

**ANNEX X**  
**MONITORING COMMITTEE**

## **ANEXO X**

### **PREÂMBULO**

A versão em língua inglesa deste Anexo é meramente referencial, não vinculante. A única versão oficial do documento está redigida em língua portuguesa, cujo conteúdo é vinculante para todos os interessados. Em caso de dúvidas de interpretação entre a versão traduzida do Anexo X, em inglês, e a versão oficial, redigida em língua portuguesa, prevalecerá a versão em língua portuguesa, documento oficial da licitação.

## **ANNEX X**

### **PREAMBLE**

The English version of this Annex is not binding to the parties. The Portuguese version of the document is the only official version of the auction and it is binding to all stakeholders. Should any interpretation doubt arise between this English version and the Portuguese version of this Annex X, the Portuguese version shall prevail, as the only official document for the auction.

## **ANNEX X – MONITORING COMMITTEE**

### **1. GENERAL PROVISIONS**

1.1. Within six (6) months after the execution of the AGREEMENT, the STATE shall call the holders of the public water supply and sanitary sewage services and the civil society to constitute the MONITORING COMMITTEE, which shall be in charge of inspecting the activities developed by the CONCESSIONAIRE in the CONCESSION AREA.

1.2. The purpose of the MONITORING COMMITTEE is to exercise social control by participating in the process of policy formulation, planning, and assessment of the SERVICES in compliance with articles 11, § 2, item V and article 47 of Federal Law No. 11,445/2007.

1.3. In compliance with the legislation, REGULATORY AGENCY shall make available, on its website, the information related to the SERVICES for the knowledge of the USERS.

### **2. COMPOSITION**

2.1. The MONITORING COMMITTEE shall be comprised by:

- a) MUNICIPALITIES;
- b) Entities related to the basic sanitation sector;
- c) USERS;
- d) Civil society and consumer protection organizations related to the sanitation sector;
- e) Collectives related to the theme of basic sanitation;
- f) Academic research groups;
- g) STATE; and
- h) State Water Resources Council - CERH / AP (Conselho Estadual de Recursos Hídricos – CERH/AP)

2.2. Participation of the holders of the water supply and sanitary sewage services shall be optional.

2.3. Each one of the entities indicated in item 2.1 shall reserve the right to appoint a member to comprise the MONITORING COMMITTEE, considering that, in the case of the USERS, shall be indicated three representatives.

- 2.3.1. Participation of the entities and organizations provided for in letters "b", "d", "e" and "f" shall be preceded by a requirement prepared by the entities and/or organization, under the terms of the regulation;
- 2.3.2. Participation of the USERS shall be made in a process open to the public and differentiated by type of USER to be represented under the terms of the regulation.
- 2.4. Each member of the MONITORING COMMITTEE shall reserve the right to appoint a substitute.
- 2.5. Participation of the entities indicated in item 2.1 shall be considered a relevant service without compensation.
- 2.6. The appointment and substitution of the members of the MONITORING COMMITTEE is free to the entities represented therein.
- 2.6.1. All representatives of the entities indicated in item 2.1, with the exception of those indicated in letter "c" of the referred item, must have the necessary competence and expertise to conduct the regular activities of the MONITORING COMMITTEE.

### **3. ATTRIBUTIONS**

- 3.1. The MONITORING COMMITTEE shall be constituted as an advisory body and shall have the following designations:
  - a) Follow up SERVICE provision;
  - b) Participate in the assessment of the SERVICES;
  - c) Propose improvements in the provision of the SERVICES;
  - d) Contribute to the definition of SERVICE planning guidelines, regulation and inspection of the SERVICES, in the form of reference standards issued by the National Water and Basic Sanitation Agency - ANA;
  - e) Receive and analyze the criticisms, suggestions, and complaints of users, taking the necessary measures to propose corrections to failures, errors, or inefficiencies in the provision of services to the population, through the submission of an opinion to the REGULATORY AGENCY; and
  - f) Collaborate in the inspection of the AGREEMENT.
- 3.2. The first meeting of the MONITORING COMMITTEE must be convened by the REGULATORY AGENCY, and published fifteen (15) days in advance on the Official Gazette of the STATE and its agenda shall be as follows:

- 3.2.1. set the deadline to prepare the internal regulation of the MONITORING COMMITTEE;
  - 3.2.2. definition of the position as chairman, who must be appointed by simple voting among the attendees.
- 3.3. Once the internal regulation of the MONITORING COMMITTEE has been prepared, its content shall be voted in the subsequent meeting which shall be convened by the chairman, under the terms of item 4.1.

#### **4. MEETINGS**

- 4.1. The MONITORING COMMITTEE shall meet on an ordinary basis, in a periodicity to be defined upon its constitution, with its call always published on the Official Gazette of the STATE, fifteen (15) days in advance.
- 4.2. An extraordinary meeting shall be admitted by calling one third of its members at least five (5) business days in advance.
- 4.3. The resolutions of the MONITORING COMMITTEE shall occur provided at least half of its members attend the meeting.

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