

22/12/2020

To: Participants of the Tender

**Re: E-Tender (Online) No. 51/20 For Locating, Examining and Operating
an Array of Public Sea Shuttle Ferries in Israel**

Clarification Notice No. 6 – Threshold conditions Update

Ayalon Highways Co. Ltd. (the "**Company**") hereby publishes an update to the Threshold conditions in the Tender stated above (the "**Tender**") .

1. Section 6.6 will be added to the Tender Threshold conditions, as follows:

- a. "A bidder who does not meet, by himself and in whole, the threshold conditions set forth in sections 6.4(a) and/or 6.4(b) and/or 6.5 of the Tender documents, , is entitled, for the purpose of demonstrating compliance with the said threshold conditions, to present the experience of a primary subcontractor with which it is engaged.

For this matter, "**Primary Subcontractor**": A corporation, whether or not such is duly incorporated in Israel and operates according to the laws of the State of Israel, engaged with the bidder in an engagement agreement and/or MOU, according to which it will provide part of the Services subject matter of the Tender, and that will remain in effect throughout the Term of Engagement between Ayalon Highways and the bidder, should the bidder be declared a winning Bidder in the Tender.

- b. Should the bidder wish to prove its compliance with the threshold conditions through a Primary Subcontractor, as aforementioned, the bidder shall attach to its Offer a copy of the engagement agreement and/or MOU signed with it.
- c. It is hereby clarified that a Primary Subcontractor cannot demonstrate its compliance with the Threshold conditions set in section 6.4(b) to the Tender by a subcontractor on its behalf.
- d. The Company may, at its sole discretion, include directives regarding the relations and undertakings of the Primary Subcontractor towards it, in individual referrals that will be published, should it be published.
- e. A bidder who wishes to prove its compliance with the threshold conditions by a Primary Subcontractor, as aforementioned, must comply, in whole with all other threshold conditions of the Tender.

- f. It is further clarified that participation of a Primary Subcontractor in more than one Offer is not allowed.
- 2. **Should the bidder wish to prove its compliance with the threshold conditions in sections 6.4 and/or 6.5 through a Primary Subcontractor, as aforementioned, the bidder shall attach to its Offer an Affidavit in the form of Appendix 6b attached to this clarification notice.**

For the avoidance of doubt, no other changes were made regarding the Tender's Thresholds, including as updated in previous clarification notices.

This clarifications document, constitutes an integral part of the Tender Documents, and the Bidder is requested to attach a signed copy thereof to its Offer.

Name of Bidder: _____ **Bidder's Signature:** _____

Date: _____