

## **Clarification No. (1)**

Reference is made to the BDS, Section I – Instruction to Bidders (ITB), Clause 7.  
Clarification of Bidding Document.

**Questions and Responses:**

<b>Project:</b>	<b>Water Security and Resilience Program (SoP1)</b>
<b>Contract Title:</b>	<b>Construction of Water Transmission Pipelines between Main Booster Pump Station to the Regional Water Tank</b>
<b>RFB No.:</b>	<b>PWA/WSRP- SoP1/W02/RFB</b>
<b>Invitation No.:</b>	<b>PWA/WB/2024/020-CTD</b>

**Q.1. Coordination with Israeli authorities “Israeli District Civil Liaison Office Civil Administration Department, the Israeli National Roads Company-Ma’atz-, Nature Reserve Authority, the Israeli Police” for construction works located in Area C it’s contractor responsibilities or Employer (PWA)?**

**A. Contractor /Bidder to consider the following in response to the highlighted inquiry:**

1. Permits: The client has provided the obtained project permit from the Israeli Civil Administration for Area C, as outlined in Volume 6 of the bidding documents.

However, the Contractor is responsible for coordinating with relevant authorities and obtaining any additional permits required for the successful implementation and completion of the project. The associated costs should be included in the Offeror's BOQ unit rates. Additionally, the Contractor must account for the necessary timeframes for obtaining permits from both Palestinian and Israeli authorities in the project schedule, including preparation of required studies and applications. The responsibility for preparing and submitting documents to comply with permit requirements lies solely with the Contractor.

2. Area C Work: For the scope of work in Area C, the Contractor is fully responsible for coordination with the Palestinian General Authority of Civil Affairs, District Civil Liaison Office (DCL), Ma'atz (Israeli National Roads Company), Israeli Police (if necessary), and any other relevant authorities.

This coordination includes obtaining approvals, facilitating the movement of personnel and materials, to insure timely completion of the project works.

**Q.2. We refer to Section IV-Bidding Forms, A. Qualifications, specifically subsection 4.2 (b)i regarding the requirement for specific construction experience. The clause stipulates that bidders must demonstrate successful completion of key activities, including the supply, laying, and commissioning of ductile cast iron potable water or treated wastewater transmission mains of at least 5 km in length and a minimum nominal diameter of 300 mm, within the timeframe from January 1, 2017, to the application submission deadline. Considering the following points:**

- **The Palestinian Water Authority (PWA) has not designed or implemented any ductile iron pipeline projects in recent years, making it challenging for local contractors to meet this specific criterion within the specified timeframe.**
- **Contractors' experience in such activities remains valid and indicative of their capabilities regardless of the period in which the projects were executed.**
- **We respectfully propose that the construction experience period be extended to include projects completed since 2010. This extension would enable contractors to document earlier relevant experience while maintaining the integrity and competitive nature of the qualification process.**

A. This requirement (under 4.2 (b) has been amended to include ductile cast iron or welded steel

The duration also has been amended to be between the 1st of January 2015 and the Bid submission deadline.

Attached amended Specific Construction & Contract Management Experience 4.2.

**Q.3. The contractor has a question regarding the qualification documents (Eligibility and qualification criteria) regarding financial situation and performance point 3.1 (financial capabilities)**

**(i) The Bidder shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirements estimated as USD 2,000,000 for the subject contract(s) net of the Bidder's other commitments.**

**The questions are:**

**3.1. If the contractor waives their right to the advance payment, is it possible for the authority to waive the letter of facilitation mentioned in the above point (i)?**

A. No change to this requirement, the Financial capacity has no direct relation with the advance payment. The financial capabilities criterion 3.1 is required. For Joint Venture (existing or intended) all members combined must meet the requirement as detailed in the bidding documents.

**3.2. Can the contractor issue the letter mentioned in point (i) addressed 'To Whom It May Concern,' without specifying the project's name?**

A. Contractor to adhere to the stipulated requirements, in accordance to the Bidding document Forms. The project should be specified in the Bank financial facilitation letter

**3.3. Can the contractor provide only the financial capabilities of the company from various banks without mentioning the project title?**

A. The Bidder has to adhere to the stipulated requirements, in accordance to the Bidding document Forms. The bidder can submit the required supporting documents and evidences from various banks in case the bidder has many bank accounts. RFB title and number should be mentioned in accordance to the Form Fin 3.1 requirements.

**3.4. In the case of a Joint Venture (JV) contract where one party is a local company and the other is an international entity that has not yet registered in Palestine, can the local company issue the bank guarantee and demonstrate the financial capabilities solely under its name? where the JV team will provide a letter of intent for the JV agreement in the**

**tender documents, along with an authorization letter designating the local company as the leader of the JV?**

A. The Bid Security of a JV shall be in the name of the JV that submits the Bid. If the JV has not been legally constituted into a legally enforceable JV at the time of Bidding, the Bid Security shall be in the names of all future members as named in the letter of intent referred to in ITB 4.1 and ITB 11.6. As per the form of the bid security, the security of a JV must define as “Bidder” all JV partners and list them in the following manner: a joint venture consisting of “\_\_\_\_\_,” “\_\_\_\_\_,” and “\_\_\_\_\_”.

Regarding the financial capabilities, they shall be submitted in accordance with the relevant requirements and post qualification criteria stipulated in the Bidding Documents.

**Q.4. Please clarify the following:**

**4.1. Whether we are allowed to participate in both the Jalameh Salem Tender and the Jalameh Qabtiya tender under the same company name, with the same required technical teams, as well as the same similar completed projects and financial capabilities, in accordance with the tender conditions.**

A. The bidder is allowed to participate in the bidding of both Packages (Package 1 and Package 2) using the same technical requirements as well as the same similar completed projects and financial capabilities in subject to the below awarding methodology of more than one package specified in the post qualification and the Specific Procurement Notices.

“In case more than one package under the Water Security and Resilience Program will be awarded to the same bidder, the bidder whose Bid has been determined to be the Most Advantageous Bid in more than one contract package, shall be required to meet the aggregate/sum of minimum qualification requirements for the respective individual contract packages. References of contracts/ lots submitted for the Specific Construction & Contract Management Experience criteria 4.2 (a), (b) and (c) should not be the same. “

**In that regard**, if a Bidder, with the Most Advantageous Bid in both packages, is not qualified for the combination of the two packages (did not meet the aggregate/sum of the minimum qualification requirements for the respective individual contract package), the Employer/ procuring entity will award any package/ contract that ensures the best combination in terms of cost.

With respect to the specific experience and contract management (Criterion 4.2 (a)) and for the clarification of submitting the required experience and capabilities especially that three works packages has been published (Package 1: PWA/WSRP-SoP 1/W01/RFB, Package 2: PWA/WSRP-SoP 1/W02/RFB and Package 3: PWA/WSRP-SoP 1/W03/RFB), there will be no double counting of the submitted references of contracts/lots unless the reference is a large scale contract and cover the requirements of more than one package. For example:

- A contract valued at 30 million USD shall be deemed acceptable for all three packages collectively.
- A contract valued at 20 million USD shall be deemed acceptable for any two packages.
- A contract valued at 10 million USD shall be deemed acceptable for both lots within Package 3.

Provided that the referenced contract meets the requisite forms of similarity as specified under Criterion 4.2(a)(i).

**In the event that multiple bids are determined to be equally the Most Advantageous Bid, with identical combined technical and financial scores, the financial score shall take precedence and shall serve as the determining factor in the selection and award process.**

**4.2. In the case of a joint venture company, is it permissible to issue the tax invoice from the account of one of the joint venture partners?**

A. The Awarded Bidder shall comply with all the requirements related to the registration of the contracting entity (individual firm or Joint Ventures) as per applicable and adapted procedures in Palestine. The bidder can obtain further information on the issuance of Tax from the Tax department at the Ministry of Finance related to the Joint Venture.

**Q.5. We seek clarification regarding the tender requirement under section 15063 Ductile Cast Iron Pipes par. 1.4:**

**"7- Evidence for local representative or supplier who shall be present in the local market during the past five years at least."**

**5.1. What type of documentation or proof is required to demonstrate the local representative's or supplier's presence in the market for the past five years?**

A. This requirement under section (15063 Ductile Cast Iron Pipes par. 1.4) has been amended and revised as follows:

#### **1.4 Submittals**

The following documents and submittals should be submitted in accordance with the submittals section for engineer approval including:

- 1) Original Catalogues and Technical data sheets containing the details and specifications covering all cast ductile iron pipes, fittings and accessories shall be submitted in accordance with the Submittals Section.
- 2) Valid Product Conformity certificate accredited by an international body confirming that the manufacturer's offered products are according to EN545:2010 and ISO 2531:2009.
- 3) Valid Manufacturer ISO 14001 :2004 certificate for the manufacturing plant – Environment management system.
- 4) Valid ISO Manufacturing References: All ISO 9001: 2015 certifications with a valid 6 months' audit attached should be submitted, which shows that the manufacturer has been given the certificate and is still implementing the ISO requirements. These certificates should be accredited from an international body.
- 5) Potable Water Certification:
  - a) All pipes, coating, and lining materials shall be certified for potable water use and shall contain no ingredients that may migrate into water in amounts that are considered to be toxic or otherwise dangerous for health. The Contractor is prohibited to import or to use any of the "Acrylamide and N-Methylolacrylamide Grouts" or any other toxic or poisonous materials or sub materials used in pipes, kinds of concrete or in soil in any kind of usage.

- b) The contractor is required to submit certificates from reputable third party (Bureau Veritas, Lloyds, SGS, and WRAS) that the components of the network must not be of any way toxic to the water being conveyed. And can be fully used for the distribution of potable water to a temperature up to 50°C. The Certificates should be submitted for the following materials in contact with potable water:

Cement mortar.  
Bituminous paint.  
Epoxy powder.  
EPDM Sealing Rings and Rubber  
Lubricating paste.  
Finishing layer.  
Gaskets.

6) Manufacturer or Representative Authorization Form.

7) Compliance Form.

Please refer to the attached Amendment.

**5.2. Considering that ductile iron pipes do not require sophisticated maintenance, unlike pumps or valves, importing them from international suppliers could ensure competitive pricing. We kindly suggest amending it to allow international suppliers, provided they meet quality standards and offer additional support, such as spare gaskets and fittings to be handed over at project completion.**

A. This requirement has been revised, please refer to the attached Amendment.

**Q.6. Regarding the contractor's participation in more than one bid The information contained in the tender announcement in the newspaper is different from what is present and shown in the tender files (Point 4.3 –Eligible Bidders section 1 - page 10) as we understand from newspaper announcement, its allowed for the contractors to submit for all contracts, but in the point 4.3 mentioned it is not allowed. please clarify?**

A. Please refer to our response to Q. 4 above.

**Q.7. Regarding project management & stuff, since we are planning to submit for the 2 packages. please clarify if it is allowed to submit the same team CVs for the both packages or it should be different?**

A. The Project management and staff CVs for both packages should not be the same for all positions with full time.

**Q.8. Regarding Similar projects, since we are planning to submit for the 2 packages. please clarify if its allowed to submit same similar project details for the both packages or it should be different.**

A. Please refer to our response to Q. 4 above.

**Q.9. Material Catalogues & MDS, please clarify if the material catalogues required for all materials or for major specific items only. (if yes, please send us list for the items required MDS's)**

A. Material Catalogues and MDS, should be prepared and submitted in accordance to Project specifications and requirements.

**Q.10. Section 15063 (DUCTILE CAST IRON PIPES) article 1.4 (Submittals) point #7 is stating that Evidence for local representative or supplier who shall be present in local market during the past five years at least, Please explain.**

A. Please refer to our response to Q. 5 above.

**Q.11. Please clarify if the needed GV-1 PN 16 body material is Bronze/Brass as this product is not available in the local market and costs triple the cost of the standard ductile iron gate Valves.**

A. Please stick to the design specification and requirements, furthermore for the exact valve type (code) please refer to the Valves Schedule drawing No. H-1101-J-001-01/02, H-1101-J-002-02/02

Annexes: Amendment No. (3)