the imposition of a more serious penalty than the sanction of impediment to bidding and contracting, the duration of which will observe the period provided for in [art. 156, paragraph 5, of Law n.º 14,133/2021](#).
- 12.9. The unjustified refusal of the successful bidder to sign the contract or the price registration minutes, or to accept or withdraw the equivalent instrument within the period established by the Administration, described in item 9.1.3, will characterize total non-compliance with the obligation assumed and will subject it to penalties and the immediate loss of the bid guarantee in favor of the body or entity promoting the bid, under the terms of [art. 45, paragraph 4 of IN SEGES/ME n.º 73, of 2022](#).
- 12.10. The determination of liability related to the sanctions of impediment to bidding and contracting and declaration of unfitness to bid or contract will require the initiation of an accountability process to be conducted by a commission composed of two (2) or more stable civil servants, who will evaluate known facts and circumstances and summon the bidder or successful bidder to present a written defense within fifteen (15) working days of the date of their summons and specify the evidence they intend to produce.
- 12.11. Appeals may be lodged within 15 (fifteen) working days of the sanctions of warning, fine and impediment to bidding and contracting, counting from the date of notification, which shall be addressed to the authority that issued the decision appealed against, which, if it does not reconsider it within 5 (five) working days, shall forward the appeal with its reasons to the higher authority, which shall issue its decision within a maximum of 20 (twenty) working days, counting from receipt of the case file.
- 12.12. A request for reconsideration of the application of the sanction of declaration of unsuitability to bid or contract shall be submitted within a period of 15 (fifteen) working days, counting from the date of the summons, and decided within a maximum period of 20 (twenty) working days, counting from the its receipt.
- 12.13. The appeal and request for reconsideration will have the effect of suspending the appealed act or decision until a final decision is made by the competent authority.

12.14 The application of the sanctions provided for in this notice does not exclude, under any circumstances, the obligation to fully repair the damage caused.

13. IMPULSION TO THE NOTICE AND REQUEST FOR CLARIFICATION

- 13.1. Any person is a legitimate party to challenge this Notice for irregularity in the application of [Law nº 14,133, of 2021](#), and must file the request up to 3 (three) business days before the opening date of the bid.
- 13.2 The response to the objection or request for clarification will be published on the official website within up to 3 (three) business days, limited to the last business day prior to the opening date of the bidding.
- 13.3. The objection and request for clarification can be made electronically, via email licitadepen@mj.gov.br.
- 13.4. Challenges and requests for clarification do not suspend the deadlines set for the tender.
- 13.4.1. The granting of a suspensive effect to the objection is an exceptional measure and must be motivated by the contracting agent, in the documents of the bidding process.
- 13.5. If the challenge is upheld, a new date for the bidding will be set and published.
- 14. GENERAL PROVISIONS**
- 14.1. Minutes of the public session will be published in the electronic system.
- 14.2. If there are no working hours or if any supervening event occurs that prevents the event from taking place on the scheduled date, the session will be automatically transferred to the first subsequent working day, at the same time as previously established, provided there is no communication to the contrary by the Auctioneer.
- 14.3. All time references in the Notice and during the public session will observe Brasília - DF time.
- 14.4. Approval of the result of this bidding will not imply the right to contract.
- 14.5. The rules governing the bidding process will always be interpreted in favor of broadening the competition between interested parties, as long as they do not compromise the interests of the Administration, the principle of isonomy, the purpose and security of the contract.
- 14.6. Bidders assume all costs of preparing and presenting their proposals and the Administration will not, in any case, be responsible for these costs, regardless of the conduct or result of the bidding process.
- 14.7. When calculating the deadlines set out in this Public Notice and its Annexes, the day on which they begin shall be excluded and the day on which they expire shall be included. Deadlines only start and expire on working days at the Administration.
- 14.8. Failure to comply with non-essential formal requirements will not result in the removal of the bidder, provided that it is possible to take advantage of the act, observing the principles of isonomy and the public interest.
- 14.9. In the event of any discrepancy between the provisions of this Public Notice and its annexes or other parts that make up the process, those of this Public Notice shall prevail.
- 14.10. The Public Notice and its annexes are available in full on the National Public Procurement Portal (PNCP) and at the following e-mail address licitadepen@mj.gov.br.
- 14.11. For all intents and purposes, the following annexes are part of this Public Notice:

ANNEX I - Term of Reference (25823982)

Appendix to the Terms of Reference – Preliminary Technical Study (25824031)

ANNEX II – Draft SRP Minutes (26210287)

ANNEX III - Draft Contract (26210296)



Document signed electronically by **LEONARDO MONTICELLO DE SIQUEIRA BRAGA, Federal Criminal Execution Agent**, on 11/23/2023, at 12:32, based on paragraph of art. 4 of Decree No. 10,543, of November 13, 2020.



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