

July 21st, 2016

To:
Purchasers of Tender Documents ("**Participants**")
Tender No. 51403 (Supply and Maintenance of Double Deck Electric Multiple Units)

Re: **NOTICE # 9 TO PARTICIPANTS**

TENDER NO. 51403

This notice (the "**Notice**") is being furnished to you in accordance with the provisions of Sections 11.2.4 and 11.3 of the Instructions to Bidders.

Certain requests and questions received by ISR with respect to Volume A (excluding Attachment H1) are addressed in this Notice below or in the revised marked documents attached hereto. **Participants are requested to carefully review the attached revised Volume A since not all amendments are referred to in this Notice itself.**

ISR is still in the process of reviewing additional requests and questions submitted by Bidders with respect to the other Tender Documents and ISR will issue an additional Notice to Bidders with respect thereto in the following days.

However, all questions regarding Volume A have been reviewed. With respect to any question or request relating to Volume A not specifically addressed by ISR in this Notice #9 and/or in the enclosed revised version, Volume A remains unchanged and ISR deems that the documents are self-explanatory.

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

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 it in writing, and no oral or other non-written response or information will bind ISR for any and all purposes.

List of Enclosures

The following documents are provided to the Participants together with this Notice:

- (i) **Revised Volume A** (clean and marked-up versions, excluding Attachment H1).
The marked-up version above is provided to the Participants for their convenience only. ISR does not guarantee that all revisions are indeed marked in the marked-up version or that all revision marks appearing therein reflect changes actually introduced to the Tender Documents.
- (ii) **Soil Report** (as referred to in Attachment 2 (Annex b1) to the Maintenance Depot Contract) and certain related documentation. For clarification, these enclosed documents constitute 'information documents' ("מסמכי מידע") as defined in Section 3 of Attachment 1 to the Maintenance Depot Contract.
- (iii) **Drawings** (to be attached in Attachment 2 (Annex b1) to the Maintenance Depot Contract). For clarification, these enclosed drawings constitute 'information documents' ("מסמכי מידע") as defined in Section 3 of Attachment 1 to the Maintenance Depot Contract.

Response to certain questions regarding the Instructions to Bidders

1. **Question/Request:** ISR was requested to allow that a Bid will be submitted by a consortium.

Answer: Participants are referred *inter alia* to the new Section 1A in the revised Instructions to Bidders attached hereto. Each Bidder (whether a Single Company or a Consortium, as these terms are defined in the revised Instructions to Bidders attached hereto) shall carefully review the related changes in the applicable Attachments to be submitted with its Bid.

2. **Question/Request:** ISR was requested to clarify the provisions of Section 2.1 of the Instructions to Bidders regarding indexation of the amount of the Bid Guarantee.

Answer: Bidders might elect to submit a Guarantee which amount is indexed or a Guarantee which amount is not indexed. Both alternatives are acceptable on ISR.

3. **Question/Request:** ISR was requested to reconsider certain Pre-requisites.

Answer: Participants are referred to certain amendments to the Financial and Technical Pre-requisites in the revised Instructions to Bidders attached hereto.

4. **Question/Request:** Reference is made to Section 3.1.1 of the Instructions to Bidders. ISR was requested to approve, for the purpose of proving compliance with the Financial Pre-requisites, the submission of financial data based on consolidated financial statements.

Answer: Approved.

5. **Question/Request:** Reference is made to Section 3.1.2 of the Instructions to Bidders. ISR was requested to authorize, for the purpose of proving compliance with the Financial Pre-requisites, the submission of financial data based on financial statements which were prepared in accordance with certain accounting principles not specified in Section 3.1.2.

Answer:

- (a) The following accounting principles are hereby approved by ISR:
 - (i) German GAAP
 - (ii) IFRS for Small and Medium Sized Entities
 - (iii) New People's Republic of China GAAP (including, with respect to the cash flow statements, CAS (China Accounting Standards) No. 31).
- (b) Bidders requesting to submit financial data based on financial statements which were prepared in accordance with any of the accounting principles referred to in section (a) above shall mark the last alternative in Section 2 of Attachment C1 (or D1, as applicable) of the Instructions to Bidders, and add at the end of such alternative the name of the applicable accounting principles as specified in section (a) above.
- (c) For clarification: only the accounting principles specified in section (a) above are allowed in addition to the accounting principles specified in Section 3.1.2 of the Instructions to Bidders.

(d) Bidders are not required to submit their Financial Statements together with their Bid, however ISR may request from any or all Bidders to submit such Financial Statements at any time during the Tender process.

6. **Question/Request:** ISR was requested to clarify certain provisions of Section 6B regarding Joint Projects in the Instructions to Bidders.

Answer:

(a) Participants are referred to the amended Sections 6B.2(c) and 7.3.4 in the revised Instructions to Bidders attached hereto.

(b) For clarification, Participants are advised that a Single Company (or First Member, as defined in the revised Instructions to Bidders attached hereto) is allowed to request to submit also projects performed together with an affiliate, subject to all the provisions of such Section 6B.

7. **Question/Request:** Reference is made to Section 11.1.3 of Volume A. ISR was asked if the Tender Documents can be purchased on behalf of Bidder.

Answer: Yes.

8. **Question/Request:** ISR was requested to allow **Attachment F1** to the Instructions to Bidders (Foreign Bidder's industrial Cooperation Undertaking) to be submitted in Envelope 3.

Answer: Participants are referred to the new note in Section 12.2.1(h) and to the new Section 12.2.3(b) in the revised Instructions to Bidders attached hereto.

9. **Question/Request:** ISR was asked in which Envelope should be submitted the documents relating to Section 6B of the Instructions to Bidders.

Answer: The documents relating to Section 6B of the Instructions to Bidders should be submitted in Envelope 1.

10. **Question/Request:** ISR was requested to provide to Participants the attachments to Volume A in Word or Excel format (as applicable).

Answer: the attachments to Volume A in Word or Excel format (as applicable) will be enclosed in a further Notice, subject for the removal of doubt to Section 12.7 of the Instructions to Bidders.

11. **Question/Request:** ISR was requested to clarify how many units or trainsets are required in order to comply with the requirement in Section 6.3.1. of the Instructions to Bidders.

Answer: ISR did not specify any number and deems the clause to be self-explanatory.

Yours Faithfully,

Sophia Katsely

Mrs. Sophia Katsely
International Procurement Coordinator