

PUBLIC HEARING REGULATION No. 01/2021

Considering MS Ordinance No. 188, of February 3, 2020, through which the Ministry of Health declared an Emergency in Public Health of National Importance (ESPIN) because of Human Infection by the New Coronavirus.

Considering that Federal Law No. 13,979, of February 6, 2020, when providing for measures to deal with the emergency, included quarantine (art. 2, II), which covers the “restriction of activities [...] in order to avoid possible contamination or spread of the New Coronavirus”.

Whereas State Decree No. 64,862 of March 13, 2020, as amended by State Decree No. 64,864, of March 16, 2020, determined that the Secretaries of State must adopt the necessary measures in their respective spheres aiming at the suspension, for up to 30 days of events with agglomeration of people in any number.

Considering that State Decree No. 64,879, of March 20, 2020, recognized the state of public calamity, resulting from the COVID-19 pandemic, which affects the State of São Paulo.

Whereas State Decree No. 64,881 of March 22, 2020, decreed a quarantine measure in the State of São Paulo, consisting in the restriction of activities to avoid possible contamination or spread of Coronavirus, recommending that the movement of people within the scope the State of São Paulo is limited to the immediate needs of food, health care and the exercise of essential activities.

Considering the importance of the participation of civil society, through public hearings, based on article 39 of Federal Law No. 8666/1993, regarding the beginning of the bidding process, with the obligation to hold a public hearing prior to the publication of the bidding notice, and observing Article 29 of State Law No. 10.177/1998.

And, considering the Principle of Continuity of Public Service and the existence of digital means that enable the meeting of people without physical contact in a virtual environment, as well as the adequate virtual expression of interested parties, satisfactorily meeting the Principles of Publicity and Participation,

The Metropolitan Transport Secretariat (“STM”), using its legal competence, convenes a Public Hearing on the Sponsored Concession of a sponsored concession for the provision of public passenger transport service on rails of the TIC EIXO NORTE of the State of São Paulo, comprising the construction and operation of the services of the Inter-city Train (Express Service - TIC), Inter-metropolitan Train (TIM Service) and the operation, maintenance and works, with improvement in the performance and quality of the CPTM Line 7-Ruby (commuter service) that will be carried out in Portuguese on the day 08/16/2021, at 2:00 pm (GMT -3), in a virtual environment, according to the instructions of this Regulation.

I. PURPOSE

This Public Hearing, open to any interested party, aims to present and obtain subsidies and additional information for the improvement of the “Project”.

II. DATE, TIME AND PLACE/PLATFORM, FORM, AND INSTRUCTIONS FOR INTERESTED PARTY PARTICIPATION

To expand the access of all interested parties to the content of the "Project", a Public Hearing will be held on a virtual platform, as described below:

Public Hearing No. 01/2021

On 08/16/2021, from 2:00 pm to 4:00 pm (GMT -3).

The Public Hearing will be broadcast in Portuguese on the following channels:

1) By the official YouTube of CPTM <https://www.youtube.com/user/cptmoficial>, with the participation of the public only as a listener.

2) Teams/Microsoft Platform Online:

Interested parties who register to present a statement: a) in writing at the meeting itself, through the "meeting conversation/chat" function; or b) oral once, with a maximum duration of 30 seconds and monitored by the event's mediator. To do so, they must make a prior registration by sending their full name, ID, entity they represent (if applicable), telephone and e-mail to the electronic address: pppticeixonorte@sp.gov.br. Under the terms disciplined below, a link to the Teams/Microsoft platform for participation will be sent in due course. This link will be linked to the e-mail address through which the interested party has requested to register and must use the same e-mail to access the virtual platform.

In view of the above, it is recommended that those interested in participating with oral manifestations take the necessary steps to install the application or software of the referred Teams platform on the device that will be used to participate in the Public Hearing.

III. INTERESTED PARTY PARTICIPATION FORM

1) On the day of the hearing, all participants who have registered and effectively access the virtual environment will have their identification registered.

2) Oral and written statements pertaining to the "Project" will be read during the Public Hearing and answered during its completion. Due to the advanced time of the event, some responses may be answered after the event with publication in the Data Room of the PPP TIC Eixo Norte, at the following electronic address www.stm.sp.gov.br, within 24 hours.

3) Registration will start at 8:00 am on August 3, 2021 and will close at 12:00 pm (GMT – 3) on August 16, 2021.

4) Contributions that do not address the specific subject matter of this Hearing will not be considered.

5) The information obtained and generated at the Public Hearing will be included in the administrative process of the bidding process.

IV PROCEDURES

1. OPENING SOLEMNITY

a) The Public Hearing will begin with the formation and presentation of the Presiding Board, indication of the President of the Session and of the Mediator of the Hearing.

b) The President of the Session may, at his sole discretion, call for the composition of the Presiding Board, technicians, and consultants, as required by the presentation of the works.

c) At the opening ceremony, the rules on the development of the audience will be explained.

d) The opening ceremony of the works will be held in approximately 15 minutes.

2. TECHNICAL EXHIBIT AND CONTRIBUTIONS

a) Exposure time:

- Technical Presentation of the Project: will be performed in Portuguese by a representative of the STM, with approximately 30 minutes duration.

b) Manifestations and contributions:

- After the technical presentation, interested parties who have previously registered and expressed, at the time of registration, their intention to carry out a written and oral manifestation within the Public Hearing, will be called by name to carry out their oral manifestations, with a maximum duration of 30 seconds.

- Oral manifestations will be held only once by a previously registered interested party, at the time determined by the President of the Session, with no possibility of discussions, asides, or comments during the Public Hearing, respecting the order and organization of the session.

- After the closing of the oral and written manifestations, the President of the Hearing session may suspend the work for a period to be determined, so that he can organize the manifestations/contributions and responses to be presented in the public session of the hearing.

c) In view of the intention to carry out a broad discussion with society, any interested party may submit new contributions or comments, in relation to the Project by e-mail, in the Public Consultation phase, at the e-mail address of the bid indicated in the draft notice to be publicized.

d) The Public Hearing will be registered by STM, in addition to the official YouTube channel of CPTM <https://www.youtube.com/user/cptmoficial> and by electronic means (audio and video recording), in the Data Room of the PPP, so to preserve the integrity of its contents.

V GENERAL GUIDELINES

1) Each registrant will have the right to a single manifestation, obeying the registration order and avoiding duplication of expression.

2) At the discretion of the President of the Session, representatives of the entities of the Public Power may be invited to provide technical clarifications on the subject matter of the Public Hearing.

3) At the discretion of the President of the Session, answers to repeated or similar questions may be presented as a block, favouring the speed of the work.

VI DURATION OF THE PUBLIC HEARING

The Public Hearing may be closed early or extended, at the discretion of the President of the Session.

VII CLOSURE

The closing of the hearing will be carried out by the President of the Session.