

**INVITATION FOR PRE-QUALIFICATION NO. 08/2023
IN RELATION TO PARTICIPATION IN A TENDER
FOR THE FINANCE, DESIGN, CONSTRUCTION,
OPERATION AND MAINTENANCE OF SECTIONS 8 & 9A
OF THE CROSS ISRAEL HIGHWAY**

PRE-QUALIFICATION FORMS

August 2023

PRE-QUALIFICATION FORM “1”

THE PRE-QUALIFICATION SUBMISSION LETTER

*(To be completed by the Authorized Representative of the Participant (if incorporated as of the Pre-Qualification Submission Date) or by the Authorized Representative of each Member, each on a separate form (if the Participant is not incorporated as of the Pre-Qualification Submission Date))
(Capitalized terms shall have the meaning ascribed to them in the Invitation)*

To:
Chairman of the Tender Committee

Dear Sir,

Re: Invitation for Pre-Qualification in Relation to Participation in a Tender for the Finance, Design, Construction, Operation and Maintenance of Sections 8 and 9A of the Cross Israel Highway (the “Invitation”)

In response to the Invitation issued on August 1st, 2023, extending an invitation to submit a Pre-Qualification Submission, we, the undersigned, submit this Pre-Qualification Submission:

1. We, the undersigned, _____ (the “Participant”) *(name of Participant to be completed if incorporated)*, and all the Members thereof, _____; _____; _____; _____; *(name of Members to be completed)* have thoroughly and carefully read the Pre-Qualification Documents, and are pleased to submit our Pre-Qualification Submission.
2. We agree to all of the provisions in the Invitation and we submit our Pre-Qualification Submission in accordance with the terms and provisions contained therein.
3. We warrant that the Pre-Qualification Submission is accurate, complete and up-to-date at the time of the Pre-Qualification Submission Date, in accordance with the requirements of the Invitation.
4. We acknowledge and accept the provisions of Section 9.8 (Reservation of Rights) of the Invitation, and without derogating from the generality of the provisions thereof, understand that the submission of our Pre-Qualification Submission shall not be deemed in any way to create an obligation on the part of the Tender Committee to announce our compliance with the Pre-Qualification Requirements; that the Tender Committee has the right to reject, as it deems appropriate, the Pre-Qualification Submission submitted by the Participant; and that the Tender Committee has the right, as it deems appropriate, to annul the Pre-Qualification Process and to reject all Pre-Qualification Submissions at any time, all in accordance with the provisions of the Invitation.

5. Incorporated herein, and made an integral part of the Pre-Qualification Submission, are all Pre-Qualification Forms, attachments and annexes thereto, and other annexes attached to the Pre-Qualification Submission as described herein:

- Pre-Qualification Form “1” The Pre-Qualification Submission Letter
- Pre-Qualification Form “2” Participating Entity
- Pre-Qualification Form “3” Experience in Construction
- Pre-Qualification Form “4” Experience in Design and Construction (DB Scheme)
- Pre-Qualification Form “5” Financial Pre-Qualification Requirements Compliance
- Pre-Qualification Form “6” Form of Affidavit

6. Attached herein is a copy original *[check applicable]* of the receipt payment of the Participation Fee.

7. Detailed herein is information which the Participant considers to be of a commercially sensitive or secret nature concerning the Pre-Qualification Submission *[to be completed in accordance with the provisions of Section 7.4 (Identification of Sensitive or Classified Information and Disclosure of Documents) of the Invitation]*:

8. The undersigned acknowledges receipt, understanding and full consideration of the following Addenda to the Pre-Qualification Documents, issued until the Pre-Qualification Submission Date:

Addendum No. _____	Date Issued: _____
Addendum No. _____	Date Issued: _____
Addendum No. _____	Date Issued: _____
Addendum No. _____	Date Issued: _____
Addendum No. _____	Date Issued: _____
Addendum No. _____	Date Issued: _____
Addendum No. _____	Date Issued: _____
Addendum No. _____	Date Issued: _____
Addendum No. _____	Date Issued: _____
Addendum No. _____	Date Issued: _____
Addendum No. _____	Date Issued: _____

...
[to be completed]

9. The Member hereby warrants and represents that to the best of its knowledge and after conducting a due investigation, the Experience Providers of the Participant (if applicable) comply with all applicable requirements of the Invitation pertaining to such Experience Providers.

10. This Pre-Qualification Submission shall be governed and construed in accordance with the provisions of all applicable Laws.

11. The applicable courts in Jerusalem shall have the sole jurisdiction over all matters and all disputes arising in connection with this Pre-Qualification Submission.

Faithfully yours,

Date

Stamp and Signature

I, _____, the undersigned, hereby confirm that on _____ [date], _____ [name], Israeli I.D. number / _____ [country] passport number _____, who is authorized to sign on behalf of _____, and to commit it for purposes of the above stated Pre-Qualification Form, for all purposes and intents, appeared before me, and after being cautioned that he/she is required to state the truth, and that if he/she fails to do so he/she shall be liable to the punishments prescribed by Law, signed this statement in my presence.

Name: _____

Stamp and Signature: _____

Date: _____

Attorney

PRE-QUALIFICATION FORM “2”
PARTICIPATING ENTITY

(To be completed by each Participating Entity, each on a separate form)
(Capitalized terms shall have the meaning ascribed to them in the Invitation)

I, _____, the undersigned, am making this affidavit on behalf of _____ (name of Participating Entity):

1. Role of the Participating Entity

[check as applicable, including more than one role]

The Participant

Member of the Participant Anticipated Holdings: ____%

Experience Provider

Relevant Pre-Qualification Requirements:

- Section 4.1 (Experience in Construction) of the Invitation
- Section 4.2 (Experience in Design and Construction (DB Scheme)) of the Invitation

Guarantor

Name(s) of Member(s) relying on Guarantor:

1. _____
2. _____
3. _____
4. _____

2. Name of Participating Entity:

Business Address:

Phone:

E-mail:

3. Representative:

Name

Title

E-mail & Tel

4. Legal Status:

(check applicable)

Limited

Partnership

Limited Liability Company

General Partnership

Other (explain)

Attached hereto are authenticated copies of the Participating Entity's certificate of incorporation and minutes of incorporation, or their equivalent within its domicile.¹

5. Registration Number: _____
Place of Registration: _____
Date of Registration: _____

6. Interested Parties in the Participating Entity: _____

7. The Participating Entity hereby warrants and represents the following:

7.1. The Participating Entity has thoroughly and carefully read the Invitation and agrees to all of the provisions in the Invitation, and in particular to its obligations thereunder.

¹ Except for official and authenticated certificates of Israeli corporations submitted in Hebrew, certificates of incorporation and minutes of incorporation provided by a Participating Entity in any language other than English should be accompanied by a translation to English and a notarized statement of translation.

- 7.2. The Participating Entity acknowledges and accepts the provisions of Section 9.8 (Reservation of Rights) of the Invitation, and without derogating from the generality of the provisions thereof, understand that the submission of this Pre-Qualification Submission shall not be deemed in any way to create an obligation on the part of the Tender Committee to announce the Participant's compliance (or the compliance of any of its Members, Guarantors or Experience Providers) with the Pre-Qualification Requirements; that the Tender Committee has the right to reject, as it deems appropriate, the Pre-Qualification Submission submitted by the Participant; and that the Tender Committee has the right, as it deems appropriate, to annul the Pre-Qualification Process and to reject all Pre-Qualification Submissions at any time, all in accordance with the provisions of the Invitation.
- 7.3. The Participating Entity hereby warrants and represents that it complies and satisfies all of the requirements stipulated in Sections 3.5.1-3.5.7 of the Invitation;
- 7.4. The Participating Entity has not, directly or indirectly, induced or solicited any other Participating Entity to put in a false or sham Pre-Qualification Submission, and has not by itself, or directly or indirectly, colluded, arranged or agreed with any other Participating Entity to secure any advantage against any other Participant, or to secure any advantage against the Tender Committee or GoI or anyone interested in the Project;
- 7.5. The Participating Entity participates in the Pre-Qualification Process only within this Pre-Qualification Submission; and any incorporated Entity which exercises Control over the Participating Entity, any incorporated Entity under the common Control thereof, and any incorporated Entity Controlled thereby, does not participate in the Pre-Qualification Process except within this Pre-Qualification Submission. For purpose of the foregoing, the term Entity shall mean: any corporation, company partnership, recognized by law within its domicile, **including** individuals;
- 7.6. To the best of the Participating Entity's knowledge, and with respect to those parts of the Pre-Qualification Submission concerned with the Participating Entity:
 - 7.6.1. The Pre-Qualification Submission submitted by the Participant is not made in the interest of, or on behalf of, any undisclosed person, corporation, company, voluntary association, partnership, trust, or unincorporated association;
 - 7.6.2. The Pre-Qualification Submission is genuine and not collusive or a sham; and
 - 7.6.3. All the information contained in the Pre-Qualification Submission is true, accurate, complete and current as of the Pre-Qualification Submission Date.
8. If the Participating Entity is an Experience Provider (whether it is also a Member or a Guarantor, or not) it shall also complete, execute and submit Attachment "A" to this Pre-Qualification Form "2".
9. If the Participating Entity is a Guarantor (whether it is also a Member or an Experience Provider, or not) it shall also complete, execute and submit Attachment "B" to this Pre-Qualification Form "2".

10. This Pre-Qualification Submission shall be governed and construed in accordance with the provisions of all applicable Laws.

11. The applicable courts in Jerusalem shall have the sole jurisdiction over all matters and all disputes arising in connection with this Pre-Qualification Submission.

Faithfully yours,

Date

Stamp and Signature

I, _____, the undersigned, hereby confirm that on _____ [date], _____ [name], Israeli I.D. number _____ / _____ [country] Passport number _____, who is authorized to sign on behalf of _____, and to commit it for purposes of the above stated Pre-Qualification Form, for all purposes and intents, appeared before me, and after being cautioned that he/she is required to state the truth, and that if he/she fails to do so he/she shall be liable to the punishments prescribed by Law, signed this statement in my presence.

Name: _____

Stamp and Signature: _____

Date: _____

Attorney

ATTACHMENT “A” TO PRE-QUALIFICATION FORM “2”
EXPERIENCE PROVIDER UNDERTAKINGS

(To be completed by each Experience Provider on a separate form)
(Capitalized terms shall have the meaning ascribed to them in the Invitation)

I, the undersigned, _____, hereby issue this undertaking on behalf of _____ regarding its role as Experience Provider (the “**Experience Provider**”) in its performance of the referenced projects presented in demonstration of compliance with the Professional Pre-Qualification Requirements in Sections 4.1 and 4.2 of the Invitation, as part of the Pre-Qualification Submission submitted by _____ (the “**Participant**”).

1. If relying on a Supporting Entity, please complete:

The Experience Provider relied on _____ (the “**Supporting Entity**”) in demonstrating experience in the _____ project [fill in the applicable referenced project], as listed in the relevant Pre-Qualification Form _____ [fill in the applicable Pre-Qualification Form].

- The Supporting Entity is a Parent Company of the Experience Provider.
- The Supporting Entity is a Sister Company of the Experience Provider.
- The Supporting Entity is a Subsidiary held by the Experience Provider, in which the Experience Provider directly held _____% (at least 30%) of the shares, of all partnership interests (as applicable) and of all other Means of Control.

If the Supporting Entity is a Subsidiary which is not a limited liability company SPV:

- All Entities which directly held the Means of Control of the SPV (including the Experience Provider, if applicable) were responsible, jointly and severally, for the execution of the relevant works.
 - The Experience Provider undertakes to serve as the Experience Provider on behalf of the Participant, all in accordance with Sections 4.1 and 4.2 of the Invitation. The Experience Provider hereby warrants and undertakes that it will be responsible for the execution of the respective works for which it was pre-qualified, should the Participant be declared the Successful Bidder, as shall be specified in the Tender Documents.
2. [to be completed by the Experience Provider pursuant to the requirements stipulated in Section 2.3 of Annex 4 (Expected Requirements) of the Invitation]

The Experience Provider undertakes to either serve as the EPC Contractor itself or hold fifty-one percent (51%) or more of all Means of Control in the EPC Contractor, all as will be specified under the Tender Documents.

3. Additional Undertakings

- 4.1 The Experience Provider shall not assign or transfer any of its obligations pursuant to this undertaking without the prior written approval of the Tender Committee.

ATTACHMENT “B” TO PRE-QUALIFICATION FORM “2”
GUARANTOR UNDERTAKINGS

(To be completed by each Guarantor on a separate form)
(Capitalized terms shall have the meaning ascribed to them in the Invitation)

I, _____, the undersigned, am making this affidavit on behalf of _____ (name of Guarantor):

1. The Guarantor [please check the applicable]:

Controls the _____ [name of Member seeking to rely on the Guarantor] (the “**Relying Member**”) by means of _____*;

**Please attach to this Attachment "B", appropriate explanation, attested to by an attorney, demonstrated by applicable documentation, of such Control.*

2. The Guaranteed Portion: _____%.

3. The Relying Member has informed the Guarantor of the Invitation and its participation in the Pre-Qualification Process as a Member of the Participant.

4. The Guarantor hereby requests that its own financial information, which is included in the Pre-Qualification Submission submitted by the Participant, will be taken into account in determination of Relying Member’s compliance with the Financial Pre-Qualification Requirements set forth in Section 5 of the Invitation, instead of or together with such Member’s financial information.

5. The Guarantor shall provide the Tender Committee with any information (including any financial information) which may be required by the Tender Committee at any stage of the Pre-Qualification Process in order to carry out its evaluation of the Pre-Qualification Submission.

6. In the event the Tender Committee determines that the Pre-Qualification Submission submitted by the Participant complied with the requirements of the Invitation, and the Participant will be announced Eligible Participant and invited to submit a bid in accordance with the provisions of the Tender Documents, the Guarantor hereby undertakes to issue the Tender Committee, within the bid to be submitted (if submitted) by the Participant, with the Member’s and Guarantor’s undertaking that shall be detailed under the Tender Documents.

Unless otherwise defined herein, all the capitalized terms in this Pre-Qualification Form shall have the meaning ascribed thereto under the Invitation.

Faithfully yours,

I, _____, the undersigned, hereby confirm that on _____ [date], _____ [name], Israeli I.D. number _____ / _____ [country] passport number _____, who is authorized to sign on behalf of _____, and to commit it for purposes of the above stated Pre-Qualification Form, for all purposes and intents, appeared before me, and after being cautioned that he/she is required to state the truth, and that if he/she fails to do so he/she shall be liable to the punishments prescribed by Law, signed this statement in my presence.

Name: _____

Stamp and Signature: _____

Date: _____

Attorney

PRE-QUALIFICATION FORM “3”
EXPERIENCE IN CONSTRUCTION

*(To be completed by the Entity demonstrating compliance with the Pre-Qualification Requirement specified in Section 4.1 (Experience in Construction) of the Invitation)
(Capitalized terms shall have the meaning ascribed to them in the Invitation)*

I, _____, the undersigned, am making this affidavit on behalf of _____ (name of Experience Provider):

Project Details	Project			
	“1”	“2”	“3”	“4”
Name of Project				
Description of Project:				
Type of Project	<input type="checkbox"/> Land Transportation Project <input type="checkbox"/> Transportation Project	<input type="checkbox"/> Land Transportation Project <input type="checkbox"/> Transportation Project	<input type="checkbox"/> Land Transportation Project <input type="checkbox"/> Transportation Project	<input type="checkbox"/> Land Transportation Project <input type="checkbox"/> Transportation Project
Location of Project (City and Country)				
Role in the Project	<input type="checkbox"/> Main Contractor	<input type="checkbox"/> Main Contractor	<input type="checkbox"/> Main Contractor	<input type="checkbox"/> Main Contractor
Date of Completion [MM/YYYY]				
Contract Value in the Original Currency [name the currency]				
Relevant Exchange Rate*				
Contract Value in NIS*				
Client Details and Contact Person Information				
Executed by a Supporting Entity	<input type="checkbox"/> Yes: _____ <input type="checkbox"/> No	<input type="checkbox"/> Yes: <input type="checkbox"/> No	<input type="checkbox"/> Yes: _____ <input type="checkbox"/> No	<input type="checkbox"/> Yes: _____ <input type="checkbox"/> No

(*) the relevant exchange rate and the currency conversion (to the extent required), shall be made in accordance with the provisions of Section 6.2.3 (Exchange of Currency) of the Invitation.

Additional Relevant Information:

To the extent the referenced project was executed by a Supporting Entity, please provide details with respect to the Supporting Entity and the connection between such Supporting Entity and the Experience Provider (please include a chart describing the structure of holdings).

Faithfully yours,

Date

Stamp and Signature

I, _____, the undersigned, hereby confirm that on _____ [date], _____ [name], Israeli I.D. number _____ / _____ [country] passport number _____, who is authorized to sign on behalf of _____, and to commit it for purposes of the above stated Pre-Qualification Form, for all purposes and intents, appeared before me, and after being cautioned that he/she is required to state the truth, and that if he/she fails to do so he/she shall be liable to the punishments prescribed by Law, signed this statement in my presence.

Name: _____

Stamp and Signature: _____

Date: _____

Attorney

PRE-QUALIFICATION FORM “4”
EXPERIENCE IN DESIGN AND CONSTRUCTION (DB SCHEME)

*(To be completed by the Entity demonstrating compliance with the Pre-Qualification Requirement specified in Section 4.2 (Experience in Design and Construction (DB Scheme)) of the Invitation)
(Capitalized terms shall have the meaning ascribed to them in the Invitation)*

I, _____, the undersigned, am making this affidavit on behalf of _____ (name of Experience Provider):

Project Details	Project			
	“1”	“2”	“3”	“4”
Name of Project				
Description of Project:				
Type of Project	<input type="checkbox"/> Transportation Project <input type="checkbox"/> Civil Engineering Project	<input type="checkbox"/> Transportation Project <input type="checkbox"/> Civil Engineering Project	<input type="checkbox"/> Transportation Project <input type="checkbox"/> Civil Engineering Project	<input type="checkbox"/> Transportation Project <input type="checkbox"/> Civil Engineering Project
DB Scheme	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
Location of Project (City and Country)				
Role in the Project	<input type="checkbox"/> Main Contractor	<input type="checkbox"/> Main Contractor	<input type="checkbox"/> Main Contractor	<input type="checkbox"/> Main Contractor
Date of Completion [MM/YYYY]				
Contract Value in the Original Currency [name the currency]				
Relevant Exchange Rate*				
Contract Value in NIS*				
Client Details and Contact Person Information				

Project Details	Project				
Executed by Supporting Entity	a	<input type="checkbox"/> Yes: _____ <input type="checkbox"/> No	<input type="checkbox"/> Yes: <input type="checkbox"/> No	<input type="checkbox"/> Yes: _____ <input type="checkbox"/> No	<input type="checkbox"/> Yes: _____ <input type="checkbox"/> No

(*) the relevant exchange rate and the currency conversion (to the extent required), shall be made in accordance with the provisions of Section 6.2.3 (Exchange of Currency) of the Invitation.

Additional Relevant Information:

To the extent the referenced project was executed by a Supporting Entity, please provide details with respect to the Supporting Entity and the connection between such Supporting Entity and the Experience Provider (please include a chart describing the structure of holdings).

Faithfully yours,

_____ Date

_____ Stamp and Signature

I, _____, the undersigned, hereby confirm that on _____ [date], _____ [name], Israeli I.D. number _____ / _____ [country] passport number _____, who is authorized to sign on behalf of _____, and to commit it for purposes of the above stated Pre-Qualification Form, for all purposes and intents, appeared before me, and after being cautioned that he/she is required to state the truth, and that if he/she fails to do so he/she shall be liable to the punishments prescribed by Law, signed this statement in my presence.

Name: _____

Stamp and Signature: _____

Date: _____

Attorney

PRE-QUALIFICATION FORM “5”
FINANCIAL PRE-QUALIFICATION REQUIREMENTS COMPLIANCE

*(To be completed by the CEO or CFO of each Member and Guarantor (as applicable), or by an equivalent position holder thereof, in accordance with Section 5.7 of the Invitation)
(Capitalized terms shall have the meaning ascribed to them in the Invitation)*

I, _____, the undersigned, am making this affidavit on behalf of _____ (name Member) ("**the Member**"):

1. I hold the position of a CEO / CFO / equivalent position: _____ (circle the relevant option) and I am authorized to make this affidavit in the Member's/Guarantor's name and on its behalf.
2. Attached as Annex A is the Member's/Guarantor's relevant Financial Statement(s). The Financial Statement(s) attached comply with all the provisions set forth in Section 5.7 (Content and Submission Form) of the Invitation.*

** Financial Statements in any other language than Hebrew or English will be accompanied by a notarized translation in accordance with the requirements of Section 5.7. שגיאה! מקור ההפניה לא נמצא. (Language of the Pre-Qualification Submission) of the Invitation.*

3. The Member's/Guarantor's most recent and updated Financial Statement(s) are for the fiscal year(s) _____ [the year(s) of most recent financial statements to be completed; For the removal of doubt, such year shall not be earlier than 2021]
4. In accordance with the financial information included in the Financial Statement(s), the Member/Guarantor complies with the relevant Financial Pre-Qualification Requirements, as follows (check applicable):

For a Member/Guarantor which is **not** a Financial Entity according to:

Alternative A
 Alternative B

For a Member/Guarantor which is a Financial Entity according to:

Section 5.3 (applicable for Private Investment Fund)

Section 5.4 (applicable for Banking Corporation or Institutional Investor)

Section 5.5 (applicable for Investment Entity)

Date

Stamp and Signature

I, _____, the undersigned, hereby confirm that on _____ [date], _____ [name], Israeli I.D. number / _____ [country] passport number _____, who is authorized to sign on behalf of _____, and to commit it for purposes of the above stated Pre-Qualification Form, for all purposes and intents, appeared before me, and after being cautioned that he/she is required to state the truth, and that if he/she fails to do so he/she shall be liable to the punishments prescribed by Law, signed this statement in my presence.

Name: _____

Stamp and Signature: _____

Date: _____

Attorney

PRE-QUALIFICATION FORM "5" - ANNEX A

FINANCIAL STATEMENTS

Each Member of the Participant who is not a Financial Entity and each Guarantor is to attach its three (3) most recent audited Financial Statements.

Each Member of the Participant who is a Financial Entity shall attach hereto their most recent audited Financial Statement.

PRE-QUALIFICATION FORM “6”
FORM OF AFFIDAVIT

Each Participating Entity which is incorporated in the State of Israel or registered in the State of Israel as a Foreign Company, as defined under the Companies Law, 1999, shall complete the following affidavit, as required pursuant to the Public Entities Transactions Law, 1976, and shall attach hereto an ascertainment of regular reports or revenues to the tax assessor and the director of V.A.T. in transactions that are taxable under the Value Added Tax Law, 1975.

(Capitalized terms shall have the meaning ascribed to them in the Invitation)

Affidavit

Pursuant to Articles 2b1(a) and 2b(b) of Public Entities Transactions Law, 5736-1976 (hereinafter: **“Public Entities Transactions Law”**):

I the undersigned _____ [Declarant’s Full Name], bearer of _____ [Country] passport/Israeli I.D. no. _____, having been forewarned that I am to declare the truth and that I will be subject to the penalties imposed by law if I do not do so, hereby affirm in writing as follows:

1. I am authorized to make this affidavit on behalf of _____ (hereinafter: the [check the applicable] Participant / Member / Experience Provider / Guarantor) (hereinafter: the **“Stating Entity”**) by the authorization of the company;
2. The terms and phrases in this affidavit are in accordance with their meaning as ascribed in the Invitation, and the Public Entities Transactions Law.
3. I hereby declare that the Stating Entity is in compliance with the following [check the applicable]:
 - Neither the Stating Entity nor its affiliates* have been convicted of more than two (2) offences under the Minimum Wage Law, 5747-1987 or the Foreign Workers Law, 5751-1991 (*affiliate for the purpose of this Affidavit, shall have the meaning ascribed thereto in the Public Entities Transactions Law).
 - The Stating Entity or its affiliates have been convicted of more than two (2) offences, however at the Pre-Qualification Submission Date at least one (1) year has elapsed since the last conviction date.
4. I hereby declare that the Stating Entity is in compliance with the following [check the applicable]:
 - Alternative A – The provisions of Article 9 of the Equal Rights for People with Disabilities Law, 5758-1998 (**“Equal Rights Law”**) do not apply to the Stating Entity.
 - Alternative B – The provisions of Article 9 of the Equal Rights Law apply to the Stating Entity and it is in compliance with them, and the following applies [check the applicable]:
 - The Stating Entity does not employ over 100 employees;

