

***Invitation to participate in
a tender, with a pre-
qualification and an
additional competitive
process, for designing and
building 16" underwater
vapor pipeline in Berth 2 of
EAPC Terminal in Ashkelon***



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

Europe Asia Pipeline Company Ltd. (hereinafter, the “**Company**”) is interested in building an underwater vapor pipeline with a diameter of 16”.

The project will include the design and construction of a 16” diameter steel pipe underwater pipeline of with a length of about 1900 meters. The pipe enters the land and connects at a valve pit. The construction and installation of the cradle structure on the sea bed at the location of Multi Buoy Mooring #2. Construction of a cathodic protection system for the new line (hereinafter, the “**Work**”).

The Company hereby invites contractors to participate in the tender, with a pre-qualification process, for the performance of the Work.

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. The bidder has proven experience (as a prime contractor or as a subcontractor) in design , construction and quality control, according to the following standards: NACE, ASME B31.4 and API in offshore pipeline project having a length of at least 1,000 metres and a diameter of at least 10 inches, laid on the seabed at a depth of at least 20 metres, during the last 15 years, including one project that includes all of the above in a scope of at least 3 million US dollars, in Israel or abroad.
5. The bidder shall represent and warrant that if it is awarded the performance of the work, then it will have in its possession and under its management, at the relevant date, equipment that is in good working order and suitable for the performance of the work that is the subject of the tender, with this also including emergency equipment and equipment for the prevention of sea pollution, and it will employ its own trained personnel to operate such equipment (not through a subcontractor).
6. The bidder's staff (including subcontractors) shall include at least two pipe welders who are certified API 1104 or a parallel standard, with proven experience in welding fuel pipes.

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

7. The Bidder is a contractor that is registered by the Contractors Registration for Construction Engineering Work Law, 5729 – 1969, in the port sector, maritime work (400), at least at Class 3 'א, by the deadline for the submission of the documents in the pre-selection stage.
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 A** which is attached to this Invitation.
10. The bidder will declare on **Appendix B**, 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 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.
12. 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.

13. 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. In order to prove the bidder's compliance with the threshold condition of experience, as specified in Section 4 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 C** 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.

3. In order to prove the compliance of the bidder with the threshold conditions stated in Sections 5-6 of the Threshold Conditions Chapter above, the bidder must attach a declaration in the form

- attached as **Appendix D**. The bidder shall attach to its bid a copy of the welders certification.
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 7 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 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".
 6. **If the bidder is a foreign entity:** In order to prove the compliance of the bidder with the threshold conditions stated in Section 11 of the Threshold Conditions Chapter above, the bidder must attach a declaration in the form attached as **Appendix E**.
 7. **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 F**.
 8. 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.
 9. **Explanations of the tender and the Work will be given via the Zoom app on February 11th 2021 at 15 o'clock Israeli Time on link <https://us02web.zoom.us/j/82259842714?pwd=aDZuZnVySnhkeTd1WW8wSjdhRkxXQT09>**
It is hereby clarified that there is no obligation to take part in the above Zoom conversation and this does not constitute a threshold for participation and/or for submitting a bid.

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 e-mail box at the address vaporpipeline@eapc.co.il (hereinafter, the "Tender Box") by no later than February 23rd 2021 at 12:00 Israel Time (hereinafter, the "Candidacy 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 16th 2021 at 11:00 Israel Time.**
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

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

אני החתום מטה, מר/גב' _____, נושא/ת ת.ז. שמספרה _____, לאחר שהזהרתי 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 תכנון ובניית צנרת תת ימית במקשר 2 במכלל קצא"א אשקלון.

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/תהיה 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 B

תצהיר

אני החתום מטה, מר/גב' _____, נושא/ת ת.ז. שמספרה _____, לאחר שהזהרתי 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 תכנון ובניית צנרת תת ימית במקשר 2 במכלל קצא"א אשקלון.
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 ער"ד

הנני מאשר כי ביום _____ הופיע/ה בפני, ער"ד _____, ה"ה _____, נושא ת.ז. מס' _____ / המוכר/ת לי באופן אישי, ואחרי שהזהרתי אותה/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 C

Bidder's Declaration

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

The bidder has proven experience (as a prime contractor or as a subcontractor) in design , construction and quality control, according to the following standards: NACE, ASME B31.4 and API in offshore pipeline project having a length of at least 1,000 metres and a diameter of at least 10 inches, laid on the seabed at a depth of at least 20 metres, during the last 15 years, including one project that includes all of the above in a scope of at least 3 million US dollars, in Israel or abroad.

- a. The bidder has proven experience (as a prime contractor or as a subcontractor) in design , construction and quality control, according to the following standards: NACE, ASME B31.4 and API in offshore pipeline project having a length of at least 1,000 metres and a diameter of at least 10 inches, laid on the seabed at a depth of at least 20 metres, during the last 15 years, including one project that includes all of the above in a scope of at least 3 million US dollars, in Israel or abroad.
- 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 D

Bidder's Declaration

To: Europe Asia Pipeline Ltd. Company

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

1. The bidder shall represent and warrant that if it is awarded the performance of the work, then it will have in its possession and under its management, at the relevant date, equipment that is in good working order and suitable for the performance of the work that is the subject of the tender, with this also including emergency equipment and equipment for the prevention of sea pollution, and it will employ its own trained personnel to operate such equipment (not through a subcontractor).
2. The bidder's staff (including subcontractors) shall include at least two pipe welders who are certified API 1104 or a parallel standard, with proven experience in welding fuel pipes. **Attached a copy of the welders certifications.**

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