



PREFEITURA DE ITANHAÉM

ESTÂNCIA BALNEÁRIA | ESTADO DE SÃO PAULO

ANNEX B – GENERAL CONDITIONS OF THE PROPOSAL GUARANTEE



PROPOSAL GUARANTEE (ENVELOPE 1)

1.1. The PROPOSAL GUARANTEE must be held in the amount of R\$ 1,315,249.01 (one million, three hundred and fifteen thousand, two hundred and forty-nine reais and one cents), equivalent to 1% (one percent) of the estimated value of the CONTRACT established in Sub-item 5.2 of this NOTICE, and may be provided as collateral in cash, public debt securities, surety bond or bank guarantee, and any modification to its terms and conditions is prohibited.

1.1.1. THE PROPONENT shall be exempted from the presentation of the documents proving powers of representation of the signatories of bank guarantees and insurance guarantees, when the issuer of the instrument has an updated registration as issuer of guarantees in B3, according to the guidelines of ANNEX D.

1.2. The PROPOSAL GUARANTEE must have a minimum period of 180 (one hundred and eighty) days from the date of ENVELOPE DELIVERY DATE, and contain an extension clause, for an equal period, in case of extension of the validity of the proposal, and the BIDDER shall prove, if necessary, its renewal to the SPECIAL BIDDING COMMITTEE within ten (10) days before the expiration of this.

1.2.1. If the BIDDER does not prove the renewal of the PROPOSAL GUARANTEE within the period set out in sub-item 10.2, it shall be notified by the SPECIAL BIDDING COMMITTEE to do so within five (5) days of receipt of notification, under penalty of being disqualified from the COMPETITION.

1.2.2. If the renewal takes place within a period of more than 1 (one) year from its original issue, the PROPOSAL GUARANTEE



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shall be adjusted by the variation of IPCA, published by the Brazilian Institute of Geography and Statistics - IBGE, between the month before the ENVELOPE DELIVERY DATE and the month immediately prior to renewal.

1.3. In addition to the representation documents referred to in sub-item 9.1.2, the PROPOSAL GUARANTEE shall contain, as the case may be: (a) in the security modality: proof of deposit, in its original format; (b) in the insurance modality: policy with digital certification; (c) in the form of bail: original bank letter; or (d) in the form of federal government debt securities: the confirmation of the contribution shall occur through consultation with B3, which shall verify the existence of the contribution by the official custody systems.

1.4. The BIDDERS must also observe the following conditions and the provisions of ANNEX D of the NOTICE when offering the PROPOSAL GUARANTEE:

1.4.1. In the case of offering a security deposit in cash, the BIDDER must provide a bank guarantee, to be proven by presenting an original document, dated and issued by the custodian financial institution, which clearly states the date of deposit and the pecuniary value of the guarantee.

1.4.1.1. In the case of cash security, the PROPOSAL GUARANTEE must be provided in national currency, by means of a bank deposit identified in the name of the Municipality of Itanhaém, CNPJ nº 46.578.498/0001-75, through the Municipal Department of Services and Urbanization, at Banco Santander, Branch 0346, Account 45.060051-4, presenting the receipt of deposit, under penalty of ineffectiveness of the provision of the guarantee.



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1.4.2. In the event that the PROPOSAL GUARANTEE is provided in public debt securities only Fixed-rate Treasury (National Treasury Bills - LTN), SELIC Treasury (Financial Treasury Bills - LFT), National Treasury Notes Series B (NTN-B), National Treasury Notes Series B Main (NTN-B) will be accepted. B Principal), Treasury IGPM+ with Semiannual Interest (National Treasury Notes - series C - NTN - C) or Fixed-rate Treasury with Semiannual Interest (National Treasury Notes - series F - NTN-F), which must be issued in book-entry form , upon registration in a centralized settlement and custody system authorized by the Central Bank of Brazil.

1.4.3. In case of bank bail, in addition to following the minimum content of the model contained in ANNEX D of the NOTICE, the PROPOSAL GUARANTEE must be issued by financial institutions authorized to operate in Brazil, in favor of the GRANTOR.

1.4.3.1. The bank guarantee must also have expressed waiver of the guarantor to the rights provided for in the arts. 827, 835, 837, 838 and 839, of Law federal no. 10,406, of January 2, 2002 (Brazilian Civil Code), observing the model contained in ANNEX D of the NOTICE.

1.4.4. If presented in the insurance-guarantee modality, the PROPOSAL GUARANTEE must be issued by a national or foreign insurance company authorized to operate in Brazil, in accordance with the legislation in force at the time of its presentation, d the policy must comply with the rules of the Superintendence of Private Insurance - SUSEP and the model in ANNEX D, of this NOTICE.

1.5. If the BIDDER is a CONSORTIUM, the PROPOSAL GUARANTEE may be provided by a single company or divided by the different consortium



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members, and must guarantee the obligations of the consortium members and the name of the CONSORTIUM and the consortium members, as well as their respective interests.

1.6. BIDDERS who do not present the PROPOSAL GUARANTEE under the conditions established in this NOTICE will be prevented from participating in the COMPETITION and will have the other documents returned.

1.7. The SPECIAL BIDDING COMMITTEE shall analyze the regularity and effectiveness of the PROPOSALS GUARANTEES.

1.7.1. If a sane defect is identified in the PROPOSAL GUARANTEE, the SPECIAL BIDDING COMMITTEE may request the BIDDER to make an adjustment to the PROPOSAL GUARANTEE, with the subsequent inclusion of a document or information that should be originally included in the proposal submitted by the BIDDER, pursuant to sub-item 15.2(ii) of the NOTICE.

1.8. The total or partial default of the obligations assumed by the BIDDERS as a result of their participation in the COMPETITION shall cause the execution of the PROPOSAL GUARANTEE, upon notification by the SPECIAL BIDDING COMMITTEE to the defaulting BIDDER, without prejudice to the other penalties provided for in item 20 of the NOTICE, or in the applicable legislation.

1.9. In the event of withdrawal of the proposal submitted, of unjustified refusal to sign the CONTRACT or not to present the documentation required in sub-item 19.3 of the NOTICE, THE PROPONENT shall suffer a fine equivalent to the full amount of the PROPOSAL GUARANTEE, which shall be executed in its full value.

1.10. THE PROPOSAL GUARANTEE shall be responsible for the



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penalties and indemnities due by the BIDDERS during the COMPETITION, until the signing of the CONTRACT or until the presentation of the documentation described in sub-item 19.3 of the NOTICE, in the case of the winning BIDDER, up to the limit of its value.

1.11. 1.10 If the amount of the PROPOSAL GUARANTEE is insufficient to face the penalties and or indemnities imposed, the BIDDER shall be obliged to pay for the remaining amounts within the same period indicated for payment of the penalty or indemnification imposed on it.

1.12. After bidding, the all BIDDERS' PROPOSALS GUARANTEES shall be returned within 30 (thirty) days after the CONTRACT signing or after the date of publication of the revocation or cancellation of the BIDDING.

1.13. They should also be delivered in ENVELOPE 1:

1.13.1. Intermediation Contract between accredited participant and BIDDER, according to models and guidelines of ANNEX D;

1.13.2. Commitment to the Constitution of SPE, provided for in sub-item 6.3.11 of the NOTICE, and

1.13.3. Specific statement in which prerogatives relating to the tiebreaker criteria set out in Article 3, § 2, of Law federal No. 8,666 of June 21, 1993, it fits, under the terms of the model contained in ANNEX F.

1.13.3.1. If it becomes the winner from the application of these prerogatives, the BIDDER must prove its service by delivery of documents for analysis of the SPECIAL BIDDING COMMITTEE, within a period to be established by it.