

November 10, 2020

**Invitation for Pre-Qualification for the Participation in a Tender for the
Light Railway Project between Haifa and Nazareth
Clarification Letter No. 8**

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 085**

(1.1)

1. The Tender Committee is kindly requested to remove the reference to the standard "EU 894 y NF X 35-002 - Anthropometric Models of the Male and Female Populations". This is not a direct standard for railway applications. Instead, we recommend applying the standard EN16186 for Railway Applications - Driver's Cab.
2. The Tender Committee is kindly requested to remove the reference to the standard "EU13129 - Railway Applications - Air Conditioning for Main Line Rolling Stock - Comfort Parameters and Type Tests", since this is applicable to mainline rolling stock. Instead, we recommend applying the standard "EN14750 - Railway applications - Air Conditioning for Urban and Suburban Rolling Stock".

TRI's Response

Both requests are accepted. An amendment will be made within the next published Addendum.

2. **RFC 086**

(1.1)

The Tender Committee is kindly requested to confirm for the avoidance of doubt that, as the definition of Metro does not require an "underground rail," a straddle-type monorail operating on an exclusive right-of-way, which cannot be accessed by pedestrians, can also be classified as a Metro.

TRI's Response

The request is rejected.

3. **RFC 087**

(1.1)

According to Section 1.1 of the Invitation to Pre-Qualification, "Route" shall mean a twin track or greater rail track of a Rail Project. In order to avoid any misinterpretation of the meaning of "twin track" and "greater rail track", the Tender Committee is kindly requested to confirm that:

- 1) a twin track means 2 operational lines built in parallel in one Rail Project; and**
- 2) a Route may also mean twin parallel tracks which each track is used by Vehicles moving back and forth on such track. For the sake of clarification, the Tender Committee is referred to an example of a one track which is used by a straddle-type monorail operating on only such track and additional track which is used by a different straddle-type monorail operation on a parallel track.**

TRI's Response

- 1) A twin track (or double track) means 2 operational tracks of the same line, in the same project, each running in opposite directions.
- 2) The request is rejected.

4. **RFC 088**

(3.1.2)

Please confirm that incorporation of the Participant as an SPC shall only be required upon the completion of the Tender Selection Stage and the selection of the Successful Bidder.

TRI's Response

No. Please refer to Section 9.9.1 of the Invitation. The SPC shall be formed and incorporated before the submission of bids in the Tender Selection Stage.

5. **RFC 089**

(3.3.7)

Under the condition that an Experience Provider will assume responsibility for the Project function and the performance of the applicable part of the works for which it was prequalified, then:

- 1. Could this Experience Provider appoint one of its subsidiaries (not a Supporting Entity) to be a member of EPC/O&M Contractor and execute the applicable part of the works?**
- 2. If it is positive for Question No.1 above, in Clause No.2 of Form 4, this subsidiary appointed does not belong to any option of the Participant, member of the Participant, experience provider, guarantor, financial entity, so how to choose and input the Clause No.2 of Form 4? Please elaborate.**

TRI's Response

The request is rejected.

6. **RFC 090**

(3.3.7)

If the project is awarded to a Successful Bidder, the subsidiary of the Experience Provider could be the entity who sign the contract and execute the applicable part of work for which the Experience Provider was prequalified under the condition that the Experience Provider will assume responsibility for the Project function and the performance of the applicable part of the works for which it was prequalified? Please kindly clarify.

TRI's Response

The question is not fully understood; however, the Tender Committee refers to Sections 3.3.5, 3.3.6 and 3.3.7 of the Invitation, and clarifies the following:

1. The Concession Agreement will be signed by the Successful Bidder. Experience Providers are not necessarily Members of the Participant and therefore may not be the Parties to the Concession Agreement.
 2. The Experience Provider itself is to assume joint and several responsibility for the execution of the works for which it was pre-qualified, through its execution of PQ Form 5 (Experience Provider Undertaking). Works may be executed directly or indirectly, subject to terms of the Concession Agreement, but that shall not derogate from the Experience Provider's responsibility towards TRI for the execution of said works.
7. **RFC 091**
(4.7.3)

The Tender Committee is kindly requested to remove the reference in section 4.7.3. to the pre-defined term "Vehicle" as per section 1.1 "Definitions". Instead, we suggest using the generic term "vehicle".

The reason for this request is that the vehicle specification has no substantial impact on the ability of the potential bidder to demonstrate his operator capability. We believe that all operation criteria as specified will sufficiently ensure needed capabilities for the tendered operation.

TRI's Response

The request is rejected.

8. **RFC 092**
(8.7.3)

The Tender Committee is kindly requested to confirm that 1 USB/CD shall be attached to each of the hard copies of the Pre-Qualification Submission, meaning 1

attached to the Original version of the Pre-Qualification Submission, and 1 USB/CDs attached to each of the copies.

TRI's Response

It is clarified that there is no requirement for each of the USBs/CDs to be **attached** to a specific, or any, hard copy of the Pre-Qualification Submission, as long as five CDs or USB storage devices are included within the PQ Submission in compliance with Section 8.7.3 of the Invitation.

9. **RFC 093**

(8.7, 8.8)

The Tender Committee is hereby requested to clarify that the PQ submission may be submitted in a scanned copy. Additionally, please clarify that such submission may be executed via e-mail.

TRI's Response.

Both requests are rejected. The Pre-Qualification Submissions are to be submitted in accordance with the provisions of the Invitation.

10. **RFC 094**

(Annex 1, 1.5 and 3.2)

The Tender Committee is kindly requested to confirm whether the station construction is part of Infra 1 or Infra 2 scope of works. Since 10 of the 20 stations are to be elevated, the volume and nature of the work needs to be considered by bidders in the context of partnership discussions. Please advise.

TRI's Response

The fit out and finishes of the Stops is planned to be part of Infra 2 works. LRT bridges are planned as part of Infra 1 Works. The fine tuning of the Stop structural Infra 1 / Infra 2 interfaces will be detailed in the Tender Selection Stage.

11. **RFC 095**
(Annex 2, clause 3)

According to this Section 3, only Participating Entities are allowed to hold Means of Control in the O&M Contractor. Please amend this such that also (i) Subsidiaries of Participating Entities; and (ii) Entities which are indirectly held by Participating Entities, provided that 100% of all Means of Control of such Entities are Effectively held Participating Entities, will be allowed to hold Means of Control in the O&M Contractor (other than the 50% which should be held by the Experience Provider who demonstrated compliance with the requirements of Section 4.7 of the Invitation for Pre-Qualification).

TRI's Response

The request is rejected.

12. **RFC 096**
(Annex 2, clause 3)

The Tender Committee is hereby requested to remove the last paragraph of Section 3 to Annex 2, providing that the Operation Experience Provider and/or the O&M Contractor may be subject to restrictions in relation to their participation in other public transportation tenders, which is not in line with the common practice in similar projects.

TRI's Response

The request is rejected.

13. **RFC 097**
(PQ Forms)

The Tender Committee is requested to provide the Pre-Qualification Forms in Word templates.

TRI's Response

The Pre-Qualification Forms shall be provided in due time prior to the Submission Deadline.

14. **RFC 098**
(PQ Form 1)

The Tender Committee is requested to confirm that if the Participant is not incorporated as of the Pre-Qualification Submission Date, Pre-Qualification Form 1 shall be completed by each of its Members and signed by each of their Authorized Representatives, and not by the Participant's Authorized Representative.

TRI's Response

Correct.

15. **RFC 099**
(PQ Form 3)

The Tender Committee is requested

- (a) To confirm that if the Participant is not incorporated as of the Pre-Qualification Submission Date, that Pre-Qualification Form 3 shall be completed and signed by the Members of the Participant; and**
- (b) To amend Pre-Qualification Form 3 so that all Members of the Participant may sign it and Attorney Confirmation be provided for each such signature.**

TRI's Response

PQ Form 3 (The Members of the Participant) is to be signed by the Authorized Representative of the Participant, even if the Participant is not incorporated.

16. **RFC 100**
(PQ Form 4 Section 9.7)

The Tender Committee is requested to clarify that reference in this section to “this Pre-Qualification Form ‘2’” is a technical error.

TRI’s Response

Correct. The PQ form shall be amended in a future addendum.

17. **RFC 101**
(PQ Form 4 Annex D)

The Tender Committee is requested to provide templates of the declaration to be made by the Participating Entity’s independent auditor and of the affidavit to be made by the representative of the Participating Entity’s management.

TRI’s Response

The request is rejected.

18. **RFC 102**
(PQ Form 5 Paragraph 2)

It is required to demonstrate three projects in each Section 4.1, 4.2 and 4.3. If relying on two or more Supporting Entities, so the second paragraph could repeat for elaboration of these different Supporting Entities? Please confirm.

TRI’s Response

Correct, the second paragraph of PQ Form 5 can be repeated in accordance with the number of Supporting Entities.

19. **RFC 103**

(PQ Form 5 Section 3)

The Tender Committee is requested to amend this section to reflect the option that the Experience Provider for Operation Experience may enter into a service agreement with a Bus Operator which would hold the requisite Means of Control in the O&M Contractor.

TRI'S Response

The request is accepted. The PQ form shall be amended in a future addendum.

RFC 104

(PQ Form 6 Section 1)

The Tender Committee is requested to clarify which option should be checked in the event that the Supporting Entity is a subsidiary of the Experience Provider, not by way of a Merger, Acquisition or Transfer.

TRI's Response

It is clarified that only Experience Providers relying on an Entity pursuant to a Merger, Acquisition or Transfer (under Section 9.11.3.4 of the Invitation), are to complete Pre-Qualification Form 6.

20. **RFC 105**

(PQ Forms 7-13)

Please clarify the instruction in the last row of the tables of each of the Pre-Qualification Forms, referring to Pre-Qualification Form 17 in the event that the demonstrated project was executed by a Supporting Entity. Is this meant to indicate that the Supporting Entity must complete Pre-Qualification Form 17?

TRI's Response

Supporting Entities are not required to complete PQ Form 17 (No Going Concern). The PQ form shall be amended in a future addendum.

21. **RFC 106**
(PQ Form 15)

The Tender Committee is requested

- (a) To confirm that if the Participant is not incorporated as of the Pre-Qualification Submission Date, that Pre-Qualification Form 15 shall be completed and signed by the Members of the Participant; and**
- (b) To amend Pre-Qualification Form 15 so that all Members of the Participant may sign it and Attorney Confirmation be provided for each such signature.**

TRI's Response

PQ Form 15 (Participant's Weighted Turnover) is to be signed by the Authorized Representative of the Participant, even if the Participant is not incorporated.

22. **RFC 107**
(RFC 019)

Despite the Tender Committee's answer to RFC 019, it is requested to confirm that the ridership risk is not anticipated to be allocated to the Concessionaire under the Concession Agreement; or, if such is anticipated, to specify to what extent and in what form this is anticipated.

TRI's Response

Details of the allocation of risks will be provided as part of the Tender Selection Stage.