
Tender No.23/2020– Supply of eight 4-ton SWL forklift trucks (FLT) and seven 2.5-ton SWL fork lift trucks (FLT) for Haifa Port Company Ltd.

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Haifa, May 7th 2020

Invitation for proposals an automated tender (dynamic automated tender or negotiations – optional)

Limited tender no. 23/2020– Supply of eight 4-ton SWL forklift trucks (FLT) and seven 2.5-ton SWL fork lift trucks (FLT) for Haifa Port Company Ltd, negotiations optional.

1. General terms and conditions:

- 1.1. Pursuant to the agreement on government procurement, the tender laws of the state of Israel and its implementing regulations, Haifa port company ltd. ("HPC") hereby requests proposals for:

Manufacture & Supply of **eight (8) 4 ton** fork lift trucks (each, "a "FLT", and collectively, the "FLTs"), warranty service, special tools and spare parts and also **seven (7) 2.5 ton** fork lift trucks, (each, "a "FLT", and collectively, the "FLTs ") to HPC, warranty service , training and spare parts, plus an option of HPC to purchase additional spare parts on **CIF HAIFA PORT, Haifa, Israel** terms (as defined in incoterms 2020), all as fully specified in the tender's documents.

- 1.2. **The tender will have two Lots; each bidder can submit a proposal for one or two lots. The first lot is for 2.5 ton FLT's and the second lot is for 4 ton FLT's. HPC will have the right to select one or two winners/suppliers, according to the top scoring offer per FLT type.**

- 1.3. This tender will be conducted as an automated tender. The bidders are aware that they must act so that their bid will be submitted through the Electronic Tender System (hereinafter: "the automated system"), according to its instructions, proposals that are not submitted through the automated system will be accepted in this process.

HPC. On its sole discretion, has an option to conduct a dynamic automated tender in accordance with the provisions of regulations 19c and 19d of the mandatory tenders regulations, (5753-1993).

Without derogating the abovementioned, HPC has the right to conduct negotiation in accordance to the provisions of regulation 7(a) of the

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mandatory tenders regulations, (5753-199) , and at the sole discretion of Haifa port company

- 1.4. HPC shall issue during **2020** a purchase order for eight (8) 4 ton fork lift trucks (each, "a "FLT", and collectively, the "FLTs"), warranty service, special tools and spare parts and also for seven (7) 2.5 ton fork lift trucks, warranty service, special tools and spare parts including consumable spare parts for 24 months (warranty period) to the bidder, whose proposal will be found the most favorable.
- 1.5. The delivery time of the FLT, shall not exceed **six (6) months** starting from the date HPC will issue a purchase order for the FLT.
- 1.6. It is hereby clarified that the execution of this tender and any agreement arising thereof is subject to HPC's receipt of a special budgetary approval. If a budgetary approval will not be received within 6 (six) months from the selection of the winning proposal, this tender shall be expired, and the win of the winning proposal will be canceled. HPC reserves its right to cancel this tender on its sole discretion, and inter alia, due to the lack of budget or budgetary approval.
- 1.7. The manufacture & supply of the FLT, including but not limited to, its price, terms of payments, scope of liability, responsibility and all other general, Technical and legal terms for the engagement with the bidder, whose proposal will be found by HPC the most favorable, shall be governed by the terms and conditions of the agreement attached hereto as appendix G. The agreement and its attachments constitute an inseparable part of this tender.
- 1.8. All submitted proposals shall be valid until, **December 31st, 2020** and may not be revoked or changed by the bidder during this period for any reason whatsoever.
- 1.9. The warranty period of each FLT that will be supplied to HPC shall be twenty four (24) months from the issuance date of the acceptance certificate of each FLT (appendix fa to the agreement), all as detailed in the agreement, appendix G
- 1.10. Acceptance tests shall be performed by HPC, at Haifa port, Israel, under actual operating conditions, according to the tender's Technical Specifications of the FLT – (appendix I to the agreement). The supplier shall provide HPC all necessary installation services in order to perform such tests. For the avoidance of any doubt, the costs of the aforementioned installation services shall be included in the FLT(s) price.
- 1.11. The agreement shall commence on the effective date and shall continue in full force and effect until the lapse of the period during which the supplier is

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committed to make available for purchase by HPC the spare parts and tools under this agreement (i.e. ,a period of ten (10) years from the effective date).

- 1.12. Each FLT, which will be ordered by HPC according to the agreement, will be supplied to Haifa port, Israel (hereinafter: "the destination"). The supplier shall inform HPC at least one (1) month in advance of the expected date of the supply to the destination. The FLTs shall be considered as delivered only after the acceptance of the FLTs at the destination, as evidenced by a signed acceptance certificate from HPC – **attachment FA** to the agreement.

2. Pre-requisites for participation in the tender:

It is hereby clarified that HPC is interested to receive proposals from well-known and qualified bidders (*inter alia*, in technology progress, backup & service ability), therefore, bidders, which maintain all conditions as follows, will be entitled to participate in this tender. Bidder is to supply any relevant documentation (inter-alia reference list with project manager's name and phone no., projects information, drawings, etc..) In order to prove compliance with the requisites.

2.1. General pre-requisites:

- 2.1.1. The bidder is a corporation established by law in a foreign country and attached formal certificate's signed with an apostilles stamp, in accordance with the regulations for implementing of the Hague convention – (cancellation of verifying foreign public documents) – 1977 (hereinafter: "the Hague convention") or a corporation established by law in Israel.
- 2.1.2. The bidder must be a legal entity registered in a country that has full diplomatic relations with the state of Israel, including its managers and directors that hold citizenship of such country or a legal entity registered in Israel.
- 2.1.3. The bidder must submit a bank guarantee, independent, unconditional and irrevocable, from at least an "a-" rating bank (s&p ranking), to the order of HPC, for fifty four thousand (54,000) euro, valid at least to the date of September 31st, 2021 (the "tender guarantee"). Tender guarantee from a foreign bank must be from a bank registered in a country that has full diplomatic relations with the state of Israel. For the avoidance of any doubt, the submission of a guarantee valid for a later date than the minimum required shall be considered as a proper tender guarantee that meets the tender's requirements, and shall not be defected in any way. HPC reserves its right to ask the bidders to extend the validity of this guarantee by additional one hundred and eighty (180) days, or any other extended period subject to HPC needs and discretion. An indicated form of a tender guarantee - appendix M.

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2.2. Technical pre-requisites 2.5/ 4 ton Forklift Trucks :

- 2.2.1. The bidder must be the manufacturer of the FLTs proposed by it (the "Manufacturer") or the authorized distributor/representative of the Manufacturer.
- 2.2.2. A local bidder must attach all the certificates and affidavits required under the Public Entity Transactions Law-1976.
- 2.2.3. From January 2015 onwards, the Manufacturer has manufactured/supplied at least two hundred (200) diesel powered FLTs of a capacity up to 5 ton
- 2.2.4. From January 2015 onwards, the manufacturer had supplied in Israel at least two hundred (200) diesel powered FLTs with lifting capacity of up to 5 ton.
- 2.2.5. The Manufacturer must be certified for a Quality Control in accordance with the ISO-9001 standard, or equivalent standards (in case of a doubt, the equivalent standard shall be approved by the Israeli Institute of Standards).
- 2.2.6. Compliance with all mandatory items as specified in the Technical Specifications of the FLTs, which are attached to the Tender's documents.
- 2.2.7. The manufacturer shall return a copy the technical specification and note at the end of each paragraph if the offered equipment complies or not with this specification.

3. Mandatory industrial cooperation (ICA)

- 3.1. Each bidder must submit with its proposal a signed and completed foreign supplier's industrial cooperation undertaking, including fulfillment plan with respect to its undertaking, in the form attached herein as **appendix L**, all in accordance with the Israeli mandatory tenders regulations (mandatory industrial cooperation) 5767 – 2007 ("regulations") and its implementation, if any, with accordance to the WTO agreement on government procurement (GPA).
- 3.2. It is hereby clarified that whenever the regulations apply, then the signature of the contract with the winning bidder shall be conditional upon the industrial cooperation authority's ("ICA") approval that the terms and conditions stipulated in chapter 2 of the regulations have been

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met, including the submittal to ICA of a plan for the execution of industrial cooperation in Israel.

4. Prohibition of coordinating proposals:

4.1. The bidder, a shareholder in it or any other body in which the bidder is an interested party in it, or is an officer in one of them, will not act, directly or indirectly, to coordinate the proposal of the bidder with the proposal of any other bidder. Without derogating from the generality of the aforesaid, the following will be considered, inter alia, coordination of a proposal:

4.1.1. A specific signing of an agreement or an understanding of any type whatsoever with a person or any type of body (excluding a person) or a body that is an interested party in the bidder or in which the bidder is an interested party in it, regarding costs, cooperation, financing, prices, transfer of assets, strategy to the proposal, etc.

4.1.1.1. Obtaining such information or exchanging it in other ways, its publication or disclosure to any person or body whatsoever, that are interested parties or an officer, agent or employee of another bidder.

4.1.1.2. Submission of more than one bid for each bidder or submission of one bid by more than one bidder.

Notwithstanding the previously mentioned in this clause, should the tenders committee be convinced that a coordination of the contents of a proposal or proposals was made, as mentioned above the committee is entitled to disqualify the proposal or proposals.

5. Submission of proposals:

5.1. The last date to submit the proposals (Technical and commercial) is **June 30th, 2020** at 12.00 noon (Israel local time).

5.2. Stage a -

5.2.1. **Stage a1 - pre-registration** process for the tender through the automated system.

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- 5.2.2. **Stage a2** - commercial proposal submitted through the automated system. For this purpose, it is required from the participants to be registered to the tender in advance.
- 5.2.3. For the purpose of pre-registration of the tender, each bidder must fill out appendix k attached to the tender documents, sign it (hereinafter: "means of identification"), and submit it to the following email: maya.cohen@HaifaPort.co.il (hereinafter: "registration for the tender").
- 5.2.4. Since only a bidder who has registered for the tender and equipped the means of identification as required will be entitled to submit his bid in the tender, it will not be accepted that due to any Technical malfunction, including the unavailability of Technical assistance in carrying out the registration, the bidder refrains from submitting his bid on time.
- 5.2.5. The company recommends the bidders to obtain the means of identification and to execute the registration process for the tender up to 48 hours before the deadline for submission of bids, so as not to delay submitting them due to various delays and malfunctions.
- 5.2.6. For Technical assistance regarding to registration for the tender, please contact Maya Cohen, by phone: +972-4-8518858 on Sunday – Thursday, between 8:00-14:00 (Israel local time).
- 5.2.7. After the tender is registered, the bidder will receive an electronic confirmation from the computerized system for registration. It is recommended that bidders keep this approval for monitoring and control.
- 5.2.8. If the approval of the registration has not been received, the bidder must contact Mrs. Maya Cohen (by phone no. Or email as mention above) and ensure that the registration application has been made. It is the responsibility of the bidder to ensure, sufficiently in advance, that the registration for the tender has been performed properly and that he is able to enter the automated system for proper work therein.
- 5.2.9. To the attention of the bidders, only the bidder registered as a contact person in the intended system can make an offer within the framework of the automated system.

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- 5.2.10. In the event that the bidder is the authorized distributor/representative of the manufacturer, a statement from the manufacturer confirming that the bidder is the authorized distributor/representative on behalf of the manufacturer.
- 5.2.11. **Stage a3** - Technical proposal including all the documents, data, certificates and information should be submitted to the sourcing vision system. The original tender guarantee should be sent to Haifa port company to the attention of Maya Cohen - by DHL (only), palmer gate 5 St. Haifa 3133401, Israel.
- 5.3. The bidders are requested to read carefully all of the documents attached herein and submit the following documents/information/data/certificates which should be included as part of the bidder's proposal, signed, where applicable, by the authorized signatory bodies (please see check list appendix n for more detailed list):
- 5.3.1. A signed and completed bidder's reply (appendix C of this invitation). Such reply shall be signed by the person who has the signatory rights on behalf of the bidder with regards to the tender. The signature and confirmation of the aforementioned person's signatory rights on this reply shall be authenticated by a lawyer.
- 5.3.2. Completion with all pre-requisites (paragraph 1).
- 5.3.3. Complete data/documents/information & certificates as required in the detailed Technical specifications.
- 5.3.4. **Appendix A** - Technical specification, Mandatory and data sheet.
- 5.3.5. **Appendix B**- declaration of compliance with mandatory
- 5.3.6. **Appendix D**- price proposal declaration
- 5.3.7. **Appendix F** - preferential declaration of origin signed and completed.
- 5.3.8. An approval, signed by the bidder and its bank, according to, the form and /or content of all guarantees are approved and accepted.
(appendix O)
- 5.3.9. **Appendix P** - declaration of absence of conflict of interest and absence of personal/business relations.
- 5.3.10. **Appendix L**- ICA declaration.

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5.3.11. Bank Tender guarantee copy. (original should be sent by DHL courier)

5.3.12. In order to submit proposals to the automated system, the bidders will be required to enter the <https://account.sourcingvision.com> web address and to connect to the automated system and to comply with the instructions detailed therein and in accordance with the contents of Appendix I to this tender.

5.3.13. **Appendix N**- check list

5.4. For the bidders in the final bidders' group, as defined below, this system will also be used during the dynamic procedure, as such a procedure take place.

5.5. The proposal will be final and shall be fixed, final and valid until **December 31st 2020** Each bidder shall undertake in its proposal that during a period of ten (10) years commencing on the effective date, as that term is defined in the agreement, he will supply HPC, subject to HPC demand all spare parts and tools necessary for the maintenance and for the repair of the **FLTs**.

5.6. In the event that the bidder is the authorized distributor/representative of the manufacturer, a statement from the manufacturer confirming that the bidder is the authorized distributor/representative on behalf of the manufacturer.

It is hereby clarified that the automated system will be automatically locked at deadline for submission of the commercial proposals, and even if at that time the bidder is logged to the system, he will not be able to submit his bid thereafter.

5.7. The proposals may not be revoked or changed by the bidders during this period for any reason whatsoever.

6. Stage b - the stage of bidding - the dynamic competitive procedure

6.1. In accordance to the tender committee's decision to hold phase b of the tender, the bidders whose proposal was found eligible to move to this stage and are included in the final bidder group, as defined below, will be able to submit their financial proposal mechanically (as detailed in **appendix I**).

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- ## 7. Selection of winning proposal:

7.1. Technical & operational evaluation max. 60 points

2.5 ton forklift trucks

Criterion	Advantage to	Max. p	Score			notes
			Bidder A	Bidder B	...	
Operational Test (Max.45%) min grade to pass 35% (according to operators impression, as mentioned in Invitation for proposals						

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document para. 7.1.1)						
Operating convenience (control levers, suspensions, seating comfort, noise level)		8				
field of view		6				
Working and lifting speeds		5				
Sensitivity and time delay between direction change		7				
lifting eyes (comfortability for work)		2				
Convenience of traveling with\ without load		5				
maneuverability		5				
General Impression- comfortability, lights intensity, easy mirror adjustments, brakes, air intake height		7				
Previous experience (Max.5%)						
Last 5 years Supplied under 5 ton fork lifts in total between 400-500: 1 point between 500-800: 3points more than 800: 5 points	Max	5				
Compliance with technical specification (Max.20%)						
Capacity - Fork operation with side shift	max	2				
Lift height (T.O.F)	max	1				
Tilt angle forward / backward	max	1				
Free lift	max	1				
Lift Truck width front wheels	min	1				
Lift Truck Length (from back side to fork carriage (including forks)	min	1				
Turning radius	min	2				
Max. overall height of Lift Truck (mast at lower position)	min	1				
Wheelbase	max	1				
Top travel speed with/without load (average)	max	1				
Lift speed with/without load (average)	max	1				
Engine power output kw@rpm	max	2				
Max. torque (output) Nm@rpm speed	max	1				
Fuel tank capacity	max	1				
Time delay between direction change	min	2				
Side shift span	max	1				
Maintenance Maintainability (Max.30%) min grade to pass 20% - score is based on manufacturer's technical proposal & HPC impression of the equipment						
Engine system- engine, transmission, Cooling		5				
Maintenance tasks and intervals		5				
Easy Access for Repair and Maintenance		5				
Easy Access to Filling Oils and Replacing Filters		5				
electrical system- structure, components, control system complexity, battery capacity		5				

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General Impressions (automatic greasing, piping, wiring, protection of vulnerable parts, etc.)		5			
Total score (minimum passing score=75%)		100			

4 ton forklift trucks:

Criterion	Advantage to	Max. p	Score			notes
			Bidder A	Bidder B	...	
Operational Test (Max.45%) min grade to pass 35% (according to operators impression, as mentioned in Invitation for proposals document para. 7.1.1)						
Operating convenience (control levers, suspensions, seating comfort, noise level)		8				
field of view		6				
Working and lifting speeds		5				
Sensitivity and time delay between direction change		7				
lifting eyes (comfortability for work)		2				
Convenience of traveling with\ without load		5				
maneuverability		5				
General Impression- comfortability, lights intensity, easy mirror adjustments, brakes, air intake height		7				
Previous experience (Max.5%)						
Last 5 years Supplied under 5 ton fork lifts in total between 400-500: 1 point between 500-800: 3points more than 800: 5 points	Max	5				
compliance with technical specification (Max.20%)						
Capacity - Fork operation with side shift	max	2				
Lift height (T.O.F)	max	1				
Tilt angle forward / backward	max	1				
Lift Truck width front wheels	min	1				
Lift Truck Length (from back side to fork carriage (including forks)	min	1				
Turning radius	min	2				
Max. overall height of Lift Truck (mast at lower position)	min	1				
Wheelbase	max	1				
Top travel speed with/without load (average)	max	1				
Lift speed with/without load (average)	max	1				
Engine power output kw@rpm	max	2				
Max. torque (output) Nm@rpm speed	max	2				
Fuel tank capacity	max	1				
Time delay between direction change	min	2				
Side shift span	max	1				
Maintenance Maintainability (Max.30%) min grade to pass 20% - score is based on manufacturer's technical proposal						

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& HPC impression of the equipment						
Engine system- engine, transmission, Cooling		5				
Maintenance tasks and intervals		5				
Easy Access for Repair and Maintenance		5				
Easy Access to Filling Oils and Replacing Filters		5				
Electrical system- structure, components, control system complexity, battery capacity		5				
General Impressions (automatic greasing, piping, wiring, protection of vulnerable parts, etc.)		5				
Total score (minimum passing score=75%)		100				

7.1.1. In order to evaluate and grade the proposals and the quality of FLT's the bidder had already manufactured, supplied and delivered to his clients, HPC shall be entitled, according to its sole discretion, to perform examine and/or test the **FLT's** under actual operating conditions, including and without limitation, at the bidder's clients facilities. The bidder shall provide HPC any assistance or cooperation needed, in order to perform such tests at the bidder's client's facilities.

7.1.2. Only proposals that scored a minimum of **Forty Five (45) points** in Technical evaluation would pass.

7.1.3. The company reserves the option, at its sole and absolute discretion, to reject a proposal that Technical points given to it would be **less than 45 points** (hereinafter: "scoring a professional minor"), but if the company do not get 2 bids at least that get a score of professional minor, at professional evaluation, the company may determine the minimum professional score will be lower, thus, at least two offers will follow to the next step of opening the commercial bids, or accept any other decision, including a decision of canceling the tender, all, according its sole discretion. Commercial proposals that will not be open accordingly will be returned, closed, to those bidders. If the automated tender box will contain, at the final deadline to submit the offers, three suggestions or less, the company may decide, in its discretion, notwithstanding the provision regarding the minimum professional points above that these proposals will go to the next level of opening of the financial proposals, or to receive any other decision, including resolution on the cancellation of the tender.

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7.2. Commercial evaluation -max forty (40) points, calculated as follows:

The evaluation and grading of the commercial proposal will be as follows:

7.2.1. The proposal with the lowest **FLTs** total price, detailed in section 1 above to be ordered by HPC will obtain maximum grade of - **40 points**, and all other proposals will be graded relatively using Delphi method. For example – first proposal 90, second proposal 100 – the first proposal obtain 40 points, the second obtain 36 points (40x90/100).

7.2.2. In the event that a EUR 1 or USA preferential certificate of origin does not support the FLTs, HPC shall add the value of any additional taxes into its calculations under this paragraph. See appendix F for declaration of origin form.

7.3. The winning proposal:

Will be the proposal that obtained the highest total grade of the "commercial evaluation" along with the "Technical evaluation" among all valid proposals.

7.3.1. HPC has the right to conduct negotiation in accordance to provisions of regulation 7(a) of the mandatory tenders regulations, (5753-1993) , and at the sole discretion of Haifa port company, according to the company procedures, including a procedure of best & final (as long as HPC will not conduct dynamic competitive procedure s mentioned above), with those bidders that were found to be suitable and is not obligated to purchase the lowest prices which might be offered by any potential bidder.

7.3.2. If HPC decides to conduct negotiations, or best & final, such procedure will be conducted between 2 (two) bidders at least, whose total evaluation score shall be the highest (hereinafter: "**the final bidders group**") following the demands of regulation 7 and/or 17 to mandatory tender regulations-1993 and in the following conditions:

7.3.2.1. The gap between the bidders with the highest total evaluation score and the second one shall not exceed 10 points.

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7.3.2.2. The tenders committee has decided that for the interest of HPC it is justified to conduct such a procedure.

7.3.3. If HPC shall decide to conduct a best & final procedure, the final bidders group shall be informed that they are entitled to propose in the date indicated by HPC changed and only improved proposals. HPC is entitled to determine in such procedure any other terms & conditions, provided that such information shall be supplied to the final bidders group. A bidder that has selected not to propose an improved proposal or a bidder whose improved proposal will be disqualified by the committee, its first proposal shall be considered as its valid and final proposal.

8. Second qualified

When declaring the winning proposal, HPC will be entitled to announce the bidder that its proposal obtained the second highest evaluation among the valid proposals as "second qualified". A bidder that will be announced as a "second qualified", will be the winner in this tender in the event of one or more of the below mentioned:

- 8.1. The winner retracts his proposal or the contract with the winner was canceled or not signed for any reason.
- 8.2. HPC shall not enter into a contractual relationship with the winning bidder, for any reason whatsoever, and/or the agreement with the winning bidder will be cancelled by any reason, inter alia, due to material breach.
- 8.3. HPC has decided, on its sole discretion, that due to Technical and/or operational and/or engineering considerations the winner's proposal/ FLTs do not fit HPC demand.

The terms set forth in this section shall apply, *mutatis mutandis*, following the replacement of the winning proposal or the "second qualified" as aforesaid

9. Prices proposal, taxes, duties and clearance:

- 9.1. The proposed price shall be quoted in **Euro** currency only **total CIF ("Cost, insurance & Freight")**, **Haifa port, Haifa, Israel (incoterms 2020) prices**.
- 9.2. Notwithstanding same, Israeli value added tax (vat), duties, and levies imposed in Israel by the Israeli tax authorities, if applicable, shall be born solely by HPC. Without derogating from the aforementioned, **the bidder** shall

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be responsible to pay all amounts due to its subcontractors in respect of work carried out or supplies, materials, equipment or services, provided in connection with the works and/or warranty to be performed by bidder including, but not only, **Israel value added tax (vat)**.

- 9.3. Without derogating from the aforementioned, the proposed FLT's price include any sum that the Israeli tax authorities require to be withheld at source. The amounts required by the applicable law to be withheld at source by the Israeli tax authorities shall be deducted from all sums set and shall be paid to the Israeli tax authorities.
- 9.4. HPC shall carry out the clearance from customs, in Israel, of each deliverable under the agreement, either by itself or through agents of HPC 's choice.
- 9.5. Issue of any FLT's license in Israel (if required by law) shall be on the contractor's responsibility and on his expense; contractor shall submit to HPC all the relevant documents.
- 9.6. Bidders must fill in preferential declaration of origin, **appendix F** hereby.

10. Terms of payment:

Payment by HPC to the bidder, whose proposal will be found by HPC the most favorable (in this section- "the supplier"), shall be made on a per order basis as set forth in the agreement (appendix "G" of this invitation).

11. General:

- 11.1. HPC reserves the right, at its sole and absolute discretion, to request a bidder to submit any documents, clarification or data that was not submitted with the proposal, including any additional details, approvals, recommendations and/or certificates within a given time. HPC has the right to contact with third parties for clarifications and verifications of details in connection with the information that the bidder provided, including, but not only, to the recommenders that the bidder stated in its proposal. HPC has the right to make use of information about the bidder which is in the public domain, and/or with its knowledge, in order to examine the proposal including examining whether the bidder meets the preconditions.
- 11.2. It is hereby clarified that proposals submitted directly or indirectly by more than one bidder might be disqualified.

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- 11.3. HPC may conduct meetings with each or any bidder that have submitted a proposal in order to clarify any aspects of its proposal that require explanation or clarification. During those meetings, HPC may bring to the attention of the bidder any matters, Technical or otherwise, where for whatever reason, requires amendments or changes to be made in the proposal. The bidder will be notified formally of all such amendments or changes required by HPC. A "meeting" may be held at HPC offices, the bidder's offices, by email or by fax or by any other media. It will be in the HPC's sole discretion to decide in which manner to conduct such a "meeting", and how to notify the bidders about it.
- 11.4. Each bidder shall highlight portions of any page of its proposal that he believes contains "commercial secrets". HPC reserves the right, in accordance with the dictates of Israel law, concerning the inspection of a successful bidder's documentation by others who are entitled to receive such information, to make its own judgment with regard to the nature and extent of any "commercial secrets" contained in any of the documentation. Thus, HPC shall be entitled, in accordance with the provisions of the relevant law, to allow other parties to inspect or/and copy the relevant documentation which, in the opinion of HPC, does not contain "commercial secrets" although the bidder presented them as "commercial secrets" and the bidder shall not present any claim to the presentation of that documentation.
- 11.5. HPC, in its sole discretion, may decide not to select any of the submitted proposals or may decide to cancel the entire tender at any time. In addition to any other event which entitles HPC by law, to cancel the tender, HPC reserves the right, at its sole discretion, to cancel this tender in the following events:
- 11.5.1. If only one of the bids is found suitable, according to the pre-requisites and/or other specification requirements according to this tender documents;
- 11.5.2. If HPC concludes that there was a flaw in the tender process and/or in the evaluation of the bids;
- 11.5.3. If HPC has found that a critical mistake has been made in the Technical specifications, inter alia, by giving false data, missing data or incomplete data;
- 11.6. If the circumstances and/or HPC's requirements have been significantly changed, to such extent that requires, the cancellation of the tender.

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- 11.7. If any of the aforesaid occurs, the bidders will not be entitled to any kind of compensation or indemnification, whatsoever.
- 11.8. All documents submitted in this tender should be in **English only**.
- 11.9. Any of the **FLTs** acquired, shall be on a non-exclusive basis and HPC, in its sole discretion, may at any time, obtain **FLTs** from any of the bidders, and/or may acquire similar or identical **FLTs** from any third party.
- 11.10. HPC, in its sole discretion, may elect, at any time, to inspect the facilities of one or more of the bidders, or any other facilities where components of the **FLTs** proposed by the bidders are being manufactured.
- 11.11. HPC reserves the right to change the amount of the ordered **FLTs**, prior to the signing of the agreement. In such a case, the agreement shall be based upon the proposed price-per- **FLTs**.
- 11.12. No change of or addition to or omission from any of the tender documents (including the price proposal and other appendices, the agreement and so forth) shall be made, other than as explicitly required therein and other than changes announced by HPC in a prior and written notice to all the participants.
- 11.13. Whereas a proposal and/or the documents attached thereto, including the agreement or the appendixes attached thereto are restricted, conditioned, reserved (whether by rejection, insertion or amendment to any part of the attached documents), lacking or including any change, addition or omission, HPC shall be entitled, at its sole discretion and without any of the bidders entertaining any claim in connection therewith, to determine any of the following with respect to such proposal:
- 11.13.1. To disqualify such proposal and terminate the participation of its bidder in the procedure;
- 11.13.2. To deem such proposal, for all intents and purposes, as having been submitted without the said conditions, changes, restrictions, additions or omissions;
- 11.13.3. To demand that such proposal's bidder, as a condition to its continued participation in the procedure, complete or amend the proposal by a date determined by HPC.

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- 11.14. HPC has the right to postpone, at its sole discretion, on its initiative and/or at the request of any of the bidders the dates or periods stated in this tender, fully or partly.
- 11.15. Inspection by the bidders, of the tender's documents (including tender committee protocols, sub-committees protocols, its correspondences with the bidders, professional opinions prepared for the purpose of the tender, the legal adviser stand and winning proposal, as well as documentation of all actions performed in the automated system, and any electronic message sent to and from it, including the date and identity of the person who performed them (after the determination of the winner,) after determining the winning bidder, will be able according to regulation 21 to mandatory tender regulations, and after a payment of 350 NIS (including vat) for the first 200 pages and 1 NIS for each additional page. Notwithstanding the above, the inspection will not be able in the following documents: (1) legal opinions prepared within legal consulting to the tenders committee, including the examination of alternatives of decision or act and/or the evaluation of prospects and risks as a result of such decisions. (2) proposals of other bidders that did not win the tender or disqualified/rejected. (3) parts of the proposal and decision that the tenders' committee supposes that inspection in it may discover a commercial or professional secret.
- 11.16. HPC reserves the right to reject a proposal of a bidder, which does not have the financial strength required for the performance of the agreement, or that it's commercial proposal is significantly lower than HPC estimation.
- 11.17. HPC reserves the right to reject a proposal of any bidder under the terms & conditions of the "law of struggle against Iran's nuclear plan-2012" or any proposal or bidder which there is any impediment by law for its participation or execution of the tender.

12. Clarifications and question stage:

- 12.1. Any questions or clarification concerning this tender should be submitted via the automated tender system with the suitable classification. The questions should be submitted no later than **June 1st, 2020, 12:00** (Israel local time).

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12.2. Any clarifications regarding the guarantee forms, the tender guarantee, (appendix "M"), as well as other guarantees in appendix "G" (agreement) including version change request, should be submitted via the automated tender system at the clarifications & questions stage. The clarifications regarding the guarantees may be answered by the final date to submit the offers.

Any request that will be sent after the above mention stage will not be referred to.

All bidders must attach to their proposal an approval, signed by the bidder and its bank, according to, the form and /or content of all guarantees are approved and accepted.

12.3. The identity of the applicant will not be published and not every question will necessarily be responded. Only answers sent in writing and published in HPC website will bind HPC. No presentation, explanation or any other phrase which was not issued in a document in writing by the tenders committee will be valid. It is hereby clarified that HPC's answers to questions will be an integral part of the documents of the tender and its instructions. HPC reserves the right to make amendments and clarifications to the tenders documents on its behalf, at any time, even after publishing responses to clarifications questions – and this whether on its initiative or whether as a response to applications from bidders.

13. View and download of the tender's documents

13.1. The tender's documents are available for bidders without any payment in the HPC website in <http://www.Haifaport.co.il/tenders/>. Bidder, who wishes to submit a proposal, will download the tender documents from the website.

Each bidder who is intending to submit a proposal and downloaded the tender's documents, will notify the contact person that is purchasing department in HPC, Mrs. Maya Cohen, at Haifa port company, Ltd., at telephone: +972-4-8518858, or by e-mail at: maya.cohen@Haifaport.co.il such notice will include full details of the bidder; inter alia, full name and address, contact person, telephone and fax numbers and e-mail address.

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- 13.2. Bidder that is confronting any obstacle or difficulty with downloading the tender's documents from the website, and/or finding any mistake/incompleteness/incompatibility in the tender's document in the website and/or wishes of any reason to receive a hardcopy of tender's documents by email, mail, or fax, should notify the contact person of HPC a reasonable time before the submission date of Technical proposal.

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14. Conflict of interest

14.1. The bidder shall have no conflict of interest between the bidder and its obligation according to this proposal, and its other relations, personal, business or professional.

14.2. In the event of conflict of interest, the bidder should inform HPC, and follow HPC's instructions.

14.3. Without derogating from the generality above, the bidder shall fill **appendix P** - declaration of absence of conflict of interest and absence of personal/business relations.

15. By submitting a bid, each bidder (including its members) shall be deemed to represent and warrant to HPC that (i) it is not bound by any contractual or statutory obligations which would preclude the bidder from providing the data and information contained in the bid or any portion thereof, (ii) it has the right to make all disclosures that are made in the bid; (iii) the data and information contained in the bid do not include any confidential information, trade secret or other proprietary information of the bidder and/or to any third party (except as and to the extent that the bidder may otherwise clearly indicate in writing) that HPC is prevented from using it.

16. All rights and titles in and to any and all drawings, sketches, and other Technical documents and information provided by HPC or on its behalf to the bidder as well as to all of the tender documents and the contents thereof, shall be deemed to be the sole and exclusive proprietary of HPC and/or otherwise permitted to HPC by third parties. The tender documents and any and all intellectual property right therein are owned exclusively by the HPC and are supplied to the participants for the sole purpose of participation in this tender process.

17. Estimation

17.1. An estimation of the total price of the FLTs that is the subject of the tender is made by the professional body authorized by the tenders committee and this estimate will be deposited in the automated tender box before the last date for submission of bids for the tender.

17.2. The tenders committee may determine, at its discretion, that the bidders may submit, at a time to be determined by the committee, an improved final price offer in relation to the price of their first bid. A bidder that would not submit any other proposal, its first price proposal shall be considered as its final proposal

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17.3. If a single bid is submitted in the tender, or if a single proposal remains before the tenders committee at the estimated price of the estimate, the tenders committee will be entitled to inform the bidder and to enable it to submit a price offer under the best conditions.

17.4. On a procedure within the scope of the estimate, as stated above, in which the company will enable the bidders, or a single bidder whose proposal remains as a single proposal for discussion, to submit an improved price offer, the relevant provisions of the tender shall apply.

18. The information supplied to the bidders

18.1. The information supplied to the bidders in this tenders is to the best knowledge of HPC in the publication date. Nevertheless, every quantitative data is only appraisal or evaluation, and is not binding.

18.2. The bidder should verify and check, on its account, independently, all the conditions related to the project subject matter of this tender, including, the site, tender's documents, any Technical demands, and any other legal, commercial, financial, operational data relevant to the tender and the contract.

18.3. The complete and full responsibility to verify and check the information is of the bidder only. Any reliance of the bidder on information / data given by HPC during the tender process is the responsibility of the bidder. HPC shall not bear any responsibility or liability for any loss or damage caused to the bidder due to its reliance on such information/data, and the bidder shall not raise any claim that the information/data supplied was misleading or deficient.

19. Application of Israel law and international authority

All disputes in connection with this tender will be resolved solely under Israeli law, with no regard to its conflict of law provisions, and shall be referred solely and exclusively to the courts of Haifa, Israel.

Yours sincerely,

**Eran Fastman,
Head of purchasing and logistic division
Haifa port company ltd.**

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Enclosed:

- Appendix A** – Technical specifications- including data sheet and Mandatory.
- Appendix B** - declaration of compliance with mandatory items.
- Appendix C** - bidder's reply.
- Appendix D** - bidder's price proposal.
- Appendix E** – spare parts price list example
- Appendix F** - preferential declaration of origin.
- Appendix G** - agreement
- Appendix H** –cancelled.
- Appendix I** - guidelines for working with the automated system
- Appendix J** - manner of conducting a dynamic competitive process in the system of Automated tenders
- Appendix K** - bidder general information
- Appendix L**- mandatory industrial cooperation (ICA)
- Appendix M**- indicated form for tender guarantee.
- Appendix N**- documentation check list
- Appendix O**- content of all guarantees approval_(for clarifications and questions stage)
- Appendix P**- declaration of absence of conflict of interest and absence of Personal/business relations.



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Appendix A

Section I - Technical specifications

Section II - data sheet

Section III - Mandatory

(In a separate files)

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Appendix B**Declaration of compliance with mandatory items**

Date	
Bidder's name	
Name of contact person	
Tel	
Fax	
E-mail	

We hereby declare that the **FLTs** which will be supplied to HPC, if HPC will find our proposal the most favorable for her, fully comply with the tender's mandatory items, as specified in the Technical Specifications of the **FLTs (appendix "A"** of the invitation for proposals and other tender's documents).

Date	Bidder's signature & stamp

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Appendix C**Bidder's reply**

Date	
Bidder's name	
Name of contact person	
Tel	
Fax	
E-mail	

To: Haifa port company ltd. ("HPC")**Sub: our proposal for supply of port & terminal FLT's for HPC****Ref: Tender no. 23/2020 (the "tender")**

1. We, the undersigned, hereby submit our proposal for the supply of eight 4-ton SWL forklift trucks and/or seven 2.5-ton SWL fork lift trucks, warranty services, special tools and spare parts for HPC, all as fully specified in the tender's documents.
2. We hereby confirm that we read and understood all the tender's documents.

Date	Bidder's signature & stamp

I, the undersigned, legal counsel of _____ ("**bidder**"), hereby confirm that _____, who have signed this reply, is duly authorized to sign this reply on behalf of the bidder, and that his/her signature shall bind the bidder hereunder for all intents and purpose.

Full name	Signature

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Appendix D – bidder's price proposal

Subject: our prices proposal for the supply of port & terminal FLT's including consumable spare parts for warranty period (24 months) for HPC

Reference: tender no 23/2020 (the "tender")

Date	
Bidder's name	
Name of contact person	
Tel	
Fax	
E-mail	

To: Haifa port company ltd. ("HPC")

1. We, the undersigned, hereby submit our prices proposal for the manufacture & supply of FLT's, all as specified in the tender's documents.
2. We hereby confirm that we have read and understood all the tender's documents, including, without limitation, the Technical Specifications of the FLT's.
3. Our proposal shall be valid until **December 31st, 2020**.
4. We acknowledge and agree that HPC may conduct negotiations with selected bidders.
5. We acknowledge and agree that HPC is under no obligation to accept the most inexpensive proposal, other proposal or any proposal at all.
6. We acknowledge and agree that in the event that our proposal will be selected by HPC, HPC shall be entitled to provide our proposal for the review of those bidders who were not selected, but have submitted their proposals, and we shall not have any claims with respect thereto.
7. The country where the FLT's will be manufactured is _____.

Date	Bidder's signature & stamp

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Quotation - will be submitted via the tender automated system

***do not submit any quotation or any other document to the price proposal -you should only fill the suggested final price in the box**

8.1 Our proposed prices for order of 2.5 ton FLT (FLT) and 4ton FLT (FLT) during 2020 (section 1.2- invitation for proposals) are as follows (in two different lots) :



Bidder View : bdikot - - sapak



Upload Files

Write

Attachments

Latest Bids

ID: 35314 Organization: Haifa port company Sealed Bid name: Tender No.23/2020– Supply of eight 4-ton SWL + seven 2.5ton Attachments | Latest Bids |

ID	Lot Name	Start Time	End Time	Status	Items	Additional information
141314	2.5ton FLT	3/3/2020 12:00:00 PM	4/2/2020 12:00:00 PM	Future	1	
141315	4ton FLT	3/3/2020 12:00:00 PM	4/2/2020 12:00:00 PM	Future	1	

Submitting Bids 2.5ton FLT

Item Name	Delivery Date	Quantity	Units	Open Price	Last Bid	Bid Offer	Total
2.5ton FLT	<input type="text"/>	<input type="text" value="7.00"/>	--	€0.00		<input type="text"/>	

*** The price does not include Israel value added tax (vat), if applicable.**

*** the price is final, in total dap Haifa port ,Israel, port of Haifa, Haifa, Israel) (incoterms 2010) price.**

**** Each proposal must indicate final prices for the FLT, proposals offering only part of those prices may be disqualified by HPC, at its sole discretion.**

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Appendix E – bidder's spare parts pricelist

Bidder should add an Excel sheet with its pricelist for all of the port & terminal FLT's catalog spare parts.

Prices will be current prices and **valid for 36 months from date of acceptance** of the port & terminal FLT's.

Example for pricelist:

system	part description	Part cat. Number	drawing (if exists)	OEM name	OEM part No.	Ordering unit	Repairabl part (y/n)	Delivery time	Pricelist price	discount	HPC price

The Haifa Port Company reserves the right to purchase spare parts from the winning bidder or from any other supplier all at its sole discretion.

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Appendix F**Preferential declaration of origin (or EUR 1 to be submitted by supplier with shipment)**

We hereby declare that if we are chosen as one of HPC's winning bidders for the manufacturing and supply of **port & terminal FLT's (FLT)** eur1 preferential declaration of origin will be supplied according to the Israeli custom regulations.

Date	
Bidder's name	
Name of contact person	
Tel	
Fax	
E-mail	

Declaration of origin (us certificate of origin for Israel)

We hereby declare that if we are chosen as one of HPC's winning bidders for the manufacturing and supply of port & terminal FLT's, US certificate of origin for Israel will be supplied with shipment. Goods must meet the conditions for obtaining such certificate.

Date	
Bidder's name	
Name of contact person	
Tel	
Fax	
E-mail	

If not of European Union or us origin, please state origin of goods:

Origin of goods: _____

Date	Bidder's signature & stamp



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Appendix G
Agreement
(In a separate file)

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Appendix I

Guidelines for working with the automated system

1. As noted, in the framework of stage A of the tender, the bidders must submit their bids to the electronic tender box.
2. The support team will provide guidance to potential bidders in submitting electronic box proposals.
 - attention: **the system does not check the content of the document and its suitability to the tender requirements.**
3. **The following are the Technical guidelines for submitting proposals to the electronic tender box:**
 - 3.1. Before receiving training and working on the system, the bidder will be required to:
 - 3.1.1. Make sure he has a working internet connection.
 - 3.1.2. To install the software please go to _____ and click on _____
 - 3.2. Entrance to the program will be done by using a user name and password.
 - 3.3. The electronic box is entered using the software module that was installed when connected to the internet.
4. The electronic tender box will be open for submission of proposals from _____ at _____ and will be closed on _____ at _____.
5. Manage attachments: _____
6. Submission of the quote: _____
 - note: if the computer is damaged or the offer file is deleted, the bidder will be required to re-enter the proposal.
7. Submission of a final proposal: _____.

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8. In order to finish the procedure, _____.
9. After submission, you will be able to choose a directory on your pc in order to save signed (but not encrypted) copy of the submitted proposal. The file name should not be changed. This name is monovalent and will enable use in conjunction with the signed copy as evidence if a problem reading the files would come up in the future.
10. The system seals, encrypts and sends the final proposal submitted to the main computer in an encrypted manner that can't be viewed by any party before the date of opening the box by the tenders committee and / or its authorized signatories.
11. **Multiple bids from the same bidder:** it is hereby clarified that since the system preserves the absolute confidentiality of the bid applicants until the stage of opening the tender box, it does not prevent the submission of several bids by the same bidder. **The proposal that will be taken into account is the last submitted proposal.**
12. **Instruction by means of an internet link and telephone call regarding the manner of submitting bids to the electronic box and a simulated competitive procedure:**
 - 12.1. The guidance regarding the manner of submitting a bid to the electronic box shall be conducted on _____ from _____.
 - 12.2. Guidance on the issue of a illustration competitive procedure will be conducted on the date that will be delivered to the bidders, in writing, by the company.
 - 12.3. The training will be executed through a link on the internet and include going through the format and the procedure rules.
 - 12.4. When participating in the illustration process, the telephone service center is _____.
 - 12.5. It is hereby clarified that participation in the illustration process is mandatory, in order to ensure that the dynamic pricing procedure "in real time" will be correctly conducted.

Supplier representative: _____ phone: _____

Email: _____



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Mobile: _____ fax: _____

The bidder agrees to the policies and rules of conduct set forth above and undertakes to act accordingly.

Date	Bidder's signature & stamp

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Appendix J

Manner of conducting a dynamic competitive process in the system of automated tenders

Haifa port company ltd. (hereinafter: "the company") decided to hold the price stage of tender no. 23/2020

(hereinafter: the "tender"), in the form of an evolving automated pricing (hereinafter: "the proceeding"), in accordance with the provisions of regulation 19d of the mandatory tenders regulations, 1993.

Please add signature at the bottom of each page and return this document to maya.cohen@Haifaport.co.il .in addition please upload it to the SV system in the "upload file" tab under the dynamic automated procedure classification.

The procedure will be conducted in accordingly to the described below:

1. The procedure will be performed through mashik's SV system. All the tender guidelines and conditions published by the Haifa port company shall apply as long as they are not contradictory by explicit guidance contained in this document relates to the information Technically rates only.
2. The nature of the competition between different companies in supplying a service- as part of the process, dynamic negotiations will be conducted, with the bidders offering real-time offers with immediate feedback.
3. **A dynamic automated tender process method**
 - 3.1 the procedure will be implemented in the manner in which the proposers motivate the process by submitting an improved proposal with regard to the offer of their competitors the explanation in this appendix refers to this method.
 - 3.2 the Haifa port company reserves the right to pass at any stage of the dynamic process to another process method, at its sole discretion, or to combine another process method or change the various parameters in the dynamic process.
 - 3.3 each of the proposers must confirm his willingness to supply the goods at the same price as he has offered.

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4. Timetable for the procedure:

4.1 the dynamic pricing process will take place on _____ at _____ (to be determined below) for the bidder whose bid was found to be eligible.

4.2 first stage - guidance:

Each bidder will be given telephone guidance of about 45 minutes before the procedure is performed. The training sessions will be held separately with each bidder on agreed dates.

4.3 second stage - day of procedure:

On the day of execution of the procedure, on the date of _____, enter the auction site at www.sourcingvision.com, using the user name and password given to each bidder.

4.4 mashik technology

Internet access is required using browser explorer 11 or higher or chrome.

5. Preparation for participation in the proceedings

The bidders will be invited to enter mashik's secure website. Participants will be required to practice prior to their participation. The Haifa port company's telephone instruction will include a going through the format, the rules of procedure and participation in a mock process.

6. Preparing bids for the procedure

We recommend that the participants participating in the process prepare in advance the lowest price they can offer in the procedure and the strategy they will take.

Any return from the proposal in the proceeding is treated as a return from a quotation submitted to the automated tender box, with all that this implies.

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7. Opening price

The opening price shall be the initial bid that was filed within the framework of the proceeding, ie, the first proposal that was submitted in the automated proposal box for each item.

8. Composition of baskets

Pricing baskets, which consist of the items that will be priced in the automated bid box, will be determined after the bidding stage.

9. At all dynamic bidding stages, all bids will be in euros.

10. Initial feedback

The bidder will see that he is online.

11. Feedback during the procedure

The Haifa port company shall determine, at its sole discretion, the details that the bidders may see (in whole or in part or in combination with a number of views), subject to the fact that at least one bid was submitted by the bidder, before or during the exercise, as follows:

- 11.1 the location of the proposer's proposal in the automated process;
- 11.2 the level of best bid;
- 11.3 the low bid (before the proposal of the bidder), after the proposer's proposal;
- 11.4 any other display, at the sole discretion of the company;

Throughout the proceedings, the bidders will not be able to know the identity of the other bidders participating in the proceeding and their number.

12. Range of changes in the bids (each time the bidder wishes to change the existing price)

12.1 minimum bid changes

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The minimum change (difference) in the bids that can be made is _____ (to be determined). A supplier will be able to improve his bid by at least the minimum difference above his current bid.

Note: the system will block the option to compare suggestions.

The response time of the system should be considered when scheduling a proposal.

13. Identical bids in the process

If two identical bids were received in the dynamic automated system, only the first proposal that received will be accepted. Online feedback of the second offer will be sent to the bidder. In addition, the system will block the possibility of comparing offers. The system response times should be considered in the bidding schedule.

The system will enable the submission of identical bids, only if those proposals are not leading. The rating of the identical offers will be in the order in which they were received.

14. Management of the procedure

The director of the proceeding on behalf of the Haifa port company may terminate the proceeding at any time at its discretion, under special circumstances and under any law, including tender law, and he has the right to extend the time of the proceeding.

The procedure manager may transmit messages during the procedure to participants through the computerized system. Submissions will be made equally to all participants.

15. End of the procedure

The procedure will be completed within ____ minutes unless extended as specified below, **excluding extensions.**

Extension rules - if an additional bid has been proposed by one of the bidders during the last ____ minutes to the end of the process, all the bidders will be

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entitled to additional ____ minutes from the moment of submission of the bid, in which they will be permitted to make a better offer according to the above rules.

It is recommended to insert a proposal at the latest 60 seconds before the end of the procedure.

16. The decisive clock in the whole process is the clock of the automated system, which is calibrated according to the accepted rules.
17. The system regularly uses reasonable means of protection from intrusion and disruption of its work, which may harm the reliability of its information.
18. The system is backed by protected and secure means, and the backup is maintained separately from the system.

19. Determining the results of the final auction

For the avoidance of doubt, the bidder, whose bid has appeared as the best at the end of the proceeding, shall not be considered as the winning bidder of the tender until a final decision regarding the tender has been made by the competent authorities at Haifa port company.

Without derogating from the aforesaid, it is clarified that if, after the conclusion of the process, the tender committee decides that there is a defect in the proposal that appeared best at the end of the proceeding and / or in any other proposal that participated in the proceeding requiring disqualification, this will not detract from the committee's right to realize the results of the proceeding. The bidders are requested to consider the aforesaid in the pricing of their bid in the proceeding.

20. Technical problems

Applicants who are unable to obtain this technology should contact the contact person of the Haifa port company in order to find an alternative solution for their participation. Haifa port company shall not be responsible for any damage caused to the bidder as a result of Technical failures and / or loss in the tender as a result of failure to receive a proposal for Technical failure and / or lack of attention of the bidder.

A bidder who has encountered a Technical problem during the pricing process of the basket will immediately notify the pricing editor immediately .

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21. The Haifa port company will not accept any claim of Technical malfunction and / or failure, which was not known to the Haifa port company via the automated system immediately after the bidder becomes aware of the malfunction and / or Technical failure, and in any event, no later than 10 minutes after the date of completion of the pricing on that basket. The Haifa port company does not undertake to stop or disqualify in retrospect a procedure for malfunction and / or failure in which notice has been given, as long as the source of the fault and / or Technical failure is not in the Haifa port company or in the SV system of “mashik”.

22. Haifa port company and / or its employees and / or anyone acting on their behalf are not responsible and shall not be responsible in any manner for the proper operation of the telephone and / or internet network, and all their components and shall not be liable for any interruptions, interruption, shall be caused to the participant in the proceedings, directly and / or indirectly as part of the proceeding and / or as a result thereof. Each participating vendor declares that he is aware that participation in the process is subject to the availability and the orderly of the internet network and therefore will not be entitled to raise any claim and / or demand against Haifa port company and / or its employees and / or any damage caused to it and / or anyone acting on its behalf due to error, malfunction, delay, Technical failure or any other reason relating to the said communications networks.

23. Contact details for questions and clarifications:

Haifa port company ltd

Maya Cohen

Phone: 04-8518858

Email: maya.cohen@Haifaport.co.il



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24. Confirmation of guidance by the bidder

On _____ at _____ i was instructed and practiced the dynamic automated tender system and i understand the rules of the procedure including the minimum and maximum differences required between bid and bid, the mechanism for extending the times and the risks deriving from the submission of bids at the last minute.

Date	Name	Position	Signature

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Appendix K

Bidder general information

Bidder's name	
Name of contact person	
Bidder's tel. No. (including mobile)	
Fax no.	
E-mail address	
Bidder's address	

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Appendix L

Foreign supplier's industrial cooperation

Undertaking

This form has to be filled out, duly signed and submitted by each bidder together with the bidder's proposal in response to the tender/request for proposals referred to below. Failure to comply with this requirement may disqualify the bidder's proposal. The bidder shall be referred to herein as the "supplier".

Annex to invitation to tender/request for proposals no. _____, issued by Haifa port company ltd. (hereinafter in this attachment referred to as the “**buyer**”) for the supply port & terminal FLT_s for Haifa port company ltd

Foreign supplier’s industrial cooperation undertaking

As per the mandatory tenders regulations

(mandatory industrial cooperation), 5767-2007 (hereinafter the “regulations”)

We, (name of supplier) _____

Having offices at (full address) _____

Commit to the state of Israel that in the event of winning the above mentioned tender/request for proposals (hereinafter referred to as the "tender"), we shall put into practice industrial cooperation in Israel, in accordance with the outlined below:

1. We are aware of the fact that this undertaking is provided pursuant to the regulations and that the terms used herein shall have the same meanings as ascribed to them in the regulations.

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2. The extent of industrial cooperation that shall be carried out by us, shall equal at least 35% (for suppliers of non-excluded products from gpa member states, the extent of industrial cooperation is 20%), of the value of the contract or of the transaction, that will be concluded with us, in the event of winning this tender in whole or in part. With respect to the foregoing, the value of the contract or transaction shall also include the following: (i) the exercise of any option related thereto; (ii) any follow-on procurement in excess of 500,000 USD that is made within a period of five years from the date of the original contract and (iii) any acquisition of spare parts, training activities, maintenance, Technical assistance, guarantees etc. That will be procured from us, in connection with the main services and/or products acquired from us, within the framework of the tender.
3. We are aware that our undertaking for industrial cooperation may be fulfilled by using any of the following means: local subcontracting, investments, know-how transfer, R&D, acquisition of Israeli products, work or services, or by any other means if approved in advance by the industrial cooperation authority ("ICA"), including abatement of offset obligations of Israeli industries abroad, but excluding those listed in clause 10 bellow.
4. (a) within the framework of our undertaking, we commit to carry out local subcontracting in a value not less than 20% of the contract/transaction value and additionally, carry out industrial cooperation in one or more of the other ways set forth in clause 3 above, in a value not less than 15 or 0% (subject to the rule outlined in clause 2 above) of the contract/transaction value.

(b) we are aware that once we've committed to carry out local subcontracting in the value outlined above, at the end of work done, we'll have to provide the buyer and the ICA with a signed by a CPA report, indicating the value and nature of local subcontracting actually materialized.
5. We are aware of that in accordance with the provisions of the tender, we are required to provide in conjunction with our price proposal and this duly signed undertaking form, a detailed fulfillment program with respect to our undertaking, in the event that we win the tender, as further described below in clause 11.
Failure to provide the fulfillment program as required will disqualify our bid.
6. We are aware that if we win the tender, the ICA will be in charge on behalf of the government of Israel with the appraisal, classification and monitoring of the hereby attached fulfillment program.
7. Our undertaking for industrial cooperation shall be carried out within 3 years as of the effective date of the contract/transaction the subject of the tender. The ICA may upon request, approve an extended period of time for the fulfillment of our undertaking,

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considering the nature of industrial cooperation to be implemented or the complexity of the contract/transaction. In any case, our undertaking for industrial cooperation remains in force until completed.

8. The records of ICA pertaining to the execution of our undertaking shall be *prima facie* evidence in any matter relevant to the fulfillment of this requirement in the tender.
9. We are aware that in order to value the extent of industrial cooperation activities carried out by us pursuant to this undertaking, the following rules shall apply:
 - (a) new or incremental procurement by the supplier of Israeli products or services, compared to the supplier's average extent of procurements carried out in the last three years, or the award of orders for local subcontracting, **both comprising a level of Israeli added value of at least 35%**, shall result in industrial cooperation credits in a value of 100% of the business deal nominal price.
 - (b) in some instances, subject to the rules to be published and on a case by case basis, the ICA will be entitled to grant credits exceeding 100% of the business deal price, by virtue of industrial cooperation activities of a unique nature, or activities implemented with preferred industry sectors and regions.
10. Furthermore we are aware that:
 - (a) Any grant that was provided by the government of Israel as part of a plan for an investment, acquisition or funding of a R&D project shall not be taken into account for the purpose of calculating our industrial cooperation.
 - (b) Expenditures such as: agent commissions, personnel expenses, office expenses and other expenses that were incurred for the purpose of promoting our sales in Israel, shall not be recognized as industrial cooperation activities.
 - (c) Purchase of shares of Israeli companies to which the securities law 5728-1968 applies, to the extent in which the purchaser is not deemed to be "*a party with an interest*" as defined in the said law, will not be considered as industrial cooperation.
 - (d) Any activity of ours with the Israeli industry that was carried out prior to being awarded with the buyer's contract shall not be eligible for crediting purposes.
 - (e) Any industrial cooperation activity to be carried out by us which is not part of our fulfillment program will be subject to ICA's prior approval.

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(f) activities of the supplier with Israeli industry due to which credits are to be requested, but at the same time are to incur offset/industrial cooperation obligations on the Israeli industry, will be subject to the ICA's earlier written approval on a case by case basis, otherwise, same activities shall not be eligible for crediting purposes.

11. Aimed at demonstrating our serious intentions regarding the fulfillment of our undertaking, we commit to take the following steps:
- (a) to furnish along with the submission of our bid or price proposal (the latest between the two), a fulfillment program for our undertaking, if we win the above mentioned tender. We will use attachment a to specify the program including as many details as possible of subjects for industrial cooperation with the Israeli industry, implementation mile stones and time frame of completion, having regard to activities as outlined in clause 3 above.

(b) part of that program will be the appointment and written notification of a competent person to act as our industrial cooperation coordinator (icc), who will be responsible on our behalf for the fulfillment of this undertaking, for managing the activities in this regard and serve as our contact with the ICA, with the Israeli industry and other business entities. The appointee's name and position in our organization and all other complementary information will be fully outlined in the program submitted.

In case the icc is replaced at any time in the future, we are committed to notify the ICA within 72 hours from the time the replacement took place.

(c) to take all conventional measures, including the use of consultation services, conducting a professional survey in Israel, visiting business entities in Israel and vice versa, or any other means aimed at the examination of business feasibilities in Israel.

(d) once every year (on January 31) and until our undertaking is fully satisfied, we shall furnish the ICA with written - in a format to be set by the ICA - reports, having regard to the fulfillment of our undertaking for industrial cooperation, which will include the following data:

(1) Full identifying details of orders for Israeli products, work and services, local subcontracts, investments or any other industrial cooperation activities carried out during the reporting period, subject to the rules set forth in clause 9 above.

(2) Any additional information that might be required by the ICA, regarding activities we've carried out aimed at the fulfillment of our undertaking.

Noncompliance with any of the requirements outlined in clause 11 will be deemed as a violation of our undertaking.

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12. All communications on our behalf having regard to the fulfillment of this undertaking will be sent to the ICA at the following address:

Mr. Gabriel Golomb
Deputy Director general
Industrial cooperation authority

Ministry of industry trade and labor

86 Menachem begin rd.

P.o. Box 36049

Tel Aviv 67138, Israel.

Tel: +(972) 3 7247514 fax: +(972) 3 7347639

And additionally, for U.S. And Canadian companies:

Government of Israel economic mission - us director ICA

800 second ave. 17th floor,

New York, ny 10017, u.s.a.

Tel: (212) 499 5741, fax: (212) 499 5745

Signature of an authorized officer on behalf of the supplier and on behalf the spc:

If the bid is submitted by an importer and/or a leasing services provider, this document should be signed by an authorized officer on behalf of the foreign manufacturer of the goods or services to be supplied pursuant to the a.m. Tender.

Name		title	
Phone no.		fax no	
Signature		date	
Email		web site	

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Attachment A- industrial cooperation undertaking

To the

Industrial cooperation undertaking

Related to tender no. 23/2020.....

Issued by Haifa port company, dated

Pursuant to clause 11(a) of the a.m. Document, we (full company name)

....., hereby submit our fulfillment program, that will serve as our initial draft, aimed at the satisfaction of our a.m. Undertaking, as follows:

1. In accordance with clause 3 of our undertaking, our fulfillment activities will be in the fields of one or more of the following industrial cooperation categories:

- | | |
|---|--|
| <input type="checkbox"/> Local subcontracting | <input type="checkbox"/> R&d orders |
| <input type="checkbox"/> Investments | <input type="checkbox"/> Acquisition of Israeli products, work or services |
| <input type="checkbox"/> Know-how transfer | <input type="checkbox"/> Other |

2. Anticipated / approximate dates of the following mile stones implementation:

- a. Conducting an Israeli industry survey:
- b. Projects and partners selection:
- c. Starting date of ic activities implementation:
- d. Full program accomplishment:

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3. Following is our prospective fulfillment program.

Industrial cooperation category	Transaction description	Estimated timeframe		Names of Israeli entities involved	Transaction value	Israeli entity's contact person info.
		Start date	Due date			
Total fulfillment value						

(additional records should be registered in the same matrix format).

4. Following is the info of our industrial cooperation coordinator (icc)

I.c.c. Name:title:.....

Full address:.....

Tel. No..... fax no.:.....

Cell.:..... Email:.....

Signature of an authorized officer on behalf of the supplier



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Name: title:

Signature: Date:

Note: for further clarifications or assistance in filling out this document, feel free to contact the corresponding ICA representative, to be found at: www.ICA.gov.il

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Appendix M-
Indicated form for tender guarantee.

To: Haifa port company l.t.d ("HPC")
P.o.b 33539

Haifa 31334

Israel

"Tender guarantee for tender no.23/2020 – supply of port & terminal FLT's for Haifa port company ltd. (hereinafter: the "tender")"

Whereas, _____ (hereafter "**the bidder**") wishes to participate in the tender

Issued by HPC; now, we _____ (hereinafter referred to as "**the guarantor**")

Hereby irrevocably, guarantee payment to HPC of the sum of **54,000 euro.**

This guarantee shall not be revocable and our liability hereunder shall not be impaired

Or discharged.

This guarantee shall remain in force until **September 31st, 2020.**

A written demand by the CFO - economics and finance of HPC or by a person nominated in writing by him (employee of HPC), by registered (airmail) post to the addressee at the address set out herein, hereto in the following form:

"Pursuant to the guarantee issued by you on _____, you are hereby instructed to pay immediately to the HPC the sum of **54000 euro** to account number _____ at _____ (name of bank) _____

CFO - economics and finance of HPC"

Shall be sufficient for all purposes of this guarantee, and specifically shall be sufficient to collect any sum(s) under this guarantee from the guarantor immediately upon the demand of HPC.

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Except for the demand hereinabove specified, no other documents or other action shall be required, notwithstanding any applicable law or regulation.

The said guarantor hereby waives any notice of any default on the part of the said bidder and hereby waives any demand by HPC for payment by the bidder to HPC.

No action, event or condition which by any applicable law should operate to discharge us from liability hereunder shall have any effect and we hereby waive any right we may have to apply such law, so that in all respects our liability hereunder shall be irrevocable and, except as stated herein, unconditional in all respects.

Date	
Guarantor	
Bank address	

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Appendix N
Documentation Check list for Tender No. 23/2020– Supply of eight 4-ton SWL forklift trucks (FLT) and/or seven 2.5-ton SWL fork lift trucks (FLT)

Please make sure not to add prices in the technical proposal and appendices.

Documentation Check list for Tender No. 23/2020– Supply of eight 4-ton SWL forklift trucks (FLT) and seven 2.5-ton SWL fork lift trucks (FLT)

Note: Please make sure that there are no prices anywhere in the technical offer!

	Paragraph no.	Description	Submitted to SV system (mark V)	Comments (if doc is not submitted please explain reason)
Invitation for proposals an automated tender				
Tender documents				
1	1.7	Appendix G- agreement. Signed in initials on each page of the agreement.		
2	2.1.1	Certificate of Incorporation		
3	2.1.3	Bid guarantee (according to appendix M)		
4	2.2.3	List of total sales since 2015		
5	2.2.4	List of sales in Israel since 2015		
6	2.2.5	ISO 9001 or an equivalent standard in the subject field		
7	2.2.6	Section III mandatory- filled and signed		
8	2.2.7	copy the technical specification with note at the end of each paragraph if the offered equipment		

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	Paragraph no.	Description	Submitted to SV system (mark V)	Comments (if doc is not submitted please explain reason)
		complies or not		
9	3.1	Appendix L- Foreign Supplier's Industrial Cooperation Undertaking		
10	5.2.3	Appendix k- Means of Identification		
11	5.3.1	Appendix C - A signed and completed bidder's reply		
12	5.3.5	APPENDIX B- Declaration of Compliance with Mandatory Items.		
13	5.3.6.	Appendix D- price proposal declaration		
14	5.3.7	Appendix F - Preferential Declaration of origin signed and completed.		
15	5.3.8	appendix O		
16	5.3.9	Appendix P - Declaration of absence of conflict of interest and absence of personal/business relations.		
17	5.3.13	Signed Technical specification (Appendix A) note at the end of each paragraph - complies or not complies with the requirement		
18	5.6	statement from the manufacturer confirming that the bidder is the authorized distributor/representative		
19	6.2	Appendix J- manner of conducting		

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	Paragraph no.	Description	Submitted to SV system (mark V)	Comments (if doc is not submitted please explain reason)
		a dynamic competitive process in the system of Automated tenders		
20	12.1	Questions or clarification should be submitted no later than June 1st, 2020, 12:00 (Israel local time).		
Technical Evaluation (Appendix A section I)				
21	26.1	Tractor technical specification		
22	26.2	Tractor general arrangement drawing		
23	26.3	Certificate of noise level		
24	26.6	Recommended spare parts to keep in stock list		
25	26.7	Recommended spare parts list to for 2 years		
26	26.8	Technical specifications document (section I) Scanned, filled and signed		
27	26.9	Final test report and quality check list sample		
28	26.10	Greasing points list with drawings		
29	26.11	Liquids and consumables list including quantities and replacement intervals, OEM, description, standard (for liquids).		
30	26.12	Maintenance Periodic Intervals		

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	Paragraph no.	Description	Submitted to SV system (mark V)	Comments (if doc is not submitted please explain reason)
		check list		
Data Sheet (Appendix A section II)				
31	II	Data Sheet- filled and signed- special instructions		
Technical Mandatory requirements (Appendix A section III)				
32	III	Technical Mandatory requirements - filled and signed		



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Appendix O

Content of all guarantees approval

To: Haifa port company ltd. ("**HPC**")
P.o.b 33539

Haifa 31334

Israel

I, the undersigned, hereby declare that i have read and understood the content of all forms of guarantees (tender guarantee, performance guarantee, payment guarantee, warranty guarantee and extended warranty guarantee) indicated for tender 23/2020– supply of port & terminal FLT's for Haifa port company ltd and hereby confirm and accept it and will act according to the conditions and the provisions of the tender and the contract regarding it.

Bidder's signature & stamp

Bank signature & stamp

Date

Date

Approval

I, the undersigned, legal counsel of _____ ("**bidder**"), hereby confirm that _____, who have signed this reply, is duly authorized to sign this reply on behalf of the bidder, and that his/her signature shall bind the bidder hereunder for all intents and purpose.

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Appendix P

Declaration of absence of conflict of interest and absence of personal/business relations

I the undersigned _____ i.d. Number _____ / number and type
of legal entity _____ hereby declare:

A. Conflict of interest

1. As of today, i and/or the position holders i have proposed for the performance of the services are not in a conflict of interest and/or bound by another agreement, whether business-related, professional or personal, for either wage or any other benefit, that might form a conflict of interest between the duty to perform the services specified in the agreement with the Haifa port company and duties to other organizations with which i have any similar and/or identical agreements. For the purpose of this appendix, conflict of interest shall mean even a serious concern of conflict of interest.

2. I hereby state that throughout the period of the agreement with the Haifa port company, i and/or the position holders i have proposed shall not be bound by any contract or other agreement/provide services that might form a conflict of interest.

3. I hereby agree to inform the Haifa port company in writing of any condition, contract and/or agreement and/or service provision that forms or might form a conflict of interest, and act in conformity the company's instructions.

B. Personal / business relations

Tick (x) the correct option:

1. Self-employed persons / licensed dealer:

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☐ i hereby state that i and/or the position holders i have proposed **do not** have any personal or business-related relation to any of the employees of the Haifa port company.

☐ i hereby state that i and/or the position holders i have proposed **do** have a personal or business-related relation to an employee of the Haifa port company.

The relation is to _____ (name and position).

2. Corporation/partnership

☐ i hereby declare that i, the partners, position holders and officers i have proposed and the holders of controlling interest above me **do not** have any personal or business-related relation to any of the employees of the Haifa port company.

☐ i hereby declare that i or any of the partners, position holders and officers i have proposed or any of the holders of controlling interest above me **do** have personal or business-related relation to an employee of the Haifa port company. The relation is to _____ (name and position).

For the purpose of this appendix:

“holder of controlling interest” – holder of the control of the supplier, based on the definition of “control” in the securities law, 5728-1968, apart from any control deriving from a hold of the state of Israel of the supplier;

“personal relation” – first-degree family relations (parent, including adoptive parents and step-parents, spouse, including common-law spouse, child, child of a spouse, including a parent or spouse of either one of them).

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“business-related relation” – business relations, including an employer-employee relationship, a shared right to receive profits, vote or appoint a manager, a partnership, an ownership, a shared hold or “control” (as defined in the securities law, 5728-1968) of any corporation.

“HPC” – the Haifa port corporation ltd;

“contract” – any oral or written agreement, arrangement, work order, obligation, decision regarding the grant of rights or other benefits, as formed between HPC and the supplier, regardless of its name and title;

“officer” – as defined in the companies law, 5759-1999.

“the supplier” – the bidder, and anyone with a contract between them and HPC, who have signed this document, regardless of their name and title;

“HPC employee” – including any director, board member and worker;

4. I have affixed my name and signature and the content of my above declaration is correct.

Date	Bidder's signature & stamp