

**Tender for the Appointment of a Construction
Management Company (CMC) & Key Personnel
for the Eastern Segment of the 5th Water Supply
System to Jerusalem
Tender – 69-2015-2**

Tender Forms

**Tender for the Appointment of a Construction Management Company (CMC) & Key Personnel for the
Eastern Segment of the 5th Water Supply System to Jerusalem
Tender – 69-2015-2**

TENDER FORM	DESCRIPTION
A	Letter of Acknowledgement and Application to Attend Tenderers' Conference & Site Visit.
B	Letter of Tender
C	Tenderer's General Information
D	Threshold Requirements: Public Entities Law Approvals
E	Threshold Requirements: Public Entities Law – Affidavit
F	Professional Threshold Requirements: F(1) Experience of the Tenderer or its Members F(2) Education and Experience of the TCM F(3) Education and Experience of the QAM F(4) Education and Experience of the TBME
G	Auditor's Confirmation of No Going Concern Notice
H	Evaluation Criteria Information
I	Declaration of non-payment of Commission
J	Member's General Information
K	Price Proposal

**Tender for the Appointment of a Construction Management Company (CMC) & Key Personnel for the
Eastern Segment of the 5th Water Supply System to Jerusalem
Tender – 69-2015-2**

**Form A – Letter of Acknowledgement and Application to Attend
Tenderers' Conference & Site Visit**

To be completed by the Tenderer and submitted to MWC at least one week prior to the Tenderers Conference and
Site Visit.

To MWC

c/o Mr. Avi Assayag – Tender Committee Coordinator (P.O.C)

9 Lincoln St., Tel Aviv 61201

Israel

Tel: 972-(0)3-6230781

Fax: 972-(0)3-6230568

E-mail: assayaga@mekorot.co.il

Date: _____

Dear Sirs

We acknowledge issuance of the Tender Documents for the selection and appointment of a Construction Management Company & Key Personnel for the Eastern Segment of the 5th Water Supply System to Jerusalem and wish to participate in the Tenderers Conference and Site Visit as provided under Volume 1 (*Request for Proposals*).

Yours respectfully

Name of Company:	
Point of contact and contact details:	
Name of participating representative on behalf of the company:	

**Tender for the Appointment of a Construction Management Company (CMC) & Key Personnel for the
Eastern Segment of the 5th Water Supply System to Jerusalem
Tender – 69-2015-2**

Form B – Letter of Tender

To be completed by the Tenderer, and in the event of a Joint Venture by each one of its Members (Envelope 1)

To:
the Chairman of the Tender Committee
MWC

Dear Sir,

**Re: Request for Proposals for the Appointment of a Construction Management
Company (CMC) & Key Personnel for the Eastern Segment of the 5th Water
Supply System to Jerusalem
(the “RFP”)**

In response to the RFP issued on _____, to submit a Proposal;

1. We, the undersigned, _____ (*name of Tenderer to be completed*), and the Members thereof, _____; _____; (*name of Members to be completed if applicable*) have thoroughly and carefully read the RFP, and are pleased to submit our Proposal.
2. We agree to all of the provisions in the RFP and we submit our Proposal in accordance with the terms and provisions contained therein.
3. We warrant that the Proposal is accurate, complete and up-to-date at time of the Submission Date, in accordance with the requirements of the RFP.
4. Incorporated hereto, and made an integral part of the Proposal, are all Tender Forms, attachments and annexes thereto, and other annexes attached to the Proposal.
5. The undersigned acknowledges receipt, understanding and full consideration of the following Addenda and Clarifications to the Tender Documents, issued until the Submission Date:

Addenda No. _____ Date Received: _____

Addenda No. _____ Date Received: _____

Addenda No. _____ Date Received: _____

Tender for the Appointment of a Construction Management Company (CMC) & Key Personnel for the Eastern Segment of the 5th Water Supply System to Jerusalem
Tender – 69-2015-2

Addenda No. _____ Date Received: _____
 Addenda No. _____ Date Received: _____
 Addenda No. _____ Date Received: _____

...

[to be completed]

6. The validity of the Proposal and all associated documents and Tender Forms is six (6) months as of Submission Date.
7. Without derogating from our general obligations to all provisions of the Tender Documents, we acknowledge and confirm the provisions of Section 6.5 providing that the specific Key Personnel identified within the Proposal as demonstrating compliance with any of the Professional Threshold Requirement shall be the one executing the applicable Services on behalf of the CMC.
8. We, including any of the proposed Key Personnel, do not have any conflict of interest in accordance with Section 19.11 of the RFP.

Faithfully yours,

	<u>Name and i.d. no.</u> <u>of Signatory(ies)</u>	<u>Date</u>	<u>Confirmation of</u> <u>Signatory rights</u> <u>legal</u> <u>confirmation^(*)</u>	<u>Date</u>
The Tenderer	Name and i.d. no.		Name and i.d. no.	
	<u>Stamp and</u> <u>Signature</u>		<u>Stamp and</u> <u>Signature</u>	
Member				

**Tender for the Appointment of a Construction Management Company (CMC) & Key Personnel for the
Eastern Segment of the 5th Water Supply System to Jerusalem
Tender – 69-2015-2**

	Name and i.d. no.	Name and i.d. no.	
	<u>Stamp and Signatures</u>	<u>Stamp and Signature</u>	
Member	Name and i.d. no.	Name and i.d. no.	
	<u>Stamp and Signatures</u>	<u>Stamp and Signature</u>	

(The confirmation of signatory rights shall be signed by an attorney indicating the attorney's full name and license details. In his/her signature the attorney attests and confirms that the signatory(ies) on behalf of the Tenderer or the Member (as the case may be) were identified by him/her and are authorized to sign on behalf of the Tenderer or the Member (as the case may be) and to commit such entity for purposes of the above stated Tender Form, for all purposes and intents.*

**Tender for the Appointment of a Construction Management Company (CMC) & Key Personnel for the
Eastern Segment of the 5th Water Supply System to Jerusalem
Tender – 69-2015-2**

Form C – Tenderer’s General Information

To be completed by the Tenderer

(Envelope 1)

1. Name:

Business Address: _____

Phone: _____

Facsimile: _____

E-mail: _____

2. Authorized Representative: _____

3. In the event of a Joint Venture, the Members’ Holdings in the Tenderer:

<u>Member</u>	<u>Holdings in the Tenderer</u>
	___%
	___%

Name

Title

Address, Tel &
Fax No.’s

4. Representative:

Israeli Representative*: _____

**for non-Israeli companies only (if any)*

5. Legal Status (in the event of a single entity):

- (check applicable)*
- Private
 - Partnership
 - Limited Liability
 - Joint Venture
 - Other *(explain)*

**Tender for the Appointment of a Construction Management Company (CMC) & Key Personnel for the
Eastern Segment of the 5th Water Supply System to Jerusalem
Tender – 69-2015-2**

6. Registration Number (if

applicable):

Place of Registration: _____

Date of Registration: _____

7. Does the Tenderer have an Israeli subsidiary or affiliate company? Yes No

If yes – identify and provide details:

8. If a foreign entity, is the Tenderer registered in Israel as a foreign company or a foreign partnership

Yes No

If yes, please attach copies of the appropriate registration certificates.

Faithfully yours,

Name of Tenderer	Signature	Date	Confirmation of signatory rights by an attorney	Date
_____	_____	_____	_____	_____

**Tender for the Appointment of a Construction Management Company (CMC) & Key Personnel for the
Eastern Segment of the 5th Water Supply System to Jerusalem
Tender – 69-2015-2**

**Form D – Confirmation of Proper Bookkeeping Practices, in
accordance with the Income Tax Ordinance and the Value Added Tax
Law, 5736 – 1975**

To be attached by the Tenderer, and in the event of a Joint Venture by each one of its Members, who are legal entities incorporated in Israel or registered as Foreign Companies as defined under the Corporation Law 5759-1999

(Envelope 1)

**Tender for the Appointment of a Construction Management Company (CMC) & Key Personnel for the
Eastern Segment of the 5th Water Supply System to Jerusalem
Tender – 69-2015-2**

**Form E – Affidavit According to Public Bodies Transactions Law,
5736-1976**

To be completed by the Tenderer, and in the event of a Joint Venture by each one of its Members, who are legal entities incorporated in Israel or registered as Foreign Companies as defined under the Corporation Law 5759-1999
(Envelope 1)

I, the undersigned, _____ I.D. No. _____ after having been warned that I must declare the whole truth and that I can expect to incur the penalties prescribed by law should I not do so, hereby make the following declaration:

1. I hold the position of a director/share holder in _____ [name of the Tenderer/Member] (hereafter: the “Company”) and I am authorized to make this affidavit in its name and on its behalf in accordance the Public Entities Transactions Law, 5736-1976, (hereinafter the “Public Entities Transactions Law”).
2. This Affidavit is an integral part of the Proposal for the Appointment of a Construction Management Company (CMC) & Key Personnel for the Eastern Segment of the 5th Water Supply System to Jerusalem issued by Mekorot Water Company Ltd. ("MWC").
3. By the date of this Affidavit, the Company and any related entities thereto (as defined in Section 2B to the Public Entities Transactions Law), have not been convicted of more than two offenses under the Minimum Wage Law, 5747 – 1987 and/or under the Foreign Workers (Prohibition on Unlawful Employment and Guarantee of Fair Conditions) Law, 5751 – 1991, or if convicted of more than two offenses under such law - the last conviction was not within one (1) year prior to the submission of the Proposal.
4. My name and signature appear below and the contents of this affidavit are true.

Signature _____

Date _____

I, _____, attorney-at-law, hereby attest and confirm that _____ has been identified by me and has signed the above statement and that he/she/they is/are authorized to sign on behalf of _____, and to commit it for purposes of the above stated Tender Form, for all purposes and intents.

Attorney-at-Law

**Tender for the Appointment of a Construction Management Company (CMC) & Key Personnel for the
Eastern Segment of the 5th Water Supply System to Jerusalem
Tender – 69-2015-2**

Form F(1) – Professional Threshold Requirements

To be completed by the Tenderer, or in the event of a Joint Venture by each one of its Members separately,
in accordance with Section 6.4.1 of the RFP
(Envelope 1)

Experience of the Tenderer or its Members

Please carefully review the instructions of this Tender Form and the requirements set forth under Section 6.4.1 with respect to the information required.

The Tenderer/Member has managed the construction of the following Tunneling Project (a separate form shall be completed for each project):

Name of Tenderer	
In the event of a Joint Venture, name of Member	
Name and contact details of Tunneling Project owner	
Name and contact details of Main Contractor	
Name of Tunneling Project	
General Description of the Tunneling Project	
Continuous length of tunnels (in kilometers)	
Excavation diameter (in meters)	
Date of commencement of excavation	
Date of Completion (as defined under Section 6.4 of the RFP).	
Title and description of role, responsibilities and services provided by the Tenderer or Member on the project	
Period of construction management services provided by the Tenderer or Member on the project	From _____ [date] To _____ [date]
Number of TBMs used for excavation on the project	
Comments and details of supporting documentation attached	

Name of Tenderer/Member _____

Signature of Tenderer/Member _____

**Tender for the Appointment of a Construction Management Company (CMC) & Key Personnel for the
Eastern Segment of the 5th Water Supply System to Jerusalem
Tender – 69-2015-2**

Form F(2) – Professional Threshold Requirements

To be completed by the TCM and the Tenderer
in accordance with Section 6.4.2 of the RFP
(Envelope 1)

Experience of the Tunnel Construction Manager (“TCM”)

Please carefully review the instructions of this Tender Form and the requirements set forth under Section 6.4.2 with respect to the information required.

Details of the TCM:

Name:	
Nationality:	
Employment Status:	<input type="checkbox"/> Employee of the Tenderer or one of its Members ¹ ; or <input type="checkbox"/> Non-Employee, holding Memorandum of Understanding in accordance with Section of the RFP ²
Registered as an Engineer (as defined in Section 6.4 of the RFP) in the following registration body ³ :	

The TCM has served as the project manager or construction manager of the following Tunneling Project (a separate form shall be completed for each project):

Name of Tunneling Project	
Name and contact details of Tunneling Project owner	
Name and contact details of Main Contractor	
General Description of the Tunneling Project	
Continuous length of tunnels (in kilometers)	
Excavation diameter (in meters)	
Number of tunnel boring machines used on the project	

¹ In which case please attach a legally certified statement confirming such employment.

² In which case please attach MOU (either an original in English or Hebrew or a notarized translation if in any other language).

³ Evidence of such registration to be attached to this Form F(2).

**Tender for the Appointment of a Construction Management Company (CMC) & Key Personnel for the
Eastern Segment of the 5th Water Supply System to Jerusalem
Tender – 69-2015-2**

Date of commencement of excavation	
Date of Completion (as defined under Section 6.4 of the RFP).	
Title and description of role, responsibilities and services provided by the TCM on the project	
Period of project management / construction management services provided by the TCM on the project	From _____[date] To _____[date]
Comments and details of supportive documentation attached	

Name of TCM _____

Signature of TCM _____

Name of Tenderer _____

Signature of Tenderer _____

Tender for the Appointment of a Construction Management Company (CMC) & Key Personnel for the Eastern Segment of the 5th Water Supply System to Jerusalem
Tender – 69-2015-2

Form F(3) – Professional Threshold Requirements

To be completed by the QAM and the Tenderer
in accordance with Section 6.4.3 of the RFP
(Envelope 1)

Experience of the QA Manager (“QAM”)

Please carefully review the instructions of this Tender Form and the requirements set forth under Section 6.4.3 with respect to the information required.

Details of the QAM:

Name:	
Nationality:	
Employment Status:	<input type="checkbox"/> Employee of the Tenderer or one of its Members ⁴ ; or <input type="checkbox"/> Non-Employee, holding Memorandum of Understanding in accordance with Section of the RFP ⁵
Registered as an Engineer (as defined in Section 6.4 of the RFP) in the following registration body ⁶ :	

The QAM has served as the QA team manager or QA team member of the following Tunneling Project (a separate form shall be completed for each project):

Name of Tunneling Project	
Name and contact details of Tunneling Project owner	
Name and contact details of Main Contractor	
General Description of the Tunneling Project	
Continuous length of tunnels (in kilometers)	
Excavation diameter (in meters)	
Number of tunnel boring machines used on the project	

⁴ In which case please attach a legally certified statement confirming such employment.

⁵ In which case please attach MOU (either an original in English or Hebrew or a notarized translation if in any other language).

⁶ Evidence of such registration to be attached to this Form F(3).

**Tender for the Appointment of a Construction Management Company (CMC) & Key Personnel for the
Eastern Segment of the 5th Water Supply System to Jerusalem
Tender – 69-2015-2**

Date of commencement of excavation	
Date of Completion (as defined under Section 6.4 of the RFP).	
Title and description of role, responsibilities and services provided by the QAM on the project	
Period of QA services provided by the QAM on the project	From _____ [date] To _____ [date]
Comments and details of supportive documentation attached	

Name of QAM _____

Signature of QAM _____

Name of Tenderer _____

Signature of Tenderer _____

**Tender for the Appointment of a Construction Management Company (CMC) & Key Personnel for the
Eastern Segment of the 5th Water Supply System to Jerusalem
Tender – 69-2015-2**

Form F(4) – Professional Threshold Requirements

To be completed by the TBME and the Tenderer
in accordance with Section 6.4.4 of the RFP
(Envelope 1)

Experience of the Tunnel Boring Machine Expert (“TBME”)

Please carefully review the instructions of this Tender Form and the requirements set forth under Section 6.4.3 with respect to the information required.

Details of the TBME:

Name:	
Nationality:	
Employment Status:	<input type="checkbox"/> Employee of the Tenderer or one of its Members ⁷ ; or <input type="checkbox"/> Non-Employee, holding Memorandum of Understanding in accordance with Section of the RFP ⁸
Registered as an Engineer (as defined in Section 6.4 of the RFP) in the following registration body ⁹ :	

The TBME has served as a TBM consultant (on behalf of the owner or contractor) on the following Tunneling Project (a separate form shall be completed for each project):

Name of Tunneling Project	
Name and contact details of Tunneling Project owner	
Name and contact details of Main Contractor	
General Description of the Tunneling Project	
Continuous length of tunnels (in kilometers)	
Excavation diameter (in meters)	
Number of tunnel boring machines used on the project	

⁷ In which case please attach a legally certified statement confirming such employment.

⁸ In which case please attach MOU (either an original in English or Hebrew or a notarized translation if in any other language).

⁹ Evidence of such registration to be attached to this Form F(4).

**Tender for the Appointment of a Construction Management Company (CMC) & Key Personnel for the
Eastern Segment of the 5th Water Supply System to Jerusalem
Tender – 69-2015-2**

Date of commencement of the Tunneling Project	
Date of Completion (as defined under Section 6.4 of the RFP).	
Title and description of role and responsibilities of the TBME on the project, specifically referring in detail to each of the items (i) to (iv) required under Section 6.4.4(iii) of the RFP.	
Period of TBM consultancy services provided by the TBME on the project	From _____ [date] To _____ [date]
Comments and details of supportive documentation attached	

Name of TBME _____

Signature of TBME _____

Name of Tenderer _____

Signature of Tenderer _____

**Tender for the Appointment of a Construction Management Company (CMC) & Key Personnel for the
Eastern Segment of the 5th Water Supply System to Jerusalem
Tender – 69-2015-2**

Form G - Auditor's Confirmation of No Going Concern Notice

To be completed by the Tenderer and, in the event of a JV by each of its Members
(Envelope 1)

I have reviewed the latest financial statement of the Tenderer/Member (whether audited or not) _____ [name of Tenderer / Member] (the “**Financial Statement**”).

I confirm that the Financial Statement does not include a going concern notice or an equivalent thereof under the applicable accounting rules.

_____	_____	_____
Name of Auditor	Date	Signature

Form I - Declaration of Non-Payment of Commission

To be completed by the Tenderer and, in the event of a JV by each of its Members

(Envelope 1)

1. In addition to duties and prohibitions applicable by law, including the Israeli Penal Code, 5737 - 1977, the undersigned Tenderer/Member hereby declares and undertakes as follows:
 - (a) Not to offer, provide or receive, directly or indirectly, any benefit, money or anything of value aimed to influence, directly or indirectly, the decision, act or omission of Mekorot Water Company Ltd. ("MWC"), or an office holder of MWC or MWC's employee or its representatives or any other party, concerning the RFP or any agreement or order arising from it.
 - (b) Not to solicit or collaborate, directly or indirectly, with an office holder of MWC or MWC's employees, representatives or any other party, in order to receive confidential, sensitive or secret information connected with the RFP or any agreement(s) arising from it.
 - (c) Not to solicit or cooperate, directly or indirectly, with an office holder of MWC or MWC's employees, representatives or any other party, in order to set prices in an artificial or non-competitive manner.
 - (d) That it did not and shall not act contrary to sub Part s (a) through (c) above in the RFP or any agreement arising from it.
2. The undersigned acknowledges that in case of reasonable suspicion that the undersigned or any of its representatives acted contrary to Part 1 above, MWC reserves the right, according to its sole discretion, to disqualify the undersigned's Proposal or to cancel at any time its winning the RFP Selection Stage or to cancel at any time the agreement(s) the subject matter of the RFP.
3. The undersigned undertakes to bring the content of this declaration to the attention of its employees, subcontractors, representatives, agents and anyone acting on its behalf, whom are involved in any way in the RFP or in any agreement arising from it.

The Tenderer

The Member

Legal Counsel Declaration

I, the undersigned, in my capacity as legal counsel of _____
(the "**Tenderer / Member**"), hereby authorize that Messrs. _____

**Tender for the Appointment of a Construction Management Company (CMC) & Key Personnel for the
Eastern Segment of the 5th Water Supply System to Jerusalem
Tender – 69-2015-2**

_____,
executing the above declaration on behalf of the Tenderer / Member, are authorized signatories
of the Tenderer / Member, and authorized to bind the Tenderer / Member for such purpose.

Name of Legal _____
counsel

Address of _____
Legal Counsel

Signature _____ Date _____

**Tender for the Appointment of a Construction Management Company (CMC) & Key Personnel for the
Eastern Segment of the 5th Water Supply System to Jerusalem
Tender – 69-2015-2**

Form J – Member's General Information

In the event of a Joint Venture, to be completed by each Member

(Envelope 1)

1. Name:

Business Address: _____

Phone: _____

Facsimile: _____

E-mail: _____

4. Representative:

Israeli Representative*: _____

**for non-Israeli companies only (if any)*

5. Legal Status:

(check applicable)

Private

Partnership

Limited Liability

Joint Venture

Other *(explain)*

6. Registration Number:

Place of Registration: _____

Date of Registration: _____

9. Does the Member have an Israeli subsidiary or affiliate company? Yes No

If yes – identify and provide details:

**Tender for the Appointment of a Construction Management Company (CMC) & Key Personnel for the
Eastern Segment of the 5th Water Supply System to Jerusalem
Tender – 69-2015-2**

10. If a foreign entity, is the Member registered in Israel as a foreign company or a foreign partnership

Yes No

If yes, please attach copies of the appropriate registration certificates.

10. The Role Assigned to the Member in the execution of the Project:

Faithfully yours,

Name of Member	Signature	Date	Confirmation of signatory rights by an attorney	Date
_____	_____	_____	_____	_____

**Tender for the Appointment of a Construction Management Company (CMC) & Key Personnel for the
Eastern Segment of the 5th Water Supply System to Jerusalem
Tender – 69-2015-2**

Form K – Price Proposal

(Envelope 2)

We hereby submit our Price Proposal as consideration for the performance of all Services. The fixed lump sums proposed for the Key Personnel below, if nominated as the CMC, reflect the CMC's entire remuneration under the Contract.

The fixed lump sums below do not include VAT.

Key Personnel	Fixed Fee (as a numerical sum of ILS) <u>Exclusive of VAT</u>
TCM	_____ per month
QAM	_____ per month
TBME	_____ per day

Please see the provisions of Section 8 (*Price Proposal*) of the RFP and the provisions of Appendix 1 (*Services*) to the Contract.

Name of Tenderer	Signature	Date	Confirmation of signatory rights by an attorney	Date
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or

Name of Member	Signature	Date	Confirmation of signatory rights by an attorney	Date
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Name of Member	Signature	Date	Confirmation of signatory rights by an attorney	Date
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**Tender for the Appointment of a Construction Management Company (CMC) & Key Personnel for the
Eastern Segment of the 5th Water Supply System to Jerusalem
Tender – 69-2015-2**

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