



THE STATE OF ISRAEL

MINISTRY OF FINANCE MINISTRY OF ENERGY THE WATER AUTHORITY

MEKOROT WATER COMPANY

THROUGH THE INTER-MINISTERIAL TENDER COMMITTEE

December 29th, 2024

The Pre-Qualification Participants

Re: Invitation for Pre-Qualification

The Enhanced Treatment Facility (ETF) of Shafdan WWTP Effluent

Addendum PQ no.5

1. Pursuant to the Invitation for Pre-Qualification published on August 15th, 2024, and in accordance with the provisions thereof, the attention of all the Participants is drawn to **Appendix "I"** attached herein.
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, by a written notice to the Tender Committee, in the format attached herein as **Appendix "II"**.

Respectfully Yours,

A handwritten signature in blue ink, consisting of a stylized, cursive 'G' followed by a series of loops and a final flourish.

Gal Lando

Chairman of the Tender Committee

CC: Members of the Tender Committee

APPENDIX "I"

ADDENDUM PQ NO.5 - December 29th, 2024

**AMENDMENTS, CLARIFICATIONS AND
MODIFICATIONS TO THE INVITATION FOR
PRE-QUALIFICATION**

#	Amendments / Clarifications / Modifications	Section
1.	Attached as <u>Annexes 1, 2 & 3</u> herein please find the updated Invitation and the PQ-Forms (also in WORD format).	2.5(a)
2.	<p>(i) The Tender Committee has reconsidered its response to Addendum no.2 Clarification no.3, and has decided to postpone the requirement to present a Process Expert so that the Process Expert shall be presented (only) by the Eligible Participants.</p> <p>The submission of the Process Expert to the approval of the Tender Committee will be after the declaration of the Eligible Participants and prior to the submission of the bids, at an exact stage as will be determined by the Tender Committee and in accordance with the instructions to be set by the Tender Committee.</p> <p>(ii) Nevertheless, please note that this Addendum contains various clarifications and amendments with respect to the Pre-Qualification Requirements relating to the Process Expert.</p> <p>(iii) Section 3.4.1(a)(i) of the Invitation - shall be deleted.</p> <p>(iv) In Section 3.4.1 of the Invitation, a new Sub-section (a1) shall be included:</p> <p><u>"The attention of the Participants is drawn to the fact that the Eligible Participants (as declared under this Pre-Qualification Process) will be required to present a Process Expert which shall comply with the Pre-Qualification Requirements detailed in Section 5.1 (Process Expert).</u></p> <p><u>The submission of the Process Expert to the approval of the Tender Committee will be after the declaration of the Eligible Participants and prior to the submission of the bids, at an exact stage as will be determined by the Tender Committee and in accordance with the instructions to be set by the Tender Committee.</u></p> <p><u>The Process Expert will also be considered an Experience Provider and will be subject to the provisions of this Invitation and the Tender Documents relating to Experience Providers."</u></p>	3.4.1, 5.1

	<p>(v) Section 5(a)(i) of the Invitation shall be amended as follows: "all of the professional pre-qualification requirements detailed in Section 5.1 (Process Expert), Section 5.2 (Design & Build Expert), and if relevant - also Section 5.3 (EPC Expert); and"</p> <p>(vi) In Section 5 of the Invitation, a new Sub-section (a1) shall be included: <u>"The attention of the Participants is drawn to the fact that the Eligible Participants (as declared under this Pre-Qualification Process) will be required to present a Process Expert which shall comply with the Pre-Qualification Requirements detailed in Section 5.1 (Process Expert).</u> <u>The submission of the Process Expert to the approval of the Tender Committee will be after the declaration of the Eligible Participants and prior to the submission of the bids, at an exact stage as will be determined by the Tender Committee and in accordance with the instructions to be set by the Tender Committee."</u></p> <p>(vii) Section 5(d) shall be amended as follows: "For the removal of doubt, the same Entity may act as the <u>(future)</u> Process Expert and DB Expert, or as the <u>(future)</u> Process Expert and EPC Expert, provided that it meets all of the relevant conditions relating to such Experience Providers."</p> <p>(viii) Section 5.1.1 a new paragraph shall be included: <u>"The attention of all Participants is drawn to the fact that the Eligible Participants will be required to present a Process Expert which complies with the following requirements:</u> a. The <u>Eligible Participant will be</u> is required to demonstrate that either it, or one of its Members, one of its Major Subcontractors or an Experience Provider (the "Process Expert"), has performed the Process Design, and was involved in the supervision of the construction, commissioning and acceptance tests, of all of the following facilities:..."</p> <p>(ix) Section 5.1.3 of the Invitation - shall be deleted. Participants are not required to submit PQ-Forms "E", "F" and "G" relating to the Process Expert within their Pre-Qualification Submissions.</p> <p>(x) The definition "Participating Entity" shall be amended as follows: "Shall mean the Participant, any Member of the Participant, any Guarantor, the <u>(future)</u> Process Expert, the DB Expert, the EPC Expert (if relevant), the (future) O&M Expert, and any other Major Subcontractor."</p> <p>(xi) The definition "Process Expert" shall be amended as follows:</p>	
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		"Shall mean the Entity which <u>will</u> demonstrated compliance with the Pre-Qualification Requirement detailed in Section שגיאה! מקור ההפניה לא נמצא. of this Invitation."	
3.	Q:	The Tender Committee was requested to confirm that a fully owned (100%) Israeli subsidiary of an international company (the "Parent") will be able to demonstrate its compliance with the Pre-Qualification requirements in respect of the Process Expert by relying on qualified projects which were undertaken by the Parent or other entities controlled by the Parent. The Parent company will be committed to fully support the Israeli subsidiary in its role in the Project and will mobilize its experienced personnel to be directly involved in the Project.	5.1.1
	A:	Rejected.	
4.	Q:	The Tender Committee was requested to allow the Process Expert to rely on a referenced project which was executed by an Entity which is fully owned by the Process Expert.	5.1.1
	A:	Rejected.	
5.	Q:	The Tender Committee was requested to confirm that in order to demonstrate its compliance with the Pre-Qualification requirements under Section 5.1.1, the Process Expert will be entitled to rely on references of qualified projects that were executed, prior to an acquisition, by a subsidiary company which is now fully owned (100%) by the Process Expert.	5.1.1
	A:	Assuming that under this question the acquired company is (still) a separately incorporated company (although fully (100%) held by Process Expert) - rejected.	

6.	Q:	<p>The Tender Committee was requested to allow the Participants to demonstrate the experience through two Experience Providers, whereby one Experience Provider will demonstrate compliance with the requirements set out in (1), (3) and (4) and another Experience Provider will demonstrate compliance with the MBR technology:</p> <p>"Alternatively, the Participant may present an Experience Provider demonstrating compliance (only) with (i) the requirements under Sub-sections (1), (2) and (4) above, <u>or the requirements under Sub-sections (1), (3) and (4) above, and another Experience Provider demonstrating compliance with the requirement under (a) Sub-section (3) above; or (2), as applicable.</u> Under this alternative, the Experience Provider demonstrating compliance with Sub-sections (1), (2) and (4) <u>or (1), (3) and (4)</u> shall actually perform and supply the process design of the Facility and will be solely responsible for the process design (as provided in Section 5.1.4 below), and the other Experience Provider shall perform as its subcontractor."</p>	5.1.1(a)
	A:	Rejected.	
7.	Q:	<p>The Tender Committee was requested to apply the alternative added to Section 5.1.1(a) to the Invitation under clarification no.7 to Addendum no.2 to all of the requirements set forth under Sub-sections (1)-(4) therein. Accordingly, the ultimate paragraph added to Section 5.1.1.(a) shall read as follows:</p> <p>"Alternatively, the Participant may present an Experience Provider demonstrating compliance with (only) three out of the four requirements stipulated under Sub-sections (1)-(4) above, and another Experience Provider demonstrating compliance with the remaining requirement under Subsections (1)-(4) above. Under this alternative, the Experience Provider demonstrating compliance with three out of the four requirements stipulated under Sub-sections (1)-(4) shall actually perform and supply the process design of the Facility and will be solely responsible for the process design (as provided in Section 5.1.4 below), and the other Experience Provider shall perform as its subcontractor."</p>	5.1.1(a)
	A:	Rejected.	

8.	Q:	The Tender Committee was requested to allow Participants to demonstrate compliance with an effluent treatment facility or WWTP which is based on MBR technology with design treatment capacity of not less than 24,000 m ³ /day (instead of the 30,000 m ³ /day currently required).	5.1.1(a)(2)
	A:	Rejected.	
9.	Q:	The Tender Committee was kindly requested to reduce the design treatment capacity required in sub-section 5.1.1(a)(3) (Ozonation), from 35,000 m ³ /day to 30,000 m ³ /day.	5.1.1(a)(3)
	A:	Confirmed. Section 5.1.1(a)(3) shall be amended as follows: "water or effluent treatment facility(ies) (one or two), which is based on Ozonation technology, with accumulated design treatment capacity of not less than <u>30,000</u> 35,000 m ³ /day;..."	
10.	Q:	The Tender Committee was requested to reduce the treatment capacity required in sub-section 5.1.1(a)(4) (UV), from 35,000 m ³ /day to 30,000 m ³ /day.	5.1.1(a)(4)
	A:	Confirmed. Section 5.1.1(a)(4) shall be amended as follows: "water or effluent treatment facility(ies) (one or two), which is based on UV technology, with accumulated design treatment capacity of not less than <u>30,000</u> 35,000 m ³ /day..."	
11.	Q:	Following the amendments made to Section 5.1.1(a), the Tender Committee was requested to confirm that both Experience Providers (the Process Expert and its subcontractors) shall fill in PQ Forms E, F, G on separate forms.	5.1.1(a), PQ-Forms E, F, G
	A:	Confirmed.	
12.	Q:	For the sake of clarity, in the 1 st paragraph of Section 5.2.1 of the Invitation, the Tender Committee was requested to replace the words "up to two water, effluent and/or waste water treatment facilities" by "either one or two water, effluent and/or waste water treatment facilities".	5.2.1

	A:	Confirmed. Section 5.2.1 shall be amended as follows: "The Participant is required to demonstrate that either it, one of its Members, one of its Major Subcontractors or an Experience Provider (The "DB Expert"), was responsible for the General Design (as such term is defined in <u>Appendix "A"</u> , and not necessarily including Process Design) and has constructed and commissioned, as the Main Contractor, up to either one or two (2) water, effluent and/or wastewater treatment facilities, with accumulated design production capacity of not less than <u>65,000</u> 70,000 m ³ /day..."	
13.	Q:	The Tender Committee is kindly requested to: (i) reinstate the original requirement under the 1 st paragraph in Section 5.2.1 to the Invitation, to allow the Participants to demonstrate compliance with the requirement under Section 5.2.1 by presentation of "... at least two (2)... of not less than 70,000 m ³ /day..."; or alternatively - (ii) allow the Participants to demonstrate compliance with the requirement under Section 5.2.1 by presentation of "... up to three (3)..." or alternatively - (iii) allow the Participants to demonstrate compliance with the requirement under Section 5.2.1 by presentation of "... up to two (2)... of not less than 65,000 m ³ /day".	5.2.1
	A:	See Clarification no.12 above.	
14.	Q:	Regarding the requirement that the DB Expert holds at least 30% of the EPC Contractor for participants to qualify under the EPC Expert criteria - the Tender Committee was requested to amend Section 5.2.4(b) so that the DB Expert will be required to fulfill the qualification requirements as detailed in section 5.2.1 only (meaning without the requirements of 5.3). This flexibility would allow Participants to retain the technical expertise and experience of the DB Expert, even if the DB Expert hesitates to hold ownership in an Israeli EPC entity.	5.2.4(b)

	A:	<p>The question is unclear.</p> <p>There are two alternatives under Sections 5.2.4 and 5.3.1 of the Invitation:</p> <p>(i) the DB Expert will hold (at least) 30% of the EPC Contractor;</p> <p>or -</p> <p>(ii) the DB Expert will not have holdings in the EPC Contractor (but rather be a subcontractor of the EPC Contractor). In this case, the Participant is required to present another entity which will comply with the requirements of Section 5.3 and will hold (at least) 30% of the EPC Contractor.</p>	
15.	Q:	<p>In addition to the existing experience requirements as set under Section 5.4.1.1, the Tender Committee was requested to include the following alternative:</p> <p>"The O&M Expert has operated and maintained, during a period of thirty six (36) continues months within the period commencing on 1st January 2012 and ending upon the date of its submission for approval - up to four (4) water, effluent or wastewater treatment facilities, with accumulated design production capacity of not less than 60,000 m³/day; of which at least one (1) facility was of a design production capacity of not less than 20,000 m³/day and while all facilities demonstrated were desalination facilities based on membranes technology or Tertiary WWTP or MBR based treatment facility."</p>	5.4, 5.4.1.1
	A:	Rejected.	
16.	Q:	<p>The Tender Committee was requested to allow the O&M Expert to be a subcontractor of the O&M Contractor, having responsibility for their role and the works executed by them (but not requiring it to have holdings in the O&M Contractor).</p>	5.4.3
	A:	Rejected.	
17.	Q:	<p>The Tender Committee was requested to approve that with respect to the Experience Providers, a signed scanned copy of the relevant PQ-Forms can be submitted as part of the original copy.</p>	6.4, 6.7
	A:	Confirmed.	
18.	Q:	<p>Since the Invitation does not include any definition of the Israeli Representative nor any details regarding the scope of its role and powers, the Tender Committee is kindly requested to remove Section 5 of PQ-Form "E", or alternatively to replace by "Authorized Representative".</p>	PQ-Form E - Section 5

	A:	Section 5 of PQ-Form relates to Israeli company(ies) which generally represents the foreign Entity, and not to the Authorized Representative for purposes of the Invitation. If this section is not relevant, it could be left blank.	
19.	Q:	The Tender Committee was requested to clarify what foreign Process Expert should fill-in under the first line in Section 2.2.3 of PQ-Form "F" (classifications).	PQ-Form F - Section 2.2.3
	A:	This line relates to registration at the Registry of Contractors under the Israeli law and/or any foreign law applicable to the Process Expert, if any, and/or any other professional registration certifications required by the Israeli law and/or any foreign law applicable to the Process Expert, if any.	
20.	Q:	The Tender Committee was requested to confirm that: (i) the Participant alone is required to complete and submit PQ-Form "L"; or alternatively - (ii) within the PQ Submission - the Participant alone is required to complete and submit PQ-Form "L", and the submission of Form "L" for Entities (or individual) which exercises Control over the Participant, directors and office holders (including individuals) - shall be postponed to the Tender Stage.	7.7(b), PQ-Form L

	<p>A: (i) Section 7.7(a) shall be amended as follows:</p> <p>"Without derogating from the rights reserved by the Tender Committee in accordance with this Invitation or any Law, in the event that the Participant, <u>a Member</u>, an Entity which exercises Control over the Participant <u>or over a Member</u>, or directors or office holders of the Participant <u>or of a Member</u> (including individuals), has been convicted of an Offence, <u>or there is a pending criminal case (investigation or indictment) with respect to an Offence against it</u>, and the Tender Committee determines, at its sole discretion, that such Offence (or conviction <u>or criminal case</u>) might result in a material or adverse change in its business; or is concerning grave professional misconduct; or is concerning fraud and breach of faith; or effects its integrity and/or credibility; the Tender Committee reserves its right to exercise any of its authorities pursuant to this invitation and the Law, including to disqualify the Participant from participating in the Pre-Qualification Process or to impose further restrictions with respect to its participation in the Pre-Qualification Process and/or the tender process, as the Tender Committee shall deem fit."</p> <p>(ii) Notwithstanding Section 7.7(b) of the Invitation, on the Pre-Qualification Submission Date, only PQ-Form "L" relating to the Participant should be submitted. The other PQ-Forms "L", relating to all the other entities - shall be submitted no later than <u>February 27th, 2025</u>, by e-mail: <u>PPP-SHAFDAN.ETF@inbal.co.il</u> (with a copy to: <u>Michals@lipameir.co.il</u>).</p>	
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APPENDIX "II"

ACKNOWLEDGEMENT OF RECEIPT

Date: _____

To
Mr. Gal Lando
Chairman of the Tender Committee

Co./ Liana Tsur
Coordinator of the Tender Committee
E-mail: PPP-SHAFDAN.ETF@inbal.co.il

Re: Invitation for Pre-Qualification

The Enhanced Treatment Facility (ETF) of Shafdan WWTP Effluent

Addendum PQ no.5

Pursuant to the Invitation and in accordance with the provisions thereof, we hereby acknowledge receipt of this Addendum.

(name of Participant and signature of the Authorized Representative)

Cc: Adv. Michal Schwartz, Lipa Meir & Co.
E-mail: Michals@lipameir.co.il