



November 23, 2017

[All Participants]

**Re: Invitation for Pre-Qualification in relation to the Participation in a Tender
For the Jerusalem "J-Net"
Addendum No. 10**

1. Pursuant to the Invitation issued on April 9th, 2017, and in accordance with the provisions thereof, the attention of all Participants is drawn to the following clarifications and answers to questions regarding the Invitation.
2. In accordance with the provisions of the Invitation, you are kindly requested to acknowledge receipt of this Addendum, no later than 2 days following receipt thereof via email reply.

Respectfully Yours,

Nechemya Kind
Deputy Accountant General
Chairman of the Tender Committee

CC: Members of the Tender Committee

**ADDENDUM NO. 10
AMENDMENTS, CLARIFICATIONS AND
MODIFICATIONS TO THE INVITATION**

1.		The attention of the Participants is drawn to the updated Invitation which includes the amendments referenced herein below.	
2.	Q:	The Tender Committee was requested to reduce the percentage of holdings the Operator is required to hold in the SPV designated to execute the service agreement in accordance with the provisions of the Section.	Section 1.5.4.2 (The Tender Process; and Expected Requirements)
	A:	The Tender Committee rejects the request.	
3.	Q:	The Tender Committee is requested: (i) To provide company number / I.D. number for each of the entities/individuals listed in Annex 2 in order to enable to properly identify the Advisors; and (ii) To confirm that any engagement by any of the Members of Advisors listed in Part A Advisors or in Part B Advisors for any purpose which is not connected to the Pre-Qualification Process that was in effect prior to submission of the PQ, is permitted (and that for the avoidance of doubt, only future engagements shall be subject to the prior written approval of the Tender Committee).	Section 2.14 (Advisors to the Tender Committee)
	A:	With respect to the request specified in limb (i), the Participants are advised that a list with the requested names/I.D. numbers will be provided shortly. Without derogating from the foregoing, the Tender Committee rejects the request specified in limb (ii).	
4.	Q:	The Tender Committee was requested to clarify that in the event an Entity had previously applied to the general manager of the Ministry of Labor, Social Affairs and Social Services under Section 9 of the Equal Rights Law, and did not receive any response of guidance from the applicable Ministry, it shall not be required to reapply.	Section 3.5.7 (Participation - General Requirements)
	A:	The attention of the Participants is drawn to updated form pursuant to Article 2b1(a) of the Public Entities Transactions Law (Enforcement of Bookkeeping, Payment of Tax Duties and Minimum Wages and Lawful Employment of Foreign Workers), 5736 – 1976. The Participants are advised that the applicable Entities may submit either of the form of affidavit attached hereto or the form previously provided by the Tender Committee.	
5.	Q:	The Tender Committee was requested to clarify that an Experience Provider may present projects in which it: (a) Completed Construction of Track-way Works under a Construction Contract; or (b) Completed Design and Construction of Track-way works under a Design Build Contract or an EPC Contract.	Section 4.2.1 (Experience in the Construction of Track-Way)

	A:	The provisions of the Section remain unchanged. For the avoidance of doubt and without derogating from the provisions of the Section, it is clarified that the requirement of this Section is to demonstrate Design and Construction, and that the reference to a Construction Contract within the Section does not derogate from such requirement.	
6.	Q:	The Tender Committee was requested to clarify that an Experience Provider may present a referenced project that it (or an Entity related to it, in accordance with the provisions of Section 6.1A): (i) executed and provided the maintenance services required under the referenced project; (ii) bore all risks related to the project maintenance (including, by way of such risks being assigned to it from the O&M Contractor of the project); and (iii) managed the engagement and coordination of all subcontractors engaged for the purpose of the project maintenance.	Section 4.8 (Maintenance Experience)
	A:	The Tender Committee so clarifies.	
7.	Q:	The Tender Committee was requested to clarify that: (a) where the Member is a partnership, the limited partner may serve as Guarantor; (b) for the purposes of Section 6.1B, a General Partner or Fund Manager (of a Member or Guarantor (as applicable)), shall be entitled to present Infrastructure Projects which were executed by SPVs (in which such General Partner or Fund Manager has holdings), which satisfy the requirements of Section 6.1B.	Section 5.7 (Reliance on a Guarantor), Section 6.1B
	A:	The Tender Committee rejects the request specified in limb (a). Please be advised that the request specified in limb (b) is unclear. The attention of the Participants is drawn to the provisions of the referenced Sections.	
8.	Q:	The Tender Committee was requested to amend the provisions of the Section, so that compliance with Section 6.1.3 shall not be required in the event the Experience Provider held indirectly, 100% of the Means of Control in the Entity which executed the referenced project.	Section 6.1.1 (Presentation of Referenced Projects)
	A:	The attention of the Participants is drawn to the amendments made to the Section.	
9.	Q:	The Tender Committee was requested to amend the provisions of the Section, so that an Experience Provider will be entitled to present referenced projects executed by an Entity indirectly held by the Experience Provider, in which the Experience Provider held (Effectively) less than 100% of all Means of Control.	Section 6.1A (Presentation of Referenced Projects)
	A:	The attention of the Participants is drawn to the amendments made to the Section.	

10.	<p>Q: The Tender Committee was requested to amend the provisions of the Section, so that an Experience Provider will be entitled to present referenced projects executed by an SPV in which the Experience Provider held Means of Control indirectly.</p> <p>A: The attention of the Participants is drawn to the amendments made to the Section.</p>	Section 6.1A (Presentation of Referenced Projects)
11.	<p>Q: The Tender Committee was requested to approve exchange rates for Columbian Pesos and New Zealand dollars for specific years.</p> <p>A: The Participants are advised that the conversion of Columbian Pesos shall be made in accordance with the provisions of Annex 3.</p>	Section 6.3 (Conversion of Other Currencies)
12.	<p>Q: The Tender Committee was requested to clarify how to complete the PQ Forms, in the event that the attorney of a foreign Entity which is required to execute a Pre-Qualification Form cannot provide such confirmation with respect to an authorized signatory on a document which is any language other than the formal language of the applicable country of incorporation of such Entity.</p> <p>A: The Tender Committee clarifies that under such circumstances the Pre-Qualification Forms should be executed in the formal language of the applicable country of incorporation of such Entity and confirmed by an attorney in accordance with the relevant provisions and the executed Pre-Qualification Forms should then be translated back to English and signed by a Notary.</p>	Pre-Qualification Forms
13.	<p>The Tender Committee hereby clarifies that in the event the Participant is not incorporated by the Pre-Qualification Submission Date, Pre-Qualification Form "1" is to be submitted separately by each Member, provided however, that, (separate signature notwithstanding), pursuant to the provisions of Section 3.7.1 of the Invitation, 1 Authorized Representative should be named in the Pre-Qualification Forms on behalf of such Participant.</p>	Pre-Qualification Form "1"
14.	<p>Q: The Tender Committee was requested to confirm that the Participants are not required to complete Sections 1-3 of Pre-Qualification Form "2" in the event that the Participant is not incorporated by the Pre-Qualification Submission Date.</p> <p>A: The Tender Committee reiterates that only Members of a Participant which is incorporated should complete Pre-Qualification Form "2".</p>	Pre-Qualification Form "2"
15.	<p>Q: The Tender Committee was requested to confirm that Participants which are not incorporated at the Pre-Qualification Submission Date, are not required to state their name.</p> <p>A: The Tender Committee so clarifies.</p>	Pre-Qualification Forms
16.	<p>Q: The Tender Committee was requested to confirm that two (2) signatories, may sign each Pre-Qualification Forms on behalf of an Entity (e.g. a</p>	Pre-Qualification

	<p>Member, an Experience Provider, etc.), if such is required in accordance with the applicable corporate documents of such Entity.</p> <p>A: The Tender Committee so confirms.</p>	Forms
17.	<p>Q: The Tender Committee was requested to confirm that if required, certain information may be provided by way of an attachment to the relevant Pre-Qualification Form (instead of completed therein).</p> <p>A: The Tender Committee so confirms.</p>	Pre-Qualification Forms
18.	<p>Q: The Tender Committee was requested to confirm that the printed name of an Entity (e.g. a Member, an Experience Provider, etc.), may be used in lieu of such Entity's stamp, if such is sufficient to bind the applicable Entity in accordance with its corporate documents or procedures.</p> <p>A: The Tender Committee so confirms.</p>	Pre-Qualification Forms
19.	<p>Q: The Tender Committee was requested to clarify that the names of the Entities comprising the ownership chain between the Guarantor or the Experience Provider and the Member or the Entity which executed the relevant projects (as applicable), are not required to be presented (but only the relevant percentage of holdings).</p> <p>A: The Tender Committee rejects the requests.</p>	Pre-Qualification Forms
20.	<p>Q: The Tender Committee was requested to clarify that under the Project Details, in the first row concerning Number of Buses on: [insert date and number of busses on (date)], the Experience Provider should insert both the date and number of buses.</p> <p>A: The Tender Committee clarifies that the rows that should be completed with respect of the foregoing are the rows that refer to the number of Buses on the following dates:</p> <ul style="list-style-type: none"> (a) seven (7) days prior to Pre-Qualification Submission Date (i.e. December 1, 2017); (b) one (1) year and seven (7) days prior to Pre-Qualification Submission Date (i.e. December 1, 2016); and (c) two (2) years and seven (7) days prior to Pre-Qualification Submission Date (i.e. December 1, 2015). 	Pre-Qualification Form 11B
21.	<p>Q: The Tender Committee was requested to clarify that a Member who is a Private Investment Fund shall not be required: (a) to submit Pre-Qualification Form "13"; and (b) to submit Financial Statements.</p> <p>A: The Tender Committee rejects the requests.</p>	Pre-Qualification Form 13
22.	<p>Q: The Tender Committee was requested to approve certain amendments to the auditor's statement.</p>	Pre-Qualification Form 13

	A:	The Tender Committee rejects the request.	
23.	Q:	The Tender Committee was requested to clarify that where the General Partner or Fund Manager is “an association of several individuals” the second paragraph of the attorney confirmation in the Form should not be completed.	Pre-Qualification Form 14
	A:	The Tender Committee so clarifies.	