

August 26, 2020

**Invitation for Pre-Qualification for the Participation in a Tender for
the Light Railway Project between Haifa and Nazareth**
Clarification Letter No. 4

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 024**

(Sections 1.1; 3.3)

When does a partnership between two or more companies which intend to participate as one Experience Provider (one Entity) need to be incorporated?

TRI's Response

To the extent that a partnership between two or more companies intends to demonstrate its former experience as a partnership in order to be qualified as one "Experience Provider" it is required that such partnership was one Entity in the demonstrated project.

Any Entity demonstrating compliance with any of the Professional Pre-Qualification Requirements of Section 4 of the Invitation, is required to have been incorporated as a single Entity at the time at which the demonstrated projects / works, presented in demonstration of compliance with the given Professional Pre-Qualification Requirement, were executed.

The Tender Committee clarifies Participating Entities that per Section 6.1 of the Invitation, the experience of a Supporting Entity may be relied on in demonstration of compliance with the Professional Pre-Qualification Requirements. The Tender Committee further clarifies that, per Section 3.3 of the Invitation and Annex 2 (Expected Requirements for the Tender Selection Stage), Experience Providers are not obligated to serve as Members of a Bidder, however they undertake to be jointly and severally obligated with the Bidder for the elements of the Project for which they served as Experience Provider. As for the incorporation requirements of the SPC, please refer to Section 3.1.2 of the Invitation.

2. **RFC 025**

(Sections 3.5; 4.7)

The Tender Committee is requested to clarify whether several foreign Entities, each individually meeting the General Requirements for participation, may jointly demonstrate the Professional Pre-Qualification Requirements of Section 4.7 (Operation Experience) of the Invitation as an unincorporated joint venture, and incorporate as a single Entity should the Bid in which it participates be deemed the Successful Bidder?

TRI's Response

All the Professional Pre-Qualification Requirements of Section 4.7 (Operation Experience) must be demonstrated by a single Experience Provider, comprising a single Entity as such is defined in the Invitation. This does not derogate from the provisions of sections 3.3.6 and 3.3.7 of the Invitation.

3. **RFC 026**

(Section 3.7)

Section 3.7 of the Invitation refers to the appointment of an Authorized Representative. Please clarify when such appointment is to be notified to TRI and by which PQ Tender Form.

TRI Response.

Please see Addendum #3 which will contain an instruction to delete Section 2.5.2. Participants shall notify TRI of their Authorized Representative together with the submission of the Participation Fee receipt as in Section 2.5.6.

4. **RFC 027**

(Section 4.7)

The Tender Committee is hereby requested to confirm that for the purpose of meeting the requirements of Section 4.7.4 of the Invitation with respect to at-grade LRT or Metro LOSD operation, the Experience Provider may rely upon an automatic operation system as an alternative to LOSD, on the basis that all automatic operation systems are equipped with LOSD operation capabilities and as such, operators routinely undergo LOSD training.

TRI's Response

The request is rejected. In order to demonstrate compliance with Section 4.7.4 of the Invitation, the Experience Provider must demonstrate actual operation of an LRT or Metro using LOSD.

5. RFC 028

The Tender Committee is requested to confirm that an entity who served as an Engineering, Procurement and Construction Management (EPCM) contractor may be considered a "Lead Contractor," as defined in the Invitation .

TRI's Response

The request is rejected.

6. RFC 029

(Section 2.13)

The Tender Committee is requested to clarify if an Entity which holds Means of Control in one of the Advisors to the Tender Committee listed in Annex 3 to the Invitation for Pre-Qualification, by way of an appointed Director in the Advisor's Board of Directors, is permitted to participate in a Pre-Qualification Submission.

TRI's Response

Any Entity holding any Means of Control in an Advisor to the Tender Committee listed in Annex 3 to the Invitation for Pre-Qualification, by means of an appointed Director in the Advisor's Board of Directors, is required to notify the Tender Committee by the deadline for the submission of Requests for Clarification and request its approval pursuant to section 2.13 of the Invitation.