

March 20, 2017

To: Bidders - Tender No. 41614

Re: **NOTICE #3 TO PARTICIPANTS**

Tender No. 41614 For Electric and Solar Trackside Rails Lubricators
for Various Types of Rails ("Tender")

This notice (this "**Notice**") is being furnished to Bidders in accordance with the provisions of Section 22 of the General Terms and Conditions of the Tender Documents (the "**General Terms**").

For the removal of doubt, unless otherwise explicitly stated herein, the Tender Documents remain unchanged and fully binding. It is hereby further clarified that throughout the Tender Process, ISR shall only be bound by the information submitted by ISR in writing, and no oral or other non-written response or information will bind ISR for any and all purposes.

Capitalized words and terms used herein and not otherwise defined shall have the same meaning ascribed to them in the Tender Documents.

PLEASE BE REMINDED THAT THE FINAL SUBMISSION DATE FOR ALL PROPOSALS HAS BEEN POSTPONED TO MAY 15TH, 2017 BY 13:00 (ISRAEL TIME).

List of Enclosures

A revised version of the Technical Specifications, the Tender Documents and the Agreement has been provided to the Bidders together with this Notice (the "**Revised Documents**").

The Revised Documents supersede the previous version of the documents as previously published.

Explanatory Note

Some questions submitted to ISR required explanation and clarification and ISR will thus present its responses in this Notice accordingly.

Technical Specifications:

1. **Question:** ISR has been requested to clarify Section 1.3 of the Technical Specifications concerning the type of adjustment tools required.
Answer: The adjustment tools required as provided in Section 1.3 are special adjustment tools. In addition, 3 personal computers are required to be delivered with the TLR, in order to enable making set-up changes in the control units.
2. **Question:** ISR has been requested to clarify if Bidder is required to supply lubricant with the TLR.
Answer: The Tender is solely for the procurement of the TLR and not for the supply of lubricant. The indications provided in Annex D of the Technical Specifications concerning the lubricant are meant to inform Bidder as of the type of grease used by ISR and adapt the TLR in accordance.
3. **Question:** ISR has been requested to clarify if the performance of the base installation by ISR as provided in Sections 1.4 and 5.16 of the Technical Specifications is in addition to the services performed by ISR which are detailed in Section 17.7 of the Agreement.
Answer: Yes. See revised Agreement.
4. **Question:** ISR has been requested to clarify what is the distance between the two parallel tracks.
Answer: The nominal distance between the center of the parallel tracks is 4.70 m. The minimum distance between the center of the parallel tracks is 4.50 m.
5. **Question:** ISR has been requested to perform by itself the connection to the electric grid.
Answer: The request is accepted. See revised Agreement.
6. **Question:** ISR has been requested to amend Section 5.3 of the Technical Specifications.
Answer: The request is not accepted. ISR specifies that the installation of the TRLs is at the train stations, where all curves are without superelevation.
7. **Question:** ISR has been requested to accept TLR which do not include a lighting strike indicator, as required in Section 5.4.1 of the Technical Specifications.
Answer: The request is accepted. See amended Technical Specifications.
8. **Question:** ISR has been requested to specify if lighting strike protection shall be included.
Answer: Lightning strike protection shall be included. See Section 5.4.1 of the amended technical Specifications.
9. **Question:** ISR has been requested to clarify if all of its tracks are based on ballast
Answer: Yes.

Agreement

10. **Question:** ISR has been requested to clarify if the adjustment tools list, as required in Section 5A6, must include regular tools as well as special tools.
Answer: Only special adjustment tool are required to be specified in such list.
11. **Question:** ISR has been requested to amend Section 10.2 of the Agreement concerning the Termination for Convenience.
Answer: Section 20.3 of the Agreement has been canceled. See Revised Agreement.
12. **Question:** ISR has been required to extend the Installation period for the TLR as provided in Section 10.3 of the Agreement.
Answer: The request is accepted. See Revised Agreement.
13. **Question:** ISR has been requested to clarify how much time will be granted to Supplier each day and/or night for the Installation, in light of Section 10.3 of the Agreement.
Answer: During Business Days - 4 hours at night; during weekends (Friday after 5.00 pm until Saturday 6.00 pm) - not limited. No installation shall be carried out from 5:00 am to 10:00pm during Business Days.
14. **Question:** ISR has been requested to clarify the process for determining responsibility for a malfunction, as provided in Section 12.7.4 of the Agreement.
Answer: ISR shall determine the nature of the malfunction after consultation with Supplier, if ISR shall view such consultation as necessary. ISR's decision shall be final and binding.
15. **Question:** ISR has been requested to accept that the Installation of the TLR, as specified in Section 17 of the Agreement, be performed by ISR personnel, trained by Bidder's personnel, as determined in Section 5.7 of the Agreement.
Answer: ISR does not accept the request.

Tender Documents

16. **Question:** ISR has been requested to clarify if a Director of Bidder's Company is entitled to sign the Appendix D and the declaration as required in Section 2.1.1 and 2. 1.2 of the Tender Documents.
Answer: The person authorized to sign on behalf of the company (i.e. the holder of signature rights) shall be entitled to sign the said documents.
17. **Question:** ISR has been requested to clarify what is the process of determination of the cause of "any faulty part, component or system of the TRL", so as to make it a warranty claim under Section 9.2 of the Tender Documents.
Answer: ISR shall determine the nature of the fault after consultation with Supplier if ISR shall view such consultation as necessary. ISR's decision shall be final and binding.

18. **Question:** ISR has been requested to reduce the Proposal Validity Period to six months instead of twelve months, as provided in Section 15 of the Tender Documents.

Answer: The request is accepted. See revised Tender Documents.

Please confirm receipt and acknowledgement of the above Notice, by completing the slip below, and returning it by fax to the undersigned at fax number: **+972-3-6937416** or by e-mail: **nathaliae@rail.co.il**.

Best Regards,

Nathalia Eisenfeld
International Procurement Coordinator

To: Nathalia Eisenfeld - Israel Railways Ltd.

Facsimile: +972-3-6937416; E-mail: nathaliae@rail.co.il

We hereby confirm the receipt of Notice #3 (4 pages including this page) and its enclosures in Tender No. 41614, dated 20 March 2017, and hereby acknowledge the clarifications set forth therein.

Name

Company

Sign