

**CLARIFICATION NOTE No. 02**  
**INTERNATIONAL ELECTRONIC COMPETITION No. 20260002/CCC/SETUR**

**TENDER FOR THE LOWEST PRICE FOR THE EXECUTION OF SERVICES FOR THE IMPLEMENTATION OF A WATER SUPPLY SYSTEM IN LOCATIONS WITHIN THE MUNICIPALITY OF BEBERIBE, INCLUDING THE SUPPLY OF MATERIALS AND EQUIPMENT.**

**The Tourism Secretariat of Ceará – SETUR/CE** The Central Bidding Commission (CCC) hereby presents its response to the request for clarification submitted by a bidder, the content of which is transcribed below:

**QUESTION 1-** Item 2 of the tender notice states that the execution method will be based on unit price; however, upon analyzing some items in the tender notice, we found information that differs from this type of bidding, as listed below:

a. Item 4.1 establishes that the bidding process will be based on ANNEX K – Executive Project. However, item 14.26.3.2.1 of the Tender Notice states that SETUR will not provide the Physical-Financial Schedule, as this will depend on the definition of the solution, methodology, and technology to be adopted in the basic project to be prepared by the Contractor. Furthermore, item 13.01.01 of ANNEX D – Bill of Quantities requires the submission of a price for the preparation of the Executive Project.

In light of these provisions, clarification is requested regarding the level of detail of the currently available project (preliminary design, basic design, or detailed design) and what will actually be the level of design to be developed under the Contractor's responsibility.

b. Item 14.31 of the tender notice states that ANNEX D – Bill of Quantities must be fully observed with regard to quantities and units of measurement, under penalty of disqualification of the bidder.

However, item 5 of the Risk Matrix establishes that any errors in the budget resulting from the omission of items (inputs or services) that resulted in insufficient overall prices for the execution of services related to linear works targets or sub-targets (e.g., pipelines, pumping lines, networks, outfalls, interceptors, etc.) will be the sole responsibility of the contractor.



There is a discrepancy between the provisions, since the quantities are defined by SETUR and cannot be altered by the bidder, under penalty of disqualification, and it is not reasonable to attribute responsibility for omissions related to such quantities to the contractor.

Furthermore, this item in the matrix is typical of semi-integrated and/or integrated contracts, which are diametrically opposed to the present tender, which is based on unit price.

Therefore, we request that the Risk Matrix be adjusted to comply with the rules established in the tender, specifically item 14.31, which does not allow the bidder to change any quantity or unit of measurement.

**ANSWER 1**– In accordance with Law No. 14.133/2021, the budget estimated by the Administration constitutes an essential element of the bidding process, serving as a mandatory reference for the formulation of proposals by bidders, as well as for the feasibility analysis, evaluation of proposals, and control of contract execution.

In this bidding process, which is based on unit price, bidders must fully comply with the quantities and units of measurement contained in the budget spreadsheet, as established in the tender notice, since these elements form the objective basis for comparison between proposals and guarantee equality among participants, in accordance with Article 5 of the aforementioned law.

In this context, any interpretative differences between documents in the tender notice must be resolved by considering that the budget spreadsheet and the quantities defined by the Administration represent the official reference for the preparation of proposals, and the alteration of these quantities by bidders is not permitted, under penalty of compromising the comparability of proposals and violating the principle of equality.

Regarding the Risk Matrix, it should be noted that its purpose is to establish the objective distribution of responsibilities between the contracting parties during the execution of the contract, as provided for in Article 22 of Law No. 14.133/2021. However, bidders must observe the items and quantities contained in the budget spreadsheet when preparing their proposals.

Regarding the level of detail in the project provided, it is clarified that the technical documents supplied comprise the set of elements necessary and sufficient for understanding the object of the tender, characterized as a basic project, considering that the future contractor will be responsible, as foreseen in the tender notice, for the development and detailing of the



Executive Project, in accordance with the technical solutions, construction methodologies and technologies adopted, observing the parameters and guidelines established by the Administration.

**QUESTION 2** -Upon reviewing the submitted projects, we noted that the electrical and automation designs are missing. Therefore, given that this is a unit-price tender, we request that these designs be provided, including the single-line diagrams of the electrical panels, to enable the proper preparation of the proposal.

**ANSWER 2**The technical documents provided by the Administration comprise the set of elements necessary and sufficient for the characterization of the engineering works and services to be contracted, meeting the level of detail required for bidding under the unit price contract regime.

In accordance with Law No. 14.133/2021, especially article 6, item XXV, the basic project must contain the necessary and sufficient elements to characterize the work or service, enabling cost evaluation and the definition of construction methods. The documents made available in the tender meet these requirements, ensuring the technical feasibility of the undertaking and providing the essential information for the proper preparation of proposals by bidders.

In the specific case of this contract, as expressly stipulated in the tender notice and its annexes, the preparation, development, and detailing of the executive project, including complementary projects, among them the electrical and automation projects, constitute obligations of the winning company. This guideline is in accordance with the provisions of Article 46 of Law No. 14.133/2021, which allows the contracting of works and engineering services with the contractor being responsible for the preparation of the executive project.

Therefore, the technical documents provided by the Administration are sufficient for formulating the proposals, while the detailed executive specifications, including single-line diagrams, complete specifications of electrical panels and automation systems, must be developed subsequently by the contractor within the scope of preparing the executive project, observing the guidelines of the basic project, the descriptive report, the technical specifications and the budget spreadsheet that are part of the tender.



Therefore, there is no detriment to the competitiveness of the bidding process or to the proper preparation of the proposals, since the detailed definition of the electrical and automation systems is part of the detailed design phase, the responsibility for which has been expressly assigned to the future contractor.

**QUESTION 3** -Upon reviewing the submitted projects, we noted that the structural designs for the pumping stations, treatment plant, reservoirs, and tanks are missing. Therefore, given that this is a unit-price tender, we request that these designs be provided to enable the proper preparation of the proposal.

**ANSWER 3**– As established in the tender notice and its annexes, the preparation, development, and detailing of the executive project, including the structural designs of the pumping stations, the treatment plant, the reservoirs, and the tanks, is the responsibility of the winning company. This guideline is supported by Article 46 of Law No. 14.133/2021, which allows the contracting of engineering works and services with the contractor responsible for preparing the executive project, provided that the basic project provides the necessary elements for characterizing the object and estimating costs.

Therefore, the requested detailed structural designs are part of the detailed design phase, the preparation of which is the responsibility of the future contractor, and must be developed subsequently based on the technical guidelines, descriptive reports, specifications and quantities contained in the documents included in the tender.

Therefore, the technical elements provided are sufficient for formulating the proposals, and there is no need for prior provision of the structural designs, since such details are part of the contractor's obligations in developing the project's executive design, as clearly established in the tender notice.

Fortaleza, \*date of digital signature

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