

***Invitation to participate in
a tender, with a pre-
qualification and an
additional competitive
process, for the
performance of civil
engineering work –
construction of oil storage
tanks in EAPC Tank farm in
Ashkelon***



1. **Invitation to participate in a pre-qualification process**

Europe Asia Pipeline Company Ltd. (hereinafter: **"The Company"**) has an oil terminal in Ashkelon which consists of storage tanks.

EAPC intends to build additional storage tanks in its terminal.

EAPC hereby invites contractors to participate in a tender, with a pre-qualification process, and an additional competitive process for the performance of civil engineering work – the construction of storage tanks in the EAPC compound in Ashkelon (hereinafter: **"Work"**) which will include earthworks, concrete and infrastructure development, as detailed in the technical specification to be distributed to all the contractors which pass the pre-qualification stage.

2. **Tender Stages**

2.1. The tender is a tender with a pre-qualification stage and an additional competitive process, as defined in Regulations 17C and 17E of the Tender Requirement Regulations, 5753 - 1993.

2.2. In the first stage, as described in this Invitation, bidders will be invited to submit documents for examining compliance with the threshold conditions and other requirements, as defined below (hereinafter: **"Early Stage"** or **"Pre-Qualification Stage"**).

2.3. In the second stage, the Company will invite all those which are included in the group of bidders which successfully pass the Early Stage, as described above, to submit their bid for the performance of the Work at a date to be specified (hereinafter: **"Bidding Stage"**).

2.4. The Company reserves the right to set additional threshold conditions and quality scoring and additional requirements at the Bidding Stage, even if these were not required at this Early Stage.

2.5. The Company reserves the right, at its sole discretion, to conduct an additional competitive proceeding (Best & Final) in accordance with the conditions to be specified in the Bidding Stage.

A. **Threshold Conditions for Participation in the Pre-Qualification Stage**

3. **General**

A condition for passing the pre-qualification process is the bidder's compliance with all of the threshold conditions listed below.



A bid that does not meet all of the conditions set forth below may be disqualified.

4. Obligation to participate in a contractor tour:

The bidder has an obligation to participate in a contractor tour as a condition for submitting the documents.

The contractor tour will take place on February 1st 2021 at 11:00 (Israeli Time) in the fire department shed in the EAPC compound in Ashkelon. The tour will take place in accordance with EAPC procedures, including according to the safety instructions attached herein as Appendix A to this Invitation.

5. The bidder has proven experience in the performance of earthworks, concrete and infrastructure development in Israel or abroad during the recent 5 years, including at least one project at a scope of US\$ 15 million, which included all the works described in this Section.

If the bidder is a corporation that has been duly incorporated and registered in Israel by the deadline for submission of the documents

6. The bidder is a registered contractor under the Registration of Contractors for Construction Engineering Work Law, 5729 - 1969, in the construction branch (100) in the 5 'א unlimited classification **as well as** in the highway-infrastructure and development branch (200) in the 5 'א unlimited classification as of the deadline for submission of the documents.
7. The bidder is a contractor recognized for governmental work by the recognized contractor administration in the framework of the inter-ministerial committee for the determination of governmental work allocation arrangements, as of the deadline for submission of the documents at the pre-qualification stage, in the following 2 registration branches: A. construction branch (100) in classification 5. B. highway-infrastructure and development branch (200) in classification 5.
8. The bidder is a corporation that has been duly incorporated and duly registered in Israel by the deadline for submission of the documents at the pre-qualification stage.

9. The bidder has the confirmations and declarations under the Public Bodies Transactions Law, 5736-1976 as listed below:
 - 9.1. A valid confirmation from an assessor or accountant regarding proper bookkeeping.
 - 9.2. A valid confirmation from an assessor or accountant regarding reporting to the assessor on its income and to the VAT administration on transactions on which VAT is imposed.
 - 9.3. A duly signed and verified affidavit in the version attached as **Appendix B** which is attached to this Invitation.
10. The bidder will declare on **Appendix C**, attached to the Invitation, that no proceedings are being conducted against it for insolvency, liquidation, stay of proceedings, and there is no registration of it being a company in violation of the law or under warning prior to such registration, on the deadline for the submission of the documents in the Pre-Qualification Stage.

If the bidder is a foreign body

11. The bidder has had a turnover of no less than US\$ 30 million per year, excluding VAT, in each of the last three years preceding the deadline for submission of the documents.
12. The bidder is not subject to sanctions, investigations, or other restrictions by a governmental authority of its home jurisdiction which would render it ineligible to participate in tenders of governmental corporations or other public bodies in its home jurisdiction.
13. The bidder will undertake that as a condition for starting the performance of the work, if it is chosen as the winner at the bidding stage, it must show the Company a confirmation from the Minister of Housing and Construction that it is exempt from the application of the Law on the Registration of Contractors for Structural Engineering Works, 5729-1969 with regard to the work which is the subject of this invitation in accordance with Section 14A of said law.



It is hereby clarified that a bidder which is not in compliance with the threshold conditions listed above is liable to be disqualified. Without derogating from the foregoing, the Company may (but is not obligated), at its sole discretion, allow the bidder to complete any deficiency in the documents it was to have submitted or to amend them, or waive completion of documents and consider the bid as submitted, if it deems this appropriate.

14. Chief Security Officer Examination

In examining compliance with the threshold conditions, EAPC's Chief Security Officer (CSO) may request from the bidders (or some of them) additional documents or information to examine their compliance with the EAPC security requirements, and may also request all or some of the bidders, or any other factor affiliated with a bidder, to report to the Company offices and/or anywhere else it so determines, for interviews or additional tests, and the CSO will also be allowed to require bidders (or some of them) to sign a security questionnaire in a form he determines.

The CSO may also recommend to the Company's Tender Committee to reject a bid if, at his sole discretion, he was not satisfied on a professional level with of the bidder's personnel whose details have been listed above and/or with the bidder as a whole, including due to considerations related to checking criminal records.

B. Additional Requirements (not constituting threshold conditions)

1. No joint bid of two contractor will be accepted.
2. Pre-registration for a contractor tour:
 - a. In light of the security and safety needs of the Company's compounds and the entrance arrangements at the gates of the EAPC installations, a bidder which sends its representatives for a contractor tour and/or submits documents at the pre-qualification stage will send an email/fax which includes the first and last name and identity card number (9 digits) of the representative to the following email address: deanp@eapc.co.il or to fax number 08-6740209.
 - b. It should be emphasized that a contractor which has not delivered details of its representative 3 days in advance before the contractor tour is liable not to be entered in the tour.
 - c. It is clarified that occasionally there is congestion at the entrance to the EAPC compound, and also security tests and strict safety guidance are carried out. Therefore, it is vital to

arrive early and reach the gates at least 30 minutes before the starting time of the contractor tour.

- d. Information transmitted during the contractor tour will not bind the Company unless put into writing in the framework of the summary to be sent to the participants in the tour.
3. In order to prove the bidder's compliance with the threshold condition of experience, as specified in Section 5 of the above Threshold Conditions Chapter, the bidder shall attach to its bid details of the work as specified there, and will also attach to its bid bills of quantities and/or final/partial accounts/certificates of completion with respect to such work. The bidder shall attach to its bid a confirmation signed by its authorized signatories confirming that the work was performed by it during the required period, in the form attached as **Appendix D** to the Invitation. In addition, the bidder shall specify the names and contact information of the entities for whom such work was performed.

It is clarified that the Company may contact the entities for whom the projects were performed, as it so decides at its sole discretion, without this derogating from its right to allow the bidder to complete any insufficiency in the documents it is to submit, or to amend or waive the completion of the documents and consider the proposal as submitted, all in its sole discretion. EAPC may waive the attaching of any such material, partially or fully, at its sole discretion, in the case of a contractor with prior experience of performing the required work at the EAPC.

4. **If the bidder is a corporation duly incorporated in Israel and duly registered by the deadline for submission of the documents:** in order to prove the bidder's compliance with the threshold conditions of a registered contractor as specified in Section 6 of the above Threshold Conditions Chapter, the bidder will attach to its bid a copy of the valid entry to the deadline for the submission of the documents.
5. **If the bidder is a corporation duly incorporated in Israel and duly registered by the deadline for submission of the documents:** in order to prove the bidder's compliance with the threshold conditions of a contractor recognized for governmental work by the inter-ministerial committee for the determination of governmental work allocation arrangements, as stated in Section 7 of the Threshold Chapter above, the bidder will attach to its bid a copy of the valid entry to the deadline for the submission of the documents.

6. **If the bidder is a corporation duly incorporated in Israel and duly registered by the deadline for submission of the documents:** in order to prove the bidder's compliance as detailed in Section 8 of the Threshold Chapter above, the bidder will submit to the Company a copy of an up to date company/partnership extract from the Corporation Authority website, if this is a bidder which is a company/partnership. (a company extract can be issued at the website of the Corporation Authority, the address of which is: https://www.gov.il/he/service/company_extract under the "Issuing of a Company Extract for Payment".
7. **If the bidder is a foreign entity:** In order to prove the compliance of the bidder with the turnover threshold conditions as stated in Section 11 of the Threshold Conditions Chapter above, the bidder must attach an accountant confirmation.
8. **If the bidder is a foreign entity:** In order to prove the compliance of the bidder with the threshold conditions stated in Section 12 of the Threshold Conditions Chapter above, the bidder must attach a declaration in the form attached as Appendix E.
9. **If the bidder is a foreign entity:** In order to prove the compliance of the bidder with the threshold conditions stated in Section 13 of the Threshold Conditions Chapter above, the bidder must attach a declaration in the form attached as Appendix F.
10. The bidder will attach to its bid all the invitation documents, its appendices (hereinafter: "**Documents**"), where they are complete and signed as required by the authorized signatories of the bidder.

The Company may (but is not obligated), at its sole discretion, permit a bidder to complete a lack in the Documents it was to have submitted or to amend them or waive the completion of the Documents and consider the bid as submitted, if it so deems as correct.

C. General

1. This Invitation should not be construed as an undertaking by the Company to enter into a contract with the bidder. It is hereby clarified that the engagement of any winner will be made in accordance with the provisions of the agreement to be signed with the winner at the Bidding Stage and which will include, *inter alia*, a requirement to deposit a suitable bank guarantee and insurance, all as specified there, after and subject to the Company's approval of the bid.

2. At any stage, the Company may, at its sole discretion, change the Invitation or make the continued participation of the bidder's contingent on changes being made to the bid or on other conditions, without the Company having to give reasons for its decision and without the bidders having any claim and/or demand in the matter.
3. The Company reserves the right to cancel the Pre-Qualification Stage before making a decision on the final group of bidders and/or not conduct and/or cancel the Bidding Stage, at any time, before the decision on the winner is made, without being required to give any explanation for this, and none of the bidders will have any claim and/or demand in the matter.
4. **The bidders will submit the Documents to a dedicated tender box at the offices of the Company in Ashkelon in the room of Adv. Amos Weizman (Room No. 132 on the second floor of the administration offices (hereinafter: "Tender Box"), no later than February 15th 2021 at 11:00 Israeli Time (hereinafter: "Document Submission Deadline").**
5. Participants who have questions/clarifications regarding the process may apply, in writing only, to the email address: **amosw@eapc.co.il** by no later than **February 4th 2021 at 11:00.**
6. The answers to clarification questions and updates will constitute an integral part of this document and of the bid of the bidder and will bind it for all intents and purposes.
7. The bidder shall attach to its bid, at the time of its submission, the aforesaid document of answers to the questions, clarifications and updates, signed by it, in accordance with instructions that will be posted.
8. Any change or addition made by the bidder to the Documents and any qualifications to them, whether in the bid and or in a document attached to it, may disqualify the bid, at the sole discretion of the Company.
9. All process documents are the property of the Company. The bidder may not copy or use them for any other purpose.
10. All expenses of any kind and type involved in the preparation of the bid for the contracting process and participation in the tender will apply solely to the bidder.
11. The Company may postpone the dates set in this document for the response to clarification questions and/or submission of Documents, in order to examine their compliance with the threshold conditions, at its sole discretion.

Appendix A

23.4.14

בט-1-230414

אל : משתתפי סיור קבלנים

הנדון : הוראות בטיחות בעת סיור קבלנים

לסיור הבא עימך ציוד מגון אישי מינימלי : נעלי בטיחות , קסדה , מכנסיים ארוכים , חולצה עם שרולים .

- 1 . כל הסיור היה צמוד למוביל הסיור מטעם החברה (להלן "המוביל") .
- 2 . כל פעולה תבוצע רק באישור מאת המוביל .
- 3 . כנס ובקר רק במקומות שאישר המוביל .
- 4 . אין לחרוג מההנחיות המפורטות ב"דף הנחיות למבקר/אורח " שקיבלת בשער .

בברכה ,



בעז הראל

ממ"ח בטיחות והגנ"ס



Clarification

Safety Rules During Contractor's Tour

Appendix A above states that Bidders' representatives which will participate in a Contractors Tour must bring with them personal protection equipment which will include safety shoes, helmet, long trousers and a shirt with sleeves.

In addition, it is clarified that during the Tour Bidders' representatives will be accompanied by relevant EAPC engineers and will allowed to visit only at places which will be allowed by EAPC engineers.

Moreover, Bidders' representatives are requested to follow the specific instructions which will be given to them at EAPC's gate.

Appendix B

תצהיר לפי חוק עסקאות גופים ציבוריים, התשל"ו-1976

אני החתום מטה, מר/גב' _____, נושא/ת ת.ז. _____ שמספרה _____, לאחר שהוזהרתי כי עלי לומר את האמת וכי אהיה צפוי/ה לעונשים הקבועים בחוק אם לא אעשה כן, מצהיר/ה בכתב כדלקמן:

1. אני הוסמכתי כדין על ידי _____ שמספרו _____ (להלן: "המציע") לחתום על תצהיר זה בקשר להזמנה להשתתף במכרז מיון מוקדם עם הליך תחרותי נוסף לצורך ביצוע עבודות הנדסה אזרחית – בניית מיכלים במכלל קצא"א באשקלון.
2. יש לסמן את הסעיף הרלוונטי מבין האמורים להלן:

- ☐ המציע או בעל זיקה* אליו לא הורשעו** ביותר משתי עבירות***;
- ☐ המציע או בעל זיקה אליו הורשעו ביותר משתי עבירות, אך במועד האחרון להגשת המסמכים במכרז חלפה שנה אחת לפחות ממועד ההרשעה האחרונה.
- * "בעל זיקה" – כהגדרתו בסעיף 2ב(א) לחוק עסקאות גופים ציבוריים, תשל"ו-1976.
- ** "הורשע" – הורשע בפסק דין חלוט בעבירה שנעברה לאחר יום 31.10.02.
- *** "עבירה" – עבירה לפי חוק שכר מינימום, התשמ"ז-1987 או עבירה לפי חוק עובדים זרים (איסור העסקה שלא כדין והבטחת תנאים הוגנים), התשנ"א-1991 ולעניין עסקאות לקבלת שירות כהגדרתו בסעיף 2 לחוק להגברת האכיפה של דיני העבודה, התשע"ב – 2011, גם עבירה על הוראות החיקוקים המנויות בתוספת השלישית לאותו חוק.

3. יש לסמן את הסעיף הרלוונטי מבין האמורים להלן:
- ☐ חלופה א' – הוראות סעיף 9 לחוק שוויון זכויות לאנשים עם מוגבלות, התשנ"ח – 1998 (להלן: "חוק שוויון זכויות") אינן חלות על המציע.
- ☐ חלופה ב' – הוראות סעיף 9 לחוק שוויון זכויות חלות על המציע והוא מקיים אותן.

4. למציע שסימן את חלופה ב' בסעיף 3 לעיל – יש להמשיך ולסמן בחלופות המשנה הרלוונטיות להלן:

- ☐ חלופה (1) – המציע מעסיק פחות מ-100 עובדים.
- ☐ חלופה (2) – המציע מעסיק 100 עובדים לפחות, והוא מתחייב לפנות למנכ"ל משרד העבודה הרווחה והשירותים החברתיים לשם בחינת יישום חובותיו לפי סעיף 9 לחוק שוויון זכויות, ובמידת הצורך לשם קבלת הנחיות בקשר ליישומן.

במקרה שהמציע התחייב בעבר לפנות למנכ"ל משרד העבודה הרווחה והשירותים החברתיים לפי הוראות חלופה (2) לעיל, ונעשתה עמו התקשרות שלגביה הוא התחייב כאמור באותה חלופה (2) – הוא מצהיר כי פנה כנדרש ממנו, ואם קיבל הנחיות ליישום חובותיו לפי סעיף 9 לחוק שוויון זכויות, הוא גם פעל ליישומן.

5. למציע שסימן את חלופה (2) בסעיף 4 לעיל – המציע מתחייב להעביר העתק מתצהיר זה למנכ"ל משרד העבודה הרווחה והשירותים החברתיים בתוך 30 ימים ממועד התקשרותו עם החברה (ככל שתהיה התקשרות כאמור).
6. אני מצהיר/ה כי קראתי היטב הצהרה זו על כל חלקיה, הבנתי את תוכנה, והנני מתחייב/ת לקיים את כל הוראותיה.
7. זה שמי, זו חתימתי ותוכן תצהירי דלעיל אמת.

חתימת המצהיר/ה

אישור

הנני מאשר בזה, כי ביום _____ הופיע בפני, עו"ד _____, במשרדי ברחוב _____, מר/גב' _____, שזיהה/תה עצמו/ה על ידי תעודת זהות מספר _____, המוסמך/ת לחתום על המסמכים למכרז ועל תצהיר זה בשם המציע, ואחרי שהזהרתיו/ה כי עליו/ה להצהיר את האמת וכי יהיה/תה צפוי/ה לעונשים הקבועים בחוק אם לא יעשה/תעשה כן, אישר/ה את נכונות הצהרתו/ה דלעיל וחתם/ה עליה בפני.

חתימת עו"ד

חותמת ומספר רישיון עורך דין

תאריך

Appendix C

תצהיר

אני החתום מטה, מר/גב' _____, נושא/ת ת.ז. _____ שמספרה _____, לאחר שהוזהרתי כי עלי לומר את האמת וכי אהיה צפוי/ה לעונשים הקבועים בחוק אם לא אעשה כן, מצהיר/ה בכתב כדלקמן:

1. אני הוסמכתי כדין על ידי _____ שמספרו _____ (להלן: "המציע") לחתום על תצהיר זה בקשר להשתתפות המציע בשלב המיון מוקדם עם הליך תחרותי נוסף לצורך ביצוע עבודות הנדסה אזרחית – בניית מיכלים במכלל קצא"א באשקלון.

2. אני מאשר/ת בזאת, כי כנגד המציע לא מתנהלים הליכי חדלות פירעון, פירוק, הקפאת הליכים וכי הוא אינו בעל רישום כחברה מפרת חוק או בעל התראה לפני רישום כאמור, נכון למועד האחרון להגשת המסמכים בשלב המיון המוקדם.

3. זה שמי, זו חתימתי ותוכן תצהירי דלעיל אמת.

חתימת המצהיר/ה

אישור ע"ד

הנני מאשר כי ביום _____ הופיע/ה בפני, עו"ד _____, ה"ה _____, נושא ת.ז. _____ מס' _____ / המוכר/ת לי באופן אישי, ואחרי שהזהרתי אותו/ה כי עליו/ה להצהיר אמת וכי יהיה/תהיה צפוי/ה לעונשים הקבועים בחוק אם לא יעשה/תעשה כן, אישר/ה נכונות ההצהרה הנ"ל וחתם/ה עליה.

חתימה + חותמת

שם מלא

תאריך

Appendix D

Bidder's Declaration

We the undersigned: _____ (the “**Bidder**”) hereby declare as follows:

The bidder has proven experience in the performance of earthworks, concrete and infrastructure development in Israel or abroad in recent years, including at least one project at a scope of US\$ 15 million, which included all the work described in this Section.

- a. The bidder has proven experience in the performance of earthworks, concrete and infrastructure development in Israel or abroad in recent years, including at least one project at a scope of US\$ 15 million, which included all the work described in this Section.
- b. The bidder carried out the projects in the table and in the periods indicated below:

<u>Customer Name</u>	<u>Project Details</u>	<u>Year/Period of project and Financial Scope</u>	<u>Customer Contact Name + Phone Number</u>	<u>Comments</u>



Name of Bidder

Bidder's authorized
Representative

Signature & Stamp

Appendix E

Bidder's Declaration

To: Europe Asia Pipeline Ltd. Company

We the undersigned: _____ (the "**Bidder**") hereby declare as follows:

The Bidder is not subject to sanctions, investigations, or other restrictions by a governmental authority of its home jurisdiction, which would render it ineligible to participate in tenders of governmental corporations or other public bodies in its home jurisdiction.

Name of Bidder

Bidder's authorized
representative

Signature & Stamp



Appendix F

Bidder's Declaration

To: Europe Asia Pipeline Ltd. Company

We the undersigned: _____ (the "**Bidder**") hereby declare as follows: |

The bidder will undertake that as a condition for starting the performance of the work, if it is chosen as the winner at the bidding stage, it must show the Company a confirmation from the Minister of Housing and Construction that it is exempt from the application of the Law on the Registration of Contractors for Structural Engineering Works, 5729-1969 with regard to the work which is the subject of this invitation in accordance with Section 14A of said law.

Name of Bidder

Bidder's authorized

Signature & Stamp