

12 May, 2020

To:

Participants of the Tenderer's Conference & Site Visit [October 31, 2019 & January 29, 2020]

Subject: Hayarkon River Water Treatment Plant Technological Tender no R-42/2019 – Clarification Notice no. 9

Pursuant to the provisions of Section 11.1 (Clarification to Tender Documents) and 11.2 (Amendments of Tender Documents), MWC issues this Clarification Notice no. **9**.

1. Clarification Items –



חטיבת משאבי אנוש ומינהל
יחידת רישולוגיסטיקה

(i) **Clarifications & Amendments**

<u>Item no.</u>	<u>Tender Document / Tender Form / Annex / Appendix</u>	<u>Section</u>	<u>MWC's Clarification / Amendment</u>
1.	All documents		<p>Pursuant to section 2 of Clarification Notice No. 8 dated April 27, 2020, attached hereto, as Annex B, please find amended Tender Documents in which all Amendments included in Clarification Notices (1-8) and this Clarification Notice no. 9 are included whereby:</p> <p>(a) Annex B(1) – includes the amended Tender Documents where the amendments were incorporated in "tracked changes"; and</p> <p>(b) Annex B(2) – a clear copy of the amended Tender Documents..</p> <p>Tenderer's shall refer to Annex B(2) for the purpose of preparing and submitting their Proposals. Accordingly, Tenderer's are instructed to ensure the Tender Bond submitted is compliant with Tender Form H – Mandatory Tender Bond included in Annex B(2) (Volume 1 Requests for Proposals – Tender Forms and Annexes).</p> <p>Please note, Annex B(1) is provided solely for the Tenderer's convenience only and is not to be used for any purpose.</p> <p>For the sake of good order the Tender Documents in the previous version were removed.</p>
2.	Volume 1 (Request for Proposals)	7.5.1	<p>Pursuant to item 3 of Clarification Notice No. 4 dated January 12, 2020, kindly note that in the comment marked with (***) under Table 1, the initials in the first brackets reading: "WWTP" is replaced with "NDWTP" (Non-Drinking WTP).</p>
3.	Volume 1 (Request for Proposals),	5.3(b) The Holdings of the JV	<p>MWC was requested:</p> <p>(a) To modify the requirement regarding the minimum holdings of the JV's Member demonstrating the experience required under Section 7.5.1.; and</p> <p>(b) Postpone the Submission Date.</p> <p>Both requests are denied.</p>
4.	Volume 1 (Tender Forms)	Tender Form G1: commercial proposal-CAPEX	<p>Pursuant to note (a) under section (b) "Currency of Price Proposal, Contract Price and Payments" of Clarification Notice No.7 dated April 1, 2020 – Tenderers are notified the amended Tender Form G1: commercial proposal-CAPEX is included within Annex B(2).</p>



5.		Tender Form E3 - Technical Threshold Requirement: Membrane Manufacturer	Pursuant to items 2-3 of Clarification Notice No.8 dated April 27, 2020 – Tenderers are referred to the amended Tender Form E3 - Technical Threshold Requirement: Membrane Manufacturer which is included within Annex B(2) . .
6.	Volume 2 (Contract)	14.3.4	The Section shall be amended as follows: “14.3.4 The Guarantees may be denoted in either (a) ILS; or <u>in the event the Contract Price is in Euro or USD, then in the respective currency</u> (b) Euro; or (c) USD. The chosen currency is not required to be the same currency of the Price Proposal. In the latter event of a the guarantees’ in either Euro or USD, the sum shall be converted (if applicable) in accordance with the exchange rate calculated in accordance with the applicable exchange rate (i.e. Euro – NIS or USD – NIS, as applicable) known on the date of issuance of the guarantee as published by the Bank of Israel. The Section, as amended above, is included in Annex B(2) .
7.	General		MWC was submitted with an RFC on-behalf of a Participant which is signed by Mr. Eyal Orly. Between 2011 to 2014 Mr. Orly worked in MWC’s desalination unit and afterwards until 2018 In EMS. During his work in the desalination unit (until 2014) he was part of the technical team addressing the technical aspects of the Project and during his work with EMS he participated in discussions relating to EMS’ role in the Yaar Bereshit projects including construction of components by EMS. After review and examination of the matter, MWC has concluded there is no justification from prohibiting the Participant's right to participate in the public Tender (should it choose to do so) mainly in view of the following considerations: (a) the specific scope and aspects of the past involvement; (b) the time that has elapsed since 2018 (c) the extent and nature of the modifications, alterations, supplements, changes and additions introduced in the Tender Documents since 2018; (d) the nature of the set and specific requirements of the Project; and (e) in view of the foregoing – the fundamental right of participation in a public tender.
8.	Volume 3 (scope of Work)	Appendix 3	In technical drawings 0367-TEC-4 and 0367-TEC-10, the volume of the chemical tanks was revised to reflect the volume provided in Volume 3 (Scope of Work) section B.1.6 (Engineering Package – Contract Period).

2. Per the provisions of Section 12.2.4 of **Volume 1** (Request for Proposals), this Clarification Notice shall be attached by the Tenderer to its Proposal.
3. This Clarification Notice shall be uploaded to MWC's Website. Note it's the Participant's full and sole responsibility to ongoingly review MWC's Website for notifications regarding the Tender.
4. In accordance with the provisions of Section 11.2.4 (regarding approval of acceptance thereof by Participants) of **Volume 1** (Request for Proposals), the Participant is kindly request to complete and submit the attached **Annex A**.
5. None of the above shall be construed to derogate from MWC's rights and privileges under the Tender Documents and all Laws and Regulations.

Sincerely,

Lihi Cohen – MWC's POC

Annexes:

A – Acknowledgement of Receipt.

B – Amended Tender Documents.

B(1) – Amended Tender Documents – Tracked Changes.

B(2) – Amended Tender Documents – Clear Version.



Annex A

ACKNOWLEDGEMENT OF RECEIPT

To:

MWC's POC - Mrs. Lihi Cohen

E-mail: Lcohen@Mekorot.co.il

**Hayarkon River Water Treatment Plant Technological Tender no R-42/2019 –
Clarification Notice no. 9**

Pursuant to the provisions of Section 11.2.4 of **Volume 1**, the Participant hereby acknowledge receipt of **Clarification Notice No. 9**.

Name of the Participant

Name and signature of the Participant's
Authorized Representative

Annex B(1)

AMENDED TENDER DOCUMENTS – TRACKED CHANGES

-Attached separately-

Annex B(2)

AMENDED TENDER DOCUMENTS – CLEAR VERSION

-Attached separately-