

IN VIEW OF FILE EX-2023-54000463- -APN-DGI#EA, and

WHEREAS

The MATERIEL GENERAL DIRECTORATE ordered the execution of a contracting act under Public Bid procedures for the “ACQUISITION OF BEARING SYSTEM TRACK SHOE FOR TAM 2C COMBAT VEHICLES”.

The procedures are framed within the guidelines described in Section 25, Sub- Paragraph a) Part 1, from Delegated Decree #1023/01.

The above-mentioned procedure was performed by the Acquisitions Operational Unit (84-137) of THE ARGENTINE MILITARY ATTACHÉ’S OFFICE IN THE U.S.

The Special Order #1133/CQ/18, issued by the CHIEF OF THE GENERAL STAFF OF THE ARGENTINE ARMY, states the procedures that will govern the acquisition of goods and hiring of services abroad.

At place order #39 and #41, RESOL-2023-1427-APN-JEMGE#EA, (Spanish & English version) is documented the CHIEF OF THE GENERAL STAFF OF THE ARGENTINE ARMY’s authorization to perform this contracting act abroad, by approving the Particular Terms & Conditions Specification Sheet, the Technical Specifications (TS) #045/01/23 and their corresponding Annexes.

At place order #42 and #43 is documented the Model Specification Sheet and its corresponding Annexes (Spanish & English version).

At place order #44 is documented, according to note IF-2023-89719823-APN-DGI#EA, the publication request of this contracting act on the *BOLETIN OFICIAL DE LA REPUBLICA ARGENTINA* (Official Legal Gazette of the Argentine Republic).

At place order #45 is documented, according to note IF-2023-89721581-APN-DGI#EA, the publication request of this contracting act on the newspaper THE WASHINGTON POST, including the requirements from Section 17 of Contracting Procedures (Disposition 62 – E/2016).

At place order #46 is documented, according to note IF-2023-89722536-APN-DGI#EA, the announcement request of this contracting act on the *COMPR.AR* website. (National Acquisitions and Contracting management system of the Argentine Republic).

At place order #47 is documented, according to note IF-2023-89723771-APN-DGI#EA, the proper newspaper publication on THE WASHINGTON POST.

At place order #48 is documented, according to note IF-2023-89724657-APN-DGI#EA, the proper publication on the *COMPR.AR*.

At place Order #49 is documented, according to IF-2023-89725648-APN-DGI#EA, the posting of this contractual act on the Argentine Military Attaché’s Office’s website.

At place order #50 is documented, according to note IF-2023-89728177-APN-DGI#EA, the roster of the companies invited to bid, and their corresponding invitations.

At place order #51 is documented, according to IF-2023-89729507-APN-DGI#EA, the proper publication on the *BOLETIN OFICIAL DE LA REPUBLICA ARGENTINA* (Official Legal Gazette of the Argentine Republic).

IF-2023-96757619-APN-CECE#EA

At place order #52 is documented, according to note IF-2023-89730848-APN-DGI#EA, the list of the companies which downloaded the Specification Sheets from the Argentine Military Attaché's Office in the U.S.'s website.

At place order #53 is documented, according to IF-2023-89736376-APN-DGI#EA, the corresponding Opening Act Certificate, both in Spanish and in English, showing the submission of 02 (TWO) bid proposals one from DST DEFENCE SERVICE TRACKS GMBH and another from y LASM GMBH.

At place order #54 is documented, according to IF-2023-89738663-APN-DGI#EA, the corresponding Comparative Chart issued by the Acquisitions Operational Unit, both in Spanish and in English.

At place order #55 is documented, according to IF-2023-90502990-APN-DGI#EA, the Bid Proposal's Translation certificate.

At place order #56 is documented, according to IF-2023-90507292-APN-DGI#EA, the translation of bid proposal #1 from the commercial firm DST DEFENCE SERVICE TRACKS GMBH.

At place order #57 is documented, according to IF-2023-90509069-APN-DGI#EA, the translation of bid proposal #2 from the commercial firm LASM GMBH.

At place order #58 is documented according to PV-2023-90541010-APN-DGI#EA, the submission of this contractual act from the Acquisitions Operational Unit to the Transitory Evaluation Committee.

At place order #59 is documented according to NO-2023-91214412-APN-CECE#EA, the requirement of the issuance of an advising Technical Report to the requiring unit, for the proper evaluation of the technical bids corresponding to this contractual act.

At place order #60 is documented, according to ME-2023-91225945-APN-CECE#EA, the requisition of the proper Technical Report to the appointed Technical Expert.

At place order #61, #62, #63 and #64 is documented the proper Listing of Ineligible Firms and Individuals issued by the World Bank, corresponding to the participating bidder of this contractual act.

At place order #65, #66, #67 and #68 is documented the proper Listing of Ineligible Firms and Individuals issued by the Inter-American Development Bank, corresponding to the participating bidder of this contractual act.

At place order #69 is documented, according to note ME-2023-95940210-APN-DGM#EA, the proper Technical Report issued by the Technical Expert of the Transitory Evaluation Committee, which reads:

- Bid from DST Defence Service Tracks GmbH: from the technical analysis performed to the bid, please be informed that this proposal **TECHNICALLY COMPLIES** with the requirements of the TS ARS 045/01/23; the offered item brand is DST (item original manufacturer), model Track Shoe 828 A., proposed part # 78280100A12 (301.3880.00).
- Bid from LASM from the technical analysis performed to the bid, please be informed that this proposal **DOES NOT TECHNICALLY COMPLY** with the requirements of the TS ARS 045/01/23 due to the following aspects:

- a. Items are constructed from unused spare components, failing to comply with section 4.e. from TS ARS 045/01/23, which reads that “Products requested must be brand-new and unused...”.
- b. Bid proposal does not show year of manufacturing of the offered items, failing to comply with section 5.a from TS ARS 045/01/23, which reads that “Offerors shall indicate in their offers ..., Year of Manufacture, ...”. Likewise, the bidder indicates the year of assembly of the unused components 2023.
- c. Due to the aforementioned paragraph, it is impossible to determine the requirements stated in section 4.f. from the referential TS, namely: “The year of manufacture of the components shall NOT exceed ONE (1) year at the time of acquisition”.
- d. NSN 2530-12-177-2634 and Part # 78280100A12 from the offered item do not correspond to the brand “DIEHL” described in the offer, as per the records from the catalog NMCRL (catalogo.mindef.gob.ar/NCORE_NG-web). This catalog shows that the manufacturer of the item is DST DEFENCE SERVICE TRACKS GMBH/GERMANY.

For the analysis made to the bid proposals submitted by DST DEFENCE SERVICE TRACKS GMBH and LASM GMBH, it has been taken into account the recommendations from the ONC (National Contracting Office) written on Minutes #IF-2016-03063907-APN-ONC#MM and on Note #NO-2017-14042885-APN-ONC#MM, useful for the control of the documents submitted by the offeror, and the traditions of the country in which the contractual act is held.

Likewise, it is important to highlight that this Evaluation Committee performed its duties within the country, without translators who can facilitate the analysis of the bids. Samples of the products were not available, either. Even though samples were not requested in the Terms and Conditions or Technical Specifications of the contractual act these are useful for a better evaluation. In that regard, the possibility to be in the acquisition country (Argentine Military Attache’s Office in the U.S) turns into a more appropriate and more organized bid evaluation, namely:

- As per Section 67 from Decree 1030/16 “National Contracting Administration Guidelines”, the Evaluation Committee might request the bidders to rectify mistakes or omissions by submitting the corresponding documents to the Acquisitions Operational Unit at the Argentine Military Attaché’s Office in the U.S., within THREE (3) days.
- Section 70 from Decree 1030/16 “National Contracting Administration Guidelines” reads that in the event of a bid tie a place for a public draw shall be determined; said draw shall be performed in the presence of the interested parts.

That this contract complies with the criteria established in Minutes issued by the ONC IF-2016- 03063907-APN-ONC#MM, on November 8, 2016. Said document reads that for the selection procedures carried out abroad the provisions of the Regulation approved by Decree No. 1030/16 and the complementary regulations dictated accordingly with the adaptations that are pertinent as per the uses and customs of the place of execution of the contract, may be applied if they were not incompatible with the general principles of articles 1 and 3 of Delegate Decree No.1023/01.

The intervention of this *Transitory Evaluation Committee* takes place for the purpose of performing the instructed by the CHIEF OF THE GENERAL STAFF OF THE ARGENTINE ARMY, on his Special Order #1133/CQ/18 (Manual for Selection procedures and contracts performed abroad) and the decision instructed by RESOL-2023-857-APN-JEMGE#EA.

In consequence,

THE TRANSITORY EVALUATION COMMITTEE

RECOMMENDS:

SECTION 1º APPROVE PUBLIC BID # 84/137-008-LPU23 REQUIRED BY THE MATERIEL GENERAL DIRECTORATE, for the "ACQUISITION OF BEARING SYSTEM TRACK SHOE FOR TAM 2C COMBAT VEHICLES", as per Section 25, Sub- Paragraph a) Part 1, from Delegated Decree #1023/01.

SECTION 2º AWARD the bid proposal submitted by the commercial firm DST DEFENCE SERVICE TRACKS GMBH, for a total amount of U.S. DOLLARS ONE MILLION ONE HUNDRED AND THIRTY THOUSAND TWO HUNDRED AND TWENTY WITH 00/100 (USD 1,130,220.00).

SECTION 3º REJECT bid proposal from commercial firm LASM GMBH, since it does not comply with technical requirements as per TS ARS 045/01/23, recorded in the Technical Report issued by the technical Expert and its attachment.

SECTION 4º Submit the current file to the Acquisitions Operational Unit, at the ARGENTINE MILITARY ATTACHÉ'S OFFICE IN THE U.S., for its corresponding administrative procedures (translation into English of this Minutes).

Digitally Signed by GDE
on 2023 August 18, 2023, 12:31:35 -03:00

1st Lieutenant Gonzalo TOLABA ALVAREZ
Chief of Division
Materiel General Directorate
Argentine Army

Digitally Signed by GDE
on 2023 August 18, 2023, 12:32:39 -03:00

JUAN SAMUEL DIAZ
Colonel
Materiel General Directorate
Argentine Army

Digitally Signed by GDE
on 2023 August 8, 2023, 12:35:21 -03:00

Colonel NESTOR ALFREDO HUGO CASTAGNE
Army Contracting Evaluation Committee
Argentine Army