



February 24, 2019

Re: **NOTICE #3 TO PARTICIPANTS**
TENDER NO. 41807

This notice (the “**Notice**”) is being furnished to Bidders in accordance with the provisions of Section 18 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.

The Final Submission Date, as defined in Section 15, of the General Terms is hereby **postponed to March 20, 2019, at 13:00** (Israel time). The proposal is to be submitted in 2 copies into the tender box, located at the following address:

Israel Railways Ltd. Contracting & Procurement Division – Tender Box #8 Yoseftal 1, 7136801 Lod, Israel
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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. Agreement

Question: With regard to **Section 6.2 of the Agreement**, ISR has been requested to inform what is the minimum or the maximum quantity of brake pads in each purchase order?

Answer: There is no minimum or maximum order quantity for any kind of brake pads.

Question: ISR has been requested to clarify if the transference of the ownership to ISR should take place only after payment?

Answer: Bidders are referred to Section 9.9.1 of the Agreement.

Question: With regard to **Section 11.1 of the Agreement**, ISR has been requested to exclude section 10.5 from abovementioned section.

Answer: ISR has reviewed the request and decided to reject it.

Question: With regard to **Section 12.1 of the Agreement**, ISR has been requested to amend the warranty section and include the following note "the natural wear of the brake pads has been excluded".

Answer: ISR has reviewed the request and decided to reject it.

Question: With regard to **Section 12.3 of the Agreement**, ISR has been requested to exclude the article 10.5 during the time of repair.

Answer: ISR has reviewed the request and decided to reject it.

Question: With regard to **Section 18.1 of the Agreement**, ISR has been requested to replace the expression "any reason" to "cogent reason".

Answer: ISR has reviewed the request and decided to reject it.

Question: With regard to **Section 4.13 of the Agreement**, ISR has been requested to amend the abovementioned section.

Answer: ISR has reviewed the request and decided to reject it.

Question: With regard to **Section 5.2 and 5.3 of the Agreement**, ISR has been requested to amend the abovementioned section, so that extension shall be subject to mutual consent.

Answer: ISR has reviewed the request and decided to reject it.

Question: With regard to **Section 9.2. of the Agreement**, ISR has been requested to change the time of delivery from three (3) months to six (6) months.

Answer: ISR has reviewed the request and decided to reject it.

Question: With regard to **Section 9.3 of the Agreement**, ISR has been requested to amend it.

Answer: ISR has reviewed the request and decided to reject it.

Question: With regard to **Section 4.13 of the Agreement**, ISR has been requested to amend it, so that the liability cap shall not be more than 20% of the agreement price.

Answer: Bidders are referred to the Amended Agreement.

Question: With regard to **Section 23.2 of the Agreement**, ISR has been requested to amend it.

Answer: ISR has reviewed the request and decided to reject it.

Question: With regard to **Section 10.4 of the Agreement**, ISR has been requested to clarify about the standards.

Answer: Bidders are referred to the Amended Technical Specifications (and particularly to Section 2.3.1).

Question: With regard to **Section 12.3 of the Agreement**, ISR has been requested to amend the period of time for the replacement of damaged Brake Pads.

Answer: Bidders are referred to the Amended Agreement.

Question: With regard to **Section 18 of the Agreement**, ISR has been requested to amend the termination paragraph.

Answer: ISR has reviewed the request and decided to reject it.

Question: ISR has been requested to provide explanations about what are duties, taxes and charges, loading-unloading, etc.

Answer: Bidders are responsible for apprising themselves off applicable laws and obtaining legal and tax advices.

Question: ISR has been requested to change the DAP delivery terms.

Answer: ISR has reviewed the request and decided to reject it.

Question: With regard to **Section 19.1.1. of the Agreement**, ISR has been requested to amend the abovementioned section.

Answer: Bidders are referred to the Amended Agreement.

Question: With regard to **Appendix E of the Agreement**, ISR has been requested to amend the Appendix, so that the guarantee shall be conditional.

Answer: ISR has reviewed the request and decided to reject it.

II. General Terms and Conditions of the Tender Documents

Question: ISR has been requested to clarify about pad thickness for each type of coaches.

Answer: Bidders are referred to the Amended Tender Document (Appendix B).

Question: ISR has been requested to clarify about the final delivery address to calculate shipping costs.

Answer: ISR's site at the following address: Israel Railways - Main Storage Kishon, 1 Nahum Armen St., Haifa bay, Israel.

Question: With regard to **Section 6 of the General Terms and Conditions**, ISR has been requested to clarify if the number of pieces (pads) is always been summarized right and left together (for example 12,200 = 6100 left + 6100 right)?

Answer: Bidders are referred to the Amended Tender Document (Appendix B).

Question: ISR has been requested to clarify if the number stated in the Appendix B (Column “quantity for 1 year”) refers a total number of UIC 400 cm2 pads.

Answer: The answer is positive. Bidders are referred to the Amended Tender Document (Appendix B).

Question: With regard to **Appendix D** (Reference List) ISR has been requested to provide an alternative way to prove project references without giving customer names.

Answer: ISR has reviewed this question and decided to reject it.

Question: ISR has been requested to clarify about the stipulation of **forecast** over the period, with delivery dates and quantities of brake pads.

Answer: ISR has reviewed the request and decided to reject it. However, the quantities presented in Appendix B, for evaluation purposes only, are based on past experience.

Question: ISR has been requested to extend the submission date for Clarification’s requests.

Answer: ISR has reviewed the request and decided to reject it.

III. Technical Specifications

Question: ISR has been requested to amend the Technical Specifications (part of it is not readable).

Answer: Bidders are referred to the Amended Technical Specifications.

Question: ISR has been requested to clarify if Becorit B36 has been proved by running UIC test program C3?

Answer: B36 has been provided by the manufacturers of the coaches and locomotives.

Question: ISR has been requested to clarify who is the manufacturer of brake disc/system for each type of coaches / wagons?

Answer: Knorr-Bremse.

Question: ISR has been requested to clarify if there is a numeric limit available for unevenness of discs and pads?

Answer: Bidders are referred to the Amended Technical Specifications and Tender documents.

Question: ISR has been requested to clarify if there are any special regulations in Israel regarding environment's compliance?

Answer: Bidders are responsible for apprising themselves off applicable regulations in Israel regarding environment's compliance.

Question: ISR has been requested to clarify about route profile as test template.

Answer: Bidders are referred to the Amended Technical Specifications.

Question: ISR has been requested to clarify about the evaluation of the different test procedures and results?

Answer: Bidders are referred to the Amended Technical Specifications.

Question: ISR has been requested to clarify about the fulfillment of the UIC test procedures?

Answer: Tests shall be carried out for the approval of the brake pads according to the technical specifications and UIC standards on Israel Railways' tracks, that are shifted differently according to the tracks.

Question: With regard to **Section 2.5.1**, ISR has been requested to clarify when it will be provided by ISR the current pads in use today to enable pad supplier to perform the comparing dynamometer tests.

Answer: The winner bidder will receive the used pads after the signature of the contract.

Question: ISR has been requested to clarify about the possibility of using deviation disc diameters for adapted testing procedures?

Answer: Bidders are referred to the Amended Technical Specifications.

Question: With regard to **Section 2.4.2**, ISR has been requested to clarify about the meaning of the expression "should be avoided" written the section abovementioned.

Answer: It means that the lower brake performance by new pads is forbidden.

Question: ISR has been requested to clarify about the supply of pads for each classification test.

Answer: Bidders are referred to the Amended Technical Specifications.

Question: With regard to **Section 2.5.2**, ISR has been requested to clarify about the allowed deviation in (%).

Answer: No deviation is allowed.

Question: ISR has been requested to clarify about the in service test.

Answer: Bidders are referred to the Amended Technical Specifications.

Question: With regard **to Section 2.5.3.2.**, ISR has been requested to clarify about disc conditions (e.g. crack length).

Answer: Changes in the disc conditions may occur due to material change and shall be considered.

Question: ISR has been requested to clarify whether Loco/Trainsets "Euro-3200" and "Euro-4000", as well as "IC3" are currently equipped with B36.

Answer: Bidders are referred to the Amended Technical Specifications.

Question: ISR has been requested to clarify and confirm that the currently used disc brake pads for comparison reasons will be submitted more than 6 weeks before the final offer date to be able to fulfill the requested technical requirements.

Answer: The answer is positive.

Question: ISR has been requested to clarify about the name "Becorit 922" and the thickness of the pad.

Answer: This is the name of the brake pad. Bidders are referred to the Amended Technical Specifications.

Question: ISR has been requested to specify a column with max. available caliper force in table 2-1.

Answer: Bidders are referred to the Amended Technical Specifications.

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: [**mirelah@rail.co.il**](mailto:mirelah@rail.co.il).

Yours Faithfully,

Mirela Halfim
International Procurement Coordinator