

PROCEDURE PROGRAM

PUBLIC TENDER No. CP/03/IAVE/2022

Acquisition of Endpoints, Displays and Security Software Package

CPV Classification: 30213300-6 Portable computers

30231310-3 - Flat screen displays

48730000-4 – Security software package

Article 1

Contracting Authority

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

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

Article 2

Competent body for the decision to contract

The decision to contract and authorize the expense is the responsibility of the President of the Board of Directors of Instituto de Avaliação Educativa, I.P., under the terms of paragraph b) of No. 1 of Article 17 of the Decree-Law No. 197/99, of 8th June, applicable pursuant to paragraph f) of Article 14 of the Decree-Law No. 18/2008, of 29 January and pursuant to Articles 36, 38 of the Portuguese Public Contracts Code (hereinafter referred to as PCC), approved in the annex to the Decree-Law No. 18/2008, of 29th January, paragraph a) of Article 5 of the Decree-Law No. 53-B/2021 of 23rd June.

Article 3

Electronic Platform

This tender, which takes the form of a public tender, runs its terms on the public tender electronic platform, accessible through the address <https://www.acingov.pt>, hereinafter referred to as the platform.

Article 4 Tender Jury

- 1- The tender jury is constituted by 3 (three) effective members, one of whom presides and with 2 (two) substitutes, appointed by resolution of the competent body for the decision to contract.
- 2- The jury begins the exercise of its functions on the working day following that of sending the advertisement for publication.
- 3- The jury will carry out all the actions and take all the steps related to this procedure program, when the competence over which is not reserved to the contracting authority, namely, as to providing the clarifications necessary for the proper understanding and interpretation of the documents, the evaluation of the tenders, the prior hearing of the interested parties, and the elaboration of the preliminary and final reports.
- 4- The jury may be assisted by technically qualified people or entities, regarding any aspect that may be relevant within the scope of this procedure program, although these people or entities have no right to vote.
- 5- Under the terms and for the purposes of paragraph 2 of Article 55 of Decree-Law No. 4/2015, of 7th January, the jury is appointed as responsible for implementing the procedure program.

Article 5 Competent body to provide clarification

- 1- The necessary clarifications for the adequate understanding and interpretation of the tender documents are the competence of the jury.
- 2- Clarifications must be requested by the interested parties, in writing, on the platform, within the first third of the period of time established for the presentation of tenders.
- 3- Clarifications and corrections to the parts of the procedure program must be in accordance with Article 116 of the PCC.
- 4- The documents that make up the tender, this procedure program, the tender specifications, and the advertisement are fully available on the platform.

Article 6 Contracting procedure

- 1- The contracting procedure is single factor, determined by the price.
- 2- There is no place for contracting when any of the situations provided for in paragraph 1 of Article 79 of the PCC occur.
- 3- In the event of a tie, the adopted tie-breaking criterion will be the drawing method at 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 drawing will be performed regardless of the number of tenderers present and carried out by the elements that constitute the jury.

Article 7 Submission of tenders

1- The tenders, as well as the documents that accompany them, must be submitted on the platform by 11:59 pm on the 6th day following the date of publication of the advertisement of this procedure program in the Portuguese official journal - *Diário da República*.

2- The period for submitting the tenders is counted in calendar days, in accordance with Article 470 of the PCC, of 29th January, in its current wording.

4- The tenders must be signed electronically, by using a legal electronic signature, in accordance with the legislation in force, Article 54 of Law 96/2015, of 17th August.

Article 8 Language used in the documents

1 - The tenders, as well as the documents that accompany them, must be written in Portuguese, without erasures, information between the lines or crossed out words.

Article 9 Documents included in the tender

1- The tender must contain a declaration of acceptance of the contents of the Tender Specifications, drawn up in accordance with the model in Annex I of the Specifications, of which it is an integral part.

2- The tender, in addition to the documents required in the previous numbers, must also be accompanied by the following elements:

a) Detailed price of the goods, in accordance with paragraph 2 of Article 1 of the Specifications;

b) Note justifying the proposed price;

c) Tenders must expressly mention that VAT is added to the price proposal, indicating the applicable rate, if applicable;

d) Technical data sheet of the equipment with the technical specifications identified in Article 23 of the Specifications;

e) Documents that, depending on the object of the contract to be signed and the aspects of its performance submitted to the competition for the Tender Specifications, contain the attributes of the tender, according to which the tenderer is willing to contract;

f) Documents containing clarifications that justify the presentation of an abnormally low price, under the terms of paragraph b) of No. 1 of Article 71 of the PCC, if this situation occurs;

g) Any other documents considered indispensable for the submission of the tender, namely in the document regarding the respective attributes.

3- In case of a joint tender, this must also include the following documents:

- a) Address and contacts for the purpose of notification;
- b) Declaration by each member entity of its intention to create a grouping, in case of adjudication;
- c) Compliance with the provisions of paragraph 5 of Article 57 of the PCC.

Article 10
Deadline for keeping tenders

The tenders must remain submitted for a period of 66 (sixty-six) days, counting from the expiry date of the deadline set for their submission.

Article 11
Variant tenders

- 1- Variant tenders are not accepted.
- 2- Non-compliance with the provisions of the previous number is considered grounds for excluding the tender or variant tenders submitted, in accordance with paragraph 7 of Article 59 of the PCC, in its current wording.

Article 12
Prior hearing

Under the terms of Article 147 of the PCC, once the preliminary report has been elaborated, the jury makes it available to all tenderers on the electronic contracting platform, setting a period of 5 (five) days for them to pronounce themselves, in writing, under the right to a prior hearing.

Article 13
Qualification Documents

- 1- Within 5 (five) days, counting from the date of the notification regarding the decision to contract, the contractor must submit:
 - a. Declaration issued according to the model in Annex II of the Specifications;
 - b. Documents proving that they are not in the situations described in paragraphs b), d), e) and h) of Article 55 of the PCC. For the purpose of proving that the successful tenderer is not covered by any of the cases referred to in paragraphs a), b) and h) of the aforementioned Article 55, the presentation of a criminal record certificate is accepted, or of an equivalent document issued by a competent judicial or administrative authority, attesting that those requirements are met;
 - c. Permanent certificate of the company.
- 2- All qualification documents must be written in Portuguese.

- 3- When, due to their nature, the qualification documents are written in another language, the contractor must also provide a legal translation.
- 4- The contractor must present a copy of the qualification documents referred to in number 1 on the platform, or, in case the platform is unavailable, through the following email address: compras.iave@iave.pt
- 5- Whenever the documents mentioned in paragraph b) of number 1 are available on the Internet, the contractor may, instead of presenting or reproducing them, indicate to the contracting authority the address of the site where they can be consulted, as well as the information necessary for this consultation, provided that these documents are written in Portuguese.
- 6- When the contractor has given consent, under the terms of the law, for the contracting authority to consult the information relating to the documents referred to in the previous number, their presentation or indication is waived.
- 7- In case the documents referred to in paragraph b) of number 1 have not been issued, they may be replaced by a solemn declaration, under oath, made before a competent judicial or administrative authority, a notary or a qualified professional body.
- 8- The contracting authority grants the contractor a period of 5 days to correct the irregularities detected in the qualification documents presented which may lead to the expiry of the award under the terms of the provisions of Article 86 of the PCC.

**Article 14
Base price**

The base price, for the purposes of this tender, is €840,153 (eight hundred and forty thousand one hundred and fifty-three euros) plus VAT at the applicable rate.

**Article 15
Deposit**

In accordance with paragraph c) of number 2 of Article 88 of the CCP, a deposit is not required from the contractor.

**Article 16
Legal mode of contractor grouping**

- 1- In case of award to a group of entities, all members, and only these, must associate, before signing the contract, in an external consortium under the legislation in force.
- 2- The consortium contract must indicate the company that will act as head of the consortium, and it must be conferred to it, in the same act, and by power of attorney, the powers referred to in paragraph 1 of Article 14 of Decree-Law 231/81, of 28th July, and also the special powers to

receive from the contracting authority, and validate, any amounts that must be paid to the members in the execution of the contract.

Article 17
Grounds for choosing the tender

This public tender is adopted in accordance with the paragraph b) of Article 20 and Article 130 *et seq.* of the CCP, in its current wording.

Article 18
Applicable legislation

Regarding everything that is omitted in this program, the provisions of the CCP and other applicable legislation and regulations will be observed.

ANNEX I - Tender Model

_____ [company and registered office], represented by its manager/administrator/attorney
_____ [name, marital status, Identity Card/Citizen Card number, issue date/validity date and
issuing body, place of birth and address], having taken full and perfect knowledge of the tender
specifications and procedure program, oblige themselves 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 installation, at the unit prices proposed in Annex II, to which VAT is added
at the rate of _____%, totalling 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 special jurisdiction and submits itself, 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 PCC)

[referred to in paragraph a) of number 1 of Article 81]

1 — ... (name, identity card number and address), as legal representative of ⁽¹⁾ ... (company, tax payer number and registered office or, in the case of a competing group, companies, tax payer numbers and registered offices), contractor in the procedure program 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 number 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 paragraphs b) , d) , and) and h) of No. 1 of Article 55 of the Public Contracts Code .

3 — The declarant is fully aware that the issuance 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 group, in any procedure adopted for the drawing up 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 tenderer is a natural person, delete the expression "its represented".

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

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

⁽⁵⁾ Pursuant to the provisions of Nos. 4 and 5 of Article 57