

# NTA - Metropolitan Mass Transit System Ltd, Israel

## Public Tender No. 0016/2014

### For the Construction of Carlebach Interchange Station

1. **NTA - Metropolitan Mass Transit System Ltd. ("NTA")** is an Israeli government owned company in charge of the implementation of the mass transit system in the Tel Aviv metropolitan area ("**The Project**").
2. As part of the Project, NTA is in charge of the implementation of the "**Red Line**" from Bat Yam through Tel Aviv, Ramat Gan, Beni Brak to Petah Tikva, over a length of 23 km, approximately 11 km of which is underground.
3. NTA hereby invites local and foreign entities to participate in a public tender for the selection of a qualified contractor for the construction of the **Carlebach Interchange Station** including a vehicle underpass and all other works detailed in the Tender Documents.
4. **General Description of Carlebach Interchange Station**  
Carlebach Station is a three-level underground station located beneath a major urban street in the municipality of Tel Aviv that will be the interchange station between the Red Line and the future Green Line. The main structure is approximately 250.00 m long, 24.00 m wide and 25.00 to 27.00 m deep. In addition, the station works also includes two passenger entrances (plus provision for a third passenger entrance), separate vehicle and pedestrian underpasses, involves the demolition of an overhead bridge, as well as the construction of various external underground shafts that connect the station to the surface for ventilation and other functions.
5. **General Description of Threshold Requirements** - Bidders must fulfil the accumulative General, Technical and Financial Threshold Requirements:
 

**General Threshold Requirements:**

  - 5.1 **Public Entities Transactions Law, 5736 – 1976** (shall apply upon local entities and registered foreign companies) -
    - (a) Holds all relevant approvals pursuant to the **Public Entities Transactions Law**, testifying to proper bookkeeping practices, in accordance with the **Income Tax Ordinance and the Value Added Tax Law, 5736 – 1975**; and
    - (b) Meets the requirements under Article 2B of the Public Entities Transactions Law regarding lawful employment of foreign workers and payment of minimum wages
  - 5.2 **Tender Security** – the submission of a Bank Guarantee issued by an Israeli Bank in the amount of fifteen (15) million NIS, all as further detailed under **Volume 1 (Instructions to Bidders) ("ITB")**.

**Technical Threshold Requirements:**

  - 5.3 **Construction of Underground Structures Experience:**  
The Bidder, or in the event of a JV or NewCo – the Lead Member, has gained experience, as a Main Contractor, in the construction of at least two (2) Underground Structures, out of which at least one (1) Underground Structure is a (light or heavy) railway station box which have been Completed after 1.1.2004 and before the Submission Date, all as further detailed and stipulated under **Volume 1 Part III (Threshold Requirements)**.
  - 5.4 **Registration and Classifications of Contractors:**  
The Bidder or the Lead Member or Related Entity (as applicable) that demonstrated the Threshold Requirement under Clause 5.3 (Construction of Underground Structures Experience), shall be:
    - (a) A "registered contractor" pursuant to the **Registration of Contractors for Construction Engineering Works Law, 5729-1969**, having both of the following classifications:
      - i. field 100 (construction), classification C-5 [100 5-]; and
      - ii. field 300 (bridges), classification C-5 (unlimited) [300 5-].
    - (b) A "certified contractor for performing governmental works" for each of the fields and classifications required under the aforesaid limbs (a) and (a)ii as certified by the inter-ministerial committee. Notwithstanding the foregoing, in the event that the Bidder or Lead Member or Related Entity (as applicable) demonstrating the experience under Clause 5.3 (Construction of Underground Structures Experience) is not incorporated in Israel, the abovementioned classifications shall not apply with respect thereto at Tender stage, provided, however, that in the event of a Successful Bid the Bidder shall be required, at a later stage, to obtain an exemption in accordance with the provisions of the **Registration of Contractors for Construction Engineering Works Law, 5729-1969**.

**Financial Threshold Requirements:**

  - 5.5 **Weighted Average Annual Turnover** - A Bidder is required to have a Weighted Average Annual Turnover ("**Weighted Turnover**") of at least two hundred and forty million (240,000,000) NIS (or the equivalent thereof) calculated based on the values stated in its three (3) latest audited annual financial statements ("**Financial Statements**"), all as further detailed under **Part III**.
  - 5.6 **Weighted Average Annual Cash Flow from Operating Activities** - The Weighted Average Annual Cash Flow from operating activities during the respective years of the Financial Statements ("**the Weighted Average Annual Cash Flow**") of the Bidder, or should the Bidder be a JV or NewCo, of any Participating Entity thereof, is positive.
  - 5.7 **Equity** - A Bidder is required to demonstrate an Equity of at least seventy million (70,000,000) NIS (or the equivalent thereof). For the removal of doubt Equity in this sub-clause 3.4 shall mean Equity excluding minority interests, all as further detailed under **Part III**.
  - 5.8 The Bidder, or should the Bidder be a JV or NewCo, each Participating Entity thereof, is not under any voluntary or involuntary bankruptcy process (liquidation or reorganization), or receivership or commencement of a similar insolvency proceeding, and the Bidder's last audited annual financial statement does not include any Going Concern notice. The conditions of this Clause 5.8 shall remain true and valid throughout the term of the Tender, until the selection of the Contractor(s), all as further detailed under **Part III**.
  6. **A mandatory Bidders' Conference**, participation at which is a condition precedent for the submission of a Bid, shall be convened on 15.12.2014. Bidders who shall submit the "Registration of Bidders to attend the Bidders' Conference" form referred to hereunder, shall be further notified of the location and time for the Bidders' Conference at a later date. Any entity who wishes to participate in the Bidders' Conference shall confirm its participation by no later than fourteen (14) days prior to the date set forth in this Clause 6 by submitting the said form, which is available at NTA's website: <http://www.nta.co.il>. Such entity shall indicate the names of the delegates to participate at the Bidders' Conference on its behalf and send the form to the Tender Mailbox address at: [tender0016\\_2014@nta.co.il](mailto:tender0016_2014@nta.co.il). It is hereby emphasized that a delegate may represent only one entity.
  7. **Participation Fee** – the sum of 5,000 NIS shall be paid by no later than Submission Date in accordance with the provisions set forth in the ITB. Volume 1 Parts I, II (BDS) and III (Threshold requirements) will be available for review and download from NTA's website as of 12.11.2014 without charge. After NTA confirms the Participation Fee has been paid the respective Bidder shall receive an access code that will allow it to review and download all remaining Tender Documents via NTA's file server at: <http://ftp.nta.co.il> (which will be available as of 12.11.2014).
  8. **Last date for Tenderers requests for Clarifications – 19.1.2015.**
  9. **Submission Date** – the date for the submission of the Proposals is **12.2.2015** by no later than **16:00** (Israel standard time). The Proposals shall be deposited in the designated Tender box located at NTA's offices, as detailed in the ITB.
  10. **Tender Review and Evaluation Process** – the evaluation and the selection of the Successful Bidder shall be determined in three stages: Stage One - Compliance with Threshold Requirements; Stage Two - Technical Score and achievement of defined Minimum Score; and Stage Three - Evaluation of Financial Proposals.
  11. NTA reserves the right to modify, change, annul, and revise any of the provisions and requirements of the Tender and schedules and to conduct clarification meetings with the Bidders or any one or more of them within the framework of the Tender clarifications process, all in accordance with the provisions of the ITB and in accordance with the rights provided under all Laws and Regulations. NTA reserves the right to hold negotiations and a Best and Final stage, all as provided under the ITB.
  12. **Precedence of Tender Documents** - The information provided hereinabove including with respect to the Threshold Requirements and entity and manner by which they should be demonstrated, is partial. Accordingly, Bidders are reminded that they are obliged to comply with all the provisions of the Tender Documents in their entirety. In any event of contradiction between this notice and the contents of the Tender Documents or information not included in the notice but included in the Tender Documents - the contents of the Tender Documents shall prevail over the content of this notice.
  13. Each Bidder will be required to confirm and undertake that it will comply with and fulfil the requirements of the Israeli Ministry of Economy, pursuant to the **Mandatory Tenders Regulations (Mandatory Industrial Cooperation) 5767-2007**, represented by the Industrial Cooperation Authority's ("ICA") with regards to industrial cooperation procurement, all as provided under the Tender Documents and as may be instructed by the ICA.