



17.06.2019

Re: **NOTICE #2 TO PARTICIPANTS**
TENDER NO. 41808

This notice (the “**Notice**”) is being furnished to Bidders in accordance with the provisions of Section 22.4 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 requested to provide turnouts general layouts drawings – Technical Appendix A.

Answer: ISR has reviewed the request and decided to provide the abovementioned drawings.

2. Question: ISR has been requested to provide the dimension for the length of wagon and height of coupler.

Answer: Bidders are referred to Section 1.2 and 6.4.4 of the amended Technical Specifications.

3. Question: With regard to Appendix C, ISR has been requested to provide the referred technical rules.

Answer: The rules are for structure limit gauge, not for loading gauge.

4. Question: With regard to Appendix B, n. B 10, ISR has been requested to provide the min. radius for S-curves and drawings.

Answer: Bidders are referred to the Amended Technical Specifications.

5. Question: With regard to Section 5.8., ISR has been requested to amend the referred

Section and to exclude the requirement for the local control panel.

Answer: Bidders are referred to the Amended Technical Specifications.

6. Question: With regard to Section 6.1.4, ISR has been requested to clarify about the travel speed (towed) 120 km/h and advised that 100 km/h shall be the max. permissible travel speed when the wagon is loaded.

Answer: Bidders are referred to the Amended Technical Specifications.

7. Question: With regard to Section 6.7.1.1, ISR has been requested to clarify at which areas of the wagon handrails sections are requested and what kind of access to the wagon is planned.

Answer: Bidders are referred to the Amended Technical Specifications.

8. Question: With regard to Section 6.7.1.2, ISR has been requested to amend the referred section.

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

9. Question: With regard to Section 7.1.1., ISR has been requested to amend the referred section.

Answer: Bidders are referred to the Amended Technical Specifications.

10. Question: With regard to Section 7.4.3., ISR has been requested to amend the referred section.

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

11. Question: With regard to Section 8.3., ISR has been requested to amend the referred section.

Answer: Bidders are referred to the Amended Technical Specifications.

12. Question: With regard to Section 9.1.2., ISR has been requested to amend the referred section.

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

13. Question: With regard to Section 9.1.6., ISR has been requested to amend the referred section about the Isolated Terra Monitor and its function.

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

14. Question: With regard to Section 9.2., ISR has been requested to amend the referred

section.

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

15. Question: With regard to Section 11.1., ISR has been requested to clarify about the following safety equipment: 4 portable fire extinguishers and electric derailment detectors (comply with UIC541-08).

Answer: Bidders are referred to the Amended Technical Specifications.

16. Question: With regard to Section 11.1., ISR has been requested to amend the requirement of 4 engine stop push buttons on each corner of the vehicle.

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

17. Question: With regard to Section 12.8., ISR has been requested to confirm whether dual language Hebrew means English.

Answer: Bidders are referred to the Amended Technical Specifications.

18. Question: With regard to Section 15.5., ISR has been requested to clarify what is RSDEV.

Answer: Bidders are referred to the Amended Technical Specifications.

19. Question: With regard to Section 5.2., ISR has been requested to clarify if the TCTW must be self-loading or not. If not, shall bidder include equipment for loading and unloading turnout panels?

Answer: The Tender refers to TCTW only.

20. Question: With regard to Section 5.9., ISR has been requested to clarify if during loading or unloading operations, it is allowed to briefly infringe the gauge?

Answer: ISR has reviewed the request and decided to reject it. Section 5.9 will not be amended.

21. Question: With regard to Section 7.1.1., ISR has been requested to clarify about the requirement of power of 110 Kw and current intensity of 100 Amps.

Answer: Bidders are referred to the Amended Technical Specifications.

22. Question: With regard to Section 7.4.1., ISR has been requested to clarify about the fuel tank capacity.

Answer: Bidders are referred to the Amended Technical Specifications.

23. Question: With regard to Section 8.9., ISR has been requested to clarify about the

hydraulic system.

Answer: Bidders are referred to the Amended Technical Specifications. It is hereby clarified that “Auxiliary Energy System” and “Backup Hydraulic Pump” are two different systems.

24. Question: With regard to Section 9.3.1, ISR has been requested to clarify if it is required to be able to perform all TCTW functions from the external power source.

Answer: The answer is yes.

25. Question: With regard to Section 10.1, ISR has been requested to clarify if the additional backup aggregate system is intended to operate the TCTW in degraded mode and consequently the usual performances will be reduced.

Answer: Bidders are referred to Section 10.2 and 10.3 of the amended Technical Specifications.

26. Question: With regard to Section 10.1, ISR has been requested to provide general information regarding weights and detailed drawings, sleepers and various rail section.

Answer: Bidders are referred to the Amended Technical Specifications (Section 1.9 and 1.10 and Appendix E) and drawings.

II. Agreement

1. Question: With regard to Section 3, ISR has been requested to amend this section.

Answer: ISR has reviewed the request and decided to reject it. It is hereby clarified that the term of the agreement shall be five (5) years and/or the end of the warranty period for the last TCTW (including the optional TCTW), whichever is longer.

2. Question: With regard to Section 12.1, ISR has been requested to clarify that the specified term will be calculated for each wagon individually in case the contract is for more than one wagon.

Answer: ISR has reviewed the request and it is hereby clarified that the warranty period shall be calculated for each wagon commencing on the issuance date of the Final Acceptance Certificate for the referred wagon.

3. Question: With regard to Section 12.8.2, ISR has been requested to amend this section.

Answer: ISR has reviewed the request and decided to accept the request. Bidders are referred to the amended Agreement.

4. Question: With regard to Section 12.8.3, ISR has been requested to amend this

section.

Answer: ISR has reviewed the request and decided to accept it. Bidders are referred to the amended agreement.

5. Question: With regard to Section 12.8.7, ISR has been requested to amend this section regarding liquidated damages on warranty issues.

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

6. Question: With regard to Section 12.8.8, ISR has been requested to amend this section regarding liquidated damages on warranty issue.

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

7. Question: With regard to Section 10.4 and 14.2 of the Agreement, ISR has been requested to clarify about the spare part lists.

Answer: With regard to section 10.4, the spare part list is for Preventive Maintenance and Calibration during the warranty period. With regard to section 14.2, the spare parts list is for maintenance during the TCTW service life.

8. Question: With regard to Section 17 of the Agreement, ISR has been requested to clarify if it is possible to accept that the guarantees of down payment can be released 15 days after the delivery on site (DAP), instead of 60 days.

Answer: Bidders are referred to the amended Agreement.

9. Question: With regard to Section 9 of the Agreement, ISR has been requested to amend the terms of payment (and if it is possible to accept a letter of credit payable against Factory Acceptance).

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

10. Question: With regard to Section 10.1 of the Agreement, ISR has been requested to amend the Delivery time starts from the date of down payment and not from the purchase order (when the down payment is paid).

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

11. Question: With regard to Section 15.1. of the Agreement, ISR has been requested to clarify and amend the liquidated damages section.

Answer: ISR has reviewed the request and it is hereby clarified that the LD shall refer only to the wagon which is delayed.

12. Question: With regard to Section 4.4.4 of the Agreement, ISR has been requested to amend the referred section (and add: however, the supplier shall not be responsible or liable for any errors or inadequacies of information which the supplier cannot

reasonably verify).

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

13. Question: With regard to Section 12.8.4 and 12.8.5 of the Agreement, ISR has been requested to reduce the liquidated damages amount and to limit it to 50,000 euros (in case supplier fails to remedy malfunctions under the warranty period).

Answer: Bidders are referred to the amended Agreement.

14. Question: With regard to Section 11 (testing and acceptance tests) of the Agreement, ISR has been requested to amend this section.

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

15. Question: With regard to Section 18.1 of the Agreement, ISR has been requested to amend this section.

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

16. Question: With regard to Section 18.1.1.and 18.1.2 of the Agreement, ISR has been requested to amend this section.

Answer: Bidders are referred to the amended Agreement.

17. Question: With regard to Section 20.3 and 20.5.4. of the Agreement, ISR has been requested to clarify this section.

Answer: ISR has reviewed the request and it is hereby clarified that in case of termination for convenience by ISR, the supplier shall be entitled to receive payments for works performed until the date of Termination.

18. Question: With regard to Section 21.5 of the Agreement (Risks and Liabilities), ISR has been requested to amend this section and limit the supplier's overall liability to 20% of the contract value.

Answer: Bidders are referred to the amended Agreement.

19. Question: With regard to Section 21.1 of the Agreement, ISR has been requested to amend this section.

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

III. General Terms and Conditions of the Tender Documents

1. Question: ISR has been requested to clarify if the supplier is supposed to also submit

a bid for a locomotive.

Answer: The tender is for Design, Manufacture and Supply of Turnouts Carrier Tilting Wagons ("TCTW"). TCTW is a non-self-propelled vehicle. All in accordance to the Technical Specifications.

2. Question: With regard to Section 1 of the General Terms and Conditions, ISR has been requested to amend the pre-requisites.

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

3. Question: ISR has been requested to postpone the Final Submission Date.

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

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.

Yours Faithfully,

Mirela Halfim
International Procurement Coordinator