

ANNEX XVII – BIDDING MODELS

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STATE SECRETARIAT FOR INFRASTRUCTURE AND ENVIRONMENT

CLARIFICATION REQUESTS

INTERNATIONAL BIDDING PROCESS NO. 01/2020

CONCESSION FOR USE OF THE PUBLIC ASSET FOR CARRYING OUT INVESTMENTS, CONSERVATION, OPERATIONS, MAINTENANCE AND ECONOMIC EXPLOITATION OF THE CONCESSION AREA, CORRESPONDING TO THE TERRITORIAL SHARE CONTAINED WITHIN THE PERIMETERS OF THE SERRA DO MAR STATE PARK CONSERVATION UNIT CONCERNING CAMINHOS DO MAR, AS SPECIFIED IN THE AUCTION NOTICE

APPLICANT:

Company/Entity:

Contact means:

Document (indication of which document the doubt refers to - e.g., AUCTION NOTICE, CONTRACT or ANNEXES)

Provision, item or contents of the draft (transcribe the provision to which the clarification request refers, or a specific subject dealt with in its content)

Clarification Request:



STATE SECRETARIAT FOR INFRASTRUCTURE AND ENVIRONMENT

TECHNICAL VISIT CERTIFICATE

INTERNATIONAL BIDDING PROCESS NO. 01/2020

CONCESSION FOR USE OF THE PUBLIC ASSET FOR CARRYING OUT INVESTMENTS, CONSERVATION, OPERATIONS, MAINTENANCE AND ECONOMIC EXPLOITATION OF THE CONCESSION AREA, CORRESPONDING TO THE TERRITORIAL SHARE CONTAINED WITHIN THE PERIMETERS OF THE SERRA DO MAR STATE PARK CONSERVATION UNIT CONCERNING CAMINHOS DO MAR, AS SPECIFIED IN THE AUCTION NOTICE

Dear Sirs,

Regarding INTERNATIONAL BIDDING PROCESS NO. 01/2020, we hereby certify that [BIDDER'S trade name] carried out the optional TECHNICAL VISIT held on ___ / ___ / ____, with the purpose of visiting and verifying the current facilities that shall be taken on by the future CONCESSIONAIRE, pursuant to their current physical-operational conditions, in order to allow for verification of local conditions, for purposes of carrying out adequate evaluations on the quantity and nature of construction works, materials and equipment required for fulfilling the object of the CONCESSION, form and provision conditions, access means to the site and obtaining any other data that they deem necessary for the adequate provision of the service granted.

Any doubts arising from this TECHNICAL VISIT shall be submitted in writing in the manner provided for under the AUCTION NOTICE.

[PLACE], [DATE]

[BIDDER]
By its legal representative
RG no. [•]
CPF/ME under no. [•]



STATE SECRETARIAT FOR INFRASTRUCTURE AND ENVIRONMENT

STATEMENT OF NON-OCCURRENCE OF TECHNICAL VISIT

INTERNATIONAL BIDDING PROCESS NO. 01/2020

CONCESSION FOR USE OF THE PUBLIC ASSET FOR CARRYING OUT INVESTMENTS, CONSERVATION, OPERATIONS, MAINTENANCE AND ECONOMIC EXPLOITATION OF THE CONCESSION AREA, CORRESPONDING TO THE TERRITORIAL SHARE CONTAINED WITHIN THE PERIMETERS OF THE SERRA DO MAR STATE PARK CONSERVATION UNIT CONCERNING CAMINHOS DO MAR, AS SPECIFIED IN THE AUCTION NOTICE

Dear Sirs,

Regarding INTERNATIONAL BIDDING PROCESS NO. 01/2020, we hereby certify that [BIDDER'S trade name] decided not to carry out the optional TECHNICAL VISIT held on __ / __ / ____, with the purpose of visiting and verifying the current facilities that shall be taken on by the future CONCESSIONAIRE, pursuant to their current physical-operational conditions, in order to allow for verification of local conditions, for purposes of carrying out adequate evaluations on the quantity and nature of construction works, materials and equipment required for fulfilling the object of the CONCESSION, form and provision conditions, access means to the site and obtaining any other data that they deem necessary for the adequate provision of the service granted. [BIDDER'S corporate name] declares to be aware of the possibility of making the technical visit and becoming acquainted with the entire CONCESSION AREA, but that, aware of the risks and consequences involved, chose to devise the PRICE PROPOSAL without making the technical visit.

Any doubts arising from this TECHNICAL VISIT shall be submitted in writing in the manner provided for under the AUCTION NOTICE.

[PLACE], [DATE]

[BIDDER]
By its legal representative
RG no. [•]
CPF/ME under no. [•]

MODEL FOR DECLARATION OF NON-EXISTENCE OF EQUIVALENT DOCUMENT

INTERNATIONAL BIDDING PROCESS NO. 01/2020

CONCESSION FOR USE OF THE PUBLIC ASSET FOR CARRYING OUT INVESTMENTS, CONSERVATION, OPERATIONS, MAINTENANCE AND ECONOMIC EXPLOITATION OF THE CONCESSION AREA, CORRESPONDING TO THE TERRITORIAL SHARE CONTAINED WITHIN THE PERIMETERS OF THE SERRA DO MAR STATE PARK CONSERVATION UNIT CONCERNING CAMINHOS DO MAR, AS SPECIFIED IN THE AUCTION NOTICE

Dear Sirs,

With respect to INTERNATIONAL BIDDING PROCESS NO. 01/2020, we hereby declare that [BIDDER'S trade name], by its undersigned representative(s), declares, under the penalties of the applicable legislation, that the documents indicated below required in INTERNATIONAL BIDDING PROCESS NO. 01/2020 do not have an equivalent document in the BIDDER's country of origin and/or consortium member.

Document required in the auction notice that does not have an equivalent document in the country of origin	Auction notice item in which the document is required

[PLACE], [DATE]

[BIDDER]
By its legal representative
RG no. [•]
CPF/ME under number [•]

LETTER OF ACCREDITATION

INTERNATIONAL BIDDING PROCESS NO. 01/2020

CONCESSION FOR USE OF THE PUBLIC ASSET FOR CARRYING OUT INVESTMENTS, CONSERVATION, OPERATIONS, MAINTENANCE AND ECONOMIC EXPLOITATION OF THE CONCESSION AREA, CORRESPONDING TO THE TERRITORIAL SHARE CONTAINED WITHIN THE PERIMETERS OF THE SERRA DO MAR STATE PARK CONSERVATION UNIT CONCERNING CAMINHOS DO MAR, AS SPECIFIED IN THE AUCTION NOTICE

Dear Sirs,

By this power of attorney, [BIDDER], [QUALIFICATION], hereinafter referred to as the "GRANTING AUTHORITY", assigns and constitutes as his attorney-in-fact:

Mr. [NAME], [QUALIFICATION]

Mr. [NAME], [QUALIFICATION]

Accrediting them to, jointly and/or separately, perform all necessary acts during bidding described in the AUCTION NOTICE of International Bidding Process No. 01/2020, including for:

- I. represent the BIDDER in the public BIDDING PROCESS sessions and in all other acts of bidding;
- II. lodge appeals and waive the right to lodge appeals;
- III. represent the BIDDER in the defense of its administrative interests during bidding; and
- IV. sign, submit a proposal, provide clarifications, fulfill requirements, adjust conditions, receive notifications and subpoenas, agree and disagree with acts and decisions of the BIDDING COMMISSION.

With the Accreditation, [BIDDER] is aware that its Representatives shall be responsible for the full representation of the BIDDER in the aforementioned International Bidding Process, having necessary and sufficient powers for representation during the entire bidding process.

[PLACE], [DATE]

[BIDDER]

By its legal representative

RG no. [•]

CPF/ME under number [•]

PRICE PROPOSAL

INTERNATIONAL BIDDING PROCESS NO. 01/2020

CONCESSION FOR USE OF THE PUBLIC ASSET FOR CARRYING OUT INVESTMENTS, CONSERVATION, OPERATIONS, MAINTENANCE AND ECONOMIC EXPLOITATION OF THE CONCESSION AREA, CORRESPONDING TO THE TERRITORIAL SHARE CONTAINED WITHIN THE PERIMETERS OF THE SERRA DO MAR STATE PARK CONSERVATION UNIT CONCERNING CAMINHOS DO MAR, AS SPECIFIED IN THE AUCTION NOTICE

Dear Sirs,

Under the terms of the AUCTION NOTICE and its ANNEXES, as well as other information made available in the aforementioned bidding process, in addition to surveys and further studies carried out, with which this BIDDER fully agrees, we submit our PRICE PROPOSAL for the CONCESSION for use of the public asset to carry out investments, conservation, operations, maintenance and exploitation of the CONCESSION AREA, corresponding to the territorial share contained within the perimeters of the Serra do Mar State Park Conservation Unit concerning CAMINHOS DO MAR, as specified in the AUCTION NOTICE.

WHEREAS:

- I. this PRICE PROPOSAL reflects the intention of this BIDDER and is binding, irrevocable, irreversible and unconditional;
- II. this PRICE PROPOSAL shall be valid for at least 180 (one hundred and eighty) days, effective the date of its receipt by the SPECIAL BIDDING PROCESS COMMISSION and, in that period, all conditions shall be maintained, which may be extended if the BIDDER and the SPECIAL BIDDING PROCESS COMMISSION agree so;
- III. the FIXED GRANT includes, on the base date of [•], the sum of the minimum amount of the FIXED GRANT to the premium of its PRICE PROPOSAL, in national currency, according to the rules of the AUCTION NOTICE and the CONCESSION CONTRACT, whose payment shall be made until the date of signature of the CONTRACT, in a single installment, and monetarily adjusted from the base date of the CONTRACT until the day of the actual payment;
- IV. to devise its PRICE PROPOSAL, the BIDDER considered all investments, taxes, costs and expenses necessary for the execution of the CONCESSION, fulfilling the provisions of the BIDDING PROCESS's AUCTION NOTICE, as well as the respective ANNEXES;
- V. to devise its PRICE PROPOSAL, this BIDDER became aware, agreed and considered all the risks assumed in any contracting, in case it is the winner of this BIDDING PROCESS;
- VI. the PRICE PROPOSAL considered the CONCESSION's term of 30 (thirty) years;
- VII. all the MINIMUM STARTING INVESTMENTS, services and other characteristics of the CONCESSION were considered, and the information disclosed was sufficient for the submission of this PRICE PROPOSAL.

PRICE PROPOSAL

This BIDDER, whose data are presented below, comes forward, through its legal representative, to submit the following PRICE PROPOSAL for purposes of the above BIDDING PROCESS:

Proposal Offered: R\$ [•] (value of FIXED GRANT in full)

Validity: This PRICE PROPOSAL shall be valid for 180 (one hundred and eighty) days, effective the date of receipt of the same, and in that period, all conditions shall be maintained.

BIDDER'S DATA

Trade Name/Consortium Corporate Name: [•]

CNPJ/ME (in case of Consortium, use CNPJ/ME of the leader company): [•]

Shareholder Composition/Consortial Share: [•]

Leader company (when applicable): [•]

Address: [•]

Contact numbers: [•]

Fax: [•]

BIDDER representative: [•]

Email: [•]

[PLACE], [DATE]

[BIDDER]

By its legal representative

RG no. [•]

CPF/ME under number [•]

MINIMUM TERMS AND CONDITIONS OF THE PERFORMANCE BOND

INTERNATIONAL BIDDING PROCESS NO. 01/2020

CONCESSION FOR USE OF THE PUBLIC ASSET FOR CARRYING OUT INVESTMENTS, CONSERVATION, OPERATIONS, MAINTENANCE AND ECONOMIC EXPLOITATION OF THE CONCESSION AREA, CORRESPONDING TO THE TERRITORIAL SHARE CONTAINED WITHIN THE PERIMETERS OF THE SERRA DO MAR STATE PARK CONSERVATION UNIT CONCERNING CAMINHOS DO MAR, AS SPECIFIED IN THE AUCTION NOTICE

In order to guarantee a proposal in the form of a Performance Bond, the following conditions shall be fulfilled, under the special conditions, as follows:

1. Policyholder

- 1.1. Trade name: BIDDER [company name of BIDDER]
CNPJ/ME:
Headquarters:

2. Insured

- 2.1. Trade name: [●]
CNPJ / ME:
Headquarters:

3. Object of the Insurance

- 3.1. Ensure compensation, in the amount of up to R\$ [●] ([●]), in case the BIDDER fails to comply with any of its obligations arising from the Law or the AUCTION NOTICE, including the refusal to sign the CONTRACT or failure to meet the requirements for its signature or, still, non-presentation of the documentation required in Item 12 of the AUCTION NOTICE, under the conditions and deadline established in the AUCTION NOTICE.
- 3.2. The BIDDER'S refusal to sign the CONTRACT shall entail the execution of the full amount mentioned in the previous item.

4. Instrument

- 4.1. Performance Bond Policy issued by an insurance company duly constituted and authorized to operate by the Superintendence of Private Insurance - SUSEP, observing the terms of SUSEP's normative acts.

5. Bond Amount

- 5.1. The Performance Bond Policy shall provide for a compensation amount of up to R\$ [●] ([●]).

6. Deadline

- 6.1. The Performance Bond Policy shall have a minimum term of 180 (one hundred and eighty) days from the date for the PUBLIC SESSION, as provided for under the AUCTION NOTICE.

7. Additional Provisions

- 7.1. The Performance Bond Policy shall contain the following additional provisions:
- I. Declaration by the Insurer that it knows and accepts the terms and conditions of the Auction Notice of International Bidding Process No. 01/2020;
 - II. Declaration by the Insurer that it shall make the payment of the sums set forth herein within a maximum period of 30 (thirty) days, effective the date of delivery of all documents listed by the Insurer as necessary for the determination and regulation of the claim; and
 - III. The Insured's right to demand from the Insurer the compensation due for the Policyholder's failure to comply with the obligations covered by the Performance Bond Policy, when the notification made to the Policyholder is fruitless.

The terms that have not been expressly defined in this ANNEX shall have the meanings attributed to them in the AUCTION NOTICE.



STATE SECRETARIAT FOR INFRASTRUCTURE AND ENVIRONMENT

BANK GUARANTEE MODEL

INTERNATIONAL BIDDING PROCESS NO. 01/2020

São Paulo, [•] of [•] of [•].

To THE

State Secretariat for Infrastructure and Environment - SIMA

Ref.: Bank Guarantee no. [•] (“•”)
R\$ [•] ([•]).

Dear Sirs,

1. Through this Bank Guarantee Letter [•], headquartered in [•], registered with the CNPJ under number [•] (“Guarantor Bank”), directly by itself and by its eventual successors, undertakes before [•] as guarantor and principal payer of [•], headquartered in [•], registered with CNPJ under no. [•] (“Secured Party”), with express waiver of the rights provided for under articles 827, 835, 837, 838 and 839 of Federal Law No. 10,406 of January 10, 2002 (Brazilian Civil Code), for the faithful fulfillment of all obligations assumed by the Secured Party in the bidding proceedings described in the Auction Notice of International Bidding Process no. [•] / [•], whose terms, provisions and conditions the Guarantor Bank expressly declares to know and accept.
2. The Guarantor Bank is obliged to pay the Granting Authority the total amount of up to R\$ [•] ([•]) (“Financial Guarantee”) in the event that the Guarantor breaches any of its obligations, resulting from the Law or the AUCTION NOTICE of INTERNATIONAL BIDDING PROCESS NO. 01/2020, including the refusal to sign the CONTRACT or failure to meet the requirements for its signature or, still, failure to present the documentation required in Item 12 of the Auction Notice, under the conditions and within the period established in said Auction Notice.
 - 2.1. The BIDDER'S refusal to sign the CONTRACT shall entail the execution of the full sum mentioned in the previous item.
3. The Guarantor Bank is also responsible, within the scope of the amount identified above, for all losses caused by the Secured Party, including, but not limited to, fines applied by the GRANTING AUTHORITY related to the AUCTION NOTICE, the CONCESSION AGREEMENT and the ANNEXES, undertaking to making payments ensuing from these losses when required, within a maximum period of 48 (forty-eight) hours, effective the receipt, by the Guarantor Bank, of the written notification sent by the Granting Authority.
4. The Guarantor Bank shall not raise any objection or opposition by the Secured Party or invoked by it for purposes of excusing itself from complying with the obligation assumed before the Granting Authority, under the terms of this Financial Guarantee Letter.
5. The Guarantor Bank and the Secured Party cannot change any of the terms of the financial guarantee without prior authorization given by the Granting Authority.
6. In the event that the State of São Paulo, through its representatives, goes to court to demand compliance with the obligation referred to in this Financial Guarantee Letter, the Guarantor Bank is obliged to pay arbitration, judicial or extrajudicial expenses.

STATE SECRETARIAT FOR INFRASTRUCTURE AND ENVIRONMENT

7. The Financial Guarantee shall remain in effect for a period of 180 (one hundred and eighty) days, effective the date for receipt of the ENVELOPES, pursuant to the conditions mentioned in Item 12 of INTERNATIONAL BIDDING PROCESS NOTICE No. 01/2020, renewable in the form of the AUCTION NOTICE.
8. The Guarantor Bank declares that:
 - 8.1. This Financial Guarantee Letter is duly accounted for, fully observing the regulations of the Central Bank of Brazil currently in force, in addition to complying with the precepts of the applicable Banking Law;
 - 8.2. Signatories to this instrument are authorized to provide the Financial Guarantee on their behalf and under their responsibility; and
 - 8.3. The Central Bank of Brazil is authorized to issue Financial Guarantee Letters, and the sum of this Financial Guarantee Letter, in the amount of up to R\$ [•] ([•] Reais), is within the limits authorized by the Central Bank of Brazil.

The terms that have not been expressly defined in this Financial Guarantee Letter shall have their meanings attributed in the AUCTION NOTICE of INTERNATIONAL BIDDING PROCESS NO. 01/2020.

[signature of legal representatives with notarized signature]

Witness 1 Witness 2

Name: Name:

CPF: CPF:



STATE SECRETARIAT FOR INFRASTRUCTURE AND ENVIRONMENT

**DECLARATION OF CONFORMITY WITH THE PROVISIONS OF ARTICLE 1 OF THE STATE
LAW No. 10.218/1999**

INTERNATIONAL BIDDING PROCESS NO. 01/2020

**CONCESSION FOR USE OF THE PUBLIC ASSET FOR CARRYING OUT INVESTMENTS,
CONSERVATION, OPERATIONS, MAINTENANCE AND ECONOMIC EXPLOITATION OF THE
CONCESSION AREA, CORRESPONDING TO THE TERRITORIAL SHARE CONTAINED WITHIN
THE PERIMETERS OF THE SERRA DO MAR STATE PARK CONSERVATION UNIT
CONCERNING CAMINHOS DO MAR, AS SPECIFIED IN THE AUCTION NOTICE**

Dear Sirs,

[BIDDER], [QUALIFICATION], through its legal representative, hereby declares, under the penalties of the applicable legislation, that none of its directors, managers or employees have been convicted of a crime or misdemeanor provided for under art. 1 of State Law No. 10.218/1999.

It further declares that any occurrences of convictions of any of its directors, managers or employees, resulting from the practice of said crimes or misdemeanors, of which it becomes aware, shall be immediately reported to the STATE SECRETARIAT FOR INFRASTRUCTURE AND ENVIRONMENT for purposes of this BIDDING PROCESS.

[PLACE], [DATE]

[BIDDER]
By its legal representative
RG no. [•]
CPF/ME under number [•]



STATE SECRETARIAT FOR INFRASTRUCTURE AND ENVIRONMENT

**DECLARATION OF COMPLIANCE WITH SUBSECTION XXXIII OF ARTICLE 7 OF THE
FEDERAL CONSTITUTION**

INTERNATIONAL BIDDING PROCESS NO. 01/2020

**CONCESSION FOR USE OF THE PUBLIC ASSET FOR CARRYING OUT INVESTMENTS,
CONSERVATION, OPERATIONS, MAINTENANCE AND ECONOMIC EXPLOITATION OF THE
CONCESSION AREA, CORRESPONDING TO THE TERRITORIAL SHARE CONTAINED WITHIN
THE PERIMETERS OF THE SERRA DO MAR STATE PARK CONSERVATION UNIT
CONCERNING CAMINHOS DO MAR, AS SPECIFIED IN THE AUCTION NOTICE**

Dear Sirs,

[BIDDER], [QUALIFICATION], by its legal representative, hereby declares, for purposes of the provisions in item V of art. 27 of Federal Law No. 8.666/1993, under the penalties of the applicable legislation, that it does not employ minors under eighteen in night shifts, dangerous or unsanitary labor conditions, and does not employ minors under sixteen, except for those under an apprentice CONTRACT, over fourteen years old.

[PLACE], [DATE]

[BIDDER]
By its legal representative
RG no. [•]
CPF/ME under number [•]



STATE SECRETARIAT FOR INFRASTRUCTURE AND ENVIRONMENT

DECLARATION OF NON-EXISTENCE OF BRANKRUPTCY PROCEEDINGS

INTERNATIONAL BIDDING PROCESS NO. 01/2020

CONCESSION FOR USE OF THE PUBLIC ASSET FOR CARRYING OUT INVESTMENTS, CONSERVATION, OPERATIONS, MAINTENANCE AND ECONOMIC EXPLOITATION OF THE CONCESSION AREA, CORRESPONDING TO THE TERRITORIAL SHARE CONTAINED WITHIN THE PERIMETERS OF THE SERRA DO MAR STATE PARK CONSERVATION UNIT CONCERNING CAMINHOS DO MAR, AS SPECIFIED IN THE AUCTION NOTICE

Dear Sirs,

[BIDDER], [QUALIFICATION], through its legal representative, hereby declares, under the penalties of the applicable legislation, that it is not currently under bankruptcy, judicial or extrajudicial liquidation proceedings, or insolvency, temporary bankruptcy management, or under the intervention of the relevant supervisory body.

[PLACE], [DATE]

[BIDDER]
By its legal representative
RG no. [•]
CPF/ME under number [•]



STATE SECRETARIAT FOR INFRASTRUCTURE AND ENVIRONMENT

DECLARATION OF NO DISQUALIFICATION EVENT

INTERNATIONAL BIDDING PROCESS No. 01/2020

CONCESSION FOR USE OF THE PUBLIC ASSET FOR CARRYING OUT INVESTMENTS, CONSERVATION, OPERATIONS, MAINTENANCE AND ECONOMIC EXPLOITATION OF THE CONCESSION AREA, CORRESPONDING TO THE TERRITORIAL SHARE CONTAINED WITHIN THE PERIMETERS OF THE SERRA DO MAR STATE PARK CONSERVATION UNIT CONCERNING CAMINHOS DO MAR, AS SPECIFIED IN THE AUCTION NOTICE

Dear Sirs,

[BIDDER], [QUALIFICATION], through its legal representative, hereby declares, under the penalties of the applicable legislation, that:

- I. there is no impediment to its participation in the above INTERNATIONAL BIDDING PROCESS;
- II. it was not declared ineligible by any federative sphere, and it is not forbidden to bid or contract with the Public Administration due to being included in the National Registry of Punished Companies – CNEP, and in the National Registry of Ineligible and Suspended Companies - CEIS;
- III. it is not prevented from contracting with the Public Administration of the State of São Paulo;
- IV. is not currently sanctioned with a temporary suspension to contract with the Public Administration of the State of São Paulo;
- V. it undertakes to report the occurrence of any unexpected facts related to the object of this Declaration; and
- VI. it is not convicted, with judgement issued by the court of last resort, to the penalty of interdiction of rights due to the practice of environmental crimes, as regulated in art.10 of Federal Law No. 9.605/1998.

[PLACE], [DATE]

[BIDDER]
By its legal representative
RG no. [•]
CPF/ME under number [•]



STATE SECRETARIAT FOR INFRASTRUCTURE AND ENVIRONMENT

**DECLARATION OF CONFORMITY WITH TO THE PROVISIONS OF ARTICLE 117, SOLE
PARAGRAPH, OF THE CONSTITUTION OF THE STATE OF SÃO PAULO**

INTERNATIONAL BIDDING PROCESS NO. 01/2020

**CONCESSION FOR USE OF THE PUBLIC ASSET FOR CARRYING OUT INVESTMENTS,
CONSERVATION, OPERATIONS, MAINTENANCE AND ECONOMIC EXPLOITATION OF THE
CONCESSION AREA, CORRESPONDING TO THE TERRITORIAL SHARE CONTAINED WITHIN
THE PERIMETERS OF THE SERRA DO MAR STATE PARK CONSERVATION UNIT
CONCERNING CAMINHOS DO MAR, AS SPECIFIED IN THE AUCTION NOTICE**

Dear Sirs,

[BIDDER], [QUALIFICATION], through its legal representative, hereby declares, under the penalties of the applicable legislation, to observe the norms related to occupational health and safety, under the terms of the sole paragraph of art. 117 of the Constitution of the State of São Paulo, aware of the prohibition to the Public Administration from contracting with companies that fail to meet these legal requirements.

[PLACE], [DATE]

[BIDDER]
By its legal representative
RG no. [•]
CPF/ME under number [•]

DECLARATION OF ACKNOWLEDGEMENT OF LEGAL IMPEDIMENTS FOR CONTRACTING

INTERNATIONAL BIDDING PROCESS NO. 01/2020

CONCESSION FOR USE OF THE PUBLIC ASSET FOR CARRYING OUT INVESTMENTS, CONSERVATION, OPERATIONS, MAINTENANCE AND ECONOMIC EXPLOITATION OF THE CONCESSION AREA, CORRESPONDING TO THE TERRITORIAL SHARE CONTAINED WITHIN THE PERIMETERS OF THE SERRA DO MAR STATE PARK CONSERVATION UNIT CONCERNING CAMINHOS DO MAR, AS SPECIFIED IN THE AUCTION NOTICE

Dear Sirs,

[BIDDER], [QUALIFICATION], by its legal representative, hereby declares, under the penalties of the applicable legislation, to be aware that the existence of records in the Registry of Outstanding Credits of State Agencies and Entities – STATE CADIN, in the Electronic System for Application and Registry of Administrative Sanctions – e-Sanctions, in the National Registry of Ineligible and Suspended Companies - CEIS, in the National Registry of Punished Companies - CNEP, in the State of São Paulo's Registry of Punished Corporations - CEEP, and in the National Registry of Civil Convictions for Acts of Administrative Improbability - CNIA of the National Council of Justice, shall constitute an impediment to contracting with the GRANTING AUTHORITY.

It also declares that it does not have any restriction or annotation at the STATE CADIN or CEIS capable of making its contracting in this BIDDING PROCESS ineligible.

It further declares that:

- I. the proposal submitted was prepared independently and its contents were not, in whole or in part, directly or indirectly, informed or discussed with any other BIDDER or interested party, potentially or in fact, in the present bidding proceedings;
- II. the intention to submit the proposal was not informed or discussed with any other BIDDER or interested party, potentially or in fact, in the present bidding procedure;
- III. the BIDDER did not attempt, by any means or by any person, to influence the decision of any other BIDDER or interested party, potentially or in fact, in the present bidding proceedings;
- IV. the contents of the proposal submitted shall not be, in whole or in part, whether directly or indirectly, disclosed to or discussed with any other BIDDER or interested party, potentially or in fact, in the present bidding proceedings before the adjudication of the object;
- V. the contents of the proposal submitted were not, in whole or in part, informed, discussed or received from any member related, whether directly or indirectly, to the BIDDER agency before the official opening of the proposals; and

STATE SECRETARIAT FOR INFRASTRUCTURE AND ENVIRONMENT

- VI. the BIDDER's legal representative is fully aware of the contents and extent of this declaration, and has full powers and information to sign it.

Finally, it declares that it conducts its business in order to prevent fraud, corruption and the practice of any other acts harmful to the Public Administration, national or foreign, in compliance with Federal Law No. 12.846/2013 and State Decree No. 60.106/2014, such as:

- I. promise, offer or give, directly or indirectly, undue advantage to a public agent, or to a third party related to it;
- II. certifiably finance, fund, sponsor or in any way subsidize the practice of illegal acts provided for by law;
- III. certifiably use an intermediary, whether natural or legal, to hide or conceal its real interests or the identity of the beneficiaries of the acts performed;
- IV. regarding bidding processes and contracts:
 - a) frustrate or defraud, by means of negotiation, agreement or any other means, the competitive nature of a public bidding proceeding;
 - b) prevent, disturb or defraud the performance of any act of the public bidding procedure;
 - c) remove or seek to remove a bidder, by means of fraud or offering any kind of advantage;
 - d) defraud a public bidding process or any contract resulting from it;
 - e) create, in a fraudulent or irregular manner, a legal entity to participate in a public bidding process or enter into an administrative contract;
 - f) obtain an improper advantage or benefit, in a fraudulent manner, from modifications or extensions made to contracts entered into with the Public Administration, without authorization by law, in the invitation for bidding processes or in the respective contractual instruments; or
 - g) manipulate or defraud the economic and financial balance of contracts entered into with the Public Administration;
5. hamper investigations or inspection activities by public bodies, entities or agents, or intervene in their activities, including within the scope of regulatory agencies and supervisory bodies of the national financial system.

[PLACE], [DATE]

[BIDDER]
By its legal representative
RG no. [•]
CPF/ME under number [•]



STATE SECRETARIAT FOR INFRASTRUCTURE AND ENVIRONMENT

STATEMENT OF ACCEPTANCE OF THE AUCTION NOTICE CONDITIONS

INTERNATIONAL BIDDING PROCESS NO. 01/2020

CONCESSION FOR USE OF THE PUBLIC ASSET FOR CARRYING OUT INVESTMENTS, CONSERVATION, OPERATIONS, MAINTENANCE AND ECONOMIC EXPLOITATION OF THE CONCESSION AREA, CORRESPONDING TO THE TERRITORIAL SHARE CONTAINED WITHIN THE PERIMETERS OF THE SERRA DO MAR STATE PARK CONSERVATION UNIT CONCERNING CAMINHOS DO MAR, AS SPECIFIED IN THE AUCTION NOTICE

Dear Sirs,

[BIDDER], [QUALIFICATION], through its legal representative, hereby declares, under the penalties of the applicable law, that it shall be subject to all the conditions of the AUCTION NOTICE, has full knowledge of the operations and maintenance services object of the CONCESSION, has full knowledge of CAMINHOS DO MAR, the conditions of the public domain asset that comprise the scope of the CONCESSION CONTRACT, as well as the nature and complexity of services and investments required.

It further declares that it shall answer for the veracity of all the information contained in the documentation and the proposal submitted, and that it received all the parts that constitute this AUCTION NOTICE, and that it is aware of all the information and conditions for the fulfillment of the obligations that are the object of the BIDDING PROCESS, having deemed the information received to be sufficient for purposes of devising its proposal.

[PLACE], [DATE]

[BIDDER]
By its legal representative
RG no. [•] CPF/ME under no. [•]



STATE SECRETARIAT FOR INFRASTRUCTURE AND ENVIRONMENT

**DECLARATION OF CONFORMITY WITH THE PROVISIONS OF ARTICLE 1 OF STATE
DECREE NO. 53.047/2008**

INTERNATIONAL BIDDING PROCESS NO. 01/2020

**CONCESSION FOR USE OF THE PUBLIC ASSET FOR CARRYING OUT INVESTMENTS,
CONSERVATION, OPERATIONS, MAINTENANCE AND ECONOMIC EXPLOITATION OF THE
CONCESSION AREA, CORRESPONDING TO THE TERRITORIAL SHARE CONTAINED WITHIN
THE PERIMETERS OF THE SERRA DO MAR STATE PARK CONSERVATION UNIT
CONCERNING CAMINHOS DO MAR, AS SPECIFIED IN THE AUCTION NOTICE**

Dear Sirs,

[BIDDER], [QUALIFICATION], through its legal representative, hereby declares, under the penalties of the applicable legislation, to be aware of the State of São Paulo's Register of Companies Selling Timber and Forest Products - CADMADEIRA, and that, in the execution of the bidding services, only products and by-products sourced from exotic origin wood, or products and by-products listed in Article 1 of State Decree No. 53.047/2008, purchased from legal entities duly registered with CADMADEIRA, shall be used.

[PLACE], [DATE]

[BIDDER]
By its legal representative
RG no. [•]
CPF/ME under number [•]



STATE SECRETARIAT FOR INFRASTRUCTURE AND ENVIRONMENT

FINANCIAL CAPACITY STATEMENT MODEL

INTERNATIONAL BIDDING PROCESS NO. 01/2020

CONCESSION FOR USE OF THE PUBLIC ASSET FOR CARRYING OUT INVESTMENTS, CONSERVATION, OPERATIONS, MAINTENANCE AND ECONOMIC EXPLOITATION OF THE CONCESSION AREA, CORRESPONDING TO THE TERRITORIAL SHARE CONTAINED WITHIN THE PERIMETERS OF THE SERRA DO MAR STATE PARK CONSERVATION UNIT CONCERNING CAMINHOS DO MAR, AS SPECIFIED IN THE AUCTION NOTICE

Dear Sirs,

[BIDDER], [QUALIFICATION], through its legal representative, hereby declares, under the penalties of the applicable legislation, that it has the capacity to secure sufficient financial resources for the due fulfillment of obligations concerning the allocation of its own funds and those of third parties, required for achieving the object of the CONCESSION. It further declares that it:

- I. undertakes to make all investments and other necessary INTERVENTIONS to allow for the operations, management and maintenance of the CONCESSION AREA, as well as undertakes to bear the expenses, encumbrances, charges, expenditures and pecuniary obligations referred to in the CONTRACT;
- II. authorizes withholding of the amount corresponding to the VARIABLE GRANT, under the terms of the CONTRACT;
- III. authorizes withholding of the amount corresponding to INSPECTION COSTS, under the terms of the CONTRACT;
- IV. contracted or has the capacity to contract all insurance and guarantees required for achieving the object of the CONCESSION; and
- V. has or is able to secure funds for the paying in of the SPECIAL PURPOSE COMPANY's minimum stock capital until the date of execution of the CONCESSION AGREEMENT, in case it is the winner of this BIDDING PROCESS, as required under its articles of incorporation, including the obligation for paying in of the SPECIAL PURPOSE COMPANY's capital stock, pursuant to the minimum amount set forth under the AUCTION NOTICE of INTERNATIONAL BIDDING PROCESS NO. 01/2020, base date of [•], until the signing of the CONCESSION AGREEMENT.

[PLACE], [DATE]

[BIDDER]
By its legal representative
RG no. [•]
CPF/ME under number [•]



STATE SECRETARIAT FOR INFRASTRUCTURE AND ENVIRONMENT

TERM OF COMMITMENT FOR CONTRACTING THE PERFORMANCE BOND

INTERNATIONAL BIDDING PROCESS NO. 01/2020

CONCESSION FOR USE OF THE PUBLIC ASSET FOR CARRYING OUT INVESTMENTS, CONSERVATION, OPERATIONS, MAINTENANCE AND ECONOMIC EXPLOITATION OF THE CONCESSION AREA, CORRESPONDING TO THE TERRITORIAL SHARE CONTAINED WITHIN THE PERIMETERS OF THE SERRA DO MAR STATE PARK CONSERVATION UNIT CONCERNING CAMINHOS DO MAR, AS SPECIFIED IN THE AUCTION NOTICE

Dear Sirs,

[BIDDER], [QUALIFICATION], through its legal representative, hereby declares, under the penalties of the applicable legislation, that it undertakes to contract and renew annually, in the event of winning the BIDDING PROCESS, the PERFORMANCE BOND, which may be contracted in any of the modalities foreseen under the CONTRACT, aimed at ensuring the execution of investments required for achieving the object of the CONCESSION, encompassing the fulfillment of operational and conservation duties, expansion duties and payment of variable monthly sums due to the GRANTING AUTHORITY, in addition to all other contractual obligations, as established under the terms of the CONTRACT.

[PLACE], [DATE]

[BIDDER]
By its legal representative
RG no. [•]
CPF/ME under number [•]



STATE SECRETARIAT FOR INFRASTRUCTURE AND ENVIRONMENT

ACKNOWLEDGMENT AND NOTIFICATION AGREEMENT

INTERNATIONAL BIDDING PROCESS NO. 01/2020

CONCESSION FOR USE OF THE PUBLIC ASSET FOR CARRYING OUT INVESTMENTS, CONSERVATION, OPERATIONS, MAINTENANCE AND ECONOMIC EXPLOITATION OF THE CONCESSION AREA, CORRESPONDING TO THE TERRITORIAL SHARE CONTAINED WITHIN THE PERIMETERS OF THE SERRA DO MAR STATE PARK CONSERVATION UNIT CONCERNING CAMINHOS DO MAR, AS SPECIFIED IN THE AUCTION NOTICE

CONTRACTING PARTY: _____

CONTRACTED PARTY: _____

CONTRACT NO. (OF ORIGIN): _____

OBJECT: _____

ATTORNEY(S)/OAB No.: (*). _____

By this TERM, we, identified below:

1. We are AWARE that:

a) The aforementioned adjustment shall be subject to appraisal and judgment by the State of São Paulo Audit Court, which shall be processed through the electronic system;

b) We may have access to the process, requesting examination of records and making copies of statements of, Court Orders and Rulings, through regular registration in the Electronic Processing System, according to the data indicated below, in accordance with the provisions of Resolution no. 01/2011 of the State of São Paulo Audit Court;

c) In addition to being made available in the electronic process, all Court Orders and Rulings that may be taken with regard to the referred process shall be published in the State's Official Gazette, the Legislative Branch Section, which comprises the State of São Paulo Audit Court, in compliance with article 90 of Complementary Law No. 709 of January 14, 1993, such that the counting of procedural deadlines, according to the rules of the Civil Procedure Code, starts from then;

d) Any change of address - residential or electronic - or contact telephone numbers shall be notified by the interested party, requesting in the case files.

2. We have been duly NOTIFIED as to:

a) Following-up on the acts of the procedure until its final ruling and consequent publication;

b) If applicable, and in our interest, within the terms and legal and regulatory forms, the right to be heard, lodge appeals and whatever else that may apply.

Place and date: _____

AGENCY/ENTITY MANAGER:

Name: _____
Position: _____
CPF: _____
RG: _____
Date of birth: ____ / ____ / ____
Full home address: _____
Corporate email: _____
Personal email: _____
Telephone(s): _____
Signature: _____
Those responsible for signing the adjustment:

By the CONTRACTING PARTY:

Name: _____
Position: _____
CPF: RG: _____
Date of birth: ____ / ____ / ____
Full home address: _____
Corporate email: _____
Personal email: _____
Telephone(s): _____
Signature: _____

By the CONTRACTED PARTY:

Name: _____
Position: _____
CPF: _____ RG: _____
Date of birth: ____ / ____ / ____
Full home address: _____
Corporate email: _____
Personal email: _____
Telephone(s): _____
Signature: _____

By the CONTRACTED PARTY:

Name: _____
Position: _____
CPF: _____ RG: _____
Date of birth: ____ / ____ / ____
Full home address: _____
Corporate email: _____
Personal email: _____
Telephone(s): _____
Signature: _____

Attorney:

(*) Optional. Please designate, if already established, including the electronic address.