

06.02.2020

**Re: NOTICE #4 TO PARTICIPANTS
TENDER NO. 41905**

This notice (this “**Notice**”) is being issued to Bidders in accordance with the provisions of Section 9 of the General Terms and Conditions of the RFP Documents (the “**General Terms**”).

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

Explanatory Note:

For the removal of doubt, with respect to any question or request not specifically addressed in this Notice, the Tender Documents remain unchanged and fully binding. It is hereby further clarified that throughout the Tender Process, ISR shall only be bound by information submitted by ISR in writing, and no oral or other non-written response or information will bind ISR for any purpose whatsoever.

Clarifications

I. General Questions

1. Question: ISR has been requested to clarify the selection of winning bidder in section 6 of the RFP documents.

Answer: It is hereby clarified that a new corrected version of the RFP documents have been published on ISR's website, and bidders are referred to section 6 of the RFP documents.

2. Question: ISR has been requested to clarify whether the appendices which are numbered as D I, D III and D IV are in fact supposed to be listed as D I, D II and DIII.

Answer: It is hereby clarified that there has been a typographical error, and therefore ISR refers the bidders to the corrected RFP documents.

3. Question: ISR has been asked to clarify the means by which the bidder is to produce his proposal, pertaining to sections 7.3 and 7.4 of the RFP documents.

Answer:

It is hereby clarified that there should be a maximum of 7 big envelopes (each for every field the bidder wishes to submit a proposal to). Each one of these will contain 2 small envelopes- one containing the commercial offer, the second containing the pre-

requisites and all relevant information regarding the bidders' experience. Each of the smaller envelopes will have 2 copies of each document.

5. Question: ISR has been asked to clarify whether it is permitted to have one original copy of documents signed by an attorney and the rest as photocopies with the photocopied signature of the attorney. Furthermore, ISR has been requested to clarify whether it is permitted to have one original copy of documents with attorney's signature (D1) plus copies or whether each copy need to be signed by the attorney?

Answer: The request has been reviewed and has been permitted and bidders may submit photocopies of all the documents and the attorney signatures.

6. Question: ISR has been asked to clarify the discrepancy between the RFP documents and Notice #1 pertaining to the number of envelopments for the submission of the proposal.

Answer: It is hereby clarified that there should be maximum of 7 big envelopes (each for every field the bidder wishes to submit a proposal to). Each one of these will contain 2 small envelopes- one containing the commercial offer, the second containing the pre-requisites and all relevant information regarding the bidders' experience. Each of the smaller envelopes will have 2 copies of each document.

7. Question: ISR has been asked to clarify whether out of the three envelopes that must be submitted, all the copies must be originals or whether one copy is original and the other two (2) are copies of the original documents?

Answer: It is hereby clarified that Bidders are required to submitted one original copy of all the documents submitted and (1) certified copy of the original documents.

8. Question: ISR has been requested to clarify whether a bidder who plans on submitting a proposal for more than one category specified in Appendices A1-A7 must submit a separate proposal for every topic, including separate copies of Appendices B and F, or whether bidders are required to submit one proposal for all of the topics of interest with separate relevant appendices for each category, all in one envelope.

Answer: It is hereby clarified that there should be maximum of 7 big envelopes (each for every field the bidder wishes to submit a proposal to). Each one of these will contain 2 small envelopes- one containing the commercial offer, the second containing the pre-requisites and all relevant information regarding the bidders' experience. Each of the smaller envelopes will have 2 copies of each document.

9. Question:

ISR has been asked to clarify the last column on page 22 of the RFP is "total price (=Fee * No of working Days) * (1-dr)" as found in Appendix B, as the variable "No. of working days" is not given, anyway. Shall the column "evaluation coefficient" be multiplied to the discounted daily rate?

Answer: Bidders are asked to see amended Appendix B.

10. Question: ISR has been asked to clarify whether the price set at 190 Euro / Day for

lodging is the upper limit, or is there place for negotiations.

Answer: It is hereby clarified that the 190 Euro a day is the upper limit.

11.Question: ISR has been requested to clarify whether the total price according to page 22 of the RFP documents shall describe the MAXIMUM contract value for task orders during the four years of contract validity? Seeing as the work of the Bidder shall be triggered by the request of a task orders which are not yet known at the moment of submission, therefore the quantity cannot be known.

Answer: It is hereby clarified that the rates specified in Appendix B ought to be the basis for any future task order requested by ISR. A point to be made is that the number of working days is set for evaluation purposes only.

12. Question: ISR has been requested to clarify whether or not services in the heavy metro field meaning services in mass transit systems for high capacity public transport, can be included regarding the prerequisites.

Answer: It is hereby clarified that a company which offers services in the heavy metro field meets the pre-requisites and may submit their proposal.

13. Question: ISR has been requested to clarify the type of company experience the bidder is requested to submit, can the same projects that we reported for evidence of compliance with your section 2.2 be resubmitted?

Answer: It is hereby clarified that the bidders can resubmit.

14.Question: ISR has been requested to clarify whether railway projects that were provided in 2012 can be submitted in Appendix D Part III.

Answer: It is hereby clarified that Bidders may submit projects that were provided in the year 2012 so long as the company complies with the requirement set in section 2 of the RFP documents.

15. Question: ISR has been requested to clarify whether or not the bidder may submit the CV of its sister's company.

Answer: It is hereby clarified that a company may submit the CV of sister company, we ask that all bidders review amended RFP documents.

16. Question: ISR has been requested to clarify whether or not the bidder may submit their proposal by means of a subcontractor.

Answer: ISR has reviewed the request and decided not to accept it.

17. Question: ISR has been requested to clarify whether or not the bidder may submit their proposal as a joint venture, or a joint venture/ consortium with Israel Firms, if so what would be the maximum amount of companies in the consortium.

Answer: ISR has reviewed the request and decided not to accept it.

18. Question: ISR has been requested to clarify whether a single consultant can submit their bid, if the answer is in the affirmative how can a single contractor meet the requirements found in section 3.1 of the RFP documents.

Answer: It is hereby clarified that single consultants are expected to produce all of the relevant documents (whether they are incorporated as a company or as a sole proprietorship).

19. Question: ISR has been asked to clarify whereby a single consultant cannot submit a bid as a single consultant and must be incorporated as a company, can a newly incorporated company submit a proposal.

Answer: It is hereby clarified that there is no need for individual consultants to incorporate themselves.

20. Question: ISR has been requested to clarify whether a Self-Registered consultant is considered to be a single consultant for the purpose of section 2.1 of the RFP documents.

Answer: yes

21. Question: ISR has been requested to clarify whether a company which has extensive experience in the light rail industry can submit a proposal for the RFP.

Answer: Bidders are referred to the amended RFP documents.

22. Question: ISR has been requested to clarify whether road and traffic planning projects can be submitted to meet the threshold conditions?

Answer: Bidders are referred to the amended RFP documents.

23. Question: ISR has been requested to clarify whether there is a max discount percentage for appendix B.

Answer: Bidders are advised to submit their most competitive offer.

24. Question:

ISR has been asked to clarify if whether in a case whereby a Task order may require the joint intervention of Bidder's personnel from different engineering categories A1 to

A7, would the scope of services, distribution, between these A1& to A7 categories be part of discussion between ISR and the Bidder during Task order issuance process?

Answer: It is hereby clarified that a bidder that does not submit their proposal for a specific category will not be picked even if they have relevant experience.

25. Question: ISR has been requested to clarify whereby ISR issues a Task order for Supervision services, shall it be considered as Design supervision only or also include works/site supervision.

Furthermore, ISR has been requested to clarify whether the same is to apply when task orders pertaining to Project Management items, and whether site Project Management/site inspectors' CVs should be provided.

Answer: The sub-categories are not a closed list.

26. Question:

It would be convenient to define in advance a fixed percentage of services will be paid in NIS. Please confirm such a mechanism is feasible

Answer: It is hereby clarified that the currency shall be discussed per task order.

27. Question:

From a client perspective, the insurance certificate shall be able to present all the relevant documentation. Please confirm this paragraph can be understood as “The Consultant undertakes to provide ISR with a copy of all of its insurance certificates within fourteen (14) days of ISR's first written request.”

Answer: It is hereby clarified that this could very well be the understanding of the section.

28. Question: ISR has been requested to clarify the services mentioned in section ‘1.1.11.1 d;’ in Appendix A1.

Answer: ISR refers the bidders to the corrected version of the RFP documents, as there has been a typographical error.

29.Question: According to the terms of the contract, there is no cap on the liability of the consultant. Such a condition is problematic for a large international company as it exposes the company to an unlimited risk - beyond its insurance coverage. Therefore, it is customary to cap liability to the required insurance amounts. We kindly ask the committee to limit the liability of the consultant accordingly.

Answer: It is hereby clarified that the it is suggested by ISR that the liability cap be 100% of the task orders worth.

30. Question: ISR has been asked to clarify whether the meaning of Each proposal shall be submitted by a single bidder” - Does this exclude the possibility to employ subcontractors?

Answer: It is hereby clarified that it DOES exclude the possibility to employ subcontractors.

31. Question: Ad Appendix B (Document “RFP Documents 41905 – Corrected”): Is it possible to declare the discount rate as 0%.

Answer: Bidders are referred back to the amended RFP documents to section 4 of Appendix B.

32. Question: ISR has been asked to clarify whereby the presence of the consultant is required in different country other than the consultant’s home country or Israel, are such expenses (including flight tickets) compensated separately or are they to be considered as part of the daily rate?

Answer: In the event that ISR shall approve a visit to a country that is not the Domicile Country of the Consultant, then Section 4.7 of Annex B shall apply to such visit, mutatis mutandis. "Domicile Country" shall mean the country nominated in the head of the Agreement.

33. Question: ISR has been requested to clarify whether there is a requirement to submit three copies of all documents signed by an attorney for each one of the fields that the bidder shall submit their proposal for.

Answer: It is hereby clarified that not all copies must be original.

34. Question: ISR has been asked to clarify the type of answer ISR is looking to receive in Appendix D, part III, letter K, does a simple yes or no answer suffice or whether a detailed of standards that have been applied?

Answer: It is hereby clarified that the Bidder is required to submit a detailed list of the standards which have been applied.

35. Question: ISR has been asked to clarify what process follows the “Task Order”? Are the tasks order mandatory and must be executed in the manner set out in the Task order, or whether the Task order is open for competition between the different bidders, and whether or not the company is allowed to reject a task order.

Answer: It is hereby clarified that once the RFP procedure will be completed, the bidders that shall be chosen will be entered into the consultant's database. With every new project at ISR, ISR shall turn to a number of consultants in their specific fields with a task order, the consultants will then produce their proposal for the project based on the pricing mechanism laid out in the RFP documents and in accordance with their time availability.

36. Question: ISR has been asked to clarify whether or not due to the fact that travel costs are not included in Appendix B, are they to be billed to ISR or whether the bidder is to solely responsible for their expenses.

Answer: Bidders are referred to appendix B.

37. Question: ISR has been requested to clarify whether there is a predefined list of countries where the consultant's presence may be required?

Furthermore, ISR has been requested to clarify what would be the related task order negotiation process in order enable the Bidder to confirm or adjust their commitment to perform their services in these third part countries (revision of App. B Daily Board & Lodging, visa, legal & security/safety issues, etc.)

Answer: The answer is No.

38. Question. ISR has been requested to clarify whether due to the fact that the Engineering services for infrastructure are described with the same detailed structure in both Annex A2 (Infrastructure) and A7 (Planning & Development), is it to be understood that these are to be considered as relating to different stages in project implementation?

Answer: The answer is No

39. Question: ISR has been requested to clarify whether a Bidder is permitted to submit several CV's with the same background for any given category and that the Bidder is permitted to confirm with ISR which would be available for an ISR's proposed assignment for each Task order.

Answer: It is hereby clarified that it is acceptable.

40. Question: ISR has been requested to clarify whether the requirement to have ISO certificate is a prerequisite or whether companies without ISO certification are eligible to submit their proposal.

Answer: It is hereby clarified that ISO certificate is not a pre-requisite, but bidders who hold ISO certificates should submit a copy of the certificate.

41. Question: ISR has been requested to clarify whether for the purpose of Section 2.2 of the RFP documents, a bidder may rely on its subcontractor's (who the bidder is interested in hiring for this project) past experience as its own, seeing as the subcontractor meets the requirements set forth in the RFP documents.

Answer: ISR has reviewed the request and decided not to accept it.

42. Question: ISR has been asked to clarify the scope of services of the categories in the different Appendixes, in order for companies which provide services in areas such as noise and acoustic vibrations could be able to submit their proposal.

Answer: It is hereby clarified that the current list of services in the different Appendixes are not a closed list. They are an indication of the current fields that at this point in time ISR is interested in receiving consultancy services. However, a bidder who would submit a proposal for another field which is related to ISR's need then ISR will send a task order.

43. Question: ISR has been requested to clarify where must a bidder fill out the specific fields that a Bidder shall propose their services in, pertaining to Appendix A.

Answer: Bidders are referred to Appendix A1 through A7, to the left column whereby bidders are requested to place an X by the category for which a proposal shall be submitted.

44. Question: ISR has been asked to clarify whether a company when submitting the CV of their senior staff must they also send in a paragraph detailing the individual.

Answer: It is hereby clarified that a CV is enough.

45. Question: ISR has been asked to clarify the reference made to section 6.6.6 in Appendix D part II, as there is no Section 6.2.2 in the RFP documents which pertains to Professional Criteria.

Answer: Please see amended documents

46. Question: ISR has been asked to clarify whether a bidder who wishes to submit a proposal for more than one railway field must submit more than one proposal, for example, if a company would be interested in submitting for all 7 fields, are the bidders required to submit 7 proposals.

Answer: It is hereby clarified that there should be maximum of 7 big envelopes (each for every field the bidder wishes to submit a proposal to). Each one of these will contain 2 small envelopes- one containing the commercial offer, the second containing the pre-requisites and all relevant information regarding the bidders' experience. Each of the smaller envelopes will have 2 copies of each document

47. Question: ISR has been asked to clarify whether when the pre-requisites require that the bidder has provided from 2013 and onwards, technical and/or operational and/or economical Consulting Services for two different projects which were executed in the heavy-railway field, can those same projects still be ongoing at the time of the final submission date? at least two projects that have been fully completed.

Answer: It is hereby clarified that the requirement is of at least two projects that have been fully completed.

48. Question: ISR has been requested to clarify whether the term consulting services could be understood to include Design Services and/or Project management services?

Answer: It is hereby clarified that the title is "consulting" however, the content includes also project management.

49. Question: ISR has been ask to clarify whether Appendix D is mandatory or whether it could be replaced by a certificate from the local chamber of commerce stating the legal status of the bidder.

Answer: Bidders are requested to submit all of the RFP documents in their entirety as established in the RFP documents.

50. Question: ISR has been asked to clarify whether foreign companies established in various different European countries can have their documents notarized by notaries of their home countries and they will be accepted by ISR. ex: A French company have a French Licensed Notary certify the documents.

Answer: It is hereby clarified that it does not matter whether the notary is local or not, so long as the notary is certified.

51. Question: ISR has been asked to clarify whether the travel days to and from Israel are to be considered as working days regarding invoicing and payments?

Answer: yes

52.Question: ISR has been asked to clarify appendix D part 1, whether the certified affidavit complies with section 3.7 of the RFP documents.

Answer: It is hereby clarified that appendix D part 1 is in essence an affidavit that certifies that bidder is a registered company and that the company has provided as of 2013 technical and/or operational and/or economical Consulting Services for two different projects which were executed in the railway field.

53. Question: ISR has been asked to clarify whether there is a maximum cap for the discount rate in Appendix B.

Answer: The answer is no.

54.Question: ISR has been asked to clarify whether local Israeli companies may submit their proposals for the RFP.

Answer: The answer is yes.

55. Question: ISR has been ask to consider the possibility of changing the the word "Consultant" into "Supplier".

Answer: - ISR has reviewed the request and decided not to accept it.

56.Question: ISR has been asked to consider changing the order in section 1.3.1 of the agreement to, - Agreement, Appendixes of the Agreement, Supplier's proposal, RFP.

Answer: - ISR has reviewed the request and decided not to accept it.

57.Question: ISR has been as clarify whether regarding sections 2.3 and 24.1 of the agreement can a neutral applicable law be implemented.

Answer: ISR has reviewed the request and decided not to accept it.

58.Question: ISR has been asked to considered including in sections 6.4.2 of the agreement lead times“in addition to milestones and time schedule.

Answer: ISR hereby clarifies that the answer is no as the understanding of lead times is unclear.

59.Question: ISR has been asked to amend section 9.13. of the agreement to include that "ISR shall not reject the proposed substituting expert without a reasonable ground"

Answer: Bidders are referred to the amendment agreement.

Please see the **amended documents as appear on ISR's website** for further information.

Please confirm receipt of this notice by returning email to the undersigned at: netanelk2@rail.co.il.

Sincerely Yours,

Netanel Kimchi
Coordinator of International Procurement
& Contracting