

29 December 2020

**Invitation for Pre-Qualification for the Participation in a Tender for the
Light Railway Project between Haifa and Nazareth**
Clarification Letter no. 13

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 162**
(PQ Form 17)

As previously noted under RFC 159, Pre-Qualification Form 17 should be completed by either the CEO or CFO of the Participating Entity, and the CEO and CFO of our Participating Entity are located in France.

Since the publication of RFC 159 under Clarification Letter no. 12, a lockdown has been instituted in Paris, and neither the CEO nor CFO are able to meet with a Notary to certify their signature on the Form. Thus, the Participating Entity is not able, under the circumstances, to receive certification of signature per the confirmation on the Form that states that the signatories "appeared before" the certifier.

Therefore, we kindly ask the Tender Committee to approve one of the following options:

(a) Remove reference to the appearance of the signatory before the certifier within the confirmation of the Form, so that the CEO or CFO may have their signature certified remotely; or

(b) Allow the CEO or CFO to appoint another entity within the Participating Entity who is not located in a locked-down area, to sign the Form in their stead.

TRI's Response

Both alternative (a) and (b) are rejected. However, given the circumstances, the CEO or CFO of the Participating Entity may sign and submit Pre-Qualification Form "17" without

confirmation of their signatures, provided that the Participating Entity resubmits Pre-Qualification Form “17,” duly signed by the CEO or CFO and certified in accordance with the Form’s instructions, as soon as is practicable after the lifting of the lockdown.

2. **RFC 163**
(4.7.2)

The Tender Committee is kindly requested to confirm that the “LRT or Metro project” referred to in Section 4.7.2 of the Invitation may include a project of two LRT or Metro lines (with common section) in which the total Vehicles operated by the Operation Experience Provider in those two lines are at least 20 Vehicles (in the aggregate), provided that those two lines are operated by the Experience Provider under a single contract (with the same client) and that the operation of both lines has commenced on the same date.

TRI’s Response

The Tender Committee confirms that for the purpose of Section 4.7.2, an “LRT or Metro project” may include a project of more than one LRT or Metro line, provided that all other conditions of the Invitation under Section 4.7 are met.

3. **RFC 164**
(8.4.3)

The Tender Committee is kindly requested to confirm that the Financial Statements are considered part of the Pre-Qualification Forms and that as such, scanned copies thereof may be included in the Pre-Qualification Submission provided that the originals are submitted no later than 45 calendar days after the Pre-Qualification Submission Date, in accordance with the provisions of Section 8.4.3 of the Invitation.

TRI’s Response

The Tender Committee confirms such.

4. **RFC 165**
(5.8; RFC 157)

The Tender Committee is kindly requested to confirm that Participating Entities which are not Members of the Participant and whose Financial Statements are to be submitted for the sole purpose of demonstrating “No Going Concern” and thus need not have been prepared using any of the accounting standards under Section 5.8.1, are not required to provide a letter from an external auditor pursuant to Section 5.8.2 in order to submit the Financial Statements prepared using different accounting standards.

TRI’s Response

The Tender Committee confirms that the provisions of Sections 5.8.1 and 5.8.2 do not apply to Experience Providers which are not Members of the Participant.

5. **RFC 166**

In accordance with Section 5.8.2 of the Invitation, the Tender Committee hereby notifies that it has approved a candidate's request to submit Financial Statements prepared using **Spanish GAAP**. Such approval has been given to the candidate which submitted the request, based on information and confirmation provided by its external auditor, and shall not be construed as a general approval of submission of Financial Statements based on the **Spanish GAAP**.

It is also noted that such approval pertains only to the Financial Statements included within the external auditor's written confirmation. Any other Financial Statement submitted by the same candidate, will require a commensurate auditor's confirmation.

6. **RFC 167**

The Tender Committee clarifies that an addendum to Annex 4 containing the requisite exchange rates for the year 2020 shall be published on the Website after the end of the fiscal year.

Although such publication will be less than 30 days before the Pre-Qualification Submission Date, it allows sufficient time for Participating Entities which are relying on Infrastructure Projects executed in the year 2020 to calculate the exchange rates to NIS and complete the relevant Pre-Qualification Forms. As such, the Pre-Qualification Submission Date shall not be postponed.

7. **RFC 168**
(3.5.8; 8.3)

According to the Invitation, documents which are not in the English or Hebrew language should be translated to English and authenticated by a public notary. However, according to the Spanish law, the translation, checking and certification of documents into and from a foreign language to English is done by a sworn translator and not by a public notary (unless it is by itself also a sworn translator). The Tender Committee is kindly noted that a sworn translator under the Spanish law is a person who complies with certain qualifications and is recognized as such by the authorities. For the convenience of the Tender Committee please find attached a legal opinion on confirmation the stipulations of the Spanish law on this issue.

In light of the foregoing, the Tender Committee is kindly requested to approve and confirm submission of Spanish documents translated to English which are authenticated by a Spanish sworn translator.

TRI's Response

Based on the above, which is supported by a legal opinion, the Tender Committee shall accept translations of documents from Spanish to English which have been certified by a sworn translator.