

Invitation for Pre-Qualification for the Participation in a Tender for the Light Railway Project
between Haifa and Nazareth
Clarification Letter No. 5

The following comprises TRI's responses to Candidates' Requests for Clarification ("RFC"). TRI's responses herein are binding as of the date of this Letter.

1. **RFC 030**

(1.3)

The Tender Committee is requested to postpone the Final date for the submission of Requests for Clarification and the Pre-Qualification Submission Date.

TRI's Response

The Final date for the submission of Requests for Clarification has been postponed to October 28, 2020, and the Pre-Qualification Submission Date has been postponed to December 15, 2020. The Final date for the payment of the Participation Fee has been accordingly postponed to December 8, 2020. Please refer to Addendum 4, Item 1, published on September 23, 2020.

2. **RFC 031**

(2.9.4)

The Tender Committee is requested to clarify how Participating Entities may comply with the requirement to confirm receipt of Addenda within two days of being issued if such Participating Entities registered with TRI to receive notifications about the Project after Addenda had already been published.

TRI's Response

Please see Item 1 in Addendum 3. As a result thereof, the requirement to confirm receipt of Addenda, appearing under Section 2.9.4, is removed.

3. **RFC 032**

(2.13)

The Tender Committee is requested to postpone the deadline for submitting Requests for Approvals and Notifications with respect to TRI's Advisors, until the Pre-Qualification Submission Date.

TRI's Response

Pursuant to section 2.13.5 of the Invitation, the deadline for submitting Requests for Approvals and Notifications is the final date for submitting Requests for Clarifications. As that date has been postponed until October 28 2020, Requests for Approval and Notifications may be submitted until that date as well.

4. **RFC 033**

(2.13.5)

The Tender Committee is requested to provide a form on which Participating Entities may submit Notifications with respect to TRI Advisors.

TRI's Response

The request is hereby rejected. No specific form is required, Participating Entities may submit such Notifications as RFCs or in any other written format.

5. **RFC 034**

(3.8)

The Tender Committee is requested to clarify whether the following Entities A, B and C may participate in separate Pre-Qualification Submissions wherein:

Entity A holds 100% of all Means of Control of Z, which holds 100% of all Mean of Control of X, which holds 49% of all Means of Control in Entity B; and

Entity C holds 51% of all Means of Control in Entity B.

TRI's Response

The Tender Committee clarifies that the issue is to be determined by reviewing the "Control", as such term is defined in the PQ Invitation, between the Entities.

A majority of holdings is deemed to create Control, therefore Entities B and C may not participate in separate Pre-Qualification Submission.

As above, in relation to connection between Entities A and B and Entities A and C, even without a majority of holdings, the connection may be that which demonstrates Control.

6. **RFC 035**

(4; 5.4)

The Tender Committee is requested to allow demonstration of each of the Professional Pre-Qualification Requirements in Sections 4.1 – 4.7 and of Section 5.4 via the aggregate experience of more than one Participating Entity.

TRI's Response

The request is rejected. Refer to RFC 025 in Clarification Letter no. 4.

7. **RFC 036**

(3.8; 4.4)

The Tender Committee is hereby requested to exempt Experience Providers for Rolling Stock from the limitation of participating in only one Pre-Qualification Submission.

TRI's Response

The request is hereby rejected.

8. **RFC 037**

(4.1, 4.2, 4.3 & 4.5)

The Tender Committee is requested to accept projects for Experience in the Design and Installation of Systems, the Design and Installation of Signaling Systems, the Design and Construction of Track-Way, and Project Execution, Management and Organization, which

were Completed by the Experience provider during the period commencing January 1, 2007, instead of 2008.

TRI's Response

The request is accepted. Refer to Items 3, 4, 5, and 6, Addendum 5.

9. **RFC 038**

(4.1 & 4.2)

The Tender Committee is requested to accept one project which remains under construction, along with at least 3 fully Completed projects, provided all such projects commenced on January 1, 2008.

TRI's Response

Please review the applicable requirements. Sections 4.1 and 4.2 require at least 3 Completed projects. Please refer and rely on the amendment made pursuant to RFC 038 above.

10. **RFC 039**

(4.2)

The Tender Committee is requested to confirm that an Experience Provider may demonstrate compliance with the requirements for Signaling Systems Experience as a "Lead Contractor" using projects it executed as a subcontractor, provided that it was directly accountable for the relevant works, including for the management of other subcontractors.

TRI's Response

The Tender Committee confirms. Please refer to the definition of the term "Lead Contractor".

11. **RFC 040**

(4.2.2)

The Tender Committee is kindly requested to accept one of the following proposed modifications in respect of the Signaling Threshold Requirement:

- 1. Waive the requirement for experience with an ATP subsystem; or**

- 2. Allow the Experience Provider to nominate a partner or manufacture who may demonstrate experience with an ATP subsystem.**

TRI's Response

The request is hereby rejected, with respect to each of the proposed modifications.

12. RFC 041

(4.4)

The Tender Committee is requested to allow Participants to submit more than one Experience Provider in demonstration of Rolling Stock Experience.

TRI's Response

The request is hereby rejected. Only one Experience Provider may be submitted in demonstration of Rolling Stock Experience.

13. RFC 042

(4.4)

The Tender Committee is requested to amend the requirements of Section 4.4 such that experience may be demonstrated by an Experience Provider which served as a Lead Contractor in a project that included supply or delivery of Rolling Stock, rather than by an Experience Provider which manufactured the Rolling Stock.

TRI's Response

The request is hereby rejected.

14. RFC 043

(4.4)

The Tender Committee is requested to delete, or, alternatively, soften, some of the requirements which the Experience Provider for Rolling Stock is required to demonstrate, especially with respect to Low Floor.

TRI's Response

The request is a general request which does not provide detail or reason and is therefore rejected.

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15. **RFC 044**

(4.4.1; Annex 1 clause 4.3.1)

Given the requirements with respect to speed of operation and continuous gradients which the LRVs will be required to meet, as stipulated in Annex 1, clause 4.3.1, the Tender Committee is hereby requested to amend the requirements of the Professional Pre-Qualification Experience in Section 4.4.1 of the Invitation to reflect such specific requirements.

TRI's Response

The request is hereby rejected.

16. **RFC 045**

(4.4.1)

The Tender Committee is hereby requested to amend the requirements for Rolling Stock Experience to include demonstration of the manufacture of Vehicles that are compliant with all Applicable EU Standards.

TRI's Response

The request is hereby rejected.

17. **RFC 046**

(4.5)

The Tender Committee is hereby requested to reduce the required minimum Contract Values of NIS 750 million for individual Infrastructure Projects used to demonstrate compliance with the required Project Execution, Management and Organization Experience.

TRI's Response

The request is hereby rejected.

18. **RFC 047**

(4.6)

The Tender Committee is hereby requested to amend the requirements for Maintenance Experience such that the Experience Provider shall be required to demonstrate that it Maintained each demonstrated LRT or Metro Line project as a Lead Contractor for a period of at least two (2) consecutive years within the period beginning on 1 January 2015, rather than for a period of five (5) consecutive years beginning on 1 January 2015.

TRI's Response

The request is hereby rejected.

19. **RFC 048**

(4.7)

The Tender Committee is hereby requested to confirm that an Operator meets the definition of “Lead Contractor” if it was the project owner and operated the Light Rail system of a demonstrated project.

TRI's Response

The Tender Committee clarifies that as long as such Experience Provider was responsible for the execution and management of the Operation of the referenced project and for the coordination of the Operation scope, then it shall be considered “Lead Contractor” for the purposes of Section 4.7 of the Invitation.

20. **RFC 049**

(4.7)

The Tender Committee is hereby requested to confirm that for the purposes of Operation experience, each line of a tram train system may be considered a “Project.”

TRI's Response

The Tender Committee hereby clarifies that Experience Providers are to demonstrate Operation of LRT or Metro service lines, and each line may be considered a project for the purposes of Section 4.7 of the Invitation, provided that all the requirements of the Section are calculated with respect to said single line only.

21. **RFC 050**

(4.7.3)

The Tender Committee is hereby requested to reduce the requirement of Section 4.7.3 from a minimum of 30 Vehicles to a minimum of 20 Vehicles, in line with the requirement stipulated in Section 4.6.2. pertaining to Maintenance Experience.

TRI's Response

The request is accepted. Please refer to Item 7, Addendum 5.

22. **RFC 051**

(5.4)

The Tender Committee is requested to advise whether the securing of External Financing within a contract for Acquiring, Operating and Maintaining a Power Plant may be considered Securing External Financing for an Infrastructure Project.

TRI's Response

The request is accepted if the said contract includes Design and construction elements, as required under the definition of "Infrastructure Project."

23. **RFC 052**

(5.4)

The Tender Committee is requested to advise whether the securing of External Financing within a contract for large-scale yielding real-estate projects, such as office buildings, public buildings, and mixed-use project, may be considered Securing External Financing for an Infrastructure Project.

TRI's Response

For the purpose of Section 5.4 (Securing of External Financing for an Infrastructure Project), a yielding real-estate project, such as office buildings, public buildings, and mixed-use project, under a PPP contract, shall be considered an Infrastructure Project.

24. **RFC 053**

(5.4; 9.11.3.4(b))

The Tender Committee is requested to confirm that a Member may demonstrate compliance with the requirements of Section 5.4 of the Invitation by relying on the Experience of a Supporting Entity which is an SPV, 100% of whose holdings were purchased by the Member after said Supporting Entity met the requirements for Securing External Financing for an Infrastructure Project.

TRI's Response

The request is rejected.

25. **RFC 055**

(8.4.1)

The Tender Committee is requested to allow the Members of each Participant, which has not yet been incorporated, to sign separate copies of the Pre-Qualification Submission.

TRI's Response

It is clarified that PQ Forms may be signed separately by the Members. However, a complete submission must include all relevant forms and be submitted in one envelope / box in accordance with the requirements of the PQ Invitation.

26. **RFC 056**

(8.7)

Under the Circumstances of COVID-19, the Tender Committee is requested to allow Participants to submit only copies of the Pre-Qualification Submission by the Pre-Qualification Submission Date, provided that the Participants submit the original Pre-Qualification Submissions within a reasonable period, to be determined.

TRI's Response

The request is rejected.

27. **RFC 057**

(Pre-Qualification Forms 3 and 15)

The Tender Committee is requested to clarify who is obligated to complete Pre-Qualification Forms 3 and 15 on behalf of the Participant, in the event that the Participant is not yet incorporated as an SPC.

TRI's Response

The Authorized Representative, appointed pursuant to Section 3.7 of the PQ Invitation, shall sign on behalf of the Participant.

28. **RFC 058**

(Pre-Qualification Form 13)

The Tender Committee is requested to accept Operation experience gained with heavy rails, for 5 years, commencing on January 1, 2014, in addition to Operation of Metro and Light Rail Systems.

TRI's Response

The request is hereby rejected. Operation experience must be demonstrated with respect to Metro Systems and/or Light Rail Systems only.

29. **RFC 059**

(Pre-Qualification Form 13)

The Tender Committee is requested to allow Participants to rely on two Experience Providers for demonstration of compliance with Operation Experience, wherein each Experience Provider presents projects which meet a number, but not all, of the requirements, and together all the requirements are met by the Experience Providers.

TRI's Response

The request is hereby rejected. Whether a Participant chooses to submit the experience of one or of two Experience Providers, each Experience Provider must individually meet all the requirements of Operation Experience.

30. **RFC 060**

(Annex 1, clause 4.3.2)

The Tender Committee is requested to clarify whether the Concessionaire will be permitted to use ETCS as its ATP system.

TRI's Response

The Concessionaire shall be permitted to make such a proposal which shall be reviewed in the design process in accordance with the terms and conditions of the Concession Agreement.

31. **RFC 061**

(Annex 1, clause 4.3.2)

The Tender Committee is requested to clarify whether the Concessionaire shall be permitted to use a CBTC-based solution for control of train movements.

TRI's Response

The Concession Specification will establish minimum functional and safety requirements for the Signaling System. A CBTC based system will be considered, provided it meets said requirements. Such proposal shall be reviewed in the design process in accordance with the terms and conditions of the Concession Agreement.

32. **RFC 062**

(Annex 1, clause 4.3.2)

The Tender Committee is requested to clarify the Safety Integrated Level that will be required for the train interlockings.

TRI's Response

The request is rejected.

33. **RFC 063**

(Annex 1, clause 4.3.2)

The Tender Committee is requested to clarify the types of track occupancy systems that will be permitted.

TRI's Response

This is to be determined by the Concessionaire as part of its integrated system design proposals.

