

20 February 2017

Kisalon 2 Pumping Station
Tender No. R-24\2016
Design, Supply, Installation and Commissioning of Electrically
Operated Pumping Units and Associated Services

Addendum and Clarification Notice #2

1. Pursuant to the provisions of Section 16.1 (*Clarification of Tender Documents*) and 16.3 (*Amendment of Tender Documents*) of the RFP, Tenderers are hereby informed of the following clarifications and amendments to the Tender Documents.
2. In accordance with Section 16.3.5, this addendum shall constitute an integral part of any Tenderer's Proposal.

Table no. 1 – Clarification Table:

Clarification Item no.	Issue	Clarification	Associated Addendum
1	Last date for submission of queries and requests for clarifications regarding the Contract Documents; Submission Date.	Last date for submission of queries and requests for clarifications regarding the Contract Documents is – <u>28.2.2017</u> . Submission Date – <u>28.3.2017</u>	See below: Item <u>1</u> in Table no. <u>2(b)</u> below.
2	Price Proposal – Currency; Contract	The Price Proposal (Fixed Lump Sum) shall be offered in <u>one</u> of the following currencies: (a) New Israeli Shekels (ILS); or	See below: (a) Item <u>1</u> in Table <u>2(a)</u> . (b) Items <u>2</u> and <u>3</u> in Table <u>2(b)</u> .

	<p>Price Payment – Linkage.</p>	<p>(b) US Dollars (USD); or (c) Euro.</p> <p>For the purpose of determining the Tenderers “INV”, their Total Cost (TC) and – in view thereof – the Preferred Tenderer (of which TC is the lowest) - Price Proposals in USD or Euro shall be converted to ILS in accordance with the USD-ILS; Euro-ILS exchange currencies fixed by the International Monetary Fund as published on Submission Date at its website: https://www.imf.org/external/np/fin/data/param_rms_mth.aspx.</p> <p><u>Currency of Payment:</u> The Contract Price shall be paid to the Supplier in the currency it had offered in its Proposal.</p> <p><u>Linkage:</u> Payments made in ILS shall be linked 100% to the Israeli Consumer Price Index. Payments made in US Dollars or Euro – shall not bear any linkage.</p>	<p>(c) Item <u>1</u> in Table <u>2(c)</u>. (d) Items <u>1</u> and <u>2</u> in Table <u>2(d)</u>. (e) Item <u>2</u> in Table <u>2(e)</u>.</p>
3	Project Milestones	<p>Milestone no. 5 shall be increased from 15% to 20% of the Fixed Lump Sum. Milestone no. 6 shall be reduced from 15% to 10% of the Fixed Lump Sum.</p>	See below Item <u>1</u> in Table <u>2(e)</u> .
4	Affidavit and Approvals in accordance with Public Entities	<p>Section 7.2 (<i>Approvals and Affidavits as per the Public Entities Transactions Law, 5736-1976</i>) of Volume 1 (Request for Proposals), <u>applies upon Local Companies</u>. a “Local Company”, in defined in the RFP, as a duly incorporated and registered entity</p>	No addendum required.

	Transactions Law - Procurement Law – Applicability upon Foreign Companies.	in the State of Israel, or a foreign company registered in Israel (denoted in Hebrew, under the Israel Corporation Law 5759-1999, as: (חברת חוץ הרשומה בישראל)). The RFP defines a “ Foreign Company ” as any entity which is not a Local Company.	
5	Joint Venture	It is not required for a Joint Venture to be legally incorporated or registered as such. Accordingly, the Pump Manufacturers’ minimum holdings of the JV’s Means of Control shall also be satisfied by confirming minimum holdings of the JV’s <i>rights</i> as agreed upon between the Members and confirmed in the Proposal.	No addendum required.
6	Financial Thresholds - Conversion of currencies to US Dollars	See Section 9 (<i>Financial Threshold Requirements</i>) of Volume 1 (<i>Request for Proposals</i>). Conversion to US Dollars of Financial Statements including non US Dollars currencies shall be made by MWC in accordance with the applicable exchange rates fixed by the International Monetary Fund as published <u>on Submission Date</u> at its website: https://www.imf.org/external/np/fin/data/param_rms_mth.aspx .	See below Items 4 in Table 2(b) .

Amendment Tables

Table 2(a)

General Amendments	
Amendment Item no.	Amendment
1	Please replace the title of Appendix J of Volume 2 (<i>Contract</i>) to read: " Appendix J (<i>Linkage</i>)".

Table 2(b)

Amendments to Volume 1 (<i>Request for Proposal</i>)						
RFP Amendment Item no.	RFP Section	Amendment				
1	Section 2.4 (Time Schedule)	<p>Amend table as follows:</p> <table border="1"> <tr> <td>Last date for submission of queries and requests for clarifications regarding the Contract Documents</td> <td>24 28 February 2017</td> </tr> <tr> <td>Submission Date</td> <td>On 24 28 March 2017</td> </tr> </table>	Last date for submission of queries and requests for clarifications regarding the Contract Documents	24 28 February 2017	Submission Date	On 24 28 March 2017
Last date for submission of queries and requests for clarifications regarding the Contract Documents	24 28 February 2017					
Submission Date	On 24 28 March 2017					
2	Section 13 (<i>Price Proposal</i>) –	<p>Please replace Section 13 with the following:</p> <p>13. Price Proposal</p> <p>13.1 Within the designated fields in Tender Form O (<i>Price Proposal</i>), the Tenderer shall propose the price it requires in consideration of the performance of the Works. The sum specified shall be a fixed lump sum. The fixed lump sum reflects the Supplier’s entire remuneration under the Contract.</p> <p>13.2 T he fixed lump sum in the Price Proposal shall be indicated in <u>either one</u> of the following currencies:</p>				

		<p>(a) New Israeli Shekels (ILS); or</p> <p>(b) US Dollars (USD); or</p> <p>(c) Euro.</p> <p><u>The sum indicated in the Price Proposal shall not include VAT</u> which, in accordance with the applicable Laws and Regulations, shall be added by MWC to the payments the Supplier shall be entitled for as per the provisions of Volume 2 (Contract).</p> <p>13.3 The Price Proposal shall be deemed to include all local and foreign taxes, levies, duties and all other sums payable by the Supplier under the Contract and in accordance with all Laws and Regulations and any Relevant Authority.</p> <p>13.4 With respect to the Price Proposal's submission, Tenderers are referred to the provisions of Section 17.3.3.2.</p> <p>13.5 All, terms, stipulations and conditions relating to payments are set forth in Volume 2 (Contract). Tenderers are referred to the provisions of Appendix J (Linkage) to the Contract with regard to linkage of Price Proposals offered in ILS.</p> <p>13.6 The Price Proposal shall constitute the 'INV' factor within the Life Cycle Costs Analysis calculation as in Section 14.1.2 below. For this purpose, Price Proposals in USD or Euro shall be converted to ILS in accordance with the USD-ILS; Euro-ILS exchange currencies fixed by the International Monetary Fund as published on Submission Date at its website: https://www.imf.org/external/np/fin/data/</p>
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		param rms mth.aspx.
3	Section 14.1.2 <i>(Stage 2 – Life Cycle Costs Analysis and Price Proposal)</i>	Please add the following footnote no. 1 at the end of the definition "INV": "1 Price Proposals offered in US Dollar or Euro shall be converted to ILS in accordance with the Provisions of Section 13.6."
4	See Section 9 <i>(Financial Threshold Requirements)</i>	Under Section 9.4 add the words " <i>Submission Date at</i> " after the words " <i>International Monetary Fund as published on</i> ".

Table 2(C)

Amendments to Tender Forms		
Tender Form Amendment Item no.	Tender Form	Amendment
1	Tender Form O <i>(Price Proposal)</i>	Please replace Tender Form O with the version attached hereto as Annex B.

Table 2(d)

Amendments to Volume 2 (Contract)		
Contract Amendment Item no.	Contract Section	Amendment
1	Section 15.1 (<i>Contract Price</i>)	Please replace the last paragraph of Section 15.1 with the following: "The Fixed Lump Sum shall be paid in the currency offered by the Supplier in its Price Proposal: either New Israeli Shekels (ILS), or Euros or US Dollars. The entire Fixed Lump Sum shall be paid in the same currency."
2	Section 15.4.3 (<i>Contract Price</i>)	Please replace Section 15.4.3 with the following: "Payment Adjustments – each payment to be made pursuant to the provisions of this Section 15 (<i>Contract Price</i>). Payments in ILS shall be linked in accordance with the provisions of Appendix J (Linkage)."

Table 2(e)

Amendments to Appendices to Contract		
Contract Appendix Amendment Item no.	Tender Form	Amendment
1	Appendix D (Project Milestones)	Please replace Appendix D with the version attached hereto as Annex C .

2	Appendix J <i>(Linkage)</i>	Please replace Appendix J with the version attached hereto as Annex D .
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3. **Ein Karem Pumping Station**

Tenderers are advised that MWC is considering the manner by which pumping units shall be procured by it for the “Ein Karem” pumping station. Such procurement, if initiated by MWC, shall constitute a separate procurement process, whether by tender or otherwise, all as may be determined by MWC. Tenderers participating in this “Kisalon 2” tender process, including the Preferred Tenderer / Supplier selected by MWC, will not be prohibited from participating in such future procurement process – should such be initiated - or from successfully entering into a supply agreement therefor, provided it meets all requirements included in such process, as applicable.

14. **Carefully note:**

14.1. any omissions, stipulations, conditions, deviations, reservations and changes to the terms and conditions of the Tender Documents (including the RFP and Tender Forms, Contract and Appendices and any omissions, stipulations, conditions, deviations, reservations and changes made to the aforesaid documents within the Proposal) will be rejected by MWC and may lead to the disqualification of the Proposal.

If so determined by MWC, the Tenderer will be deemed to be committed to its Proposal disregarding any such change or insertion made by the Tenderer.

14.2. Amendments to the Tender Documents shall only made by MWC in Clarifications and Amendments notices it shall issue and upload to its Website (see Table no. 2 above). No other alteration shall be allowed, approved or acknowledged by MWC or may be assumed, construed or executed by the Tenderers also in the event a RFC submitted was not responded to by MWC.

Tenderers are to complete and return the Acknowledgement of Receipt attached below as Annex A to MWC's TCC.

This and all previous Addendum and Clarification Notices shall be attached by the Tenderer to its Proposal and shall constitute an integral part thereof.

This Addendum and Clarification Notice is uploaded to MWC's Website.

Annex A
ACKNOWLEDGEMENT OF RECEIPT

Date: _____

To: MWC's TCC Mrs. **Lihi Cohen**, Tender Committee Coordinator, 9 Lincoln St., Tel Aviv 61201, Israel. Tel: 972-(0)3-6230650 Fax: 972-(0)3-6230568

E-mail: lcohen@mekorot.co.il.

Kisalon 2 Pumping Station
Tender No. R-24\2016
**Design, Supply, Installation and Commissioning of Electrically
Operated Pumping Units and Associated Services**

Addendum and Clarification Notice #2

We hereby acknowledge receipt of Addendum and Clarification Notice **#2**

Name of entity

Name and signature of representative

Annex B
Form O – Price Proposal

To be completed by the Tenderer

(Proposal Part 2)

The Tenderer shall insert in the table below the total price proposal as a **Fixed Lump Sum**, which is to be paid by or on behalf of MWC to the Supplier in full consideration for the performance of the Works, in accordance with the provisions of the Contract (the “**Price Proposal**”).

The Price Proposal shall be in either one of the following currencies: New Israeli Shekels (ILS); **or** US Dollars; **or** Euro. The Price Proposal shall be exclusive of VAT (which shall be added by MWC, in accordance with the requirements of the Law, to the payments the Supplier shall be entitled to in accordance with the Contract).

Price Proposal excluding V.A.T:	<u>Numeric:</u> <hr/>	<u>Currency:</u>
	<u>And in words:</u> <hr/>	<input type="checkbox"/> <u>ILS*</u> <input type="checkbox"/> <u>US \$</u> <input type="checkbox"/> <u>Euro</u> ✓ Tick the <u>one</u> chosen currency

In the event of any inconsistency between the numeric Price Proposal and the one provided in writing – MWC shall have the discretion to determine that the lower of the two shall be the applicable Price Proposal.

* **Appendix J** (Linkage) to the Contract provides instructions regarding linkage of a Price Proposal offered in ILS.

Annex C
Appendix D - Project Milestones

Milestone Number	Description	Time for Completion	Liquidated Damages for each day of delay	Payment upon Milestone Completion Certificate (percentage of Fixed Lump Sum)
1	Submittal of Supplier's Design: -Dimensioned outline assembly drawing of the complete pump unit -Sectional drawings of pump and motor with numbered parts, materials etc. -Construction drawings for pump foundations, pipe channels with details of foundation bolts, loads, forces etc.	3 months from Signature Date	0.1% of the Fixed Lump Sum	5%
2	Confirmation of Motors (4 units) procurement as shall be approved by MWC.	Not earlier than the Notice to Commence		10%
3	Successful Witness Tests	Shall be completed after Award in accordance with the Supplier's Proposal, which shall be no later than 24 months from Notice to Commence.		25%
4	Supply of all Pumping	Within 2 months	0.1% of the	30%

	Units to site	from the completion of Milestone 3 (Successful Witness Tests)	Fixed Lump Sum	
5	Complete installation of all Pumping Units ready for operation.	Within 3 months from the completion of Milestone 4 (Supply of all Pumping Units to site)	0.1% of the Fixed Lump Sum	20%
6	Final Completion Certificate upon Successful site tests of all Pumping Units	Within 2 months from the completion of Milestone 5 (Complete installation of all Pumping Units)	0.1% of the Fixed Lump Sum	10%

Annex D

Appendix J –Linkage

For payments in New Israeli Shekels (ILS):

Each sum approved for payment, in accordance with the provisions of the Contract, shall be adjusted to the Consumer Price Index as published by the Israeli Central Bureau of Statistics ("CPI") The sum approved by MWC for payment shall be linked from the CPI known on Submission Date (to the last CPI known on the date the Supplier's payment application was submitted to MWC's review and approval.

For payments in Euros or US Dollars: No linkage shall be applied. Payment will be made in the chosen currency.