



The BACW's Bidding Commission hereby presents question made by companies with their respective answers.

REMARK: The questions presented in this "Questions and Answers" are numbered as they are answered by the Bidding Commission and may not match the numbering provided by the companies.

1. **Question:** With Respect to Requirments Eng 5.5.1 and 5.6.1 it is kindly requested to clarify the architectural solution requested for the contingency synchronization system as in the requirements text reported: "somado a un enlace ràdio de sincronismo entro as estates, corno forma de contingència". The contingency solution for the WAM Synchronization seems already covered by requirements in the section 8.24 so the requirement seems duplicated. Please kindly confirm. If it is not covered by 8.24, it is requested to interface specific Radio Link solution available in the Country or in the customer disposal and in operation for Networking purpose? What does mean Radio Link from a technological perspective considering that the WAM system can be synchronized with Satellite solution or reference transponder solution according standard design documentation? Is it possible to provide more detailed specification and design requirements for the implementation of such Radio link solution if requested (i.e. type of connection , frequency band, specification) so to identify better the desiderata solution ? Is it also possible clarify how the Radio will be distribute among the WAM sites considering that most of them selected are not in optical visibility each other?

Answer: *Please refer to the updated Basic Project 000.06.T03.PB.001.03 e Technical Specification 000.06.T03.EP.001.05, Annexes of the Republishing of the Invitation For Bid 191489/CABW/2019, from September 26, 2019.*

2. **Question:** With Respect to the QEA 7 – answer 6, the answer is clear. However, it is kindly requested to confirm that it is considered acceptable that the number of sites can be optimized, improving or decreasing them, assuring the required coverage and if the relevant evidences and Justification in the Technical documentation are present considering that this will allow to the proposer to maximize the capabilities vs number of Ground Station according to product design and in case of less/higher number of stations. Such approach should be also beneficial for the End User with a reduction cost in the requested infrastructure in case of less station. Please kindly clarify your position and if a presence of a commercial commitment by the proposer in this perspective in the commercial proposal can help.

Answer: *In light of the request for clarification, the Bidding Commission points out that payments must be made in the United States, in US dollars, as provided for in item 15 of the Basic Project, in bank account opened by the consortium companies, and it is not possible to pay in reais (R\$) in Brazil.*

3. **Question:** In Support of Question #1 of "QUESTIONS AND ANSWERS #8 Updated on July 31, 2019", the only way to perform a credible proposal from the technical and financial point of view is to do a site survey in relation with the deployment of the WAM system in Porto Alegre. As pointed out by the question, theoretical analysis based on terrain databases may conclude on a list of potential sites that at the end may not be feasible for example for legal or administrative reasons. It is kindly reminded that, according to the tender requirements, the contracting authority is responsible for the provision of the sites for the deployment of the WAM elements, even though installation shall be performed by the



contracted party. A proposal based on a theoretical analysis of the alternative sites will not have full credibility from the financial and technical point of view, including the compliance with the deployment schedule.

Answer: The site survey is open to any Bidder. In order to perform the site survey, please contact:

- Equipment WAM Porto Alegre

Cpt Rodrigo +55 (51) 99616-5403 and +55 (41) 3251-5546

- Equipment ADS-B

Lt Col Luciano +55 (41) 99244-3203 and +55 (41) 3251-5340.

4. **Question:** Could you specify the altitudes to be included in the coverage studies and included in the bidders proposal ? Could you specify the altitude which will be used for the proposal technical evaluation? As already noted in previous questions due to terrain and other constrains it is not possible to obtain 100% coverage of the specified Volumes down to the requested boundaries (GND, 2500ft, 4500ft). Could you please adapt the lower boundaries per volume or define the % of coverage that is acceptable per altitude for N and N-1 situation? Even if one uses identical stations, installed at the same sites & with pre-defined altitudes, the total quantity of stations to cover a determined area still depends of the calculation methodology required at N & N-1 situation. Consequently, the quantity of stations proposed will be different for each competitor. In that case, we would like to know: a. How the proposals will be compared, according to the quantity of stations proposed, in order to ensure an equal evaluation. b. How CABW will verify the technical compliance of the proposals to secure that the solution proposed covers the required volumes.

Answer: Please refer to the updated Basic Project 000.06.T03.PB.001.03 e Technical Specification 000.06.T03.EP.001.05, Annexes of the Republishing of the Invitation For Bid 191489/CABW/2019, from September 26, 2019.

5. **Question:** Considering Technical Specification Requirement 4.3 and QEA3 Response 8, we understand that the mandatory requirements, and therefore the disqualification requirement, are the coverage volumes defined for WAM. Is our understanding correct?

Answer: Please refer to the updated Basic Project 000.06.T03.PB.001.03 e Technical Specification 000.06.T03.EP.001.05, Annexes of the Republishing of the Invitation For Bid 191489/CABW/2019, from September 26, 2019.

6. **Question:** For "Volume 1", we would understand that GND means 0ft AGL (zero feet above ground level). Is our understanding correct?

Answer: Please refer to the updated Basic Project 000.06.T03.PB.001.03 e Technical Specification 000.06.T03.EP.001.05, Annexes of the Republishing of the Invitation For Bid 191489/CABW/2019, from September 26, 2019.



7. **Question:** Considering that GND means 0ft AGL, we would like to propose 500ft AGL as a minimum flight floor, since it is the common WAM surveillance minimum in many countries, and also considering coverage at 0ft AGL is not feasible in terms of urban constructions and vegetation influence. Keeping the GND at 0ft AGL would require a huge number of WAM stations (possibly more than 100) to meet the volume, hence increasing too much the final price. Is 500ft AGL acceptable? If not could you please indicate a feasible number? We are sincerely concerned that the current coverage requirement of 0ft AGL could undermine the success of the tender process.

Answer: Please refer to the updated Basic Project 000.06.T03.PB.001.03 e Technical Specification 000.06.T03.EP.001.05, Annexes of the Republishing of the Invitation For Bid 191489/CABW/2019, from September 26, 2019.

8. **Question:** We understand that the bidder should offer as many WAM stations in its bid as necessary to fully meet the volume requirements, even if the final bid amount exceeds the estimated project budget defined in item 10 of the IFD. Is our understanding correct?

Answer: As per item 10.1 of the Invitation for Bid, the maximum estimated amount for the project cannot be exceeded.

9. **Question:** According to the Brazilian legislation, a consortium is not a legal entity. There is no mutual liability, with exception to the liability as per tender definition answered by the consortium, in order to be compliant with art. 278, § 1º, Law nº 6.404/1976. In the event of a consortium registered in Brazil between a Brazilian and a Foreign company, we understand that the contract must still be compliant with the Normative Instruction 1.199/2011, art n.º 4 and n.º 7, issued by “Receita Federal do Brasil”. Therefore the payments shall be addressed to the consortium with a specific bank account for each party of the consortium. The payments to the Brazilian company will be made directly to its account in Brazil. And the payment to the Foreign company will be made directly into its account overseas. Is our understanding correct?

Answer: In light of the request for clarification, the Bidding Commission points out that payments must be made in the United States, in US dollars, as provided for in item 15 of the Basic Project, in bank account opened by the consortium companies, and it is not possible to pay in reais (R\$) in Brazil.

10. **Question:** We are grateful for the extension given to September 10th. However, due to holiday situation during August in Europe, we would highly appreciate if you could kindly give 30 more days for proposal preparation.

Answer: The solicitation has been republished on September 26, 2019 with date of receipt of sealed envelopes on October 25, 2019 at 9 am. (EST), as per the Republishing of the Invitation For Bid 191489/CABW/2019.

11. **Question:** Com base na legislação vigente, jurisprudência e literatura jurídica extenuante atual sobre o tema, a figura do consórcio foi equivocadamente enquadrada como uma entidade dotada de



personalidade jurídica própria, na resposta emitida pelo BACW no item 2 do “QUESTIONS AND ANSWERS #7” do BID - 191489/CABW/2019, restando claro que em função da sua natureza jurídica peculiar, o consórcio não possui legitimidade para assumir obrigação alguma em nome das consorciadas, desta forma, solicitamos a retificação de tal entendimento pela BACW, no sentido de que qualquer faturamento seja efetuado, individualmente, por cada empresa consorciada à respectiva contratante do consórcio.

Answer: In light of the request for clarification, the Bidding Commission points out that payments must be made in the United States, in US dollars, as provided for in item 15 of the Basic Project, in bank account opened by the consortium companies, and it is not possible to pay in reais (R\$) in Brazil.

12. **Question:** Entendemos que, de acordo com o artigo 33 parágrafo 1º da Lei 8666/93, em casos de formação de consórcios entre empresa brasileira e estrangeira, a liderança do consórcio caberá obrigatoriamente a empresa brasileira. Solicitamos confirmar nosso entendimento.

Answer: The BID 191489/CABW/2019 is governed by the principles of the Brazilian Law nº 8.666/93, as applicable. In this case, since the Bidding Process is being performed outside Brazil, there is no obligation for the consortium leader to be a Brazilian company.

13. **Question:** Considerando a importância das respostas acima e o tempo que será requerido para o consórcio se readaptar as modificações necessárias advindas das modificações e reiterando o firme propósito de participação em tão importante processo licitatório solicitamos 4 semanas de extensão na entrega das propostas.

Answer: The solicitation has been republished on September 26, 2019 with date of receipt of sealed envelopes on October 25, 2019 at 9 am. (EST), as per the Republishing of the Invitation For Bid 191489/CABW/2019.

Notwithstanding, In accordance with the Invitation For Bid item 33.1, *Any doubts arising from the provisions of this Invitation for Bid may be the subject of consultation, in writing, to the **Bidding Commission** in charge of this bidding process.*

Based on that, the BACW’s Bidding Commission reinforces that questions shall be submitted to con@cabw.org and no agents outside BACW should be copied in the e-mail. Thus, only answers published in BACW’s website are considered official and part of the solicitation file.

Furthermore, the Brazilian Aeronautical Commission appreciates the question, and stands available to clarify and explain any doubts or concerns in order to increase the BID quality. Any questions or concerns must be submitted to con@cabw.org

Note: This information has been made available at BACW website in the publishing for the related Bidding Process. <http://www.cabwnews.com/index.php/solicitations.html>