

IN VIEW OF FILE EX-2023- 57533813- -APN-DGI#EA, and

WHEREAS

The MATERIEL GENERAL DIRECTORATE ordered the execution of a contracting act under Public Bid procedures for the “ACQUISITION OF MACHINE GUN CLASS: LIGHT, CALIBER 7.62 MM.”

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-2023-1413-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) #20/TEC/23 and its 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-2023-89777217-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-2023-89778725-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-2023-89779861-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-2023-89781162-APN-DGI#EA, the proper newspaper publication on THE WASHINGTON POST.

At place order #48 is documented, according to note IF-2023-89783019-APN-DGI#EA, the proper publication on the *COMPR.AR*.

At place Order #49 is documented, according to IF-2023-89784208-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-2023-89787636-APN-DGI#EA, the roster of the companies invited to bid, and their corresponding invitations.

At place order #51 is documented, according to IF-2023-89789879-APN-DGI#EA, the proper publication on the *BOLETIN OFICIAL DE LA REPUBLICA ARGENTINA* (Official Legal Gazette of the Argentine Republic).

IF-2023-94900408-APN-CECE#EA

At place order #52 is documented, according to note IF-2023-89791551 -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-2023-89797508-APN-DGI#EA, the corresponding Opening Act Certificate, both in Spanish and in English, showing the submission of 01 (ONE) bid proposal from FN HERSTAL S.A. with its corresponding attached documents.

At place order #54 is documented, according to IF-2023-89799416-APN-DGI#EA, the corresponding Comparative Chart issued by the Acquisitions Operational Unit, both in Spanish and in English, which shows that both lines differ from the estimated price, since this latter was taken from a previous quote issued by the same commercial firm back in February 28th, 2022.

At place order #55 is documented, according to F-2023-90516791-APN-DGI#EA, the Translation Addition Act Certificate from Bid Proposal #1 from FN HERSTAL S.A.

At place order #56 is documented, according to IF-2023-90521217-APN-DGI#EA, the translation of bid proposal #1 from the commercial firm FN HERSTAL S.A.

At place order #57 is documented according to PV-2023-90538358-APN-DGI#EA, the submission of this contractual act from the Acquisitions Operational Unit to the Transitory Evaluation Committee.

At place order #58 is documented, according to ME-2023-91233003-APN-CECE#EA, the requisition of the proper Technical Report to the appointed Technical Expert.

At place order #59 is documented, according to ME-2023-92229408-APN-DGM#EA issued by the Technical Expert, an inquiry about the offered items to the bidder FN HERSTAL S.A.

At place order #60 is documented the note NO-2023-92251439-APN-CECE#EA addressed to the Acquisitions Operational Unit 84/137 with the requisition to forward the inquiry to the commercial firm FN HERSTAL S.A.

At place order #61 is documented the note PV-2023-92254262-APN-CECE#EA, submission to the Acquisitions Operational Unit 84/137, until the Electronic File is returned with the requested inquiry.

At place order #62 is documented according to IF-2023-93058582-APN-DGI#EA the technical inquiry issued to the commercial firm FN HERSTAL S.A. in both languages.

At place order #63 is documented according to IF-2023-93070793-APN-DGI#EA the Electronic File Stand By Certificate.

At place order #64 is documented according to F-2023-93076510-APN-DGI#EA the proper answer to the technical inquiries issue by the commercial firm FN HERSTAL S.A.

At place order #65 is documented according to IF-2023-93078477-APN-DGI#EA, the Electronic File Addition Certificate of the answer to the technical inquiry made to the commercial firm FN HERSTAL S.A.

At place order #66 is documented according to IF-2023-93080445-APN-DGI#EA the translation into Spanish of the answer from the technical inquiry to the commercial firm FN HERSTAL S.A.

At place order #67 is documented according to PV-2023-93091929-APN-DGI#EA the submission of the electronic file from the Acquisitions Operational Unit to the Transitory Evaluation Committee.

At place order #68 and #69 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 #70 and #71 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 #72 is documented, according to note ME-2023-94812262-APN-DGM#EA, the proper Technical Report issued by the Technical Expert of the Transitory Evaluation Committee, which reads that the bid proposal from FN HERSTAL S.A. resolves as follows:

Line #1: Light Machine Gun, Caliber 7.62mm **DOES COMPLY with the technical requirements set forth at TS #20/TEC/23.**

Line #2: Calibration Kit: **DOES COMPLY with the technical requirements set forth at TS #20/TEC/23.**

For the analysis made to the bid proposal submitted by FN HERSTAL S.A., 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 # 84/137-009-LPU23 REQUIRED BY THE MATERIEL GENERAL DIRECTORATE, for the "ACQUISITION OF MACHINE GUN CLASS: LIGHT, CALIBER 7.62 MM", as per Section 25, Sub- Paragraph a) Part 1, from Delegated Decree #1023/01.

SECTION 2º AWARD, as per Section 3 a) (Delegated Decree #1023/01) lines 1 & 2 , from the contractual act to the commercial firm FN HERSTAL S.A., for a total amount of U.S. DOLLARS ONE MILLION FOUR HUNDRED TWENTY THOUSAND NINE HUNDRED FIFTY THREE WITH 26/100 (USD 1.420.953,26).

SECTION 3º 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 (proper translation into English of this Minutes).

**Digitally Signed by GDE**

**on 2023 August 15, 2023, 11:48:29 -03:00**

***1<sup>st</sup> Lieutenant Gonzalo TOLABA ALVAREZ***

***Chief of Division***

***Materiel General Directorate***

***Argentine Army***

**Digitally Signed by GDE**

**on 2023 August 15, 2023, 11:49:50 -03:00**

***JUAN SAMUEL DIAZ***

***Colonel***

***Materiel General Directorate***

***Argentine Army***

**Digitally Signed by GDE**

**on 2023 August 15, 2023, 11:51:21 -03:00**

***Colonel NESTOR ALFREDO HUGO CASTAGNE***

***Army Contracting Evaluation Committee***

***Argentine Army***