



# PREFEITURA DE ITANHAÉM

ESTÂNCIA BALNEÁRIA | ESTADO DE SÃO PAULO

## **ANNEX F - MODEL OF LETTERS, POWER OF ATTORNEY, DECLARATIONS AND OTHER DOCUMENTS**



# PREFEITURA DE ITANHAÉM

ESTÂNCIA BALNEÁRIA | ESTADO DE SÃO PAULO

## ANNEX F - CLARIFICATION REQUEST TEMPLATE

[●], [●] de [●] de 2022.

To the SPECIAL BIDDING COMMITTEE

**Ref.:** Concession Competition nº [●]/2022 - Request for Clarification

Dear Sirs,

[PROPONENT], by his/her ACCREDITED REPRESENTATIVE(S), submits the following request for clarification regarding the NOTICE.

Number of questions asked	ITEM OF THE NOTICE	Clarification Requested
1	Insert item of the NOTICE to which refers the requested clarification	Write, in a clear way, the desired clarification request in the form of a question
2	Insert item of the NOTICE to which refers the requested clarification	Write, in a clear way, the desired clarification request in the form of a question

Sincerely,

[PROPONENT]

Person in charge for contact: [●]

Phone: [●]

E-mail address: [●]



# PREFEITURA DE ITANHAÉM

ESTÂNCIA BALNEÁRIA | ESTADO DE SÃO PAULO

## ANNEX F - MODEL OF THE PRESENTATION LETTER OF THE QUALIFICATION DOCUMENTS

[•], [•] de [•] de 2022.

To the SPECIAL BIDDING COMMITTEE

**Ref.:** Concession Competition nº [•]/2022 - Presentation of ENABLING DOCUMENTS

Dear Sirs,

1. [PROPONENT] ("PROPONENT"), by its ACCREDITED REPRESENTATIVE(S), presents attached the documents for its qualification in the bidding event in reference, pursuant to item 12 of the NOTICE, organized according to the order established therein, reflected in the index annex.
2. PROPONENT expressly declares that it is fully aware of the terms of the NOTICE and that it fully accepts them, in particular, with regard to the powers conferred on the SPECIAL BIDDING COMMITTEE to conduct special steps to verify the veracity of the documents submitted and seek any clarifications necessary to elucidate the information contained therein.
3. PROPONENT expressly declares that it has met all the requirements and criteria for qualification and has submitted the QUALIFICATION DOCUMENTS, as defined in NOTICE [•]/20[•], correctly.
4. PROPONENT also declares that the QUALIFICATION DOCUMENTS presented here are complete, true and correct in every detail.

[PROPONENT]

[ACCREDITED REPRESENTATIVE]



# PREFEITURA DE ITANHAÉM

ESTÂNCIA BALNEÁRIA | ESTADO DE SÃO PAULO

## **ANNEX F - DECLARATIONS OF INDEPENDENT PROPOSAL DRAFTING; ATTENDANCE TO ART. 7, XXXIII, OF THE CONSTITUTION OF THE REPUBLIC; LACK OF BANKRUPTCY, JUDICIAL RECOVERY, EXTRAJUDICIAL OR INSOLVENCY REGIME; ABSENCE OF IMPEDIMENT TO PARTICIPATION IN BIDDING; AND FINANCIAL CAPACITY**

[●], [●] de [●] de 2022.

To the SPECIAL BIDDING COMMITTEE

**Ref.:** Concession Competition nº [●]/2022- Presentation of ENABLING DOCUMENTS

Dear Sirs,

[PROPONENT] ("PROPONENT"), by his/her ACCREDITED REPRESENTATIVE(s), presents attached the documents for his/her qualification in the bidding event in reference, pursuant to sub-item 12.3 of the NOTICE, and, under the penalties of the Law, in particular art. 299, of the Brazilian Penal Code, which:

- (i) The proposal submitted to participate in this BIDDING was prepared independently by the BIDDER, and the content of the proposal was not, in whole or in part, directly or indirectly, informed, discussed or received from any other potential or de facto bidder by any means or by any person;
- (ii) The intention to submit the proposal prepared to participate in this BIDDING was not informed, discussed or received from any other potential or de facto bidder participant, in the epigraph, by any means or by any person;
- (iii) Who did not attempt, by any means or by any person, to influence the decision of any other potential participant or indeed of the BIDDING as to whether or not to participate in said BIDDING;



# PREFEITURA DE ITANHAÉM

ESTÂNCIA BALNEÁRIA | ESTADO DE SÃO PAULO

(iv) That the content of the proposal submitted to participate in the BIDDING, in reference, shall not, in whole or in part, be communicated or indirectly communicated or discussed with any other potential or de facto participant of the BIDDING before the award of the object of the said BIDDING;

(v) That the content of the proposal submitted to participate in the BIDDING was not, in whole or in part, directly or indirectly, informed, discussed or received from any member of the BIDDING, prior to the official opening of the proposals, and that it is fully aware of the content and extent of this declaration and that it has full powers and information to establish it;

(vi) It is in a regular situation before the Ministry of Labor, with regard to compliance with the provisions of item XXXIII, of Article 7 of the Constitution of the Republic;

(vii) It is not in judicial or extrajudicial recovery, insolvency, temporary special administration or intervention, and has not yet had its bankruptcy ordered by judicial judgment; or that their respective judicial recovery plan was approved by the creditors and the judicial recovery was granted in court or, in the case of out-of-court recovery, that the out-of-court recovery plan was approved by the competent court;

(viii) That it is not prevented from participating in public tenders or from contracting with the Administration; and

(ix) It has or has the capacity to obtain sufficient financial resources to meet the obligations to provide own resources and third parties necessary to achieve the subject matter of the CONCESSION. It also declares that (i) it has credibility in the market to contract all the insurance necessary to achieve the concession object; and (ii) has or has the capacity to obtain the resources for the payment in national currency of the minimum share capital of the SPECIAL PURPOSE ENTITY to be constituted in accordance with said NOTICE, as defined and described in the NOTICE in reference.

---

[PROPONENT]

[ACCREDITED REPRESENTATIVE]



# PREFEITURA DE ITANHAÉM

ESTÂNCIA BALNEÁRIA | ESTADO DE SÃO PAULO

## ANNEX F - POWER OF ATTORNEY MODEL

By this instrument of mandate, [PROPONENT], [qualification], hereinafter referred to as the "Grantor", appoints and constitutes its many attorneys, Mr. [●], [qualification], to, jointly or in isolation, regardless of the order of appointment, to perform the following acts in the Federative Republic of Brazil, in court and outside it, represent the Grantor before any governmental entities, agencies or departments, publicly or closed companies and any government agencies, including the Municipal Secretariat [●] of Itanhaém/SP to establish and maintain understandings with such public entities, agencies, such agencies or departments, to receive service of any nature, to request and/or promote consultations, to request certificates and other documents, and to practice the necessary acts during the bidding event described in the Concession Competition Notice No. [●]/2022, including to appeal and waive the right to appeal; and in particular:

- i) Assume commitments and/or obligations on behalf of the Grantor and in any way contract, make agreements, give and receive discharge on behalf of the Grantor;
- ii) Represent the Grantor in the defense of its interests in Court, in any instance and before any Court or Tribunal, including through the hiring of lawyers, with special powers to confess, compromise, give up, make agreements, give and receive discharge; and
- iii) At its discretion, replace, in whole or in part, with reservation of powers, any of the powers conferred herein, under the conditions it deems or that deem appropriate.



# PREFEITURA DE ITANHAÉM

ESTÂNCIA BALNEÁRIA | ESTADO DE SÃO PAULO

This power of attorney has a period of 180 days from the date of submission of the PROPOSALS.

[•], [•] de [•] de 2022.

---

[PROPONENT]

[ACCREDITED REPRESENTATIVE]



# PREFEITURA DE ITANHAÉM

ESTÂNCIA BALNEÁRIA | ESTADO DE SÃO PAULO

## ANEX F – DECLARATION OF CIVIL AND ADMINISTRATIVE RESPONSIBILITY

[●], [●] de [●] de 2022.

To the SPECIAL BIDDING COMMITTEE

Ref.: Concession Competition Notice No. [●]/20[●] - Declaration of Civil and Administrative Responsibility

Dear Sirs,

[PROPONENT], by its undersigned representatives, declares, under the penalties of applicable law, that it undertakes to act ethically, fully, legally and transparently, and is aware that neither party may offer, give or undertake to give to anyone, or accept or commit to accept from anyone, either on their own account or through others, any payment, donation, compensation, financial advantages or benefits of any kind that constitute illegal practice or corruption, whether directly, indirectly or through subcontractors or third parties, as to the subject matter of this contract, or otherwise unrelated to it, pursuant to Federal Law No. 12,846, August 1, 2013.

It further declares to be aware that the liability of the legal entity remains in the event of contractual change, transformation, incorporation, merger or corporate division, covering the parent companies, subsidiaries, affiliates or affiliated with the contract, subject to the insignificant acts that occurred before the date of the merger or incorporation, when the liability of the successor will be restricted to the obligation to pay a fine and full reparation of the damage caused, to the limit of the transferred equity.

---

[PROPONENT]

[ACCREDITED REPRESENTATIVE]





# PREFEITURA DE ITANHAÉM

ESTÂNCIA BALNEÁRIA | ESTADO DE SÃO PAULO

## **ANEXO F - DECLARATION OF EXPRESS SUBMISSION TO BRAZILIAN LEGISLATION AND WAIVER OF CLAIM THROUGH DIPLOMATIC METHOD**

[●], [●] de [●] de 2022.

To the SPECIAL BIDDING COMMITTEE

Ref.: Concession Competition Notice No. [●]/20[●]

Dear Sirs,

In compliance with Bid Notice No. [●]/2022, the [PROPONENT], through its undersigned representative(s), declares, for all due purposes, its formal and express submission to Brazilian legislation and full waiver of claiming, for any reasons of fact or law, through diplomatic channels

[PROPONENT]

[ACCREDITED REPRESENTATIVE]



# PREFEITURA DE ITANHAÉM

ESTÂNCIA BALNEÁRIA | ESTADO DE SÃO PAULO

## ANEX F - MODEL OF EQUIVALENCE DECLARATION LETTER

[•], [•] de [•] de 2022.

To the SPECIAL BIDDING COMMITTEE

Ref.: Concession Competition Notice No. [•]/20[•]

Dear Sirs,

In compliance with the Competition Notice No. [•]/20[•], [PROPONENT], by its undersigned representative(s), declares, under the penalties of applicable law, that the documents below the company's country of origin (NAME AND QUALIFICATION) are equivalent to the documents required in the Notice in reference.

Description of the country-of-origin document	Document required in the Notice	Notice item where the document is required

[PROPONENT]

[ACCREDITED REPRESENTATIVE]



# PREFEITURA DE ITANHAÉM

ESTÂNCIA BALNEÁRIA | ESTADO DE SÃO PAULO

## ANEX F – DECLARATION MODEL ABOUT COMPLIANCE WITH PREROGATIVES REGARDING TIE BREAKING CRITERIA

[●], [●] de [●] de 2022.

To the SPECIAL BIDDING COMMITTEE

Ref.: Concession Competition Notice No. [●]/20[●]

Dear Sirs,

The [PROPONENT'S corporate name], registered with the CNPJ under No. [●], headquartered at [BIDDER's full address], by its undersigned representative, DECLARES, for the due purposes, that it meets the following criteria established in art. 3, §2 of Federal Law No. 8.666/1993:

[ ] DOES NOT MEET THE FOLLOWING CRITERIA

Meet	Inciso, of art. 3º, §2º	Criteria
[ ]	II	Services produced in the country.
[ ]	III	Services provided by Brazilian companies.
[ ]	IV	Services provided by companies that invest in research and technology development in the country.



# PREFEITURA DE ITANHAÉM

ESTÂNCIA BALNEÁRIA | ESTADO DE SÃO PAULO

[ ]	V	Services provided by companies that prove compliance with the reservation of positions provided for by law for people with disabilities or for those rehabilitated from Social Security and that meet the accessibility rules provided for in the legislation.
-----	---	--

[PROPONENT]

[ACCREDITED REPRESENTATIVE]