

## INVITATION

### Article 1

#### Public adjudicated entity

The procedure is promoted by the University of Aveiro (UA), a public foundation regularized by private law, Campus Universitário de Santiago/3810-193 Aveiro, telf. 00351234372434, fax 00351234370040, email address [contratacao@adm.ua.pt](mailto:contratacao@adm.ua.pt)

### Article 2

#### Identification and object

The procedure is designed by *Direct Adjustment n.º 53 - aCP/sTIC- 03/17, tendo em vista a aquisição das licenças de software COMSOL Multiphysics e módulos de processamento para o Departamento de Física da Universidade de Aveiro, according to the items in Attach I.*

### Article 3

#### Organ that made the decision to contract and reason for the choice of the procedure

1. The decision to contract was made by UA's manager, *Dra. Cristina Maria Alves Moreira Veiga*, by decision on 27/03/2017, according to the terms in Dispatch n.º 1862/2016, on 28/11, of the UA Management Council, published in Diário da República n.º 234, series 2, on 7/12.
2. The procedure is a direct adjustment, focusing on a lower price than the one referred in Directive nº 2004/18/CE of European Parliament and Council, article 7, line b) on 31/3, with prices updated and published according to the Code of Public Contracts (CCP), specially articles 16, n. 1, line a), and 2-line d); article 20, n. 1 line a); article 36 n.1; article 38; and article 112, according to the Portuguese law.

### Article 4

#### Terms consulting and requesting of information

1. The terms of the procedure are to be consulted, from 9:00 to 13:00 o'clock and from 14:00 to 18:00 o'clock, at Public Procurement area/Logistics and Technical Managing services – UA, Campus Universitário de Santiago / 3810-193 Aveiro, email [contratacao@adm.ua.pt](mailto:contratacao@adm.ua.pt), telephone number 00351234372434, fax number 00351234370040.
2. For a better comprehension and understanding of the terms of the procedure, any clarification can be required by email [contratacao@adm.ua.pt](mailto:contratacao@adm.ua.pt) on the day 30 of march 2017, inclusive, till 17.00 o'clock.

### Article 5

#### Base price and abnormally low price

Considering abnormally low the price of the proposal 50% or lower of the base price, the base price is €13.140,00 (thirteen thousand one hundred and forty euros), according to article 47 of CCP.

### Article 6

#### Form, procedure and deadline for the presentation of the proposals

1. The proposal is presented through the email [contratacao@adm.ua.pt](mailto:contratacao@adm.ua.pt) on the day 05 of april 2017, inclusive, till 17:00 o'clock.
2. All documents of the proposal are to be signed by the participants or by someone with legal powers to do so.

### Article 7

#### Documents of the proposal and idiom

1. The proposal is based on the following documents, according to article 57 of CCP:
  - a) Participants' Declaration confirming acceptance of the content of the contracts tender, in conformity with examples in Attach I of CCP (see Attach II of this Invitation);
  - b) Document that, towards the object of the contract to be celebrated and the terms of its execution submitted to the competition by the contracts tender, keeps the proposal features, which ones participants are compelled to (see Attach III of this Invitation).
2. All documents of the proposal are written in Portuguese or, if they are written in a foreign language because of its nature or origin, may be presented in a foreign language, such as in English, French or in Spanish, with its translation attached and authenticated, which prevails over the originals, except for technical documents (catalogues, certificates, references or similar).
3. The documents of the proposal (in accordance with Attaches II and III), in addition to the signed English version, must be included in the signed Portuguese version.

### Article 8

#### Academic qualification documents and idiom

1. According to article 81 of CCP, the adjudicator should present the following academic qualification documents:
  - 1) Declaration written according to the model in Attach II of CCP (see Attach IV of this Invitation);

- 2) A document declaring the participant had never been convicted in a court of law for any crime that affects his/her professional honour, if meanwhile his/her rehabilitation had not been undergone, and in case of a single person or in case of a company, whose administration, direction or management social organs' holders have not been convicted by those crimes are, in fact, working and affected to those companies;
  - 3) A document submitted by Social Security benefits payment system declaring that the participant's legal situation is regularized in Portugal, or in wherever the participant is from or in wherever his/her company is settled in;
  - 4) A document declaring that the participant's taxes are regularized in Portugal, or in wherever the participant is from or in wherever his/her company is settled in;
  - 5) A document declaring the participant had never been convicted in a court of law for any of the following crimes, if meanwhile his/her rehabilitation had not been undergone, and in case of a single person or in case of a company, whose administration, direction or management social organs' holders have not been convicted by those crimes are, in fact, working and affected to the company:
    - Participating in activities of criminal organisations, as defined in article 2 n.1 of Common Action n. 98/773/JAI, of the Council;
    - Corruption, within the meaning of article 3 of the Council Act, on 26<sup>th</sup> May 1997, and of article 3 Common Action n. 98/742/JAI, of the Council;
    - Fraud, within the meaning of article 1 of the Convention on the Protection of the European Communities' Financial Interests;
    - Money laundering, within the meaning of article 1 of the Directive n. 91/308/CEE, of the Council, of 10<sup>th</sup> June, on the prevention of the use of the financial system for the purpose of money laundering.
  - 6) The subscription certificate registered in the moveable goods and services in the official suppliers 'list of any signatory State of the European Economic Area which reveals the ownership of the appropriate and necessary qualifications for the performance of the benefits subject to the contract to be concluded by the successful adjudicator or by the adjudicator group.
  - 7) If the adjudicator, who is from a signatory State of the European Economic Area or from the Agreement on Public Contracts of the World Business Organisation, is not the certified holder referred to in previous paragraph (1.6), must submit the registration certificate referred to in Attaches IX-B and IX-C of the Directive n.2004/18/CE, of European Parliament and of the Council, of 31<sup>st</sup> March, instead of that registration document in the registers, with all the submissions revealing the ownership of the appropriate and necessary qualifications for the performance of the benefits subject to the contract to be concluded or, if the participant's nationality is not one of those mentioned in those attaches, participant must submit a declaration on honour in notary or any judicial or administrative authority or even any other competent authority, which may perform the benefits subject to the contract to be concluded in and following the participant's State legal rules;
  - 8) Certificate of permanent commercial register, with all the available current applications in the legal terms, of the access code to be consulted on line, to identify the holders of the administration, direction or management social organs.
2. All the academic qualification documents should be written in Portuguese, although if those documents, by their nature or origin, are written in a foreign language, the adjudicator should attach its translations, duly legalized, which prevail to the original documents.

#### Article 9

##### Way, deadline and elimination of irregularities in the qualification documents

1. The adjudicator should present all qualification documents in ten days, from the date of the notification of the adjudication decision, by the address *contratacao@adm.ua.pt*
2. The deadline for the elimination of possible irregularities detected in the qualification documents which may lead to the expiry of the adjudication, is 5 (five) days, from the adjudicator's notification regarding the occurred fact.

#### Article 10

##### Pledge

According to paragraph 2 of the article 88 of the CCP, a pledge is not required.



#### Article 11

##### Celebration of the contract

1. The contract is reduced to written by the elaboration of the clause in paper, therefore the costs regarding the reduction of the contract in paper are under the adjudicator's responsibility, with no legal taxes owned by the same one.
2. The draft of the contract is to be approved by the competent organ for the decision to contract, that notifies the adjudicator.

#### Article 12

##### Applicable Law and legislation

1. The contract has an administrative character and it is regulated by the Portuguese law, in particular according to the disposed in the CCP.



**Attach I**

**Technical Specifications**

Technical specifications, in Attach A in the contracts tender.

## Attach II

### DECLARATION

1 - \_\_\_\_\_ (name, identity card number and address), acting as legal representative of <sup>(1)</sup> \_\_\_\_\_ (firm, tax identification number and headquarters or, in case of competing groupings, firms, tax identification numbers and headquarters), having taken full and perfect knowledge of the contracts tender regarding the performance of the contract to celebrate in sequence of the procedure for *Direct Adjustment n.º 53 - aCP/sTIC- 03/17, tendo em vista a aquisição das licenças de software COMSOL Multiphysics e módulos de processamento para o Departamento de Física da Universidade de Aveiro*, declares, on its honour, that your represented <sup>(2)</sup> is compelled to perform the referred contract according to the content of the contracts tender, towards which declares to accept, with no reserves, all its clauses. 2 — Also declares that it will perform the cited contract in the terms foreseen in the following documents, which are in Attaches <sup>(3)</sup>:

a) \_\_\_\_\_;

b) \_\_\_\_\_.

3 — Although declining the special jurisdiction, it still declares and submits in everything regarding the performance of the referred contract, within the applicable Portuguese legislation.

4 — More it declares, under honour commitment, that:

a) One does not meet in insolvency state, in phase of liquidation, dissolution or ceasing of activity, company subject to any means of liquidation of assets or any analogous situation, nor has its suit pending;

b) Was not condemned by res judicata for crime that affects the professional conduct <sup>(4)</sup> [or holders of their social organs of administration, direction or management, have not been convicted of any crime that affects their professional conduct <sup>(5)</sup> <sup>(6)</sup>];

c) Has not been the subject of application of administrative penalty for grave professional misconduct <sup>(7)</sup> [or holders of their social organs of administration, direction or management, have not been the subject of application of administrative penalty for grave professional misconduct <sup>(8)</sup> <sup>(9)</sup>];

d) Has paid all its social security contributions in Portugal (or in the State of which it is national from or in which its main establishment is located) <sup>(10)</sup>;

e) Has paid all its taxes due in Portugal (or in the State of which it is national from or in which its main establishment is located) <sup>(11)</sup>;

f) Was not object of application of the foreseen accessory sanction in line e) do n. 1 of article 21 of Decree n. 433/82, of 27<sup>th</sup> of October, line b) of n. 1 of article 71<sup>o</sup> of the Law 19/2012, of 8th of May, and in n. 1 of article 460 of Code of Public Contracts, during the period of inability set on judgement <sup>(12)</sup>;

g) Was not object of application of the foreseen accessory sanction in the line b) of n. 1 of the article 627 of the Code of the Work <sup>(13)</sup>;

h) These last two years, was not object of application of administrative or judicial sanctions for using on its own the workforce that is legally responsible for paying taxes and contributions for the social security, which are not declared in the terms of the rules that this obligation is imposed on, in Portugal (or in the State of which it is national from or in which its main establishment is located) <sup>(14)</sup>;

i) Was not condemned by res judicata for some of the following crimes <sup>(15)</sup> [or the holders of its social agencies of administration, direction or management, had not been condemned by some of the following crimes <sup>(16)</sup> <sup>(17)</sup>];

ii) Participation in activities of a criminal organization, as defined in n.1 of the article 2 of the Common Action n. 98/773/JAI, of the Council;

iii) Corruption, within the meaning of the article 3 of the Act of the Council of 26<sup>th</sup> of May of 1997 and of the paragraph 1 of the article 3. of the Common Action n. 98/742/JAI, of the Council;

iv) Fraud, within the meaning of article 1 of the Convention on the Protection of the Financial Interests of the European Communities;

v) Money laundering as defined in article 1 of the Directive n. 91/308/EEC of 10<sup>th</sup> of June of 1991 on prevention of the use of the financial system for money laundering;

vi) It has not, in any way, directly or indirectly, give advice or technical support in the preparation and drafting of parts of the procedure which gives them an advantage which distorts the normal competitive conditions.

5 — The declarant shall have full knowledge that, as the case may be, false statements imply the exclusion of the proposal submitted or the expiry of the adjudication that eventually may rely on and it is a very serious administrative infraction, according to the article 456 of the Code of Public Contracts, which can determine an additional penalty of deprivation of the right to participate as a candidate, as a competitor or as a member of the grouping candidate or competitor, in any procedure adopted for the public contract training, without damages to the participation of the competent entity for the purposes of criminal procedure.

6 — If requested by the University of Aveiro, the competitor is compelled, in the terms of article 81 of the Code of Public Contracts, to present the declaration that comprises attach II regarding such Code of Public Contracts, as well as the documents supporting these are according to the saying in lines (b), d), e) and (i) of paragraph 4 of this declaration.

7 — The declarant has full knowledge that the non-submission of the documents requested pursuant to the preceding paragraph, the expiry of the adjudication that eventually may rely on and it is a very serious administrative infraction, according to the article 456 of the Code of Public Contracts, which can determine an additional penalty of deprivation of the right to participate as a candidate, as a competitor or as a member of the grouping candidate or competitor, in any procedure adopted for the public contract training, without damages to the participation of the competent entity for the purposes of criminal procedure.

\_\_\_\_\_ (Place), \_\_\_\_\_ (Date),

\_\_\_\_\_ [signature <sup>(18)</sup>].



- (1) Applicable only to competitors who are collective persons.
- (2) In the case of the competitor be a single person, delete the words "Your represented".
- (3) List all documents that constitute the proposal, in addition to this declaration, according to lines (b), c) and d) of paragraph 1 and in paragraphs 2 and 3 of article 57 of the CCP.
- (4) Indicate if, meanwhile, a rehabilitation occurred.
- (5) Indicate if, meanwhile, a rehabilitation occurred.
- (6) Declare if the competitor is single or collective person.
- (7) Indicate if, meanwhile, a rehabilitation occurred.
- (8) Indicate if, meanwhile, a rehabilitation occurred.
- (9) Declare if the competitor is single or collective person.
- (10) State depending on the situation.
- (11) State depending on the situation.
- (12) Indicate if, meanwhile, there was the inability to set the condemnatory decision.
- (13) Indicate if, meanwhile, there was the inability to set the condemnatory decision.
- (14) State depending on the situation.
- (15) Indicate if, meanwhile, a rehabilitation occurred.
- (16) Indicate if, meanwhile, a rehabilitation occurred.
- (17) State depending on the competitor is single or collective person.
- (18) The declaration shall be signed by the competitor or by a representative who is compelled to.



**Attach III**

\_\_\_\_\_ (name, identity card number and address), acting as legal representative of <sup>(1)</sup>  
\_\_\_\_\_ (firm, firm, tax identification number and headquarters or , in case of competing groupings,  
firms, tax identification numbers and headquarters), having taken full and perfect knowledge of the contracts tender  
regarding the performance of the contract to celebrate in sequence of the procedure for *Direct Adjustment n.º 53 -  
aCP/sTIC- 03/17, tendo em vista a aquisição das licenças de software COMSOL Multiphysics e módulos de  
processamento para o Departamento de Física da Universidade de Aveiro*, declares, on its honour, that your represented<sup>(2)</sup>  
is compelled to perform the referred contract according to the content of the contracts tender and applicable legislation in  
the following terms:

- Price of the proposal: \_\_\_\_\_ € (\_\_\_\_\_ euros),

At the cost of the proposal above-mentioned, in the sum of \_\_\_\_\_ € (\_\_\_\_\_ euros), it increases I.V.A., to the  
legal tax of \_\_, in the value of \_\_\_\_\_ € (\_\_\_\_\_ euros), making the total amount of \_\_\_\_\_ €  
(\_\_\_\_\_ euros).

More it declares that it renounces some special jurisdiction and submits itself, in everything so that to respect the contract to  
celebrate, to what may be found prescribed in the Portuguese legislation.

\_\_\_\_\_ (place), \_\_\_\_\_ (date),

\_\_\_\_\_ [signature].

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

(2) In the case of the competitor be a single person, delete the words "Your represented".

**Attach IV****DECLARATION**

1 - \_\_\_\_\_ (name, identity card number and address), acting as legal representative of <sup>(1)</sup> \_\_\_\_\_ (firm, tax identification number and headquarters or, in case of competing groupings, firms, tax identification numbers and headquarters), having taken full and perfect knowledge of the contracts tender regarding the performance of the contract to celebrate in sequence of the procedure for *Direct Adjustment n.º 53 - aCP/sTIC- 03/17, tendo em vista a aquisição das licenças de software COMSOL Multiphysics e módulos de processamento para o Departamento de Física da Universidade de Aveiro*, declares, on its honour, that your represented <sup>(2)</sup> is compelled to:

a) One does not meet in insolvency state, in phase of liquidation, dissolution or ceasing of activity, company subject to any means of liquidation of assets or any analogous situation, nor has its suit pending;

b) Has not been the subject of application of administrative penalty for grave professional misconduct <sup>(3)</sup> [or holders of their social organs of administration, direction or management, have not been the subject of application of administrative penalty for grave professional misconduct <sup>(4)</sup> <sup>(5)</sup>];

c) Was not object of application of the foreseen accessory sanction in line e) do n. 1 of article 21 of Decree n. 433/82, of 27<sup>th</sup> of October, line b) of n. 1 of article 71º of the Law 19/2012, of 8th of May, and in n. 1 of article 460 of Code of Public Contracts, during the period of inability set on judgement <sup>(6)</sup>;

d) Was not object of application of the foreseen accessory sanction in the line b) of n. 1 of the article 627 of the Code of the Work <sup>(7)</sup>;

e) These last two years, was not object of application of administrative or judicial sanctions for using on its own the workforce that is legally responsible for paying taxes and contributions for the social security, which are not declared in the terms of the rules that this obligation is imposed on, in Portugal (or in the State of which it is national from or in which its main establishment is located) <sup>(8)</sup>;

f) It has not, in any way, directly or indirectly, give advice or technical support in the preparation and drafting of parts of the procedure which gives them an advantage which distorts the normal competitive conditions.

2 — The declarant adds in attaches [or indicates ... As an Internet address where can be found the supporting documents <sup>(9)</sup>] the supporting documents testifying that your represented <sup>(10)</sup> is not involved in such situations foreseen in the lines b), d), e) and i) of article 55 of the Code of Public Contracts.

3 — The declarant has full knowledge that the non-submission of the documents requested pursuant to the preceding paragraph, the expiry of the adjudication that eventually may rely on and it is a very serious administrative infraction, according to the article 456 of the Code of Public Contracts, which can determine an additional penalty of deprivation of the right to participate as a candidate, as a competitor or as a member of the grouping candidate or competitor, in any procedure adopted for the public contract training, without damages to the participation of the competent entity for the purposes of criminal procedure.

[Place], [date] [Signature <sup>(11)</sup>]

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

(2) In the case of the competitor be a single person, delete the words "Your represented".

(3) Indicate if, meanwhile, a rehabilitation occurred.

(4) Indicate if, meanwhile, a rehabilitation occurred.

(5) Declare if the competitor is single or collective person.

(6) Indicate if, meanwhile, there was the inability to set the condemnatory decision.

(7) Indicate if, meanwhile, there was the inability to set the condemnatory decision.

(8) State depending on the situation.

(9) Add the required information, if any.

(10) In the case of the competitor be a single person, delete the words "Your represented".

(11) According to the terms in n.4 and 5 of article 57 of CCP.