



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:** Answer 6 of Doc #11 of answers states:

The BID 191489/CABW/2019 is governed by the principles of the Brazilian Law n° 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.

However, item 4.3.4 of the Republishing of Invitation for Bid 191489 still shows:

*"4.3.4. The founding document for the consortium – referenced in the last item – must indicate the company responsible for the consortium before the issuing authority, in other words, the company leading the consortium, whereby such leadership must necessarily fall to a Brazilian company, if there are Brazilian and foreign companies within the same consortium, per the terms of Article 33, § 1° of Law N° 8.666/1993."*

Please clarify which version takes precedence.

***Answer:** In response to the clarification request, I inform you that, in the understanding of this CISCEA, due to the contracting of the services is made through a bidding made abroad, in order to reach the maximum number of companies worldwide, given the characteristics and technical complexity of the service, there is no need for the consortium's leadership to be exercised by a Brazilian company, as it would restrict competition, and therefore, item 4.3.4 of the BID should be excluded, with the consequent republication of the event.*

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](mailto: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](mailto: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>