

July 15, 2024
#2489324

To:
All Bidders

Tender No. 303/2024 for Design Consulting Services (the “Tender”)

Addendum No. 2

1. Pursuant to the Invitation to Bid issued on June 4, 2024 (the “**ITB**”) and in accordance with the provisions thereof, the attention of all Bidders is drawn to the clarifications attached as **Annex A** hereto.
2. The issuance of this Addendum does not derogate from any of NTA’s or the Tender Committee’s rights and prerogatives under the Tender Documents or Law.
3. **The Bidders are hereby notified that the Tender Committee has instructed changes to the Anticipated Schedule – Bid Submission Date, as detailed in Section 1 of Annex A below. The updated date for the Bid Submissions shall be on: August 1, 2024.**
4. **Acknowledgement of Receipt.** Each Bidder is kindly requested to acknowledge receipt of this Addendum no later than two (2) Business Days following receipt thereof, via email reply.
5. All capitalized terms used and not defined herein shall have the meaning ascribed to such terms in the Tender Documents.

Respectfully Yours,

NTA – Metropolitan Mass Transit System

Annex

Tender Documents; Clarifications					
Item No.	Q/A	Questions and Answers	Reference		
1.		Please amend Section 1.4 (<i>Anticipated Schedule for Tender Process</i>) as follows: <table><tr><td>Bid Submission Date</td><td> 25.7.2024, <u>1.8.2024</u> by no later than 14:00 (Israel standard time) </td></tr></table>	Bid Submission Date	25.7.2024, <u>1.8.2024</u> by no later than 14:00 (Israel standard time)	Volume 1 Invitation to Bid; Section 1.4 (<i>Anticipated Schedule for Tender Process</i>)
Bid Submission Date	25.7.2024, <u>1.8.2024</u> by no later than 14:00 (Israel standard time)				
2.		Please amend the Definition “Project(s)”, under Section 1.1.20 as follows: “Project(s)” means any of the projects promoted by the Owner, including but not limited to the Tel Aviv Metropolitan Light Rail Transit (and any extension thereof) and Metro Lines, <u>and including any facilities under the Owner’s management.</u>	Volume 2 – Services Agreement; Section 1.1.20 (Definitions)		

Tender Documents; Clarifications			
Item No.	Q/A	Questions and Answers	Reference
3.		Please <u>add</u> the following (NEW) Sections 2.2.7 and 3.1.13 to Appendix 1 (Scope of Services) of the Agreement: <u>“2.2.7. General and Comprehensive energy efficiency consulting (“Energy Efficiency Consulting”) regarding the various disciplines of the Owner’s Project(s).”</u> <u>“3.1.13. The Consultant will deliver Services to the Owner focused on Energy Efficiency in both current and upcoming rail systems, and the Owner’s Project(s). This includes exploring, designing and design-reviewing of alternatives regarding electricity production and energy storage solutions.</u>	Volume 2, Services Agreement; Appendix 1 (Scope of Services); Section 2.2.7 and 3.1.13
4.	Q	The Tender Committee is requested to confirm that Bidders who are currently involved directly or indirectly in the Owner’s LRT project as sub-consultant may participate in this Tender.	Volume 1 (Invitation to Bid); Section 5.2 (Advisors to the Tender Committee)

Tender Documents; Clarifications			
Item No.	Q/A	Questions and Answers	Reference
	A	Confirmed. It is clarified that if a Bidder who is currently providing consultancy services to NTA, directly or indirectly, within another LRT project is selected as the Successful Bidder within this Tender (the “Consultant”), the Tender Committee reserves the right to impose restrictions and/ or conditions on the Consultant, whether as preconditions for the execution of the Agreement, and/or regarding the Scope of Services, and/or as part of specific tasks or assignments to be executed by the Consultant (including restrictions concerning the employment of specific personal). Any conduct in this matter shall be pursuant to the Law, including concerning conflicts of interest in executing the services.	
5.	Q	Please confirm that a company which is currently a sub-consultant to the managers involved in the Metro Lines promoted by the Owner, can participate as a Bidder and be awarded the Services Agreement under this Tender if selected as the Successful Bidder.	Volume 1 (Invitation to Bid); Section 5.2 (Advisors to the Tender Committee)
	A	Confirmed. It is clarified that if a Bidder who is currently a sub-consultant to each of the managers involved in the Metro Lines promoted by the Owner, is selected as the Successful Bidder within this Tender (the “Consultant”), the Tender Committee reserves the right to impose restrictions and/or conditions on the Consultant, whether as preconditions for the execution of the Agreement, and/or regarding the Scope of Services, and/or as part of specific tasks or assignments to be executed by the Consultant (including restrictions concerning the employment of specific personal). Any conduct in this matter shall be pursuant to the Law, including concerning conflicts of interest in executing the services.	

Tender Documents; Clarifications			
Item No.	Q/A	Questions and Answers	Reference
6.	Q	The Tender Committee is requested to clarify whether the Consultant awarded the Services Agreement within this Tender, shall be able to participate in future design-build tenders issued by the Tender Committee regarding the Metro, without conflict of interest.	Volume 2 (Services Agreement); Section 10 (No Conflict of Interest)
	A	The Tender Committee hereby clarifies, in regards to the provisions of Section 10.3 of the Agreement, the Consultant is not prevented from participating in future design-build tenders and may be declared as a successful bidder (subject to its compliance with all the relevant future tender requirements). The Tender Committee reserves the right to impose restrictions and conditions on the Consultant regarding any existing and future engagements and services to be provided. Any conduct in this matter shall be pursuant to the Law, including concerning conflicts of interest in executing the services.	
7.	Q	Please clarify whether a certified financial statement from a Swiss auditor may also be recognized.	Volume 1- part 1- ITB -1 Definitions
	A	The Bidder's Certified Financial Statements shall comply with the accounting standard specified in the Tender Documents. The Bidder may demonstrate that its Financial Statements, audited in accordance with a different accounting standard (other than specified in the Tender Document), comply with the Tender requirements by providing a CPA's approval detailing the auditing standard and ensuring there are no differences between them and the required standards in the Tender Documents.	
8.	Q	The Tender Committee is kindly requested to provide Word Document versions of the Tender Forms.	Volume 1, ITB (Tender Forms)
	A	The Request is rejected.	

Tender Documents; Clarifications			
Item No.	Q/A	Questions and Answers	Reference
9.	Q	The Tender Committee is kindly requested to include the suggested wording: “The maximum amount of damages payable by either Party to the other in respect of any and all liability, including liability arising from negligence, or in connection with the Agreement shall not exceed the total fee payable by the client under this tender.”	Volume 2, Part V, Section 5.3.2.
	A	The request is rejected. Notwithstanding the foregoing, the Tender Committee clarifies that the maximum amount of compensation specified under Section 5.3.2 of the Agreement does not reflect the cumulative fee payable to Consultant under the Agreement, which is expected to be higher, according to preliminary estimates of the Tender Committee at this time. This clarification shall not derogate from the Tender Committee’s right under Section 3.2.5 of the Agreement providing no obligation to assign a minimal scope /amount of Tasks to the Consultant during the Term of this Agreement.	