**Instituto de Biologia Molecular e Celular - IBMC**

DIRECT AWARD Nr. 390/2023 - IBMC

**ACQUISITION OF HUMAN GENE MUTATION DATABASE (HGMD) CLINICAL LICENSES**

(ANNEXES)

**Forms to fill**

**Filling instructions:**

1. Copy and paste the text for your letterhead paper;
2. Fill in the missing elements;
3. Remove the end notes and the highlight text;
4. All the annexes must be dated, stamped and signed (by the person that has the legal power to do it in the Institution, or the person that to which this power has been conferred. In this case, you need to enclose the declaration of power)

ANEXO I - Modelo de Declaração

*[a que se refere a alínea a) do n.º 1 do artigo 57.º ou a subalínea i) da alínea b) e alínea c) do n.º 3 do artigo 256.º -A, conforme aplicável]*

* + - 1. ………………………………………… [nome, número de documento de identificação e morada], na qualidade de representante legal de [[1]](#footnote-1) ………………………………………… [firma, número de identificação fiscal e sede ou, no caso de agrupamento concorrente, firmas, números de identificação fiscal e sedes ], tendo tomado inteiro e perfeito conhecimento do caderno de encargos relativo à execução do contrato a celebrar na sequência do procedimento de ajuste direto com a referência *AD 390/2023,* para *Aquisição de Licenças Clínicas da Human Gene Mutation Database (HGMD)* declara, sob compromisso de honra, que a sua representada[[2]](#footnote-2) se obriga a executar o referido contrato em conformidade com o conteúdo do mencionado caderno de encargos, relativamente ao qual declara aceitar, sem reservas, todas as suas cláusulas.
      2. Declara também que executará o referido contrato nos termos previstos nos seguintes documentos, que junta em anexo[[3]](#footnote-3):
         1. Anexo I – Modelo de Declaração;
         2. Anexo II – Modelo de proposta;
         3. …;
      3. Declara ainda que renuncia a foro especial e se submete, em tudo o que respeitar à execução do referido contrato, ao disposto na legislação portuguesa aplicável.
      4. Mais declara, sob compromisso de honra, que não se encontra em nenhuma das situações previstas no n.º 1 do artigo 55.º do Código dos Contratos Públicos.
      5. O declarante tem pleno conhecimento de que a prestação de falsas declarações implica, consoante o caso, a exclusão da proposta apresentada ou a caducidade da adjudicação que eventualmente sobre ela recaia e constitui contraordenação muito grave, nos termos do Artigo 456º do Código dos Contratos Públicos, a qual pode determinar a aplicação das sanção acessória de privação do direito de participar, como candidato, como concorrente ou como membro de agrupamento candidato ou concorrente, em qualquer procedimento adotado para a formação de contratos públicos, sem prejuízo da participação à entidade competente para efeitos de procedimento criminal.
      6. Quando a entidade adjudicante o solicitar, o concorrente obriga-se, nos termos do disposto no Artigo 81º do Código dos Contratos Públicos, a apresentar a declaração que constitui o anexo II do referido Código, bem como os documentos comprovativos de que se encontra nas situações previstas nas alíneas *b)*, *d)*, e) e *h)* do n.º 1 do artigo 55.º do referido Código.
      7. O declarante tem ainda pleno conhecimento de que a não apresentação dos documentos solicitados nos termos do número anterior, por motivo que lhe seja imputável, determina a caducidade da adjudicação que eventualmente recaia sobre a proposta apresentada e constitui contraordenação muito grave, nos termos do Artigo 456º do Código dos Contratos Públicos, a qual pode determinar a aplicação da sanção acessória de privação do direito de participar, como candidato, como concorrente ou como membro de agrupamento candidato ou concorrente, em qualquer procedimento adotado para a formação de contratos públicos, sem prejuízo da participação à entidade competente para efeitos de procedimento criminal.

[Local], [Data], [Assinatura[[4]](#footnote-4)]

ANNEX II – Tender template

\_\_\_\_\_\_\_ [name, number of identification document and address], acting in the quality of legal representative of[[5]](#footnote-5) \_\_\_\_\_\_\_ [company’s name, registration number, taxpayer number, registration department, head office, share capital or, in case of group of tenderers, companies’ names, registration numbers, taxpayer numbers, registration departments, head offices, share capitals], having full and perfect knowledge of the specifications regarding the execution of the contract to be entered into following the direct award procedure referenced *DA 390/2023*, towards the *Acquisition of Human Gene Mutation Database (HGMD) Clinical Licenses*, hereby presents its tender, and hereby undertakes the execution of the contract in accordance with the specifications, other elements of the procedure and with the following attributes:

1. *The tender´s global price is € …… (by figures and extensive) (vide point 9 of the Specifications) [Complete]*
2. *The contractual value proposed for HGMD “Download”, Clinical Use, Medium Ent” is € … (by figures and extensive) [Complete]*
3. *The contractual value proposed for HGMD “Online”, “Clinical Use” is €… (by figures and extensive) [Complete]*

Communications and notifications:

For the Successful Tenderer:

At the attention of: … [Complete]

Address: … [Complete]

E-mail: … [Complete]

The value added tax at the legal rate in force will be settled by the contracting authority in accordance with the standards in force.

Additionally, in which relates with the subject of the procedure and the execution of the contract we declare to be submitted to the Portuguese legislation in force and to the jurisdiction of the District Court of Porto, with express waiver to any other jurisdiction.

[Place], [Date], [Signature[[6]](#footnote-6)]

ANNEX III – Statement template

*[Referred to in no. 1 a) of the Article 81 of the Public Contracts Code]*

1. \_\_\_\_\_\_\_ [name, number of identification document and address], acting in the quality of legal representative of \_\_\_\_\_\_\_ [company’s name, taxpayer number and head office or, in case of group of tenderers, companies’ names, taxpayer numbers and head offices], successful tenderer in the direct award procedure with reference *DA 390/2023,* towards the *Acquisition of Human Gene Mutation Database (HGMD) Clinical Licenses,* hereby declares on his honor that the company he represents[[7]](#footnote-7) is not in any of the situations provided for in no. 1 of Art. 55 of the Public Contracts Code.
2. The declarant annexes [or indicates... website where it can be consulted[[8]](#footnote-8)] the supporting documents that the company he represents[[9]](#footnote-9) is not under the circumstances referred in *b)*, *d)*, *e)* and *h*) of the Article 55 of the Public Contracts Code.
3. The declarant is fully aware that the provision of false statements implies the forfeiture of the award and constitutes a very serious misdemeanor, under the terms of Art. 456 of the Public Contracts, which may determine the application of the accessory sanction of deprivation of the right to participate, as a candidate, as a competitor or as a member of a candidate group or competitor, in any procedure adopted for the formation of public contracts, without prejudice to participation to the competent authority for the purpose of criminal prosecution.

[Place], [Date], [Signature[[10]](#footnote-10)]

ANNEX IV - Model Declaration

*(referred to in Article 10.1 c) of the Call, if applicable)*

**Declaration of Commitment of Subcontracted Entity**

1. ................................................ [name, identification document number and address], as legal representative of ................................................ [name, tax identification number and address of the subcontracted entity], having fully and perfectly understood the parts of the Direct Adjustment procedure with reference *DA 390/2023*, for the *Purchase of Clinical Licences for the Human Gene Mutation Database (HGMD*), hereby declares, on oath and as subcontracted entity, that in the event of the award of the tender submitted by .............................. [name of the tenderer or, in the case of a bidding group, the name of the entities that compose it], the entity represented by him undertakes to perform, on a subcontracting basis, the activity or activities of ....................................... [identify all the activities for which the subcontractor will be responsible] included in the subject of the contract to be concluded, in accordance with the specifications, in relation to which he declares to accept, without reservation, all its clauses.

[Place], [Date], [Signature]

ANNEX V – Statutory declaration template

I,\_\_\_ [name of the legal representative], acting in the quality of legal representative of \_\_\_\_[company’s name, registration number, taxpayer number, registration department, head office, share capital or, in case of group of tenderers, companies’ names, registration numbers, taxpayer numbers, registration departments, head offices, share capitals], do solemnly and sincerely declare, that:

1. I have no debts to the Financial or Social Security [or other similar competent authorities] authorities, in [country];
2. I have no criminal convictions under any legislation of any country or any convictions on my police record;
3. I have never been convicted for any crime that affects my professional integrity;
4. The Direction, Administration, or Management bodies of the company have never been convicted for any crime that affects their professional integrity;

And I fully understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence, and I conscientiously declare that the statements made in this declaration are true.

[Location], [Date]

On behalf of [Company name]

[Signature from the legal representative]

1. Aplicável apenas a concorrentes que sejam pessoas coletivas. [↑](#footnote-ref-1)
2. No caso de o concorrente ser uma pessoa singular, suprimir a expressão “a sua representada”. [↑](#footnote-ref-2)
3. Enumerar todos os documentos que constituem a proposta, para além desta declaração, nos termos do disposto nas alíneas b), c) e d) do n.º 1 e nos nºs 2 e 3 do artigo 57º do CCP. [↑](#footnote-ref-3)
4. Nos termos do disposto nos nºs 4 e 5 do artigo 57º do Código dos Contratos Públicos [↑](#footnote-ref-4)
5. Applicable when tenderer is a legal person. [↑](#footnote-ref-5)
6. In accordance with the terms set forth in Article 57º, nrs. 4 and 5 of the Public Contracts Code. [↑](#footnote-ref-6)
7. In case the tenderer is a natural/individual person, delete the words "the company he represents". [↑](#footnote-ref-7)
8. Add the necessary information to the consultation, if applicable. [↑](#footnote-ref-8)
9. In case the tenderer is a natural/individual person, delete the words "the company he represents". [↑](#footnote-ref-9)
10. In accordance with the terms set forth in Article 57º, nrs. 4 and 5 of the Public Contracts Code. [↑](#footnote-ref-10)