

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*.

Article 2

Identification and object

The procedure is designed by *Direct Adjustment n.º 97 - aCP/UA - 07/18*, with a view to the acquisition of FactSage software update and respective databases for the Department of Materials and Ceramics Engineering University of 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 dean, Prof. Dr. Paulo Jorge dos Santos Gonçalves Ferreira, by decision on 24/07/2018, according to the terms in Deliberation n.º 560-A/2018, published in Diário da República n.º 87, series 2, on 7/05.
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 24, n. 1 line e) iii); 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*, 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*, on the day 28 of July 2018, inclusive, till 17.00 o'clock.

Article 5

Base price and abnormally low price

Considering abnormally low the price of the proposal 20% or lower of the base price, the base price is €6.597,25 (six thousand, five hundred and ninety-seven euros and twenty-five cents), 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*, on the day 03 of August 2018, 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).
1. 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).
2. 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:

- a) Declaration written according to the model in Attach II of CCP (see Attach IV of this Invitation);
- b) Documents proving that it is not in the situations provided in n.º 1 of article 55, line b), d), e) e i).

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, line a) 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 ⁽¹⁾ _____ (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 97 - aCP/UA - 07/18*, with a view to the acquisition of FactSage software update and respective databases for the Department of Materials and Ceramics Engineering University of Aveiro, declares, on its honour, that your represented ⁽²⁾ 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 ⁽³⁾:

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 ⁽⁴⁾ [or holders of their social organs of administration, direction or management, have not been convicted of any crime that affects their professional conduct ⁽⁵⁾ ⁽⁶⁾];
- c) Has not been the subject of application of administrative penalty for grave professional misconduct ⁽⁷⁾ [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 ⁽⁸⁾ ⁽⁹⁾];
- 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) ⁽¹⁰⁾;
- 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) ⁽¹¹⁾;
- 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 27th of October, line b) of n. 1 of article 71^o 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 ⁽¹²⁾;
- 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 ⁽¹³⁾;
- 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) ⁽¹⁴⁾;
- i) Was not condemned by res judicata for some of the following crimes ⁽¹⁵⁾ [or the holders of its social agencies of administration, direction or management, had not been condemned by some of the following crimes ⁽¹⁶⁾ ⁽¹⁷⁾];
- 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 26th 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 10th 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 ⁽¹⁸⁾].



- (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 ⁽¹⁾
_____ (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 97 - aCP/UA - 07/18*,
with a view to the acquisition of FactSage software update and respective databases for the Department of Materials and
Ceramics Engineering University of Aveiro, declares, on its honour, that your represented⁽²⁾ 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).

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 ⁽¹⁾ _____ (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 97 - aCP/UA - 07/18*, with a view to the acquisition of FactSage software update and respective databases for the Department of Materials and Ceramics Engineering University of Aveiro, declares, on its honour, that your represented ⁽²⁾ 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 ⁽³⁾ [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 ⁽⁴⁾ ⁽⁵⁾];

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 27th 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 ⁽⁶⁾;

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 ⁽⁷⁾;

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) ⁽⁸⁾;

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 ⁽⁹⁾] the supporting documents testifying that your represented ⁽¹⁰⁾ 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 ⁽¹¹⁾]

(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.