

Procedure No. 21/IAVE/2022

Acquisition of Consulting Services

PROCEDURE PROGRAM

CHAPTER I - GENERAL PROVISIONS

Article 1 - Object of the contest

1- The purpose of this procedure is the acquisition of Consultancy services, within the scope of the project to dematerialize the external assessment tests, within the framework of the Recovery and Resilience Plan (PRR). For this purpose, it will be necessary for the Instituto de Avaliação Educativa, or simply IAVE, I.P., to be accompanied by an entity with consolidated experience in the scope of external evaluation in electronic format, to plan the digital transition process of external evaluation in Portugal, redefine and adapt the processes of preparing the tests by the IAVE teams, adapting them to electronic format, establish the best ways the best ways of applying and carrying out tests by students in electronic format and also define the characteristics of the electronic classification and supervision process best suited to the external assessment system in Portugal.

2- This procedure is part of **CPV 71319000 7 Expert consultancy services**

Article 2 - Contracting Authority

1- The Contracting Authority is the Portuguese State, through the Instituto de Avaliação Educativa, I.P., headquartered at Travessa das Terras de Sant'Ana, nº 15, 1250-269 Lisbon, with the telephone number +351 213895200, and e-mail: comprar.iave@iave.pt.

2- All communications regarding the procedure must be made in writing, on the electronic contracting platform, accessible through the website <http://www.acingov.pt>.

Article 3 - Hiring procedure

1- The contracting procedure takes the form of a public tender, under the provisions of subparagraph a) of paragraph 1 of article 20 of the Código dos Contratos Públicos (CCP), approved by Decree-Law nº 18/2008, of 29 January, and republished by Decree-Law No. 111-B/2017, of 31 August.

Article 4 - Competent body for the decision to contract

1- The authorization of multi-annual charges, of the decision to contract were authorized through the order of 4 November 2022, recorded in information No.:823/2022/IAVE/DSAE-ASSESS.

2- The choice of procedure is based on the legal basis set out in article 3 of this programme.

Article 5 - Jury of the procedure

- 1- The tender is conducted by a Jury, appointed for this purpose in accordance with the provisions of paragraph 1 of article 67 of the CCP, appointed by the body indicated in article 4, composed in an odd number, by a minimum of three effective members, one of whom will preside and two alternates, except when a single proposal has been presented.
- 2- The Jury begins the exercise of its functions on the working day following that of sending the advertisement for publication and its functioning is governed by the applicable legal provisions, namely Articles 67 and following of the CCP.
- 3- Under paragraph 2 of article 69 of the CCP, the Jury is empowered to provide clarifications on procedural documents, under the terms of this program and subparagraph a) of paragraph 5 of article 50 of the CCP.
- 4- The procedure jury is designated as responsible for the direction of the procedure, under the terms set out in paragraph 2 of article 55 of Decree-Law no. 4/2015, of 7 January.

Article 6 - Tender process

The tender process consists of the notice, the present program and its annexes and the specifications and annex.

Article 7 - Consultation and availability of procedural parts

- 1- The parts that make up this procedure will be fully available on the electronic public procurement platform used by the representative of the Contracting Authority: <http://www.acingov.pt>.
- 2- The procedural documents for this public tender are also available at the Contracting Authority's premises, at Travessa das Terras de Sant'Ana, n.º 15, 1250-269 Lisbon, where they can be consulted during office hours (from 9:30 am to 12:30 pm and from 2:30 pm to 4:30 pm) from the date of publication of the notice until the deadline for submission of tenders.
- 3- When, for whatever reason, the parts of the procedure have not been made available, in accordance with the provisions of paragraph 1, from the date of publication of the respective notice until the end of the deadline set for the submission of proposals, the deadline set for the submission of tenders will be extended, at the request of the interested parties, for at least a period equivalent to that of the delay.
- 4- The decision to extend provided for in the previous number is the responsibility of the competent body for the decision to contract and will be attached to the documents of the

procedure and notified to all interested parties, through the electronic platform, immediately publishing a notice of that decision, in the same terms in which it was publicized the announcement of the procedure.

Article 8 - Clarifications, rectification and changes to the procedural parts

1- The clarifications necessary for a good understanding and interpretation of the parts of the procedure must be requested by the interested parties, in writing, on the electronic platform, during the first third of the deadline set for the submission of proposals, and, within the same period, they must submit a list in which they identify, expressly and unequivocally, the errors and omissions of the parts of the procedure by them detected.

2- The clarifications referred to in the previous number or any other ones at the initiative of the Contracting Authority will be provided by the Jury of the procedure, until the end of the second third of the deadline set for the submission of proposals.

3- Until the end of the period established in the previous number, the competent body for the decision to contract must pronounce itself on the errors and omissions identified by the interested parties, considering as being rejected all those that, until the end of that period, are not expressly accepted.

4- The competent body for the decision to contract must identify the terms for the suppression of each of the errors or omissions accepted under the terms of paragraph 3 of this article.

5- The body responsible for the decision to contract may, of its own motion, correct errors or omissions in the parts of the procedure, within the same period referred to in paragraph 3 of this article.

6- Clarifications, corrections and lists with the identification of errors and omissions detected by the interested parties and/or by the competent body for the decision to contract will be made available on the electronic platform used by the representative of the Contracting Authority and added to the procedural parts that are available for consultation, with all interested parties being notified accordingly.

7- Clarifications and corrections form an integral part of the parts of the procedure to which they relate and prevail over them in the event of divergence.

8- When clarifications or corrections are communicated beyond the deadline established in paragraph 2 of this article, the deadline for the submission of proposals must be appropriately extended, pursuant to paragraph 1 of article 64 of the CCP.

9- When corrections or acceptance of errors or omissions in the parts of the procedure imply changes in fundamental aspects, the deadline for the submission of proposals must be appropriately extended, pursuant to paragraph 2 of article 64 of the CCP.

Article 9 - Language

Within the scope of this tender, all documents submitted by the competitors must be written in Portuguese and, when they are not, must always be accompanied by a duly legalized translation.

CHAPTER II - COMPETITORS

Article 10 - Groupings

- 1- Bidders are understood to be all entities that participate in this procedure, by submitting a proposal.
- 2- Groups of entities may be competitors and submit proposals, without any legal form of association between them.
- 3- The legal constitution of the groupings is not required in the submission of the proposal, but all the members of the grouping assume joint and several responsibility towards the Contracting Authority for the maintenance of the proposal.
- 4- The entities that make up the grouping must designate a common representative to carry out any acts relating to this procedure, including the signature of the proposal, and for this purpose, they must deliver instruments of mandate issued by each of the entities.
- 5- Each entity may be part of only one grouping, and no entity may, at the same time, be part of a grouping and participate individually in the tender procedure.
- 6- In the event of an award, all the members of the competing grouping, and only these, must join, before the conclusion of the contract, in the form of an external consortium, and the entities that make up the grouping must indicate the head of the consortium and give him, in the same act, and by proxy, the powers referred to in paragraph 1 of article 14 of Decree-Law no. 231/81, of 28 July, and also the special powers to receive from the Contracting Authority, and give discharge from it, any amounts that must be paid to the consortium members in execution of the contract that may be entered into.

Article 11 - Impediments

- 1- Entities that are in any of the impediments referred to in article 55 of the CCP cannot be competitors or be part of any grouping.
- 2- The verification of any of the situations foreseen in article 55 of the CCP, in relation to any of the competitors or, in the case of competing groups, to any of its members, determines the immediate exclusion of the submitted proposal, whatever the stage in which the procedure is found and, in terms of groupings, even if the irregularity is not verified in relation to the other elements that comprise them.

CHAPTER III - PROPOSAL

Article 12 - Proposal

- 1- Each bidder can only submit one bid.
- 2- For the purposes of preparing the proposal, the bidders must take into account the nature of the services to be provided, under the terms established in the specifications.
- 3- All entities legally authorized to carry out the activity covered by this tender may submit proposals and, for this purpose, must attach the documents listed in article 16 of the programme.

Article 13 - Variant or conditioned proposals

Variant proposals are not accepted.

Article 14 - Deadline and form of submission of proposals

- 1- Proposals and the documents that accompany them will be delivered, exclusively on the electronic contracting platform, <http://www.acingov.pt> , until 11:59 pm on the 30th day, counting from the date of submission for publication in the Diário da República .
- 2- The proposal and the documents that constitute it must be signed by the legal representative of the bidder or by a proxy, using a qualified digital signature, in accordance with article 54 of Law No. 96/2015, of 17 August.
- 3- In the event that the bidder is a grouping of companies, the proposal must be signed by the common representative or, in the absence of this, by all the people with powers to oblige all the companies that compose it, in the same terms indicated in the previous number.

4- All documents and information required by law and/or indicated in this program must be included in the proposal under penalty of exclusion.

5- Bidders must make every effort to submit the proposal and the documents that constitute it in a timely manner, so that it is received before the deadline set out in paragraph 1 of this article.

6- Under no circumstances will be admitted bidders whose bids enter after the deadline set out in paragraph 1 has expired.

Article 15 - Deadline for maintaining proposals

Under penalty of exclusion, the bidders are obliged to keep the proposals submitted for a period of 66 (sixty-six) days, counting from the expiry date of the deadline set for the submission of proposals.

Article 16 - Documents accompanying the Proposal

1- In the proposal, each bidder expresses its willingness to contract and indicates the conditions under which it is willing to do so.

2- Under penalty of exclusion, the proposal prepared must be accompanied by the following documents:

a. Document containing the attributes of the proposal, according to which the bidder is willing to contract, which will follow the models contained in Annex I to this program;

b. Declaration - Communication between the parties, according to the model in Annex III to this program;

c. Documentation proving that the subscriber(s) have full powers to represent and oblige the entity;

d. Any other documents that they consider essential to clarify the attributes of their proposal, under the terms of no. 3 of article 57 of the CCP.

3- When the proposal is presented by a competing grouping, the document referred to in subparagraph a) of the previous number must be signed by the common representative of the members that integrate it, in which case the power of attorney issued by each of the members must be attached to the declaration. its members or, in the absence of a common representative, must be signed by all its members or their representatives.

- 4- In the document referred to in paragraph b), bidders must expressly and unequivocally identify:
- a. The terms of correction of each of the errors or omissions accepted, which cannot, under any circumstances, result in the violation of any basic parameter set out in the specifications;
 - b. The value, incorporated in the price or prices indicated in the proposal, attributed to each of the corrections referred to in the previous paragraph.
- 5- The price of the proposal is expressed in Euros, with a maximum of 2 (two) decimal places. Whenever the bidder does not respect the maximum number of decimal places (2), only two digits to the right of the comma will be considered, for the purposes of calculating unit prices and for the application of the award criterion, without rounding.

CHAPTER IV - ASSESSMENT AND PRIOR HEARING

Article 17 - Clarifications and corrections to be provided by the tenderers

- 1- The tender jury may ask the bidders for any clarifications on the submitted proposals that it deems necessary for the purpose of analyzing and evaluating them.
- 2- The clarifications provided by the bidders on the respective proposals are an integral part of them, provided that the rules established in paragraph 2 of article 72 of the CCP are observed.
- 3- The tender jury must request that the bidders, within a maximum period of 5 (five) days, proceed with the correction of irregularities in their proposals due to non-essential formalities that lack supply, including the presentation of documents that are limited to proving facts or qualities prior to the date of submission of the proposal, and provided that such supply does not affect competition and equal treatment.
- 4- The jury proceeds to the official correction of errors in writing or calculation contained in the proposals, provided that the existence of the error and the terms in which it must be corrected are evident to any recipient.
- 5- The Jury's requests made under the terms of paragraphs 1 and 3, as well as the respective answers, will be made available to all competitors on the electronic contracting platform.

Article 18 - List of bidders and consultation of submitted proposals

- 1- On the day following the expiry of the deadline set for the submission of bids, the Jury will publish the list of bids on the electronic platform used by the representative of the Contracting Authority, pursuant to paragraph 1 of Article 138 of the CCP.
- 2- The bidders included in the above mentioned list are allowed to consult all the submitted proposals on the electronic platform.
- 3- Interested parties who have not been included in the list may complain about this fact within a period of 3 (three) days from its publication, for which they must present proof of the timely submission of their proposal, following the terms provided for in paragraph 4 of article 138 of the CCP.

Article 19 - Award Criteria

- 4- Award criterion is that of the most economically advantageous tender, according to the tender evaluation model (Annex III).
- 5- There is no room for adjudication when any of the situations provided for in paragraph 1 of article 79 of the CCP are verified.
- 6- The tie-breaking criterion adopted will be according to the proposal evaluation model (Annex III).

Article 20 - Preliminary report

- 1- After analyzing the proposals and applying the award criterion, the jury prepares a preliminary report, in which it proposes the ranking of the proposals.
- 2- In the preliminary report, the tender jury also proposes, with reasons, the exclusion of the proposals for the reasons foreseen in paragraphs 2 and 3 of article 146 of the CCP.
- 3- The preliminary report must also contain a reference to the clarifications provided by the bidders, in accordance with the provisions of article 72 of the CCP.

Article 21 - Prior hearing

- 1- Once the preliminary report has been drawn up, the jury makes it available to all competitors on the electronic contracting platform, setting a period of 5 (five) days for them to comment, in writing, under the right to a prior hearing, under the terms of article 147 of the CCP.

2- During the preliminary hearing phase, bidders have access to information and written communications of any nature that they have provided, as well as to the full final versions of the proposals submitted.

Article 22 - Final report

1- In compliance with the provisions of the previous article, the jury prepares a reasoned final report, in which it considers the observations of the competitors made under the right of prior hearing, maintaining or modifying the content and conclusions of the preliminary report, and may also propose the exclusion of any proposal if, at this stage, any of the reasons provided for in paragraph 2 of article 146 of the CCP are verified.

2- In the case provided for in the final part of the previous number, as well as when the final report results in a change in the order of the proposals contained in the preliminary report, the tender jury proceeds to a new prior hearing, under the terms provided for in paragraph 2 of article 148 of the CCP.

CHAPTER V - AWARDING, QUALIFICATION AND EXECUTION OF THE AGREEMENT

Article 23 - Award decision

Once the formalities foreseen for the evaluation phase of the proposals are fulfilled, the competent entity proceeds to the award of the first hierarchical proposal.

Article 24 - Notification of the award and Qualification Documents

1- The award decision is simultaneously notified to all bidders, indicating the suspension period provided for in subparagraph a) of paragraph 1 of article 104 of the CCP.

2- Along with the notification of the award decision, the body responsible for the decision to contract will notify the successful bidder to:

a) Submit the qualification documents required under the terms of article 81 of the CCP, namely:

i) Declaration according to the model contained in Annex IV to this Procedure Program;

ii) Certificates, or availability of the respective access codes for online consultation, proving the following situations apply;

a) Regularized situation regarding tax debts to the Portuguese State;

b) Regularized situation regarding debts for Social Security contributions;

- iii) Certificate of the criminal record of the company and of the holders of the governing bodies of the administration, direction or management who are in effect.
 - b) Provide security deposit, expressly indicating its value;
 - c) Confirm, within the period set for this purpose, if applicable, the commitments assumed by third parties regarding attributes or terms or conditions of the awarded proposal;
 - d) To comment on the contract draft.
- 3- The notifications referred to in the previous numbers are accompanied by the final proposal analysis report.
- 4- All the successful tenderer's qualification documents must be written in Portuguese.
- 5- When, by their very nature or origin, the qualification documents are written in a foreign language, the contractor must provide them with a duly legalized translation, declaring that they accept the respective prevalence over the original.

Article 25.º - Deadline and Mode of Presentation of Qualification Documents

- 1- The successful tenderer must submit the qualification documents referred to in the previous article, on the electronic contracting platform, within 5 (five) working days, counting from the date of notification for this purpose.
- 2- If necessary, an additional period of 5 (five) working days will be granted for the suppression of irregularities.
- 3- When the documents referred to in subparagraph b) of paragraph 2 of article 24 are available on the Internet, the Contractor may, in place of their presentation, indicate to the representative of the Contracting Authority the address of the website where they can be consulted, as well as the information necessary for such consultation, provided that the referred sites and documents contained therein are written in Portuguese.
- 4- When the Contractor has given consent, under the terms of the law, for the representative of the Contracting Entity to consult the information relating to any of the documents referred to in subparagraph c) of paragraph 2 of the previous article, their presentation is waived.
- 5- The competent body for the decision to contract may always require the Contractor, within a period to be set for this purpose, to present the originals of any documents whose reproduction has been presented in accordance with the provisions of paragraph 1 of this

article, in case of reasoned doubt on their content or authenticity, the provisions of article 86 of the CCP being applicable with the necessary adaptations.

6- All documents that must be issued by the Contractor will be signed by it, indicating, if it is a legal person, the quality in which it signs. The documents can also be signed by a proxy, and in this case, a duly legalized power of attorney must be attached to the latter, duly legalized.

7- When, by their very nature or origin, the qualification documents are written in another language, the Contractor must provide them with a duly legalized translation, in relation to which the bidder declares that he accepts its prevalence, for any and all purposes, over the respective originals.

Article 26 - Failure to present the Qualification Documents

1. The award lapses if, for reasons attributable to it, the Contractor does not present the qualification documents:

- a. Within the deadline set in the present procedures program; or
- b. Within the period set by the competent body for the decision to contract, in the case provided for in paragraph 8 of article 81 of the CCP; or
- c. Written in Portuguese, or accompanied by a duly legalized translation in case they are, by their nature or origin, written in another language.

2. Once the expiry is verified, the competent body for the decision to contract awards the proposal ordered in a subsequent place.

Article 27 - Negotiation

There will be no negotiation of proposals.

Article 28 - Acceptance of the contract draft

After approval by the Contracting Authority of the contract draft and its acceptance by the Contractor, pursuant to Articles 98 to 104 of the CCP, the Contracting Authority notifies the Contractor of the place and date on which it must attend for the respective conclusion.

CHAPTER VI - FINAL PROVISIONS

Article 29 - Charges of competitors

All expenses related to the preparation and submission of proposals, as well as all expenses related to the conclusion of the contract are the responsibility of the bidders.

Article 30 - Applicable legislation

In all that is omitted in this program, it will apply the provisions of the Public Contracts Code, approved by DL n.º 18/2008, of 29 January, with the wording introduced by DL n. 111-B/2017, of August 31 and subsequent amendments, and other applicable legislation.

ANNEX I - Proposal Model

_____ [company and headquarters], represented by its manager/administrator/attorney
_____ [name, marital status, Identity Card/Citizen Card number, issue date/validity date and
identification file, place of birth and address], having taken full and perfect knowledge of the
specifications and the tender program relating to the procedure in question, undertakes to
present the aforementioned services in accordance with the terms and conditions provided for
in the procedural documents, for the global contractual value of € _____ [in figures and in
words], corresponding to the estimated hours, per Facility, at the unit prices proposed in
Annex II, to which VAT is added at the rate of _____%, totaling the amount of € _____ [in
figures and in words].

The prices indicated in Annex II do not include Value Added Tax (VAT) at the applicable legal
rate.

It further declares that it waives the special jurisdiction and submits, in all matters relating to
the performance of the contract, to what is prescribed in the Portuguese legislation in force.

Place and date

Signature

ANNEX II

- Declaration model (article 81 of the CCP)

[referred to in subparagraph a) of paragraph 1 of article 81]

1 — ... (name, identification document number and address), as legal representative of ⁽¹⁾ ... (company, tax identification number and registered office or, in the case of a competing grouping, companies, tax identification and head offices), successful tenderer in the procedure of... (name or reference to the procedure in question), declares, under oath, that its represented ⁽²⁾ is not in any of the situations provided for in paragraph 1 of article 55 of the Public Contracts Code:

2 — The declarant attaches [or indicates... as the address of the website where they can be consulted ⁽³⁾] the documents proving that its represented ⁽⁴⁾ is not in the situations provided for in subparagraphs *b)* , *d)* , *and e)* and *h)* of paragraph 1 of article 55 of the Public Contracts Code .

3 — The declarant is fully aware that the provision of false declarations implies the forfeiture of the award and constitutes a very serious offence, under the terms of article 456 of the Public Contracts Code, which may determine the application of the accessory sanction of deprivation of the right to participate, as a candidate, as a competitor or as a member of a candidate or competitor grouping, in any procedure adopted for the formation of public contracts, without prejudice to the participation of the competent entity for the purposes of criminal proceedings.

... (place), ... (date), ... [signature ⁽⁵⁾].

⁽¹⁾ Applicable only to competitors who are legal persons.

⁽²⁾ In case the bidder is a natural person, delete the expression "its represented".

⁽³⁾ Add the necessary information to the consultation, if applicable.

⁽⁴⁾ In case the bidder is a natural person, delete the expression "its represented".

⁽⁵⁾ Pursuant to the provisions of nos. 4 and 5 of article 57

ANNEX III

REGULATION FOR EVALUATION OF PROPOSALS

Chapter I - General Provisions

1st Clause

Regulation

The present regulation aims to define the procedural, organizational and methodological framework for the appraisal, analysis, evaluation and classification of proposals, to the end of formulating a proposal for a final decision on the procedure to be submitted to the competent body to authorize the expenditure, hereinafter identified by contracting authority.

2nd Clause

Purpose of the regulation

For the purposes of analyzing the proposals, the documents submitted by the bidders will be considered, without prejudice of the procedure jury requesting clarifications under the terms of article 72 of the CCP.

Chapter II - Analysis and Evaluation of Proposals

Clause 3

Objective

- Proposals will be analyzed and evaluated according to the following factors and sub-factors:

Factor	Subfactor	Weighting
Q: Price	Price. Evaluated in accordance with the formula described in clause 4 of this regulation.	40%
Quality	Proven theoretical and scientific soundness in the area of learning assessment.	60%
	Experience in designing, organizing, applying and analyzing results in large-scale standardized assessment - <i>paper - based</i> and <i>e-assessment</i> .	
	Experience in supporting and consulting projects for the design, organization, application and analysis of results in large-scale standardized assessment - <i>paper-based</i> and <i>e - assessment</i> .	
	Active participation in consortia dedicated to the design of large-scale standardized assessment projects.	

2. Bidders' proposals will be analyzed and evaluated and, accordingly, ranked in descending order of score, calculated according to the following formula:

Final score = 60% Quality + 40% Price

3. The most economically advantageous proposal will correspond to the one with the best final score, rounded up to the third decimal place.

Clause 4
Assessment Methodology

1. The **Price factor** will be evaluated according to the following formula:

$$P = 100 \times \left[\frac{P_{base} - P_p}{P_{base}} \right]$$

On what:

Pbase : Procedure base price

Pp: Price proposed by the competitor

2. The **Quality Factor** will be evaluated as follows:

1. **Subfactor - Proven theoretical and scientific soundness** will be evaluated as follows:

Proven theoretical and scientific soundness in the area of learning assessment	Punctuation
up to 3 years	1
3 to 5 years	2
6 to 10 years	3
Greater than 10	4

2. Subfactor - Experience in the design, organization, application and analysis of results will be evaluated as follows:

Experience in designing, organizing, applying and analyzing results in large-scale standardized assessment – <i>paper-based</i> and <i>e - assessment</i>	Punctuation
up to 3 years	1
3 to 5 years	2
6 to 10 years	3
Greater than 10	4

3. Subfactor - Experience in supporting and consulting projects for the design, organization, application and analysis of results will be evaluated as follows:

Experience in supporting and consulting projects for the design, organization, application and analysis of results in large-scale standardized assessment - <i>paper-based</i> and <i>e - assessment</i>	Punctuation
up to 3 years	1
3 to 5 years	2
6 to 10 years	3
Greater than 10	4

4. The Subfactor - Active participation in consortia dedicated to the design of evaluation projects will be evaluated as follows:

Active participation in consortia dedicated to the design of large-scale standardized assessment projects	Punctuation
up to 3 years	1
3 to 5 years	2
6 to 10 years	3
Greater than 10	4

Clause 5

Classification of proposals

- 5- There is no room for adjudication when any of the situations provided for in paragraph 1 of article 79 of the CCP are verified.
- 6- In the event of a tie, the tie-breaking criterion adopted will be according to the following aspects/the following ordering:
 - It is ranked in 1st place whoever has the most points in the quality factor;
 - If, after this ranking, the tie persists, the entity with the lowest price will be ranked in 1st place;
 - If, after ordering by lowest price, the tie persists, the method of drawing will be adopted on a date and time to be defined by the contracting authority. All tenderers will be invited to attend the draw, to be held by videoconference. The act will be performed regardless of the number of tenderers present. The drawing will be carried out by the elements that make up the jury.