

MEKOROT WATER CO. LTD.

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 No. P/52-2016



07.09.2016

To: Tenderer's Conference and Site Visit Participants

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 No. P/52-2016

Addendum and Clarification #1

Pursuant to the provisions of Section 11.2 (*Amendment of Tender Documents*) of the RFP, Tenderers are hereby informed of the following amendments and clarifications to the Tender Documents.

In accordance with Section 11.2.5, this addendum shall constitute an integral part of any Tenderer's Proposal.

Amendments to the RFP

Section 3.6

It is clarified that Parsons (i.e. WSP Global Inc. / Parsons Brinckerhoff) have not previously provided and are not currently providing MWC with any consultation services including in relation to the planning and design of the DB Tunnel Project. Section 3.6 therefore shall be amended as follows:

*"Tahal Group, Ecolog Ltd. and Golder Associates ~~and Parsons~~ are providing MWC with consultation services related to the planning and design of the DB Tunnel Project - eastern segment of the 5th Water Supply System to Jerusalem - and to its western segment. In addition, Ecolog Ltd. and Golder Associates have been appointed as MWC's Design QA Consultants following a public tender process. Provided the aforesaid entities meet all Threshold Requirements and requirements set forth under this **Volume 1** (Request for Proposals), they shall not be prevented from participating in this Tender."*

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Section 19.11.1	<p>Please amend Section 19.11.1 as follows:</p> <p><i>"Tenderers confirm they have no contact or engagement with the DB Contractor, <u>the Lead Tunnel Designer</u> or with any other entity which may result in a conflict of interests or the appearance thereof. MWC reserves the right to forbid the further participation in this Tender of entities which have contact or engagements with the DB Contractor or with any other entity which may result in a conflict of interests, allow the participation or stipulate the terms and conditions under which the participation of such entities in this Tender may continue and participate in the Tender."</i></p>
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Amendments to the Tender Forms

Tender Form B – Letter of Tender	Please replace Tender Form B with the version attached hereto as Annex B . The new version includes amendments to Section 8 of the form.
Tender Form E – Affidavit According to Public Bodies Transactions Law, 5736-1976	Please replace Tender Form E with the version attached hereto as Annex C . The new version of the form includes a new Section 4. Please note the discretion reserved to MWC, <i>inter alia</i> , in accordance with the provisions of Article 2(b)(b1)(1) of the Public Entities Transactions Law, 5736-1976 , <u>as such may be exercised subject to MWC's sole discretion.</u>

Clarifications to the Contract

Appendix 1 – Services	MWC wishes to clarify that all those services listed under Section 1.1 (Design Development) are required of the TCM as a managerial and administrative authority. This task of the TCM (like other tasks it performs due to its managerial position) shall not derogate or substitute from the tasks of any other consultant identified under the organizational chart including, with regard to the services referenced in the aforesaid Section 1.1, the consultants responsible for the DB Contractor's design review.
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Tenderers are to complete and return the Acknowledgement of Receipt attached below as **Annex A** to MWC's POC.

Annex A – Acknowledgement of Receipt;

Annex B – Amended **Tender Form B** (Letter of Tender); and

Annex C – Amended **Tender Form E** (Affidavit According to Public Bodies Transactions Law, 5736-1976).

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ACKNOWLEDGEMENT OF RECEIPT

Date: _____

To: MWC's POC – Ms. Hadas Keren

E-mail: hkeren@mekorot.co.il

**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 No. P/52-2016

Addendum and Clarification #1

We hereby acknowledge receipt of **Addendum and Clarification #1**

Name of entity

Name and signature of representative

Annex B – Amended Tender Form B

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: _____
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. Pursuant to Section 9.11 of the RFP, we, including any of the proposed Key Personnel, confirm that [DELETE THE IRRELEVANT STATEMENT OF THE FOLLOWING TWO OPTIONAL STATEMENTS]:
 - We do not have any contact or engagement with any entity which may result in a conflict of interests or the appearance thereof.

OR

- We have existing contact or engagement with the following entity/ies which may result in a conflict of interests or the appearance thereof:

List identity of entity/ies and nature of such contact or engagement:

Faithfully yours,

	<u>Name and i.d. no.</u> <u>of Signatory(ies)</u> <u>and</u> <u>Stamp and</u> <u>Signature</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. _____ <u>Stamp and Signatures</u> _____	_____ _____ _____	_____ Name and i.d. no. _____ <u>Stamp and</u> <u>Signature</u> _____	_____ _____ _____
Member	_____ Name and i.d. no. _____ <u>Stamp and Signatures</u> _____	_____ _____ _____	_____ Name and i.d. no. _____ <u>Stamp and</u> <u>Signature</u> _____	_____ _____ _____
Member	_____ Name and i.d. no. _____ <u>Stamp and Signatures</u> _____	_____ _____ _____	_____ Name and i.d. no. _____ <u>Stamp and</u> <u>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.*

Annex C – Amended Tender Form E

**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. As of the Bid Submission Date, the Company, either:
 - a. is not subject to the stipulations of Section 9 to **the Equal Rights for People with Disabilities Law, 5758-1998**; or
 - b.
 - (i) is subject to the stipulations of Section 9 to **the Equal Rights for People with Disabilities Law, 5758-1998** and fully complies with such Law.
 - (ii) In the event the Company employs at least 100 employees, the Company undertakes to refer to the general manager of the Ministry of Labor, Welfare and Social Services for the purpose of affirming its compliance with Section 9 to **the Equal Rights for People with Disabilities Law, 5758-1998**, and obtaining any applicable instructions therefrom.
 - (iii) If the Company has made the commitment under Section 4(b)(ii) with respect to previous engagements, the Company declares that it has referred to the general manager of the Ministry of Labor, Welfare and Social Services as required and has complied with any instructions received accordingly therefrom (if any).

The Company undertakes to deliver a copy of this affidavit to the general manager of the Ministry of Labor, Welfare and Social Services within 30 days of the Submission Date.

5. 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