



PORTO DE LUANDA E.P.

PROCEDURE PROGRAM

Contest limited by prior qualification No. 01/68.00/2019

**"AQUISITION OF CONSULTANCY SERVICES FOR THE
ELABORATION OF STUDIES AND CONCEPTION OF THE GENERAL
MASTER PLAN OF THE PORT OF LUANDA-PDGPL (2020-2044)"**

Luanda, August 28th, 2019

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PROCEDURE PROGRAM

Contest limited by prior qualification No. 01/68.00/2019

Port Company of Luanda, E.P.

Luanda, August 28th, 2019

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THE PROCEDURE

1. Subject of the procedure

The purpose of this procedure is to set out the terms and conditions for the acquisition of consultancy services for the elaboration of studies AND CONCEPTION OF THE GENERAL MASTER PLAN OF THE PORT OF LUANDA – PDGPL (2020-2044), as detailed in Specifications.

2. Public Contracting Authority, body responsible for the authorisation of the expenditure and the governing body for the conduct of the Public Act and the evaluation of tenders

2.1. **The Public Contracting Entity (EPC)** is the Port Company of Luanda, E.P., with the following contacts:

Address: Luanda Port -Largo 4 de Fevereiro, Luanda, Angola,

- EPC: PCA – Dr. Alberto Antonio bengue
- Phone Number: + 244 226 431 121
- Email: planodirector@portoluanda.co.ao
- Electronic platform: www.portoluanda.co.ao
- Opening hours: 8:00 to 15h30

2.2. Competent body for the authorization of expenditure

2.2.1. The competent authority to authorise the expenditure is the Board of Directors of the Port of Luanda, through deliberation No. 013/68.01/2019 of 02 May 2019, in accordance with the Competence, in accordance with Law no. 11/13, of 3 September, published in the Journal of the Republic N. ° 169, I Series, of 03 September 2013.

2.2.2. The award of the proposal following this procedure was subject to an authorization of the Ministry of Transport in accordance with order, proffered on August 9th, 2019, transcribed through the office with reference NO. 3727/00,11/2019 of August 12th, 2019.

2.3. Body responsible for evaluating applications and proposals

The body responsible for evaluating applications, conducting the public act and evaluating tenders is the evaluation committee, whose constitution, functioning and competence are defined in articles 41, 42, 43 of Law No. 9/16 of 16 June – Public Procurement Law (LCP).

3. Applicable Legal Regime

- 3.1. This procedure shall be governed by the provisions of this tender programme, the specifications and the annexes thereto, as such any documents on clarifications and corrections that may be provided and made, which make or come to Be an integral part of the aforementioned parts of the procedure.
- 3.2. To anything not specifically provided for in this tender programme, specifications and the annexes thereto, the scheme provided for in the LCP and other subsidiary schemes shall apply.

4. Consultation and obtaining copy of Procedure parts

- 4.1. Pursuant to article 71 of the Public Procurement Act, the parts of the procedure are available at the address set out in point 2.1 of this competition programme, where they can be consulted until the expiry of the deadline for submitting the Application, as determined in point 13.3 of this programme.
- 4.2. Candidates may obtain copies of the parts of the procedure from the date of publication of the announcement in the third series of the Journal of the Republic, in the Portal of Angolan public procurement or in a newspaper of great circulation in the country, in the following terms:
- 4.2.1. The purchase of copies of the parts of the procedure is subject to the payment of a fee, in the amount of AOA 148.128,00 to be paid in accordance with the following number;
- 4.2.2. Interested parties must make proof of the payment of the amount provided by transfer in the following bank accounts:

AOA:

Bank: BIC

Account No.: 9184250.10.001

Iban: AO06 0051 0000 0918 4250 101 81

USD:

Bank: BIC

Account No.: 9184250.30.001

Iban: AO06 0051 0000 0918 4250 301 63

Swift: BCCBAOLU

EUROS:

Bank: BIC

Account No.: 9184250.30.002

Iban: AO06 0051 0000 0918 4250 302 60

Swift: BCCBAOLU

- 4.2.3. The EPC services shall provide copies of the documents of this procedure, in paper or computer file, immediately or in exceptional cases within a maximum of 2 days following receipt of the application.
- 4.3. EPC is not liable for any delay that is made after the copies of the documents in this procedure are made available.
- 4.4. It constitutes the responsibility of the candidates to conference the copies delivered in accordance with the preceding paragraphs.

5. APPLICATION PHASE

5.1. Candidates

They may apply for this procedure, or integrate any association or grouping, all natural or legal persons fulfilling the requirements of this tender programme and which are not in any of the situations of the impediment referred to in articles 55 and 56 of the LCP and shall, for this purpose, submit the declaration in accordance with the model set out in annex C.

6. Candidate Association

- 6.1. Associations or groupings of natural or legal persons may apply to this procedure, regardless of their activity, without any legal form of association, provided that, before the conclusion of the Contract, assume some form of Association allowed, in general terms, by the Angolan legal system, in a regime of solidarity responsibility.
- 6.2. Members of an association or grouping of candidates may not, by themselves, individually or by integrating another candidate association, apply for the same procedure.
- 6.3. All members of an association or grouping of candidates must, jointly and severally, assume the joint and several liability towards the Contracting Public Entity for the maintenance of the application and, if qualified, the proposal, for the Compliance with all obligations relating to the procedure, tendering, the conclusion and performance of the contract.
- 6.4. The entities comprising the association or grouping shall designate a common representative for the practice of any acts relating to this procedure, including the signature of the application and the proposal, in the event of qualification, and for the purpose, deliver mandate instruments issued to each of the entities that compose it.

7. Admission of foreign candidates

Foreign natural or legal persons who are not in any of the situations referred to in point 5.1 of this procedure shall be eligible for this procedure in respect of the limit of values set out in annex V of the Public procurement Law.

7.1. Minimum financial and technical capacity requirements

Applicants must fulfil the following minimum financial capacity requirements:

7.1.1. Arithmetic average of turnover for the last 3 years exceeding the overall amount approved for this procedure.

7.1.2. Arithmetic average of operating income for the last 3 years exceeding 1/3 (one third) of the overall amount approved for this procedure.

7.1.3. General liquidity ratio obtained through the ratio between the current and current liabilities calculated by the arithmetic average of the last 3 exercises equal to or greater than 1;

7.1.4. Appropriate bank statement or proof of the professional risk insurance subscription, where the credit institution or insurer is obliged to make available to the applicant all financial means that are predictably necessary for the full fulfilment of the Obligations resulting from the contract to be concluded.

7.2. Applicants must fulfil the following minimum technical capacity requirements:

7.2.1. Demonstrate having at least five (5) years of experience in providing services similar to the subject of this present, demonstrate having at least five (5) years of experience in Provision of services similar to the subject of this procedure, with a minimum amount of ¼ (one quarter) of the overall amount approved for this procedure, provided that they have been carried out in the last 48 months Prior to the date of publication of the announcement of this procedure, with emphasis on:

- a) Evaluation of technical, economic and financial feasibility of projects related to the Port branch;
- b) Elaboration of market studies related to the national and Regional Port branch;
- c) Deep knowledge of the port system of Angola and Africa.

7.2.2. Have at least 16 workers within the framework of the company whose profiles are described in the table below:

N o	Knowledge area	Function	Amount	Minimum required experience

				(years)
1	Engineer/Specialist in Port infrastructure development and transport	Team Leader	1	15
2	Specialist in integrated development of port infrastructures and multimodal platforms	Team Leader Assistant	1	10
3	Specialist in port statistics and transport	Member	2	10
4	Transportation Engineer/Specialist	Member	2	10
5	Transport economist	Member	2	10
6	Transport Financial Analyst	Member	2	10
7	Environmental engineer	Member	2	10
8	Institutional and regulatory Specialist (jurist)	Member	2	10
9	Planning and land use specialist	Member	1	10
10	Transport policy Specialist	Member	1	10

7.2.3. Description of the procedures and methods adopted by the candidates, in particular for the purpose of quality assurance in relation to the execution of the contract;

7.2.4. Be holders of the appropriate equipment for the execution of the contract:

8. Form and mode of submission of applications

8.1. Applications must be submitted in paper support at the address set out in point 2.1, by signing a protocol or by registered letter with acknowledgement of receipt

Or

8.2. Applications must be sent by e-mail with acknowledgement of receipt and reading or on the electronic platform at the address set out in point 2.1.

8.3. The documents constituting the application shall be submitted in an opaque, closed and sealed enclosure, in whose face the designation of the procedure is identified, and the duplicate of each of the documents should be included therein.

8.4. Applications must be delivered by 15 hours and 30 minutes of the September 20th, 2019.

8.5. Applications arriving after the deadline are not considered, and the candidates are responsible for all delays that could occur.

9. Qualification of Candidates

- 9.1. For qualification purposes, applicants must fulfil the requirements of technical capacity and financial capacity as required under point 8 of this procedure program.
- 9.2. The completion of the minimum technical capacity and financial capacity requirements must be confirmed following the assessment of the documents referred to in point 8;
- 9.3. In the case of grouping candidates, they shall be deemed to fulfil the technical and financial capacity requirements, provided that it can be demonstrated by one of the grouped candidates;
- 9.4. The Evaluation Committee may request third parties any information or elements it considers relevant to the demonstration of completing the minimum technical and financial capacity requirements.

10. Application documents

- 10.1. The application consists of the following documents:
 - 10.1.1. Signed declaration in which the applicant indicates his name, taxpayer number, identity card number and domicile or, in the case of a legal person, the respective identification number, social name, headquarters address, name of the holders of the Their administrative, managerial or managerial bodies and other persons empowered to oblige, as well as commercial or equivalent registration, in accordance with annex B to this tender program.
 - 10.1.2. For the purposes of proving the financial capacity, the parties concerned shall submit the following documents:
 - 10.1.2.1. Appropriate bank statement or proof of professional risk insurance subscription.
 - 10.1.2.2. Balance sheet and income statements for the last 3 years, in the case of legal persons or tax declarations, in the case of natural persons.
 - 10.1.2.3. Declaration on the overall turnover for the last three years, in accordance with the model set out in annex E.
 - 10.1.3. For the purposes of proving the technical capacity, the interested parties must fill in the Declaration and maps listed in annex F and submit the supporting documents of the situations presented.

- 10.2. If the application is submitted by an association, the declaration required in point 15.1.1 must be signed by the joint representative of the members who are part of it, in which case the mandate instruments issued by each of its Members must be attached to the declaration, or, in the absence of a common representative, it shall be signed by all its members or their representatives.
- 10.3. All documents of the application must be written in Portuguese or, if they are not, must be accompanied by a duly legalized translation for which the applicant declares to accept the prevalence over the originals.

11. Analysis and evaluation of the applications

- 11.1. On the business day immediately following the expiry of the deadline for submitting applications, the Evaluation Committee shall be held in a session reserved for the opening of applications.
- 11.2. In the reserved session referred to in the preceding paragraph, the Evaluation Committee shall review and evaluate applications in order to ascertain whether they have any cause of exclusion.
- 11.3. Applications for which there are no causes of exclusion are assessed with a view to verifying compliance with technical and financial capacity requirements.

All candidates who fulfil the minimum technical and financial capacity requirements, as defined in paragraphs 8.1 and 8.3 of this Contest program, are qualified.

12. Clarification on applications and exclusion of applications

- 12.1. The Evaluation Committee may ask applicants for any clarification on the submitted applications they deem necessary for their analysis and evaluation.
- 12.2. The clarifications provided are an integral part of the applications, provided that they do not oppose the elements contained in the documents that constitute them, do not amend or supplement them, nor aim to supply omissions that determine their exclusion.
- 12.3. The clarifications provided are notified to all candidates.

13. All applications which suffer from any of the causes of exclusion are excluded, as described in article 130.º of the LCP.

14. Preliminary Qualification Report

After analysis and evaluation of applications, the evaluation Committee draws up a preliminary qualification report in which it proposes the exclusion of applications, non-qualification, as well

as the qualification of candidates whose applications are not eligible for any Causes of exclusion.

15. Preliminary qualification hearing

Having prepared the preliminary report referred to in the preceding paragraph, the Evaluation Committee shall send to all candidates the report provided for in the preceding paragraph, setting a period of 5 days for them to comment under the right of prior hearing.

16. Final Qualification Report

- 16.1. Having complied with the previous paragraph, the Evaluation Committee shall draw up the Final report on which it considers the observations of candidates made at the previous hearing, maintaining or modifying the content and conclusions of the preliminary report on Qualification.
- 16.2. In the case of the report provided for in the preceding paragraph implies the amendment of the proposal to exclude one or more applications or of the proposal for qualification or non-qualification of candidates, the Evaluation Committee shall hold the new hearing as provided for in the previous paragraph, applying after this point.
- 16.3. After the Final report is drawn up, the Evaluation Committee shall send it to the competent body for the decision to contract for approval purposes.

17. Qualification decision

- 17.1. The body competent for the decision to contract shall consider the content and conclusions of the Final report for the purpose of qualifying the candidates.
- 17.2. The qualification decision is notified to all candidates, and it may claim candidates who disagree with the foundations of the decision.
- 17.3. The qualification decision is sent to qualified candidates at the same time an invitation to submit the proposals.

18. PROPOSALS PHASE

By sending the invitation to competitors, a deadline is defined within which they must submit their proposals.

19. Proposal negotiation

- 19.1. This procedure includes a negotiation phase.
- 19.2. For the purpose of negotiation, all tenders that are placed in the first five (5) seats are selected.

20. Clarification and rectification of the procedure parts

- 20.1. The clarifications necessary for the good understanding and interpretation of the parts relating to this procedure may be requested by the interested parties in writing until September 7th, 2019 at 15 hour and 30 minutes.
- 20.2. The Evaluation Committee (CA) shall provide the written clarifications until September 14th, 2019 at 15 hour and 30 minutes.
- 20.3. On its own initiative, the body competent for the decision to hire, to rectify errors or to rule on the omissions in the procedure parts until September 14th, 2019 at 15 hour 30 minutes.
- 20.4. The clarifications and corrections referred to in the preceding paragraphs shall become an integral part of the documents of the procedure, prevailing on them, in the event of divergence and should be immediately advertised by notice to all interested parties, or, where applicable, advertised on the electronic platform of the contracting public entity, joining the parts of the procedure available for consultation;

21. Errors and omissions of the project (in procedures for the formation of works contracts or contract of concession of public works-if applicable)

- 21.1. Interested parties may submit to the body competent for the decision to contract, defined in point 2.1, a list in which they identify, expressly and unequivocally, the errors and omissions of the project which respect the prediction of the species or quantity of the works necessary for the full execution of the work and which derive from a difference between the existing local conditions and those provided for in the project until September 10th, 2019 at 15 Hours and 30 minutes.
- 21.2. The body competent for the contract decision identified in point 2.1 shall give its opinion on the errors and omissions identified by September 20th, 2019 at 15 Hours and 30 minutes, and must notify the decision to all interested parties who have acquired the parts of the procedure.
- 21.3. The submission of the list referred to in point 21.1 suspends the deadline for submitting applications from the end of the half of that deadline until the date of the decision referred to in point 21.2 or, with no decision, until the expiry of the same deadline.
- 21.4. All errors and omissions not expressly accepted by the body identified in point 2.1 are deemed to be rejected.

21.5. The lists with the identification of errors and omissions detected by the interested parties must be made available to all those who have [acquired or requested] the parts of the procedure.

22. Work site Visits

22.1. Until the expiry of the deadline for submitting tenders, competitors may request the Port Company of Luanda, E.P., access to the place of execution of the work under this procedure, and should be aware of the local conditions which Influence in the way in which it is implemented, in order to carry out the recognition and withdrawals necessary for the good elaboration and presentation of its proposals, linking itself, and not subsequently, complain any errors and/or omissions and works which were not foreseen by them, in their proposals and/or financial timelines.

23. Promotion of Angolan entrepreneurs

- 23.1. This hiring procedure establishes an increase in the overall score of the proposal to the national candidate of 10% in relation to the proposals of the foreign candidates as a measure for the promotion of national entrepreneurs.
- 23.2. The national competitors whose tenders are among the 10 (Ten) best of the selected total are admitted to the negotiation phase as a result of the evaluation made by the Evaluation Committee.

24. Form and mode of presentation of the proposal

- 24.1. The technical proposal, the financial proposal, as well as the documents which constitute it, shall be presented in duplicate, enclosed in an opaque, closed and sealed wrapper, in whose face the word "proposal" is to be written and the name or denomination of the Competitor in accordance with the presentation models set out in annex A-1, J and K.
- 24.2. In another superscript, with the same characteristics as referred to in the preceding paragraph, the qualification documents of the competitors must be terminated on the face from which the word "enabling documents" is to be typed, indicating the name or denomination of the Competitor in accordance with the presentation models in annex A-2.
- 24.3. In case of submission of variant proposals, each of them shall be presented in an opaque, closed and sealed wrapper, in whose face the term ' variant proposal ' and the

name or denomination of the competitor in accordance with the model of The presentation in annex A-3.

- 24.4. The wrappers referred to in the preceding paragraphs shall, in turn, be stored in another opaque, closed and sealed enclosure, in whose face the designation of the procedure is indicated, in accordance with the model of presentation set out in annex A-4.
- 24.5. The documents when formed by more than one sheet must constitute an indecomposable issue with all numbered pages created by a process that prevents the separation or addition of leaves, and the first written page of each issue should be mentioned Total number of leaves.
- 24.6. The proposal and the documents must be written in Portuguese or, if they are not, they must be accompanied by a duly legalized translation and in relation to which the competitor declares to accept the prevalence on the originals.

25. Enabling documents

- 25.1. The proposal must be accompanied by the following information and enabling documents:
- 25.1.1. Declaration, in accordance with annex B, where the name, number of identity card and domicile is indicated, tax identification number (NIF), in the case of natural persons or social names, headquarters, branches that must be involved in the execution of the Contract, names of the holders of their administrative, management or managerial bodies and other persons empowered to oblige, trade register or equivalent, in the case of legal persons.
 - 25.1.2. Certificates of criminal record of the legal representatives of the company.
 - 25.1.3. Proof of the title of professional qualification.
 - 25.1.4. Statistical registration certificate.
 - 25.1.5. Certified copy of Revenue collection documents (DAR).
 - 25.1.6. Original Contributive certificate or certified Copy – issued by the National Institute of Social Security (INSS).
 - 25.1.7. Original tax certificate or certified copy – issued by the Tax Office.
 - 25.1.8. Proof of delivery of the most recent tax return.
 - 25.1.9. Other documents – if applicable, [(i) Proof of organized accounting, (ii) commitment to provide regular information on the financial situation of the

company, (iii) evidence of the existence of internal control systems, (iv) plan Of actions in the head of social and environmental responsibility.

25.2. The submission of the state supplier certification document passed by the National Directorate of State Heritage (DNPE), exempts the submission of the qualification documents contained in this paragraph, in terms of the Presidential Decree No. 198/16, of 26 September, on the registration and certification of suppliers of the state.

26. Documents constituting the proposal

26.1. The proposal consists of the following documents:

26.1.1. Statement by the competitor of unconditional acceptance of the contents of the specifications drawn up in accordance with the model set out in annex G;

26.1.2. Proof of the provision of the provisional deposit;

26.1.3. Documents containing the various attributes intended for the evaluation of the proposal in accordance with the award criterion adopted, in particular the price;

26.1.4. List of the unit prices of all species of work according to the draft implementation;

26.1.5. Works program including work, workforce and equipment plans;

26.1.6. Justification and descriptive memory of the work execution process;

26.1.7. Financial schedule;

26.1.8. Declaration of Commitment subscribed by the competitor and each of the subcontractors;

26.1.9. Compliance with the requirements laid down in points (e), (f), (g) of paragraph 2 and article 59 (3) of the LCP;

26.2. The prices contained in the proposal must be expressed in Kwanzas or in foreign currency (Euros and USD), at the equivalent value, as stated in point 25.4

26.3. The price of the proposal should always be indicated in a long time, and it is in the case of divergence with the express in digits.

26.4. The proposed price may not exceed the base price of AOA 296.256.000,00

26.5 It is considered abnormally low price the price shown below 207.379.200,00

26.6 All applicable taxes, fees and charges shall be included in the tender price.

27. Variant proposals

27.1. No variant proposals are accepted in this procedure.

28. Signature of the proposal

- 28.1. The proposal must be signed by the competitor or his representative. Where it is signed by the representative, a document shall be added to the latter to confer powers for that purpose;
- 28.2. In the case of association or grouping of competitors, the proposal must be signed by all the entities that compose it, by the representatives of each of the associates, or by the joint representative, joining the document which gives it powers for that purpose.

29. Deadline for submission of the proposal

The proposal must be delivered up to 15 hours and 30 minutes of the November 10th, 2019, at the address and hours of operation indicated in point 2.1. Of this program of the procedure

30. Proposal Maintenance deadline

Competitors are obliged to maintain their tender for a period of 60 (sixty) days counted from the date of the Public act.

31. Provisional deposit

- 31.1. With the proposal, the competitor undertakes to provide a provisional deposit, with the aim of guaranteeing the maintenance of the proposal for the period indicated in the preceding paragraph, in the amount of 5% of the proposal submitted;
- 31.2. The provision of the collateral and the conditions for its restitution shall be governed by the provisions of articles 62 to 64 of the LCP.

32. Public Tender Act

- 32.1. The Public act shall be held at 10 hours of the November 12th, 2019 at the address indicated in point 2.1 of this tender program.
- 32.2. The sessions of the Public Act are continuous, comprising the number of meetings required to comply with all formalities.
- 32.3. The evaluation Committee may, when deemed necessary, meet in a reserved session, interrupting, for that purpose, the public act of the tender. During the public act, the Evaluation Committee confines itself to a formal analysis of both the qualification documents and the documents constituting the tenders;

33. Formalities of the Public act

- 33.1. The President of the Evaluation Committee shall initiate the public act by identifying the procedure, the dates of publication of the notice and notices concerning the clarifications which have been provided.
- 33.2. He then reads the list of competitors in order in which the envelopes are entered.
- 33.3. Subsequently, the external envelopes are opened in the same way as the opening of the envelopes relating to the habilitation documents, and the documents constituting the proposals remain unviolated.
- 33.4. Lastly, the verification of the documents for the qualification of competitors and deliberation in a reserved session, on the final admission, conditional and non-admission of the competitors.

34. Deliberations of the Evaluation Committee

- 34.1. The deliberations of the Evaluation Committee are taken in the course of conducting the procedure of the Contest, and may be in public and/or in a reserved session, communicated to those interested in the act itself or by means of notification sent to the address Provided by the competitor as set out in annex B.
- 34.2. From the deliberations of the Evaluation Committee, competitors may complain and appeal in accordance with Article 135 in conjunction with article 80, both of the public procurement law.

35. Non-admission and conditional admission of competitors

- 35.1. Competitors are not admitted:
 - 35.1.1. Whose tenders have not been received within the prescribed period;
 - 35.1.2. Whose habilitation documents include any reference which is deemed to be an indicator of the price of the tender or any other contractual conditions;
 - 35.1.3. That they do not comply with the formalities relating to the manner of submission of tenders;
 - 35.1.4. That they do not submit the statement in point (a) of article 58 of the Public Procurement Act.
- 35.2. Competitors are conditionally admitted in case of:
 - 35.2.1. Do not deliver any of the documents referred to in paragraph 26 of this procedure program;

35.2.2. They present enabling documents issued by foreign authorities that are not yet recognized by the consulate of Angola in the country of issuance of these documents.

36. Analysis and evaluation of proposals

36.1. The proposals are formally evaluated by taking into consideration the verification of the constituent documents of the proposals;

36.2. The Evaluation Committee shall verify, before the evaluation of the proposals, all of the documents which constitute it, acting on its admission or proposing its exclusion.

36.3. Tenders shall not be admitted for which the formal analysis reveals:

36.3.1. That do not contain all the documents requested in this Contest program;

36.3.2. Which do not respect the form and manner of submission of tenders in accordance with this tender program;

36.3.3. 26.3.3. which are not written in Portuguese, or which are not written in Portuguese in their original form, are not accompanied by their translation duly legalized;

36.3.4. Whose documents do not contain the attributes, in particular the price, intended, for their assessment;

36.3.5. They omit elements required in the tender program for the execution of the contract.

36.3.6. Whose analysis reveals that they have been delivered by competitors or an association of competitors in contravention of article 83 of the LCP.

36.4. After the analysis of the constitutive documents of the proposed, the evaluation Committee evaluates each proposal in terms of which the competitor proposes to hire it.

36.5. The Evaluation Committee shall verify the attributes of each of the proposals and their conformation with the factors and sub-factors contained in the specifications.

37. Clarification of proposals

37.1. The evaluation Committee may ask competitors for any clarification on the proposal submitted which it considers necessary for its analysis and evaluation;

37.2. The explanations provided by the competitor, makes an integral part of its proposal, and should not counteract, amend, supplement or supply omissions of the documents constituting the proposal.

38. Exclusion of proposals

All proposals which do not comply with the requirements laid down in article 83 of the Public Procurement Act shall be excluded by the competent body for the decision to hire, on a proposal from the evaluation Committee in the Final report.

39. Award criteria

39.1. In assessing the tenders submitted to the tender, the most economically advantageous tender will be awarded in the following terms:

39.2. Value of the proposal = $P_{\text{price}} \times 40\% + P_{\text{quality}} \times 33\% + P_{\text{term}} \times 5\% + P_{\text{merit}} \times 20\% + P_{\text{guarantee}} \times 2\%$

Where:

P_{Price} represents the score attributed to the price factor, calculated by the sum of the scores obtained in each of the sub-factors that decompose it (lowest price, and the maximum number of points assigned to the financial component is 40%)

P_{Quality} represents the score attributed to the quality factor, calculated through the sum of the scores obtained in each of the sub-factors that decompose the experience in the Port maritime area, and experience and Knowledge of the transport sector of Angola, with a minimum of 5 years, as well as work experience in Africa, in similar projects with a minimum of 2 years.

P_{Term} represents the score attributed to the term of delivery/supply, calculated by the sum of the scores obtained in each of the sub-factors that decompose the proposed methodologies, work plan and deadlines;

P_{Merit} represents the score attributed to the technical merit factor, calculated by the sum of the scores obtained in each of the sub-factors that decompose the minimum level of experience required by the team of 15-year-old consultants, written and spoken domain in Portuguese and English.

$P_{\text{Guarantee}}$ represents the score attributed to the guarantee factor, calculated by the sum of the scores obtained in each of the sub-factors that decompose the guarantee to provide 20% of the the approved overall amount of this procedure.

40. Preliminary report

- 40.1. After the analysis and evaluation of the proposals, the Evaluation Committee draws up a preliminary report on the merits of the tenders, where the draft final decision is to be notified to the competitors, with a view to preparing award.
- 40.2. In the preliminary report, the Evaluation Committee may also propose the exclusion of tenders for any reason provided for in article 83 OF the LCP.
- 40.3. The preliminary report may also contain the reference to the explanations provided by the competitor in accordance with article 82 of the LCP.

41. Preliminary hearing

The preliminary report, the Evaluation committee, sends it to all competitors whose proposals have been analyzed in writing, within 5 days from the date of receipt of the notification, under the right of Prior hearing.

42. Final Report

- 42.1. Having complied with the provisions of the preceding paragraph, the Evaluation Committee shall draw up a reasoned final report in which it proposes the final award decision, or in the event of a complaint, to consider the observations of the complainant competitors, maintaining or modifying the content and Conclusions of the preliminary report, and may also propose the exclusion of any proposal if it checks any cause of exclusion.
- 42.2. In the case provided for in the final part of the preceding paragraph and when the final report results in a change in the ordering of the proposals contained in the preliminary report, the Evaluation Committee shall hold the new prior hearing.
- 42.3. The final report shall be forwarded to the body with competence for the decision to contract for approval purposes.
- 42.4. Where a negotiating phase has been envisaged, the final reasoned report shall be forwarded to the competent body for the decision to hire, so that the latter will consider the content and the conclusions contained therein, select proposals that go to negotiation.

43. Trading

- 43.1. Only competitors whose proposals have been selected for that purpose are involved in the negotiation sessions.

- 43.2. Competitors shall represent, in the negotiating sessions, by their legal representatives or by the joint representatives of the competing associations, and may be accompanied by whom for this purpose the competing entities deem appropriate.
- 43.3. After the negotiations, proposals which are not amended, as well as those delivered whose competitors do not appear in the respective sessions, shall be considered for consideration in the terms in which they were submitted.

44. Preliminary negotiation Report

During the negotiations, the Evaluation Committee shall draw up a preliminary report on the merits of the negotiation, which is based on the draft final decision to be notified to competitors.

45. Prior negotiation hearing

The preliminary report, the Evaluation Committee, shall send it to all competitors participating in the negotiating sessions so that, under the right of prior hearing, they are written in writing within 5 days from the date of receipt of the Notification.

46. Final Negotiation Report

- 46.1. Having complied with the provisions of the preceding paragraphs, the Evaluation Committee shall draw up a final report of the negotiating phase of the proposals, in which it proposes, in a reasoned manner, the ordering of the competing tenders for the purpose of award.
- 46.2. In the final report of the negotiating phase of the proposals, the results of the negotiations should be considered, as well as the observations of the complainant competitors, if there has been a place, maintaining or modifying the content and conclusions of the preliminary phase report and may also recommend the exclusion of any proposal if there are grounds for the purpose.
- 46.3. The Evaluation Committee shall proceed to the new prior hearing, when the Final report of the negotiating phase results in either the ordering of the proposals contained in the preliminary report of the negotiating phase, the Commission the new prior hearing.
- 46.4. The Final report of the negotiation phase of the proposals is forwarded to the body with competence to decide to hire for approval.
- 46.5. Once the Final Award report is approved, the decision shall be communicated to the successful tenderer and may, if required, provide the final guarantee.

47. Definitive Deposit

- 47.1. In order to ensure the exact and timely fulfilment of the obligations that the contractor assumes with the conclusion of the contract, he shall pay a definitive deposit of 20% of the total amount of the tender awarded, and the EPC may appeal to that, without the need for prior judicial or arbitral decision to satisfy any importance that are due to non-compliance, or defective fulfilment of such obligations.
- 47.2. The Contractor shall pay this deposit within a maximum of ten (10) days from the date of notification of the award decision.
- 47.3. The final deposit may be done by bank deposit, in securities issued or guaranteed by the State, or, in a cheque, by bank guarantee, in accordance with annex H, or by insurance-collateral, as annex I, as the choice of Contractor and acceptance by EPC.
- 47.4. The EPC shall release the security deposit within a maximum of 90 (ninety) days, from the date of the fulfilment of all contractual obligations by the particular Contracting Party.

48. Causes of non-award

- 48.1. There is no place for adjudication when one of the following causes is shown:
- 48.1.1. When all tenders have been excluded;
 - 48.1.2. Where, by unforeseen circumstances, it is necessary to amend fundamental aspects of the tender parts after the expiry of the deadline for submission of tenders;
 - 48.1.3. Where the interest of the Contracting Public Entity imposes the postponement of the tender for a period not less than one year;
 - 48.1.4. When the Contracting Public Entity loses its interest in concluding the contract, due to the occurrence of supervening circumstances regarding to the assumptions of the decision to contract.
- 48.2. The decision to cancel/annul the contest is substantiated and must be communicated in writing to all competitors.
- 48.3. In the case of non-award for reasons and grounds referred to in point 49.1.2, a new procedure shall be opened within a maximum of six months from the date of notification of the non-award decision.
- 48.4. Where the basis for the non-award is as provided for in point 49.1.3, the EPC is obliged to set the deadline for postponement in the notification to competitors, and shall launch a new procedure within the prescribed period.

49. Expiry of the award

- 49.1. The award shall expire where, by reason of its imputable, the Contractor shall:
- 49.1.1. Do not pay in time and in the terms required in this competition program the definitive deposit;
 - 49.1.2. Do not attend the day, time and place fixed for granting the contract;
 - 49.1.3. If the contractor is an association, if its members have not been associated under the terms laid down in article 54 (4) of the Public Procurement Act.
- 49.2. In the cases provided for in the preceding paragraphs, the successful tenderer shall forfeit the security provided to the Contracting Entity, and the body competent for the decision of awarding the tender shall subsequently award the orderly proposal.

50. Contract

- 50.1. The contract should be reduced to written.
- 50.2. The costs and charges inherent in the reduction of the contract in writing are the responsibility of the contractor.

51. Draft contract

- 51.1. After proof of the provision of the final deposit, the competent body for the decision to contract and support the expenditure shall approve the draft of the contract and submit it to the contractor, whose content shall be in conformity with the provisions of the Article 110 of the Public Procurement Act.
- 51.2. The contractor shall decide on the draft of the contract within five (5) working days after its receipt, equivalent to the silence to tacit acceptance.
- 51.3. Claims to the draft contract are admissible when they contain obligations not contained in the documents which serve as the basis for this procedure.
- 51.4. In the event of a complaint, the body responsible for the decision to hire shall provide the clarifications within ten (10) days from the date of receipt of the complaint.

52. Conclusion and granting of written agreement

The contract must be concluded within a maximum of fifteen (15) days, counted from the date of acceptance of the respective draft or decision on the complaint of the draft contract, and must be notified of the day, date, time and place of the agreement.

53. Count of deadlines

- 53.1. The deadlines provided for in this program are in working days, suspending on Saturdays, Sundays and holidays.

53.2. The deadlines set for the submission of tenders are continuous, running on Saturdays, Sundays and holidays.

54. Competent Forum

For all issues emerging from this program, the court of Luanda shall be competent.



ANNEXES TO the Competition program



ANNEX A-1

Mandatory information to be included in the wrappers containing the proposal

[referred to in point 24. 1]

A-1 — The Technical and financial proposal, together with the documents that instruct it, must be presented in an opaque, closed and sealed enclosure, identified as follows:

Proposal
[DISPLAY EPC]
[indicate contest designation]
[Competitor's name]

A-2 – The enabling documents must be presented in an opaque, closed and sealed casing, identified as follows:

ENABLING/HABILITATION DOCUMENTS
[DISPLAY EPC]
[indicate contest designation]
[Competitor's name]

A-3 — The wrappers referred to in the preceding paragraphs shall be stored in another enclosure, equally opaque, closed and sealed, identified as follows:

[DISPLAY EPC]
[indicate contest designation]
[DO NOT OPEN BEFORE PUBLIC Act]

ANNEX B
Identification Declaration Template

[referred to in point 25.1.1]

[Name, identification card number and address], acting as legal representative of... [Firm, tax identification number and head office, or, in the case of concurrent grouping, firms, tax identification numbers and seats], with branches in [indicate locations], adhered to the execution of the contract to be concluded, is composed of the following social organs:¹

1. [Indicate organs and members thereof]

It further declares that the present company was constituted in [date], having occurred the following social changes, according to the Social Pact annexed to this Declaration:

2. [indicate changes]

It is true that this declaration is duly signed and legalized by the members of this company empowered to do this.

[Location, date and signature]

¹ Natural person indicates name, taxpayer number, identity card number, marital status and domicile
Legal person indicates name, legal person number, social denomination.

ANNEX C

Model of declaration of absence of impediments on the part of the applicant

[referred to in point 5.1]

[Name, identification card number and address³], acting as legal representative of... [Firm, tax identification number and head office or, in the case of concurrent grouping, firms, tax identification numbers and seats], declares, under a commitment of honor, that:

1. It is not in a state of insolvency, declared by a judicial ruling, in the winding-up phase, dissolution or cessation of activity, subject to any preventive means of liquidation of assets or in any similar situation or have the respective process Pending;
2. It has not been condemned by a judgment carried on trial for any crime affecting its professional honorability if, however, its rehabilitation has not occurred, in the case of persons or, in the case of legal persons, have been condemned by those crimes the holders of their governing bodies of administration, directors or management, and they are in the effectivity of the functions;
3. It has not been the subject of administrative sanction due to serious lack in professional matters, if it has not been rehabilitated in the case of natural persons or, in the case of legal persons, have been the subject of Application of that administrative sanction, the holders of their management, management or managerial bodies, and they are in the role of duties;
4. It has its legal situation fully regularized;
5. It has its regularized situation on Social security contributions;
6. They have their situation regularized with respect to they tax obligations.

[Location, date and signature]

³Single person indicates name, taxpayer number, identity card number, marital status and domicile.
Legal person indicates the name, legal person number, social name.



ANNEX D.

Information search AUTHORIZATION MODEL

[referred to in point 25.2]

[Indicate name, identification card number and address⁴], acting as legal representative of [firm, tax identification number and head office, or, in the case of concurrent grouping, firms, tax identification numbers and seats], we authorize the Commission to Evaluation of the public tender of [identify the subject of the procedure] of [EPC identification], at its discretion, request and obtain directly from the related entities in the references of the competitor, to whom to [2indicate the name of the competitor] Provided service similar to the subject of this competition, all the information necessary to assess its experience in this field, for the qualification effect in the evaluation process of the proposal.

[Location, date and signature]

⁴ Single person indicates name, taxpayer number, identity card number, marital status and domicile.
Legal person indicates the name, legal person number, social name.

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ANNEX E.
Financial capacity Declaration model -declaration for the last three years on the overall turnover

[referred to in point 11.1.2.3]

[Name, identification and address number⁵] as legal representative of... [Firm, tax identification number and head office or, in the case of concurrent grouping, firms, tax identification numbers and seats] declares ³the following global business volumes in the last three years:

Year	Global turnover	Number of employees	Registration and certification number Or Inapem inscription

[Location, date and signature]

⁵ Single person indicates name, taxpayer number, identity card number, marital status and domicile
Legal person indicates name, legal person number, social denomination



REPUBLIC OF ANGOLA

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ANNEX F

Technical Capacity Declaration Model

[referred to in point 11.1.3]

[Name, identification card number and address⁶], acting as legal representative of [firm, tax identification number and head office or, in the case of concurrent grouping, firms, tax identification numbers and seats], presents the following Documents proving their technical capacity:⁶

1. List of the main [identify works, services or goods executed or provided in the last three years indicate date and attach proof document], executed (annex F-1) [Attach supporting document];
2. Description of the technical equipment (annex F. 2) [identify the subject of the procedure, -Attach proof document];
3. Indication of technicians or technical bodies, integrated or not in the undertaking, who are responsible for quality control, safety and hygiene at work, as well as their literary and professional qualifications (annex F. 3) [Attach Supporting document];
4. Indication of the technicians or technical bodies responsible for the execution of the work or the contract, with the instruction of the respective curriculum and experience in identical or similar projects (annex F. 4) [Attach proof document];
5. Indication of the annual effective staff of the competitors and of the framing staff, with reference to the last three years (annex F. 5) [attach supporting document];
6. Description of the procedures and methods to be adopted by the competitor for the guarantee of good execution and the deadlines for execution, as well as the means of study and research which it uses (annex F. 6) [attach supporting document].

[Location, date and signature]

⁶ Unique person indicates name, taxpayer number, ID card number, marital status and domicile.
Legal person indicates the name, legal person number, company name.





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ANNEX F-1

Table-Technical Capacity statement

F.1. List of major works, services or goods provided, carried out in the last three years						
work/service/goods	Amount	Date of delivery of the work/service/Goods	Customer designation	Contact person	Contact email	Contact telephone

F.2. Technical Equipment Description						
Type of equipment	Model	Date of manufacture	[Key parameter]	[Key parameter r]	[Key parameter]	[Key parameter]

F.3. Technicians or technical bodies responsible for quality control, safety and hygiene at work, as well as their literary qualifications and professionals						
Technician/Technical Organ name	Company ID	Company Address	[Relevant professional]	[Relevant professional]	[Relevant professional]	[Relevant professional]

⁷ Single person indicates name, taxpayer number, identity card number, marital status and domicile.

Legal person indicates the name, legal person number, social name.

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			qualificatio ns]	qualificati ons]	qualificatio ns]	qualificatio ns]

F.4. Indication of the technicians or technical bodies responsible for the execution of the work or the contract, with the instruction of the respective curriculum and the experience in identical or similar projects

Technician/T echnical Organ name	Compan y ID	Company Address	Proof of relevant experience			
			Customer designatio n	Project delivery Date	Project description	Relevant Curriculum

F.5. Effective annual staff of candidates or competitors and framing staff, with reference to the last three years

Year	Number of annual effective staff	Number of framing Staff				



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F.6. Description of the procedures and methods to be adopted by the applicant or competitor for the guarantee of good execution and the deadlines for implementation	
1.	
2.	
3.	
4.	
5.	



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ANNEX G.

Model of declaration of acceptance of specification

[as referred to in point 26. 1.1]

[Name, identification card number and address ⁷], acting as legal representative of... [Firm, tax identification number and seat or, in the case of concurrent grouping, firms, tax identification numbers and seats], having taken full and perfect knowledge of the specifications relating to the execution of the contract to be concluded following the Procedure... [Designation or reference to the procedure in question] for [identification of the good/service/type of work], declares, on a commitment of honor, that its represented is obliged to carry out that contract in accordance with the content of the aforementioned tender specifications, for which it declares, without reservation, to accept all its clauses.

[Location, date and signature]

⁷ Single person indicates name, taxpayer number, identity card number, marital status and domicile.

Legal person indicates the name, legal person number, social name.

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ANNEX H.

Bank guarantee Model

[referred to in point 47. 3]

On behalf of and at the request of [name of competitor/contractor], with registered office in [address], legal person No. [number], registered in the commercial register of [place] under the n.º [number], with the share capital of [value] [in the long], comes The bank [name], based in [address], declares to provide for the [EPC identification], located in [Address and City], an autonomous bank guarantee, irrevocable and the first demand, in the value of [value] [in the long], corresponding to the Deposit of [indicate percentage], provided for in the Public tender program [identify the subject of the procedure].

Thus, under this guarantee, this bank is obliged to pay the first request of [EPC identification], without interference of the guarantee and observing the amount set forth above without the [EPC Identification] has to justify the request and Without the bank being able to invoke, for its benefit, any means of defense.

The bank shall pay the amounts requested by [EPC identification] on the day following that of the application, after which, without the payment being made, interest shall be payable at the highest rate practiced by the bank for active operations, without Immediate execution of the debt assumed by the latter.

This autonomous warranty shall in no event be terminated, and shall remain in force until it is extinguished, in accordance with the tender and applicable law.

The Bank shall, moreover, ensure that the commitment herein fully satisfies the requirements and determinations of the Angolan legislation and, in particular, the banking legislation, and the court's jurisdiction Provincial of [identification of the court of the territorial circumscription concerned] the competent to address any issues relating to this guarantee, with express resignation to any other. Finally, they declare the signatories of the present warrant that the bank and these are regularly authorized to provide banking guarantee of this nature, depending on the provision of the bank's bylaws.



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[Location, date and signature]



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ANNEX I.

Insurance-Security Model

[referred to in point 47. 3]

The insurance company [name], with registered office in [address], registered in the commercial register of [Local] under the number [number], with the share capital of [value], provides for the [identification of the EPC], located in [Address and province] and under contract of insurance-Escrow concluded with [name of competitor/contractor], with registered office at [address], legal person no [number], registered in the Commercial register of [Place], under paragraph [number], with the share capital of [value] [in the long], guarantee the first request, in the value of [value], corresponding to the security of [percentage] provided for in the Public tender program [Identify the subject of the procedure].

The insurance company undertakes to pay that amount within three working days following the first request of [EPC identification], without having to justify the request and without the first being able to invoke for its benefit any means of defense.

The insurance company may not oppose [EPC identification] any exceptions relating to the insurance-collateral contract concluded between this and [competitor/Contractor's name].

The present insurance-deposit, at the first request, shall not in any circumstance be revoked or terminated, while remaining in force until its termination or cancellation, in accordance with the terms set forth in the Agreement and applicable law.

The present insurance-collateral is governed by Angolan law, the jurisdiction of the Provincial Court of [Identification of the Court of the territorial circumscription in question] the competent to resolve any issues emerging from it, with Express Surrender to any other.

[Location, date and signature]



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ANNEX J.

Model of presentation of the technical proposal

[referred to in point 24.1]

Contest: [indicate the name]

To:

EPC Identification:

[Enter Province] – Angola

Dear Sirs, [indicate the name, state, profession and address or firm and seat], holder of the license (s) of [indicate the number, category or subcategory and class or subclass] (L)...,

Having examined the specifications for the execution of the works disclosed by the [EPC identification], we are hereby signed, we present the proposal to [identify the Subject of the procedure], under contract, in full compliance with the requirements mentioned in the tender documents, the detail of which is in the list annexed, by the amount indicated in the respective financial proposal.

We undertake, if our proposal is to be accepted, to carry out all the works which constitute the same, in accordance with the specifications, not later than [indicate the month and year], counted from the date of signature of the contract, as Mentioned in the tender documents.

But we declare that he waives the Special Forum and submits, in all respects to the execution of his contract, to what is prescribed in the Angolan legislation in force.

Date: [indicate day, month and year]

Duly authorized to sign this proposal by the [competitor's name] and on its behalf.

[Name]

[Signature]



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ANNEX K.

Model of presentation of the financial proposal

[referred to in point 24.1]

Contest: [indicate the name]

To:

EPC Identification:

[Enter Province] – Angola

Dear Sirs,

In addition to our technical proposal and in accordance with the tender program and the Book of charge(S)/specifications disclosed by [identification of the EPC] to [identify the subject of the procedure], we undersigned, present the respective proposal for the execution of the work under contract, in full compliance with the requirements mentioned in the tender documents, the detail of which is in the attached document, by the amount of [indicate the total value in Digits] [indicate the total value of the full proposal], hereinafter referred to as the "total value of the proposal". The amount referred to is in accordance with the general summary table of costs, annexed to this document and integrating the proposal.

We undertake, if our proposal is to be accepted, to execute the work within the deadline set out in the specifications-[indicate month and year]-and as mentioned in the tender documents.

Date: [indicate day, month and year]

Duly authorized to sign this proposal by the [competitor's name] and on its behalf.

[Name]

[Signature]