



31.3.2020

Re: **NOTICE #1 TO PARTICIPANTS**
TENDER NO. 41913

This notice (the “**Notice**”) is being furnished to Bidders in accordance with the provisions of Section 18.3 of the General Terms and Conditions of the Tender Documents.

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. Technical Specifications

1. Question: ISR has been asked to clarify whether the Bidder must follow the exact requirements in the technical specifications pertaining to the drill holes at each of the two ends as set forth in section 4.8 of the technical specifications.

Answer: It is hereby clarified that Section 4.8 specifies that EACH RAIL shall be with drill holes at each of its two end. The requirements of the Technical Specifications E-01-00042.2 must be followed.

2. Question: ISR has been requested to clarify section 4/7 of the technical specifications, whether a bidder may provide rails in 18 or 25 meters only. Tolerances on rail length as per EN13674-1:2011+A1:2017.

Answer: It is hereby clarified the this tender requires that the rails provided be of 18 meters only.

3. Question: ISR has been requested to clarify sections 4.10 – 4.11, does ISR require three colors on the rail on both sides? white color at 9 m from rail ends and color combinations as per Appendix B at 3 m from the rail ends?

Answer: Bidders are hereby referred to the revised Technical Specifications for No. E-01-0042.3 March 2020.

4. Question: ISR has been requested to revise section 6.4 Technical Specifications No. E-01-0042.2 July 2019, as this section is not applicable to R350HT steel grade (heat-treated steel grade). As per EN13674-1:2011+A1:2017 standard, “Predictive equations relating chemical composition to tensile strength and elongation shall be calculated using multiple regression analysis for all non-heat treated rails produced”.

Answer: Bidders are hereby referred to the revised Technical Specifications for No. E-01-0042.3 March 2020

5. Question: ISR has been requested to revise section 7.2 of Technical Specifications No. E-01-0042.2 July 2019, due to Section 8.7 of EN13674-1:2011+A1:2017 standard is not applicable to R350HT steel grade (heat-treated steel grade). As per EN13674-1:2011+A1:2017 standard, “Predictive equations relating chemical composition to tensile strength and elongation shall be calculated using multiple regression analysis for all non-heat treated rails produced”.

Answer: Bidder are referred to the revised Technical Specifications for No. E-01-0042.3 March 2020.

6. Question: ISR has been asked to clarify whether section 10.4 of the technical specifications require that ISR receive calibration rail drawings 54E1 and 60E2.

Answer: Bidder are referred to the revised Technical Specifications for No. E-01-0042.3 March 2020.

Questions Pertaining to Agreement:

7. Question: ISR has been asked to clarify whether a bidder shall submit with their tender documents a signed copy of the agreement, or wait till a decision has been rendered pertaining to the winner of the tender. Secondly in a case where the bidder is the winner, the bidder wouldn’t want to re-discuss the sections of the agreement prior to signing.

Answer: It is hereby clarified that all bidders must submit a signed copy of the agreement with their proposal, if there are any questions or reservations pertaining to any section of the agreement, bidders are invited to send their requests for clarifications and or modifications during the clarification stage of the tender process prior to the final submission date.

8. Question: ISR has been asked to extend the deadlines set forth in the agreement in sections 7.4 & 8.4.

Answer: It is hereby clarified that ISR reviewed that request and has decided to partially accept the request and hereby refers the bidders to the revised version of the agreement.

9.Question: ISR has been asked to clarify the specific address for DAP Delivery.

Answer: Bidders are referred to section 3.20 of the Tender Documents.

10. Question: ISR has been asked to supply a contact number in order to supply to the courier company for the submission of the Tender proposal.

Answer: It is hereby clarified that it is not customary to give ISR phone numbers, we ask that you give the name of Mr. Netanel Kimchi, and upon arrival at ISR they will be redirected to Mr. Netanel Kimchi.

11. Question: ISR has been requested to clarify the meaning of addition proofs found under section 2.1.3 of the tender documents.

Answer: Bidders are referred to section 2.1.3 which establish examples of additional proofs.

12 Question: ISR has been requested to limit the value of contractual liability.

Answer: It is hereby clarified that ISR has updated the contractual liability and refer the bidders to the revised agreement.

13. Question: ISR has been requested to change the order of the priority of the documents as set forth in section 2.2 of the agreement.

Answer: It is hereby clarified that ISR has reviewed the request and has decided to reject it.

14. Question: ISR has be requested to clarify the relevant laws referred to in section 5.6.1 of the agreement.

Answer: Bidders are referred to the revised agreement.

15. Question: ISR has be requested to clarify the right of the supplier to refuse to perform additional works or to change the price if the request for additional works would increase the supplier's costs, with regards to section 5.7.2.

Answer: Bidders are referred to the revised section 5.7.3 of the agreement.

16. Question: ISR has been requested to provide the current safety regulations pertaining to section 6.4.

Answer: Bidders are referred to ISR's website where the safety regulations have been uploaded, and documents have been updated.

17. Question: ISR has been asked to clarify whether a bidder may submit a revised price formula.

Answer: It is hereby clarified that ISR has reviewed the request and it has been denied.

18. Questions: ISR has been requested to clarify the environmental Standards established in section 6.6 of the agreement.

Answer: Bidders are referred to the revised agreement.

19. Question: ISR has been requested to clarify section 9.5 of the agreement, which items could be held at source.

Answer: Bidders are referred to the revised agreement.

20. Question: ISR has been requested to clarify section 10.1 whether the term Acceptance Certificate in fact refers to Final Acceptance Certificate.

Answer: Bidders are referred to the revised agreement.

21. Question: ISR has been asked to amend the definition found in section 3.26 of the agreement.

Answer: It is hereby clarified that the definition is standard.

22. Question: ISR has to specify the legal framework established in section 5.6.1. of the agreement.

Answer: Bidders are referred to the revised agreement.

23. Question: ISR has been requested to amend the payment structure established in section 10, making it based on 80 % payment of the dap price within 30 days, shipped through irrevocable confirmed letter of credit in favor the supplier, and on acceptance the final 20 % shall be paid.

Answer: The request has been reviewed and partly accepted, bidders are referred to the revised agreement.

24. Question: ISR has been requested to extend the delivery obligation, and to guarantee that ISR will supply enough flat wagons on site for when the shipment arrives.

Answer: It is hereby clarified that ISR shall supply the required amount of flat wagons and the supplier is required to make sure to properly load and secure all heated rails.

25. Question: ISR has been requested to amend section 12 of the agreement that ownership of the goods be transferred only after full payment.

Answer: The request has been revised and ISR has decided to reject it.

26. Question: ISR has been requested to apply Incoterms in a manner by which the risk is transfer as soon as the supplier makes the goods available at the destination and no later.

Answer: It is hereby clarified the DAP used by ISR is an extended one which the agreement establishes the specific date of the transfer of risk, the request for modification has been denied.

27. Question: ISR has been requested to amend section 15.5 of the agreement.

Answer: It is hereby clarified that the request has been partially accepted, the time period has been extended from 30 days to 90 days.

28. Question: ISR has been requested to amend sections 19.3 and 19.4 that cancellation shall be permissible at any time.

Answer: The request has been reviewed, ISR has decided to reject it.

29. Question: ISR has been requested to permit the sale of receivables.

Answer: It is hereby clarified that ISR has reviewed the request and has decided to reject it.

30. Question: ISR has been requested to produce a copy of a non-manipulation certificate.

Answer: It is hereby clarified that non-manipulation certificates are required only whereby the goods are being delivered through a third party country, and is continuously under the supervision of the local tax authorities.

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: netanelk2rail.co.il.

Sincerely Yours,

Netanel Kimchi
Coordinator of International Procurement
& Contracting