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Purchase and Contracts in Israel and Overseas Procedures In Compliance with the Mandatory Tenders Regulations		

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1. **Background**

- 1.1. On August 10th, 2010, mandatory tendering entered into effect at institutions of higher education by virtue of the Mandatory Tenders Regulations (Contracts of a Higher Education Institution) 5770-2010 (hereinafter – the “Regulations”).
- 1.2. The entering into a contract, in compliance with the Tenders laws requires adherence to written procedures, which are in line with the provisions and regulations of the Law.

2. **Objectives**

The purpose of this procedure is to specify the method and process of entering into a contract by the Technion, in compliance with the Mandatory Tenders Law and Regulations applicable to higher education institutions, using the method of tenders.

The present procedure refers to all types of tenders, including building and maintenance, procurement, buffets and real estate.

3. **Definitions**

- 3.1. **An Expert** – a person (or a corporation) performing professional work, which requires special know-how and expertise in the professions of design, graphics and medicine and including a person (or a corporation) performing work, which requires special fiduciary relations such as legal work, accounting, arbitration, consulting or the performance of research work.
- 3.2. **Labor Laws** – the statues detailed in the first Addendum to the Labor Court Law, enforced by the Minister of Industry, Commerce and Tourism, as well as the National Insurance Law (Appendix I).
- 3.3. **Employees who are qualified to open the tenders’ box** – members of the Tenders Committee, tender holders and any employee appointed by the Director General as qualified to open the tenders’ box.
- 3.4. **A framework tender** – a public tender wherein more than one supplier is selected, following which, in accordance with the terms of the tender, framework agreements will be signed with any supplier who was selected under the framework tender, as well as the identity of the supplier with whom an order will actually be placed from time to time during the period of the framework agreement, in accordance with the terms of such agreement.
- 3.5. **Planner** – a professional in the design industry, including any of the following professionals: an architect, engineer, planner, consultant, project manager, supervisor, real estate assessor and a surveyor.
- 3.6. **The Press** – all of the following:
 - 3.6.1. A daily or a weekly newspaper in Hebrew, with widespread distribution, concerning the subject of the tender;



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- 3.6.2. A daily or a weekly newspaper, in Arabic, having widespread distribution.
- 3.7. **“Value-based exemption”** – it is possible to enter into a contract that is exempt from a tender and authorization by the Tenders Committee, in the event that the contract does not exceed NIS 100,000, provided that during an uninterrupted period of 12 months, no contract has been signed with the same entity, for a sum exceeding NIS 300,000 (including continuation contracts).
- 3.8. **A bidders’ list** – a list compiled in accordance with Paragraph 6.7 of this procedure
- 3.9. **The value of the contract** – total payments including taxes, inter alia VAT, which are included in or a result of the contract and/or therefrom, including:
- 3.9.1. Any payment, which the Technion has to pay to any party that enters into a contract with the former and, which in accordance to the contract, the receiving party must transfer to another;
- 3.9.2. An evaluation of the total payments that any third party will pay to anyone, that/who is a party to the contract with the Technion, subject to the contract;
- 3.9.3. The total payments, including payments under sub-paragraph 3.9.1 or 3.9.2 heretofore, which are included in the Technion’s optional right, in accordance with this contract.
- 3.9.4. The total payments that the Technion will pay for services, maintenance, warranty, insurance etc., during the period established upon entering into the initial contract.
- 3.10. **Directives on, Finance and Economy** – administrative directives established by the Accountant General of the Ministry of Finance.
- 3.11. **The Tenders Regulations** - Mandatory Tenders and Contracts (Contracts of a Higher Education Institution) Regulations, 5700-2010.
- 3.12. **Higher education inputs** – any of the following:
- 3.12.1. Scientific instrumentation and/or equipment used for higher education activities and/or essential research services, which, owing to their relevant features, are required for higher education activities, including in view of the need for safeguarding reliability, uniformity or continuity of research.
- 3.12.2. Scientific literature and/or materials used for higher education activity, where the value of a single contract with respect to each of same does not exceed NIS 500,000 which, owing to their relevant features, are required for higher education activities, including in view of the need for safeguarding reliability, uniformity or continuity of research.

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3.13. **Temporary order period** – in the Regulations as defined under Regulation No. 50 of the Tenders Regulations, as will be in effect from time to time.

4. **Authority and Responsibility**

4.1. **The Director General** will appoint the members of the Tenders Committee, upon authorization of the executive committee, in accordance with the provisions of the present procedure. He may appoint an ad-hoc committee for the purpose of a specific contract. The present procedure will apply to this committee as well. The Director General will have special powers for contracting as specified in this procedure.

4.2. **The Exemption Committee** – will be qualified to authorize contracts, under exemption from a tender, under the circumstances described in this procedure (grouped together under Appendix A).

4.3. **The Tenders Committee** will administer all the contracts of the Technion, in accordance with the Tenders Laws and its powers will be as specified in this procedure, including the authority to appoint a sub-committee, which will present to the former recommendations, with respect to any issue which falls under the authority of the Tenders Committee.

4.4. **The Head of the Tenders and Logistics Unit** will bear the following responsibilities:

Supervision and control of all published tenders; current administration of the work of the Tenders Committee, including the scheduling of the Committee's meetings and its agenda as well as concurrently administrating the work of the Exemption Committee; responsibility for maintaining contacts between the different entities of the Technion and the Committee members; processes of drawing conclusions; initiating updates and amendments of this procedure and obtaining current reports with respect to the total agreements and contracts, considered higher education inputs and which are not considered contracts, in accordance with Regulations No. 3(1) and 3(2).

The Head of the Tenders Departments will have the following responsibilities: holding tenders; grouping together the issues on the Committee's agenda and distributing same subject to the authorization of the Head of the Tenders and Logistics Unit; accompanying and following up the work of the Tenders Committee; any other task imposed upon him by the Head of the Tenders Unit;

The coordinator of the Tenders Committee will bear the following responsibilities: conducting tenders; follow-up of protocol, obtaining the signature of the Committee members on protocols and grouping together all the protocols of the Tenders Committee; compiling of the quarterly report for the Exemption Committee; compiling and publishing of a weekly list of exemptions; maintenance of the Tenders website; any other task imposed on him/her by the Head of the Tenders Unit.

4.5. **The tender holder** will have the following responsibilities with respect to any tender handled by him:



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- 4.5.1. Responsibility for implementing the provisions of this procedure and the provisions of the Law in all matters pertaining to the organizational aspect of the Tender, in coordination with the Committee's chairman.
- 4.5.2. Participation in the opening session of the tenders' box and taking down the minutes of the opening meeting.
- 4.5.3. Recording the tender in the Technion's information system, which administers the following information with respect to every tender:
 - 4.5.3.1. The tender's serial number and the publication year of the tender.
 - 4.5.3.2. The subject of the contract.
 - 4.5.3.3. With respect to a public tender – the date on which the advertisement was published in the press and on the internet.
 - 4.5.3.4. With respect to a closed tender – the date of the call for bids.
 - 4.5.3.5. Maintaining bidders' lists, according to fields.
 - 4.5.3.6. The names of the suppliers called to submit their bids and their serial number on the list for closed tenders.
 - 4.5.3.7. The name of the winner/s of the tender.
- 4.5.4. In addition, relevant tender documents will be kept in dedicated tender files.
- 4.5.5. Compilation of records and their ongoing follow-up with respect to the total agreement and contracts, constituting higher education inputs and are not considered contracts in accordance with Regulation No. 3(1) and 3(2).
- 4.5.6. Any other responsibility imposed on a tender holder, in accordance with this procedure.

5. The Method

5.1. The principles of the tenders' method

- 5.1.1. Generally speaking, a contract for the conducting a transaction of goods or real estate, performing a job or to hiring services will be entered into in a transparent manner, to the extent practical, under the circumstances of the matter, fair and egalitarian, while offering maximum advantages to the tender holder.
- 5.1.2. In the event in which the authorized personnel decide to enter into a contract, that is not by way of a tender, the procedures related to the contract will be administered, to the extent possible, in accordance with the general principles described under Paragraph 5.1.1 heretofore. Priority will be assigned to hiring a winner of a tender held by the Accountant General.



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- 5.1.3. The Technion will prefer to enter into a contract by way of an ordinary public tender, even where the Law permits other forms of contract.
- 5.1.4. In the event in which it was decided to enter into a contract not through a tender, the Tenders Committee will explain its decision in a protocol and will consider other contract options, by the following order;
- 5.1.4.1. Examining the possibility of conducting a limited public tender.
- 5.1.4.2. Examining the possibility of conducting a closed contract.
- 5.1.4.3. Contracting not by way of a tender (under exemption).
- 5.1.4.4. A contract which is urgently required in order to prevent considerable damage.

5.2. General provisions with respect to the work of the Tenders Committees and relevant entities involved in the process

- 5.2.1. The members of the Tenders Committee include:
- 5.2.1.1. Chairman – A Director General or anyone on his behalf (Asst. General Director VP, Operations, COO Head of the Tenders and Logistics Unit and Asst. General Director/Department/Unit Director);
- 5.2.1.2. Asst. General Director VP, Finance CFO or whomever is appointed by the Chairman as his representative, amongst the following position holders: Head of the Accounting Department or Asst. Head of the Department;
- 5.2.1.3. The legal consultant or an attorney appointed as his representative;
- 5.2.1.4. Another member as the case may be:
- 5.2.1.4.1. On matters related to building and maintenance – the Head of the Building and Maintenance Department;
- 5.2.1.4.2. On matters related to the purchase of goods and services – the Head of the Purchasing Department or the latter's representative.
- 5.2.1.4.3. On matters related to insurance, properties and real estate – the person in charge of insurance/properties or his representative;
- 5.2.1.4.4. Another person to be appointed by the Director General, to the extent needed.
- The full quorum of the Tenders Committee will consist of no less than three members, as described heretofore.



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- 5.2.2. Members of the Tenders Committee will be those individuals who have been trained in accordance with a program authorized by the Director General, within one year from the date of their appointment, as close as possible to the appointment, unless exempted from this duty by the Director General.
- 5.2.3. Should a committee member, or his relative or a corporation in which he has an interest, have personal interest with respect to a subject discussed by the Committee, he will not attend the discussion and should be replaced by his permanent representative or another Committee member who will be appointed only and solely for the discussion dealing with the same subject. This rule will also apply to an expert, an observer or a consultant who takes part in the Committee's discussions as well as members of the sub-committee.
- 5.2.4. In any case where a Committee member has doubts with respect to the issue of "a personal interest" in a tender, he must consult the Committee's legal consultant. A report will be entered into the protocol, based on the legal consultant's opinion.
- 5.2.5. Any person who has become acquainted with any information which he received by virtue of his appointment or position, with respect to a tender which was or is about to be published shall not disclose such information unless to a person who is qualified to receive same.
- 5.2.6. Should any member of the Tenders Committee be absent from 3 consecutive meetings of the Tenders Committee or from 5 meetings in a year and a substitute to attend these meetings in his stead has not been appointed, the chairman of the Tenders Committee will report this to the Director General.
- 5.2.7. The Director General will be entitled to revoke the absent member's membership in the Committee, with the exception of cases where such member is the Technion's Director General, legal consultant or Asst. Director General Finance CFO. A member who is the representative of the legal consultant will not be removed from his position, without consulting the opinion of the legal consultant. A member removed from his position as above can be reappointed, based on reasons that will be recorded, while mentioning the fact that he is being appointed although previously removed from his position, as above.
- 5.2.8. The majority of members of the Tenders Committee will constitute a legal quorum in the meetings of the Committee, as long as the following have attended the meeting: the Director General or his representative, the legal consultant or an attorney appointed by the latter as his representative.
- 5.2.9. The resolutions of the Tenders Committee will be adopted by a majority of the votes of those Committee members attending the meeting. The reasons for the resolutions will be explained and recorded in a protocol, which will include the essentials of the



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Committee's discussions and its resolutions and will be signed by the Committee members attending the meeting.

- 5.2.10. Whenever appropriate, the Tenders Committee may conduct discussions and adopt resolutions via email and/or a conference conversation, if this is required in order to streamline the work of the Tenders Committee, under the circumstances of the matter. A resolution adopted by email and/or a conference call will be ratified in the protocol of the following meeting of the Tenders Committee, for the sake of good order.
- 5.2.11. A protocol of a discussion as above will be drawn up and it will constitute a protocol of the Tenders Committee for all intents and purposes.
- 5.2.12. The position of the legal consultant or his representative in the Committee will be conclusive with respect to legal issues.
- 5.2.13. The position of the Asst. General Director, Finance CFO or his representative in the Committee, will be conclusive with respect to budgetary issues.
- 5.2.14. In the event of a tie vote, the Chairman will have the casting vote.

5.3. The handling of a purchase request

- 5.3.1. Any request to carry out purchases, which falls under the purview of the Purchasing Department and which has reached the latter either from the Technion units or management as well as a request for purchases, which originated in the Purchasing Department, will be examined by the Director of the Purchasing Department or anyone appointed by the latter.
- 5.3.2. To the extent that there is an agreement with suppliers for the purchase request and/or as long as the request deals with the purchase of "higher education inputs" and/or if the request can be purchased based on a "value exemption", the request will be routed in accordance with these channels and their respective procedures.
- 5.3.3. A contract which is urgently required in order to avoid considerable damage and which performance should be started within two working days or less, at the minimal scope and period required under the circumstances as above, can be entered into without the authorization of the Tenders Committee, provided that the Director General (and in the latter's absence, whoever he has qualified to do so) authorized such contract and explained the reasons for his decision, in writing.
- 5.3.4. In any other case – the request will be forwarded to be handled by the Tenders Unit. The Head of the Tenders Unit will appoint a tender holder, who will handle the request and prepare it for the handling of the Tenders Committee, together with his recommendations.
- 5.3.5. The recommendations of the tender holder will include, inter alia, the type of the appropriate process, including a public tender, a closed

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tender, entering into a contract with a professional expert, in accordance with Regulation No. 9, entering into a contract by way of an exemption from a tender, in accordance with Regulation No.3, realization of the optional right in an agreement, in accordance with Regulation No. 6, etc.

- 5.3.6. The Head of the Tenders Committee will add the purchase request to the Committee's agenda and forward same to be authorized by the Head of the Tenders Unit, who will bring up the subject on the Committee's agenda, in accordance with the latter's discretion and subject to the urgency of the purchase request and the Committee's timetable.

5.4. **Presenting the subject to the Tenders Committee**

- 5.4.1. Should the tender holder recommend to call a tender, he will draw up a document, which characterizes the principles of the tender, including: the essence of the goods/service; the budget description of the existing situation and/or similar previous purchases; market profile (if possible); evaluation of the value of the contract; the type of process; the contract period including option; proposed threshold conditions; criteria for selection; the structure of the price quotation; the need for conducting a suppliers'/contractors' visit; guarantees; price update mechanism (hereinafter: the **Tender Principles Document**).
- 5.4.2. The tender holder will present the tender principles document to the Tenders Committee for an initial discussion of the request; or alternatively, he will present the completed tender documents, for a discussion in the Committee.
- 5.4.3. In the event in which the tender holder recommends to enter into a contract with no tender, either by means of an exemptions clause or the implementation of the optional right, provided by the agreement, he will submit information and reasons to the Tender Committee, as required depending on the essence of the matter on hand, including with respect to the subject of economic feasibility and the Technion's satisfaction with previous contracts with the relevant supplier.
- 5.4.4. The tender holder will forward the tender principles document to the Committee members, to the extent possible, two days prior to the discussion in the Committee.
- 5.4.5. The coordinator of the Tenders Committee/ the tender holder/the Committee's legal consultant will draw up the document of the Tenders Committee protocol, including information concerning the subject/s, the essential points of the discussion, the conclusions and resolutions adopted and will forward same to the Committee members, for their comments. The Committee's coordinator will obtain the signatures of the Committee members on the protocol and will collect and keep the originally signed protocols. The Committee's coordinator will forward a copy of the signed protocol to the tender holder.



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5.4.6. The tender holder will participate in the Committee's discussion and will present to the latter the tender and subjects to be decided, which are associated with him.

5.5. **The Decision of the Tenders Committee on the contracting method**

5.5.1. The Tenders Committee will decide on the need for contracting and the procedures associated therewith.

5.5.2. The Committee may decide on a procedure of a preliminary call made to the bidders, at any time, in order obtain the information which the Committee needs with respect to the contract.

5.5.3. The Committee may decide if a tender will be conducted for the contract and it may decide upon the type of the tender.

5.5.4. The Committee will decide whether to enter into a contract by way of an exemption from a tender and will establish the category of the exemption. In the event where the Tenders Committee is not qualified to decide on a certain exemption and/or such resolution requires authorization by another competent entity, the Committee will forward the resolution on the matter to the qualified entity (the Director General and/or the Exemption Committee, in accordance with the provisions of the Mandatory Tender Regulations).

5.5.5. Should the Committee decide to conduct a tender, it may appoint a sub-committee, in writing; this committee will include at least the tender holder and/or a representative on behalf of the unit requesting the contract and will forward instructions to the sub-committee in order to draw up the documents of the tender and their submission for the Committee's authorization, within the scheduled timetable.

5.5.6. The Tenders Committee may decide to seek the assistance of expert consultants in order to conduct the tender, including for the purpose of drawing up the tender specifications and/or the remainder of documents.

5.5.7. Adopting a resolution on an exemption from a tender – subject to the provisions of paragraph 5.1 heretofore, the Tenders Committee may decide on an exemption from a tender, if any of the circumstances established by the Law, exists.

5.6. **The Exemption Committee**

5.6.1. The Executive Committee will decide on the panel of the Exemption Committee members, with respect to which one of the following will apply:

5.6.2. Its members are:

5.6.2.1. The Chairman of the Executive Committee or the Chairman of the Audit Committee, or a delegate of each and the latter will be appointed chairman;

5.6.2.2. Whoever is not an employee of the Technion;



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5.6.2.3. The Technion's legal consultant or the latter's representative, who is an attorney, provided that if the legal consultant has appointed a representative, the latter will not act as a member of the Exemption Committee on discussions of the resolutions of the Tenders Committee, which were adopted in his attendance.

5.6.3. Its members are:

5.6.3.1. Two members who are not employees of the Technion or an interest owner therein and one of them will be the chairman.

5.6.3.2. The Technion's legal consultant or the latter's representative, who is an attorney, provided that if the legal consultant has appointed a representative, the latter will not act as a member of the Exemption Committee on discussions of the resolutions of the Tenders Committee, which were adopted in his attendance.

In that respect, "an interest owner" is as defined under the Securities Law; however, a person shall not be considered an interest owner merely because he is a member of the Technion's Management.

5.6.4. The members of the Exemption Committee will undergo training, in accordance with a program authorized by the Director General, within one year from their appointment, unless exempted from this obligation by the Director General.

5.6.5. The decisions of the Tenders Committee to issue an exemption from a tender of a value exceeding NIS 1.5 million and with respect to rights in land, of a value exceeding NIS 2.5 million, will require the authorization of the Exemption Committee.

5.6.6. In the event in which the Tenders Committee has decided on an exemption from a tender or upon entering into a contract by way of a closed tender, the Tenders Committee will report its decisions to the Exemption Committees once a quarter, provided the latter do not require the authorization of the Exemption Committee. This report need not include a contract entered into in accordance with Regulation No. 40, Regulation No. 6(a) and Regulation No. 6(b), if its value is less than NIS 1 million. In addition, there is no need to include contracts for which an exemption had been decided, if, eventually, they were materialized.

5.6.7. The Tender and Logistics Unit is also responsible for assembling the Exemption Committee, including the establishment of the latter's agenda and the transfer of materials to the Committee members, within a reasonable time in advance as well as the preparation of a discussion protocol.



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5.6.8. The resolutions of the Exemption Committee will be adopted by a majority of votes of the Committee members, will be explained and recorded in the protocol, to be signed by the Committee members attending the meeting. The majority of the Exemption Committee members will constitute a legal quorum at the Committee's meetings, provided either the legal consultant or his representative attended the meeting.

The opinion of either the Technion's legal consultant or its representative in the Committee will be conclusive with respect to legal matters.

In the event where a member of the Exemptions Committee, his relative, a corporation wherein he is an interest holder, has either a personal or institutional interest in the a subject deliberated by the Committee, he will not attend the meeting and another member will be appointed ad-hoc by the chairman, for the same issue. Alternatively, and if there is no other option, the meeting can be held by an incomplete panel.

Absence of a member of the Exemption Committee from the Committee's meetings will be treated as specified under paragraphs 5.2.6 and 5.2.7, mutatis mutandis.

5.6.9. The Exemptions Committee may adopt any resolution as it will deem appropriate, including to establish preliminary stipulations for the authorization of an exemption – including to require a public or another publication of the process and/or to instruct the conducting of negotiations, to require the implementation of a competitive process for entering into a contract and to adopt any other resolution, in accordance with the Committee's discretion.

5.7. Reporting and publication of contracts for which an exemption was authorized

5.7.1. Any resolution on entering into a contract not by way of a tender, with the exception of a contract with a value exemption in accordance with Article 3(1) and -8 of the Mandatory Tender Regulations, will be published on the website, while specifying the arguments for its adoption; this within 5 working days from the adoption of the resolution. A resolution may not be either partly published on grounds of the state's security, the state's foreign affairs, international commercial relationships or a resolution may be published in a way which will not disclose a commercial or professional secret.

5.7.2. The coordinator of the Tenders Committee will be responsible for publication as above, via those who are authorized to handle the website.

5.8. Preliminary request for RFI

5.8.1. The Tenders Committee may authorize and/or instruct the conducting of market research as a preliminary stage prior to the conducting the tender, including preliminary request for information, which the



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Committee requires in order to enter into a contract, in accordance with the guidelines specified under Appendices F and G.

- 5.8.2. The preliminary RFI will be conducted via a short advertisement in the press, referring to the Technion's website, in accordance with the text described under Appendix C, mutatis mutandis and in accordance with the text, which is specified in the Technion's website.
- 5.8.3. The request, receipt of information, examination of the responses and discussion with the entities who submitted a response to the request – will be conducted by safeguarding the principle of equality among the respondents.
- 5.8.4. In the event in which a tender was conducted following a preliminary RFI process, and one of the suppliers who submitted information won the tender – every participant in the tender may review the relevant activity of the Tenders Committee. The relevant documents of the preliminary RFI will be added and the right to review such will apply, in addition to the provisions of Paragraph 5.26.
- 5.8.5. Response to a preliminary RFI will not constitute a condition for participation in the tender which will follow.
- 5.8.6. The preliminary RFI document will be prepared in one or more of the following ways:
 - 5.8.6.1. An employee of the Technion, having the required knowhow and professional experience, will be authorized by the Tenders Committee as responsible for preparing the document.
 - 5.8.6.2. The Tenders Committee will be assisted by an expert.
- 5.8.7. As the purpose of the preliminary RFI is to collect information, it may contain definitions of general requirements or open-ended, free-structure questions (for instance: "Describe the capabilities of the goods/work/service which you supply). It is desirable, however, that the questions be defined so as to obtain significant and specific information for the further course of the procurement process.

5.9. **Conducting the tender**

Once the Committee has decided to conduct a tender, the tender holder or the sub-committee (if appointed for that purpose) will prepare the **tender documents** and will submit them for authorization by the Tenders Committee, in accordance with the established timetable, including the following documents or part thereof, as the case may be:

- 5.9.1. In preparing the tender documents, the person who prepares the documents will consult the ordering unit and/or the appropriate professional body at the Technion; and/or the internal or external consultant of the tender.



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- 5.9.2. The professional body and/or the consultant, as the case may be, will be invited, to the extent possible, to the discussion of the tender documents held by the Tenders Committee.
- 5.9.3. The tender documents will be drawn in accordance with the master text of a Technion's tender, mutatis mutandis, as the case may be. The master text will be established by the Tenders and Logistics Unit and the Technion's legal consultants and will be kept up to date, in accordance with the practical resolutions and policy of the Tenders Committee.

5.10. Administering a dedicated tender file

The tender holder will keep a dedicated file for the tender wherein the following will be kept during the period stated under paragraph 5.28, as follows:

- 5.10.1. The document of the tender principles and any other material drawn up regarding the contract;
- 5.10.2. The contract documents;
- 5.10.3. Clarification files, questions and answers;
- 5.10.4. The contracts'/suppliers visit protocol;
- 5.10.5. The submitted bids and copies of the bid guarantee;
- 5.10.6. Protocols of the Tenders Committee and of a professional sub-committee.
- 5.10.7. Letters of winning/non-winning of the tender;
- 5.10.8. Correspondence with suppliers and the winner during the tender and the contracting period;
- 5.10.9. Legal correspondence.
- 5.10.10. Internal material, such as; reports, economic and other reports, drawing of conclusions, special authorizations;
- 5.10.11. Any supplementary material accumulated during the contract and the contracting period.

Guarantees received will be kept in the Finance Department, in a locked cabinet.

5.11. Establishing the tender threshold conditions

- 5.11.1. The tender holder should establish the existence of the statutory pre-conditions, required by the regulations.
- 5.11.1.1. **In a tender to procure manpower-intensive work or services.** The statutory threshold conditions required by the regulations will be established, as detailed hereunder.
- 5.11.2. The Tenders Committee may add other conditions for participating in the tender, as follows:



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- 5.11.2.1. The threshold conditions will be established with the purpose of increasing competitiveness.
- 5.11.2.2. The threshold conditions will be formulated in way which will maximize the option of preventing the disqualification of bids (pre-ruling, guarantee, etc.).
- 5.11.2.3. The Tender regulations will be established in order to take into consideration the "marketability" of the tender.
- 5.11.2.4. An undertaking to comply with all the requirements of the specifications, with no exception.
- 5.11.2.5. Attaching a guarantee (from a bank/an insurance company/ a cashier's check).
- 5.11.2.6. The bidder is not subject to winding up/bankruptcy and/or freezing of process proceedings.
- 5.11.2.7. The signing of a contract.
- 5.11.2.8. Presenting an authorization of the Company's auditor or lawyer, as to the bidder's undertaking to use only and solely original software programs for the purpose of the tender.
- 5.11.2.9. Presenting an insurance policy and/or insurance authorization.
- 5.11.2.10. Compliance with a security and reliability inspection, if required by the service/work and this, in accordance with the requirement of the Technion's security officer.
- 5.11.2.11. Submission of a participant's prospectus to be prepared by the Technion and filled out by the supplier, including general information with respect to the company/the corporation (including sub-suppliers, if any), service providers, the list of administrative personnel, the list of performance and supervisory personnel, the list of equipment available to the latter, experience at other workplaces, names of persons who can provide references concerning the supplier, etc. and this to the extent required.
- 5.11.2.12. References concerning the bidder.
- 5.11.2.13. Marking by a standard mark or a requirement for a supervision mark.
- 5.11.2.14. Compliance with the requirements of an unofficial Israeli standard.
- 5.11.2.15. Relevant proven experience.



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- 5.11.2.16. A solid economic basis in accordance with the opinion of the tender holder (for instance, a C.P.A.'s authorization with respect to the Bidder's turnover during the last three years).
- 5.11.2.17. The place where the bidder's business is conducted, if it has an effect on the quality of the service.
- 5.11.2.18. The supplier's required scope of operations.
- 5.11.2.19. Conditions regarding no past criminal record, in cases where the Committee sees fit and for the period that will be established.
- 5.11.3. The threshold conditions of the tender will be established with respect to the provisions of the Addendum to the Mandatory Tender Law, as follows:
- 5.11.3.1. Work experience – a requirement that the bidder has one year of experience in the field which is relevant to the contract, or, experience in the field as above, which is equivalent to the planned period of contracting, according to the higher of the two. However, in any event, the requirement for work experience will not exceed five years.
- 5.11.3.2. Previous experience – a requirement for the bidder to have performed at least one previous job with a financial or qualitative scope, which is equivalent to that of the tender or, that the bidder has to date performed three previous jobs, the financial or quantitative scope of each being equivalent to half the scope as above of the work which is the subject of the tender.
- 5.11.3.3. The scope of the financial turnover – a requirement for the bidder to have an annual turnover at the rate of twice the annual financial turnover, which is evaluated as required contracting, at most; such requirement as above will refer at the most to each of the three years preceding the contract.
- 5.11.3.4. Production or supply scope – in a contract for a goods transaction – a requirement for production or supply scope which does not exceed twice the annual scope required in the contract; such requirement as above will refer at the most to each of the three years preceding the contract.
- 5.11.4. The setting of a stricter condition, beyond the provisions of paragraph 5.11.3 heretofore, requires explanation in the tender documents.

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5.11.5. The Tenders Committee may amend the conditions of the tender **as long as the deadline for submission of bids has not elapsed**. The reasons for the resolution of the amendment will be documented in the Committee's protocol. The tender holder will publish such amendment of the tender conditions, in accordance with the rules specified under paragraph 5.21 hereunder.

5.12. A guarantee to secure a bid for a tender

5.12.1. The Tenders Committee will establish the type, sum and duration of the guarantee to be submitted by the bidders of the tender, in order to secure their bid.

5.12.2. Instructions for establishing the type of the guarantee

5.12.2.1. The Tenders Committee may decide, upon its discretion, that there is no need for submitting a guarantee for the tender.

5.12.2.2. The Tenders Committee may prefer to decide that every bidder will attach to his bid a cashier's check in favor of the Technion.

5.12.2.3. The Tenders Committee may decide that every bidder will attach to his bid, a guarantee whose text will be as appears in Appendix B hereunder.

5.12.2.4. The Tenders Committee may decide if the guarantee will be linked. In such a case, the text of Appendix B will be amended respectively.

5.12.3. Instructions with respect to the sum of the guarantee:

5.12.3.1. Generally, the sum of the guarantee will be established in NIS and not as a percentage of the quotation.

5.12.3.2. The Tenders Committee will establish the sum of the guarantee (generally, an absolute sum as above), while taking into consideration the rate of the contract and other practical considerations. The sum of the guarantee will not indicate the value or evaluation of the contract.

5.12.4. Instructions with respect to the validity of the guarantee:

5.12.4.1. The date on which the bank guarantee will expire will be established in the tender documents, in accordance with an assessed calculation of at least 90 days after the deadline for the submission of bids. The Technion may request to extend the validity of the guarantee beyond this date. However, it will be established in the tender documents that the validity of the guarantee will not be changed, unless by an explicit resolution which will be published.

5.13. Setting the criteria for decision on the tender



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- 5.13.1. The Tenders Committee will set the criteria for selecting the winning bid, as well as the relative weight of every criterion.
- 5.13.2. The criteria and their weights will be established while taking into account the recommendation of the professional entity and/or the consultant, as the case may be, including:
 - 5.13.2.1. The proposed or requested price, as the case may be.
 - 5.13.2.2. The quality of the goods or the land, the work or the service or special data characterizing the above and to what extent they are suitable to the tender holder.
 - 5.13.2.3. The bidder's reliability, capabilities, experience, expertise and fields of expertise.
 - 5.13.2.4. References regarding the bidder, if required in accordance with conditions of the tender and the extent of satisfaction with his performance in previous contracts.
 - 5.13.2.5. Special requirements of the tender holder, such as the bidder's scope of operations and his compliance with the requirements of Israeli standards (either official or unofficial).
 - 5.13.2.6. The bidder's conduct with respect to the safeguarding of workers' rights, including a written negative opinion or control report, on this matter, on the part of an entity that contracted the bidder, in the course of the five years preceding the deadline for the submission of bid.
- 5.13.3. The Tender Committee will list the relative weight of each criterion.
 - 5.13.3.1. A relative weight will be established for the price quotation, in comparison to the quality score.
 - 5.13.3.2. The tender holder may establish a minimum quality score. The Tenders Committee may decide, if necessary under the circumstances of the matter, that should the number of bids in the final bidders' group, falls beyond or exceeds a certain number, the minimum quality score will be different.
- 5.13.4. In the tender documents, the Tender Committee will indicate the criteria, their composition, the relative weight of the criteria and their composition and the method of their weighting.
- 5.13.5. The Committee may decide that bids which will not reach a certain minimum quality score will be disqualified.
- 5.13.6. In extraordinary cases, where the Committee has been convinced that a publication as above, might adversely affect the proper administration of the tender process, it may decide not to indicate the

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weights, while explaining its resolution in the Tender Committee's protocol.

5.14. **Special provisions with respect to the procurement of manpower-intensive work or services (in this paragraph: Tender No. 21")**

In accordance with Regulation No. 43(b), the provisions applying to the Technion tenders with respect to the safeguarding of workers' rights and securing adherence to Labor Laws by participants of Tender No. 21, will not be inferior to those established by the Directives on Regulation, Finance and Economy.

In tenders of this type, the Technion will act in compliance with provisions No. 7.11.2-7.11.3 of the above-mentioned Directives, as will be formulated from time to time as well as any other relevant provision, to the extent that it is included in these Directives.

5.15. **The absence of contradictions in the tender documents**

5.15.1. Every tender will include a provision with respect to the bidder's responsibility to find contradictions amongst the tender documents as follows:

"The bidder will inform the tender holder in writing as to any contradiction, incongruence and/or lack of clarity, if detected by the latter in the procurement process documents and this, until the deadline for the presentation of clarification questions.

It is clarified that a participant may not raise any claim with respect to the tender documents, following the deadline for presenting clarification questions.

5.15.2. Without derogating from the above-stated, the tender holder will verify, to the extent possible, that there are no contradictions amongst the tender documents in particular and between the general conditions document and special specifications, in particular.

5.15.3. Without derogating from the aforementioned, in the event in which the Tenders Committee/the sub-committee, has been assisted by an expert in preparing the tender documents, or part thereof, then as part of his responsibilities, such expert will verify that the documents edited by him do not contain contradictions to the contents of the Technion's general conditions documents.

5.16. **Authorizations of the tender documents by the Head of the Tenders and Logistics Unit**

The Head of the Tenders and Logistics Unit will authorize the tender documents before they are submitted for authorization by the Tender Committee.

5.17. **Evaluation**

5.17.1. The Tenders Committee will discuss and decide whether to prepare an official evaluation (open or confidential) for the contract. Once the Committee has decided to prepare an official evaluation, the tender



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conditions will state that the Committee may disqualify a bid, which will unreasonably deviate from the evaluation.

- 5.17.2. Such evaluation will be drawn up by the tender holder and/or a professional entity and/or a consultant and will be authorized by the chairman of the Tenders Committee. When preparing an evaluation, at least one of the following measures will be taken:
 - 5.17.2.1. Consultation with the unit placing the order (assuming that the subject of the contract is associated with the field in which the unit placing the order engages or specializes).
 - 5.17.2.2. Market survey:
 - 5.17.2.2.1. The market profile: its size, financial scope and the principles on which the market competition is based.
 - 5.17.2.2.2. Market analysis, including the market's potential suppliers, their number, characteristics, advantages and disadvantages, the present nature of the market and a future forecast. Such analysis can be made through a preliminary RFI.
 - 5.17.2.3. Consultation with an expert.
 - 5.17.2.4. Checking the price paid by the Technion, on the eve of preparing the contract process.
- 5.17.3. In order to prepare the evaluation, it is recommended to draw a profile of the goods/work/service, in accordance with the following parameters:
 - 5.17.3.1. A detailed description of the goods/work/service and their main characteristics, which are important for the resolution to call for a tender, such, technical specifications, technological durability, alternative products, to what extent the product is independent and does not depend on other products, etc.
 - 5.17.3.2. Various types of the existing goods/work/service and the differences amongst them, such as: what are the different types of the same product in the market, regarding, dimensions, technological capabilities, etc.
- 5.17.4. Provisions with respect to a confidential evaluation -
 - 5.17.4.1. The evaluation will be signed by the chairman of the Tenders Committee and the tender holder or the professional entity that is preparing the tender and will be inserted into a closed envelope, on which the words "an evaluation for the tender", will be written. The evaluation envelope will be placed in the tender box,

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before the deadline for the submission of bids to the tender and will be kept therein until the opening of the tender box.

5.17.4.2. In the case of a confidential evaluation, the bids will be placed in the tender box prior to the deadline for submission of bids to the tender and will be kept there until the opening of the tender box. After the opening of the tender box, the evaluation will be kept in a closed envelope together with the price quotations in a safe/a locked cabinet until the date set for the opening of the price quotations.

5.17.5. Provisions with respect to an open evaluation -

5.17.5.1. The evaluation will be authorized by the Tenders Committee and published as part of the tender documents.

5.17.5.2. The Tenders Committee may conduct a competition for the tender, on a discount or an addition, as the case may be, based on a nominal price which will be established. Also, it may establish that the maximum price will consist of the evaluation of the contract value. The Tenders Committee may establish a maximum rate of a discount or an addition (as the case may be) and that a deviation from such might cause immediate disqualification of the bid.

5.18. Publishing an advertisement on the tender

5.18.1. Once the Tenders Committee authorizes the documents of a public tender -

5.18.1.1. The tender holder/the Committee's coordinator will publish an advertisement to that effect in the press, in accordance with the text attached under Appendix C of this procedure;

5.18.1.2. The tender holder/the Committee's coordinator will publish an advertisement to that effect on the website, in accordance with the text attached under Appendix D of this procedure;

5.18.1.3. The tender holder may compile a list, that is as large as possible, of suppliers who are relevant to the subject of the tender and will keep them up to date by email/telephone as to the publication of the tender. This, in order to enlist as many suppliers as possible. In addition, the holder may include in this list, any relevant supplier, who will inquire on the subject.

5.19. Making the tender documents available to the public



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- 5.19.1. The Tender documents will be available to the public and may be downloaded on the website.
- 5.19.2. In the event in which the tender documents cannot be posted on the website, the Tender Committee may establish that the documents will be obtained against reasonable payment, based on their printing cost. In such a case, the tender holder will record the identity of those who purchased the documents.
- 5.19.3. The Tenders Committee may decide not to present all the tender documents, and instead present all or part thereof for review in a place of its choosing, in the presence of the Committee's representative, all under special circumstances and reasons that will be recorded.

5.20. Suppliers' visit and clarification questions

- 5.20.1. Should the Committee decide to hold a visit for suppliers, the date for the visit will be posted on the website as well as on the tender documents. The Tender Committee will determine whether participation in a suppliers' visit is a prerequisite for participation in the tender.
- 5.20.2. The Tenders Committee or the Head of the Tenders and Logistics Unit may schedule additional visits, beyond those established in the tender, including special dates, in order to obtain the largest possible number of suppliers.
- 5.20.3. The tender holder or whoever has been appointed to that effect by the Head of the Tenders Committee will guide the visit.
- 5.20.4. The guide of the visit will draw a list specifying the names of all the participants as well as a protocol. The list of participants in the visit is intended for use by the Committee members and must not be distributed to the participants or to anyone else.
- 5.20.5. The guide of the visit will write down all the questions raised during the suppliers' visit.
- 5.20.6. The Tenders Committee, via the tender holder, will be the body qualified to formulate, in writing, the answers to the questions that were raised and to distribute same.
- 5.20.7. In a tender for the provision of services, where the physical site of the contract must be presented, it is recommended to hold a suppliers' visit on the designated site and to answer the clarification questions that will be presented, in writing, as above. Reservations as to the conditions established in the tender or the contract, will be formulated and delivered in writing to the tender holder, in accordance with the timetables established in the contract for submitting questions and reservations.
- 5.20.8. The Tenders Committee may establish in the tender documents, visit the option of submitting written clarification questions and the



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deadline for their submission, even with no connection to the suppliers' visit.

- 5.20.9. The Tenders Committee will distribute, to anyone who obtained the tender documents, the reservations and clarification questions that were submitted and to which the Committee saw fit to respond. The answer of the Committee will be formulated and placed next to reservations and clarification questions. The name of the person who asked the question, as well as any sign which might identify such person, will not be disclosed.
- 5.20.10. The text of the question as put in writing is the conclusive one and it will be published on the website.

5.21. Amendments of the tender documents and notices to that effect

- 5.21.1. The Tenders Committee may amend the conditions of the tender as long as the deadline for the submission of bids has not elapsed (in this paragraph: "Updates"). The reasons for the amendment decision will be documented in the Committee's protocol.
- 5.21.2. If the update/amendment refers to the deadline for the submission of bids to the tender or to any other detail included in the content of the advertisement published in the press – the amendment will be publicized in those newspapers wherein it has been initially publicized and on the website.
- 5.21.3. Other updates will usually be publicized via the website and it is the bidder's responsibility to check whether such were publicized and to act accordingly.
- 5.21.4. In the event in which a suppliers' visit has been conducted, as under paragraph 5.20 heretofore, efforts should be made to send updates initiated by the Technion to the participants of the visit.
- 5.21.5. Every tender will include a bold provision, according to which updates of the tender documents will be publicized on the website only and that it is the responsibility of the bidders to conduct follow-ups of updates on the website, by themselves, and this as per the following text:

"It is hereby clarified that updates and amendments of the tender and its conditions, if any (hereinafter: "Updates"), will be published on the website only and will constitute part of the tender documents, which should be submitted, signed, together with all the other tender documents. Notwithstanding, the Technion may, but is not obligated to, inform those interested, who participated in the suppliers' visit - where such visit has been conducted and the information and addresses of those participating therein were recorded - as to updates, directly via fax or email, as the Technion sees fit. In order to remove doubt, it is clarified that the Technion may disqualify the bid of a bidder who failed to attach the signed updates."



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5.21.6. In the tender documents, where the list of tender documents which must be submitted when signed, appears, the following should also be indicated:

“Updates and amendments publicized and/or which will be publicized on the internet, until the deadline for submission of bids and which it is the bidder’s responsibility to follow, on a current and continuing basis. In order to remove doubt, it is clarified that the Technion may disqualify the bid of a bidder who failed to attach the signed updates.”

5.21.7. In the event in which the last amendment to the tender documents has been made close to the deadline for submission of bids, such deadline will be extended in a way which will enable the potential bidders to prepare for the amendment.

5.22. Submission of bids

5.22.1. The tender box will be marked by a sign bearing the subject of the tender and its number. Care should be taken not to present adjacent to a site which is accessible to the public, other active or inactive tender boxes (of another tender), in a way which might mislead the bidders.

5.22.2. A bidder will submit his bid – being full, complete and signed, with certificates and documents attached, as required under the conditions of the tender, in a properly closed envelope, on which the number of the tender and the subject of the contract, will be indicated in clear handwriting.

5.22.3. The bidder will submit an original copy of his bid, in accordance with the requirement of the Committee and as specified under the tender documents.

5.22.4. The bidder will ensure to either personally submit the bid or via anyone on his behalf and to place it in the tenders’ box, at the site designated both in the advertisement and in the tender documents and until the deadline set for the submission of bids. No bids will be accepted after such deadline nor will any bids be placed in the tender box.

5.22.5 **Payment for participation in the tender** – Payment for participation in the tender as coverage of the cost of producing the tender will be a prerequisite for participation therein only in a tender of a value exceeding NIS 50 million. In such cases, the Tenders Committee will indicate same in the advertisement publicized on the internet, upon the publication of the tender.

5.22.6 In any event and under no circumstances will the coordinator of the Committee or anyone else on the latter’s behalf allow the placing of additional bids in the box, after the deadline set in the tender documents.

5.22.7 In a closed tender or in a process in compliance with Regulation No. 9 or through an individual call, the Tender Committee may



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decide that the bids be delivered either to the email of the tender holder or to any other place established by the Committee.

5.23. The opening of the tender box

- 5.23.1. Until the opening thereof, the bids for the tender will be held in the locked tender box.
- 5.23.2. The tender box will be opened in the presence of at least 3 employees who are qualified to open the box or alternatively, during the meeting of the Tenders Committee.
- 5.23.3. The tender box will be opened by no later than one working day after the deadline set for the submission of the bids, unless the Tenders Committee has decided that there are special reasons requiring a certain postponement and these will be described in the protocol.
- 5.23.4. Upon the opening of the tender box the employees qualified to open it, will carry out the following:
 - 5.23.4.1. Counting and numbering the envelopes, while closed and affixing a signature thereto, upon the opening of the box. The envelopes must be kept closed after the opening thereof. The inspected bids will be numbered in accordance with the number of envelopes.
 - 5.23.4.2. The opening of the envelopes.
 - 5.23.4.3. All the employees who are qualified to open the tender box and who attended the opening thereof, will affix their signatures **to (at least) the first page of each submitted bid.**
- 5.23.5. Upon the opening of the tender box the holder of the tender will draw up a protocol wherein he will record, inter alia, the following: the number of bids founds in the box, the content of the envelopes, the identity of the bidders and to the extent possible – the requested/proposed price/wages (in a two-stage tender, the price quotation envelopes will not be opened at the first stage as the case may be. He will also record the existence of an evaluation envelope, if any.
- 5.23.6. The protocol will be recorded on the “Opening of the Tender Box Protocol” form (Appendix E) and be signed by the employees who are qualified to open the tender box.
- 5.23.7. Where price quotations are opened during the meeting of the Tenders Committee – this will noted in the minutes of the meeting and replace the opening of the tender box protocol.
- 5.23.8. **The tender holder will place the guarantees provided by the bidders, in a safe.**
- 5.23.9. **The tender holder will place the bid documents in a locked cabinet.**



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5.24. Discussion of the bids by the Tenders Committee

- 5.24.1. The tender holder will examine the opened bids and will prepare a table of compliance with threshold conditions, which will be submitted to the Tenders Committee, on its next forthcoming meeting.
- 5.24.2. The tender holder will recommend to the Committee the option of requesting supplements and documents, to the extent required.
- 5.24.3. The Tenders Committee will examine the bids within a reasonable time from the opening of the tender box.
- 5.24.4. The Tenders Committee may appoint a sub-committee which will recommend to the former, on matters associated with the examination of the bids.
- 5.24.5. The Tenders Committee will not discuss bids which were not found in the tender box, at the deadline for submission of the bids.
- 5.24.6. The Tenders Committee will document all its activities, under protocols of the Tenders Committee, which will be drawn up as described under paragraph 5.2.9 heretofore.
- 5.24.7. The Tenders Committee will generally conduct its discussions in weekly meetings. Such discussions, however, may also be conducted through emails or telephone calls.
- 5.24.8. Examining compliance with threshold conditions
 - 5.24.8.1. The Tenders Committee will examine every bid submitted to the tender, its compliance with the threshold conditions included in the tender conditions and the validity of the documents wherein the bids to the tender were submitted. Such an examination will be conducted, to the extent possible, upon consultation with a legal consultant and will be authorized by the Committee.
 - 5.24.8.2. The reasons for disqualification will be specified in the protocol of the Tenders Committee or the opinion of the legal consultant, which will be attached to the protocol.
- 5.24.9. Comparing the complying bids and analysis of criteria
 - 5.24.9.1. The Tenders Committee will review the submitted bids and the recommendations of the sub-committee, if appointed, and may decide whether based on the data which it has it is capable of deciding who won the tender or, whether it requires additional information (such as: clarifications, supplementations, an expert opinion, etc.)
 - 5.24.9.2. If, in the course of reviewing the bids, the need has arisen to obtain the opinion of any expert, the latter's conclusions and recommendations will be documented



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in writing, added to the protocol of the Tenders Committee and will constitute an integral part of the tender.

- 5.24.9.3. The bids will be compared both as a whole and with respect to the components constituting the bid. In addition, the evaluation, if made in advance, will also be compared. The components of each and every subject of the criteria will be weighted in a comparative manner, amongst the bids and all of this above, in compliance with the conditions of the tender and with attention to the established and published criteria.
- 5.24.9.4. A criteria which was not published in the tender documents will not be used by the Tenders Committee for the evaluation of the bids.
- 5.24.9.5. The Tenders Committee may not disregard a criteria published in the tender documents.
- 5.24.9.6. The bids will be evaluated and rated in accordance with the provisions of the tender, with the same body or the same panel that is responsible for examining the parameters and evaluating the quality of all the bids in the same tender.
- 5.24.9.7. The Tenders Committee may not change the relative weight set in the tender documents for each and every criterion, after the expiration of the deadline for the submission of the bids.
- 5.24.10. Calling a bidder to provide clarifications
- The Committee, for reasons that will be recorded in the protocol, may contact a bidder in order to clarify certain details in the bid, as well as other details, which the Committee may require in order to make its decisions. The details of such clarification meeting will also be recorded in the protocol.
- 5.24.11. Disqualification of bids
- 5.24.11.1. The Tenders Committee will thoroughly review the bids documents. In cases in which scribal or arithmetic errors are detected, the Committee chairman will correct same at the margins of the bid. Any correction made will be recorded in the protocol, which will be drawn in accordance with guidelines of this procedure. A notice as to the correction will be sent to the bidder as soon as possible. Any correction of a bid as above will be made in coordination with the Committee's legal consultant.



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- 5.24.11.2. The Tenders Committee may disqualify bids if they are incomplete, misleading or based on either incorrect assumptions or a misunderstanding of the subject of the tender, as well as bids which imply that employees' rights might be adversely affected when contracting the bidder. Or, the Committee may ask for supplementations in accordance with the tender documents. The Tenders Committee will explain its decisions. In the event in which the Committee has not disqualified a bid in such cases, it should record its explanations in the protocol.
- 5.24.11.3. Any resolution to disqualify a bid submitted to the tender will be documented in the Committee's protocol.
- 5.24.11.4. In cases where suspicion arises that a price quoted is a dumping price, such quotation will be rejected subject to granting the bidder the right to present his arguments before the Tenders Committee.
- 5.24.12. The sub-committee's work involved in comparing the bids
- 5.24.12.1. The Tenders Committee may appoint a sub-committee, which will recommend to the former on matters associated with the examination of the bids. The sub-committee for the purpose of examining the bids can be part of the sub-committee appointed for the preparation of the bid documents. A decision can be made to appoint outside consultants as members therein, if required.
- 5.24.12.2. The sub-committee, if appointed for that purpose, will draw up a summary of the bids' details, an analysis of the criteria and the cost-benefit ratio of each bid.
- 5.24.12.3. The sub-committee will present a summary of its recommended data to the Tenders Committee, including a detailed explanation of its work and the way of analyzing the bids and forming its recommendations with respect to the selection of the winner, which will be presented in a table.
- 5.24.13. Adoption of resolutions by the Tenders Committee
- 5.24.13.1. The Tenders Committee will adopt its resolution with respect to the rejection of bids (to the extent that there is room to do so) and will designate the winner of the tender based on the rules set in the tender documents, while taking into consideration the professional opinion and the recommendation which it received, if any, from the expert, the inspection team or the sub-committee.

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- 5.24.13.2. The Tenders Committee will examine the bid that obtained the highest rating and which is expected to yield the maximum benefit to the tender holder.
- 5.24.13.3. In the event in which no criteria were established in the tender documents for the selection of the winning bid (with the exception of the price), the Tenders Committee may choose either the least expensive or the most expensive bid, as the case may be.
- 5.24.13.4. If, following the weighing of the results of the tender, two bids or more have obtained an equal weighted result, which is the highest weighted result, preference will be given to a bid submitted by a business controlled by a woman, if any, provided an authorization and a declaration were attached to the bid, upon its submission.
- 5.24.13.5. The Tenders Committee may not select the bid that obtained the highest rating in accordance with the criteria or by the price, on grounds of special circumstances and reasons, which will be recorded in the protocol, provided the following conditions have been complied with:
- 5.24.13.5.1. An advance notice with respect to such an option was provided in the tender documents.
- 5.24.13.5.2. The Committee will explain its resolution and give a bidder whose bid was not selected the opportunity to present his arguments in writing or by speaking before the Committee, as specified under paragraph 5.24.16.
- 5.24.13.6. If the value of the contract was evaluated and all the bids submitted to the tender are to the disadvantage of the bid holder, compared to the evaluation, the Tenders Committee may decide that all the bidders in the final bidders group will submit an improved price quotation as practiced in a “public tender with an additional competitive stage”, in accordance with paragraph 6.3 hereunder.
- 5.24.13.7. The Committee may select several appropriate bidders and split the expected contract amongst them – provided such an option was noted in the tender documents.

5.24.14. Adopting a resolution in the case of a single bid



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In the event that one proper bid was submitted in a public tender or a single bid was left for discussion by the Tenders Committee – the Tenders Committee will adopt one of the following resolutions:

- 5.24.14.1. Selecting the single bid, in accordance with the conditions of the tender;
- 5.24.14.2. Annulment of the tender (if deciding as above, the Tender Committee may decide to conduct a new tender);
- 5.24.14.3. In cases where the single bid is quoted for a price which is to the disadvantage of the bid holder, compared to the evaluation – the Committee may inform the bidder to that effect and to allow him to submit a price quotation under conditions, which will benefit the tender holder, within a set deadline.
- 5.24.14.4. In order to examine whether a single price quotation is reasonable and as an additional indication, the Tender Committee may open price quotations of bids which did not reach the last stage of the tender.
- 5.24.15. Adopting a resolution in the event that no bid was submitted/no recommendation was obtained with respect to any bid
 - 5.24.15.1. In the event where no bid was submitted to the tender or the Tenders Committee has not recommended any bid, the Technion may publish a new tender, whether public or closed, as the case may be, or to contract with no tender, subject to authorization by the Director General, if the latter has been convinced that the conduct of another tender
 - 5.24.15.2. **In the event where the value of the contract according to this paragraph, exceeds NIS 4 million, the contract requires the authorization of the Exemption Committee.**
- 5.24.16. The process of hearing of arguments
 - 5.24.16.1. In the event that the Tenders Committee considers not to select the bid which complied with the threshold conditions and which obtained the highest rating as provided under paragraph 5.24.13.5, the Committee will issue an advance written notice as to its intention to the bidder. In its notice, the Committee will list to the bidder the weak points of his bid or the subject to which he has not provided satisfactory answers to the requirements of the tender (such as an unreasonable price, suspicion of manipulations,



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failure to understand the requirements of the tender, etc.).

5.24.16.2. The Committee will offer the bidder an opportunity to present his arguments in writing or before the Committee. The process of hearing arguments will be conducted in the presence of either the legal consultant of the Tenders Committee or his representative. The legal consultant or his representative will verify that the process of hearing arguments does not turn into negotiations.

5.24.16.3. The details of the meeting with the bidder as above. Including his arguments and reservations, the process of the meeting and the discussion held by the Tenders Committee thereafter. In order to adopt final resolutions on the subject, will be recorded in the Committee's protocol.

5.24.17. The Protocol

The Tenders Committee will compile a protocol in accordance with the following general outline. The Committee's protocol will include:

5.24.17.1. The names and responsibilities of the Committee members.

5.24.17.2. The subject of the contract.

5.24.17.3. Results of the examination of the submitted bids.

5.24.17.4. Information with respect to the disqualified bids.

5.24.17.5. All the information related to the discussions of the Committee including a summary of the positions of the participants in the discussion and their reservations, as were heard in the course of the Committee's discussions.

5.24.17.6. Analysis of the bids in accordance with the set and published criteria.

5.25. Notice of the tender results

5.25.1. The Tenders Committee will send a notice of its final resolution to every bidder participating in the tender. In its notice to a bidder who did not win the tender, the Committee may shortly explain the reasons for his failure to win the tender and announce the name of the winner of the bid. The signature of the Committee's chairman or the person qualified by the latter will be affixed to the notices. Such notices will be sent within 7 working days from the day on which the resolution was adopted.



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- 5.25.2. The practice of publishing the results of an international public tender, will comply with the Directives on Regulation, Finance and Economy.
- 5.25.3. In the notice to the winner/s, a request should be made to the latter/s, if necessary, to substitute the guarantee for the tender with a performance guarantee and to furnish insurance authorizations, signed according to the Law.
- 5.25.4. The tender guarantee which was delivered to be kept in trust will be attached and returned to the bidders who did not win the bidder.
- 5.25.5. The Tenders Committee may, if such was indicated in the tender documents, select an alternative supplier for the tender (the second quality rated bid). The Committee may instruct that the guarantee of the alternative supplier will be kept until the date set to that effect in the tender documents.
- 5.26. **Review of the tender document**
- 5.26.1. Within 30 days from the delivery of the notice, any participant in the tender may review all the Committee protocols, professional opinions, comparison tables, correspondence with the bidders, the final resolutions of the Committee, the position of the legal consultant at the Committee, the latter's explanations and the winning bid (not the other ones) as well as obtain copies of these documents. Review of the copied rather than the original documents will be allowed.
- 5.26.2. Prior to the delivery of documents for review, the names of the bidders who did not win the tender should be deleted (blackened out) from the protocol. The prices/score of the non-winning bids (as noted, without disclosing the bidder's name), may be revealed. In addition, a participant will be allowed to review an opinion/recommendation referring to him [records and names] or other participants, both those of recommenders included in the bids and those to whom the Committee has referred, of its own initiative.
- 5.26.3. The Head of the Tenders and Logistics Unit may decide, with respect to a specific tender or in general, that the following main information (with no payment prerequisite) may be provided verbally to participants calling by telephone in order to obtain information on the results of the bid (the winner, the rate of the winning bid, the rate/score of the subsequent bids).
- 5.26.4. The Tender Committee may prevent bidders from reviewing parts of the resolution, the documents or the winning bid, specified heretofore, if any of the following conditions exists:
- 5.26.4.1. If, in the Committee's opinion, review of same might disclose either a commercial or professional secret of the Technion or, adversely affect the Israel's security, its foreign affairs, economy or the public's security.



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5.26.4.2. If this is a case of a legal opinion drawn as part of legal advice provided to the Committee, including examination of various action alternatives or a resolution of the Tenders Committee or an evaluation of chances and risks resulted by the Committee's resolutions, in future legal proceedings.

- 5.26.5. The Tenders Committee will responsible for qualifying a bid or parts thereof as confidential as per a bidder's request. Should the Committee decide not to authorize the request to qualify a bid as confidential, it should inform the bidder in writing, to that effect.
- 5.26.6. The tender documents may be reviewed against payment, to cover the expenses associated with such review.
- 5.26.7. A request to review the tender documents by a person who did not actively participate therein, a potential bidder of any third party from amongst the public, will be forwarded to the legal consultant who will form an opinion on the matter.

5.27. Annulment of a tender

The Tender Committee will include in the tender documents provisions regarding situations where it may annul the tender and this, without derogating from its right, as per the Law, to annul the tender under special circumstances, even if these have not been established in advance in the tender documents.

5.28. Retaining the tender documents

- 5.28.1. A tender file will be retained for 5 years after its completion (the date on which the winning/non-winning notices were issued to the bidders).
- 5.28.2. The bids of bidders who did not win the tender will be retained for two years after completion of the tender process.

5.29. A substantial change in a contract concluded following a tender

- 5.29.1. In accordance with the provisions of the Law, the Tenders Committee only has the authority to authorize a "substantial change" to be made in a contract, which was concluded following a tender.
- 5.29.2. Without derogating from the provisions of the other Technion procedures with respect to authorization of changes in contracts, it is hereby clarified that a substantial change that will be submitted to the Committee's authorization is a fundamental one, which might have had a substantial effect on the bids which would have been accepted, if it had been included in the original tender. Along general lines, the following may be considered a "substantial" change:
- 5.29.2.1. A change regarding the threshold conditions set in the tender.



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5.29.2.2. A change regarding a contractual condition which was defined in the contract as a substantial condition for the entering into a contract.

5.29.2.3. The granting of compensation to a party to the contract, prior to or following the performance of the contract.

5.29.2.4. A change involving a cost increment at the rate of either 10% of the tender's total or NIS 1 million, whichever is the highest.

5.29.2.5. Any change which the Finance Department, the Building and Maintenance Department, the Tenders and Logistics Unit, or, in accordance with the instructions of the legal consultant, consider a substantial change, which should be submitted to the Committee's authorization.

6. Types of Competitive Processes and Contracting

6.1. A tender with a preliminary selection stage will be conducted as follows:

- 6.1.1. The Tenders Committee will call upon bidders to submit documents, on the set date (in this paragraph – the first date), in order to examine the bidder's compliance with the threshold conditions and the minimum quality score, as established, in order to decide on the final bidders group.
- 6.1.2. The Tenders Committee will decide on the final bidders group and will notify anyone who submitted documents, if he is included in/excluded from the final bidders group, shortly after the Tenders Committee has reached its decision.
- 6.1.3. The Tenders Committee will call anyone included in the final bidders group, to submit his bid to the tender on the set date (and in this paragraph – the second date).
- 6.1.4. The Tenders Committee may establish, in the tender documents, that following the submission of bids on the second date, other threshold conditions and a minimum quality score, which were not examined when deciding on the final bidders group on the first date, will be examined.

6.2. A tender with a two-stage examination will be conducted as follows:

- 6.2.1. The tender documents will state that the price quotations will be submitted separately from the other parts of the bids and marked as a price quotation. Upon the opening of the tender box (paragraph 5.23 heretofore), the persons qualified to open the box will sign the sealed envelopes containing the price quotations, and will deposit the price quotations in the tender box until their opening, as provided by paragraph 6.2.3 hereunder.
- 6.2.2. After opening the tender box, the Tenders Committee will decide on the final group of bidders and the quality score of each bidder. The



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Tenders Committee may formulate the competition conditions in order to set a minimum quality score that only when complied with can bidders proceed to the price quotations stage. Alternatively, the Committee may decide that the grade at the quality stage will be a "pass"/"fail" one with no score or rating.

- 6.2.3. The price quotations will be opened only upon the setting of their quality grades by the Tenders Committee. After the opening of the price quotations, the Tenders Committee will set the final score of the bids which weights the quality score set as heretofore against the price score, or- will select the winner according to the price only, all in accordance with the criteria established in the tender.
- 6.2.4. Generally, the Technion tenders will be conducted by the two-stage method and the price quotations will be opened only when completing the compliance with the threshold conditions examination and the setting of the quality grades.

6.3. **A public tender with an additional competitive stage will be conducted as follows:**

- 6.3.1. The Tender documents will specify the conditions which, upon their fulfilment, an additional competitive process will be held.
- 6.3.2. Upon the fulfillment of the conditions stated heretofore, the Tender Committee will notify the bidders who have met those conditions that they may submit a final bid, on a date determined by the Committee, at terms more favorable to the Technion compared to their original bid. If a bidder does not submit an original bid, his first bid will be the final one.

6.4. **A framework tender**

- 6.4.1. The Tender Committee may hold a framework tender, for the minimum period required in the circumstances of the case, which generally may not exceed five years, where such a tender confers to the Technion a substantial advantage in the conditions of the purchase of the goods, the work or the services or where the holding of such a framework tender will substantially improve the efficiency of the Technion's work, provided one of the following is fulfilled:
- 6.4.1.1. The goods, work and services are standard and can be precisely described;
- 6.4.1.2. The goods, work and services are complex and their characteristics or features can be described in general terms only.
- 6.4.2. The framework tender will be held as a regular public tender in accordance with this procedure, mutatis mutandis, including the changes stated in this paragraph hereunder.
- 6.4.3. Framework agreements will be signed with the winners of the framework tender.

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6.4.4. **Special provisions in framework tender documents**

- 6.4.4.1. The tender documents will include a comprehensive and detailed description, to the extent possible, of items which can be ordered by an individual call to the winner of the framework tender.
- 6.4.4.2. The tender documents will include a detailed description of the method of submitting price quotes for the various items as well as the method of examining the suppliers' bids in order to select the winners of the tender.
- 6.4.4.3. The Tenders Committee may determine that an individual call may include a quality examination as a threshold condition or as criteria.
- 6.4.4.4. The tender documents will include a detailed description of the method of conducting the individual call and will determine, inter alia, in view of the purchase sum total, whether the answer to the individual call will be submitted by fax, by email or to the tender box of the Tenders Committee.
- 6.4.4.5. The tender documents will note that the price quoted in answer to an individual call will not exceed the item price quoted by the winner of the framework tender (if such price was quoted or set, as above). In addition, the Tender Committee may determine that should a supplier fail to answer the individual call, the price he quoted in the framework tender will be considered the price quoted for the individual call as well.
- 6.4.4.6. Notwithstanding the above, in a case where there are no complete and available pricelists for the specific type work or, it is impractical to present pricelists when drawing a framework agreement, the Committee may determine that bidders will not quote under a framework tender, rather, under the individual call only and/or will quote prices in the individual call, which will not be inferior to those which they quoted under the framework tender.

6.4.5. **The content of the individual call**

- 6.4.5.1. The Tenders Committee will contact the winners of the framework tender, in writing, by the method determined in the framework tender documents for that purpose. Such a call will include the exact quantity of the required goods, work or services, as well as other conditions, such as: supply times, other special terms, provided such an individual call does not include conditions which were not initially included in the framework tender.



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- 6.4.5.2. An individual call will be distributed, by an identical method, to all or part of the suppliers of the tender, in compliance with the provisions of the framework tender.
- 6.4.5.3. The Tenders Committee will select the supplier who will supply the individual order, in accordance with the conditions of the framework tender.
- 6.4.5.4. Notwithstanding the above, an individual call at an expected purchase price of up to NIS 60,000:
 - 6.4.5.4.1. Can be made by a purchaser/ tender holder/ cost accountant/an employee of the Building and Maintenance Department rather than by the Tenders Committee;
 - 6.4.5.4.2. Can be addressed to 3 suppliers only, on a rotational and fair basis.
 - 6.4.5.4.3. The Head of the Tenders and Logistics Unit may receive, from time to time, reports with respect to contracting as a result of an individual call, in accordance with this paragraph.

6.5. **A tender where negotiations are held with the bidders**

- 6.5.1. Contracting in order to perform a transaction of goods or lands (including leasing/leasing out of areas), performance of work or purchase of services, can be made through negotiations with the bidders of a tender, whose bids were found to be appropriate, if such contracting meets any of the following:
 - 6.5.1.1. Contracting in order to execute a project of outstanding technological complexity or a project which requires significant financial robustness;
 - 6.5.1.2. Contracting to perform an integrated construction project and a transaction to purchase rights in land;
 - 6.5.1.3. Contracting by a closed tender;
 - 6.5.1.4. Contracted with respect to the granting or obtaining of credit, financial investment, receipt of banking services, sale or purchase of securities or any other activity conducted on the capital market;
 - 6.5.1.5. Contracting in order to purchase a right to land to be used by the Technion or if the land is of a special location or another unique feature;
 - 6.5.1.6. Contracting to sell a right to the land of a tenant protected in accordance with the Tenant Protection Law (Integrated Version), 5732-1972;
 - 6.5.1.7. Contracting an expert;



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- 6.5.1.8. Contracting to purchase goods of special properties and uncommon features, including medical equipment, medications, serums or vaccines, an insurance transaction or one related to advertising or public relations, having properties and features as above.
- 6.5.2. The Committee's decision on the execution of negotiations, including the option not to negotiate, requires a notice to that effect in the tender documents and in a public tender – the publication of a notice as to the conduct of a public tender as well.
- 6.5.3. In the event of a tender with an option of negotiating with the bidders, the negotiations will be conducted as follows:
- 6.5.3.1. The Tenders Committee will determine the final bidders group; such a group will include the bidders who met the threshold conditions as well as other conditions established in the tender (such as, a minimum quality grade etc.)
- 6.5.3.2. The Tenders Committee will negotiate with any bidder in the final bidders group, while taking care to give a fair opportunity to all bidders with whom negotiations are conducted, as specified hereunder:
- 6.5.3.2.1. In a way which will guarantee that a protocol will be recorded, reflecting the contents of the negotiations;
- 6.5.3.2.2. In the presence of the legal consultant who is a member of the Committee or his representative;
- 6.5.3.2.3. There will be no contact whatsoever between a member of the Tenders Committee or anyone on his behalf and any of the bidders, but by way of documented negotiations;
- 6.5.3.3. Any action performed under the negotiations, including the call made to the bidder, the exchange of conversations and the contents of the negotiations, will be recorded in the protocol;
- 6.5.4. Upon completion of the negotiations, any bidder of the final bidders group may, at the date set by the Tenders Committee, place a final bid in the tender box; Should a bidder fail to submit a final bid, his first bid will be considered final.
- 6.5.5. Following submission of the final bids, there will be no more negotiations with the bidders.
- 6.5.6. The Tenders Committee will examine the bids of all bidders, including their first bids, and will make its decision.



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- 6.5.7. In the event that the final bidders group consists of a single bidder only, the Tenders Committee may:
- 6.5.7.1. Conduct negotiations with the bidder and it may decide that the bidder will not be obligated to place a final bid in the tender box, but to submit same in writing in a way which will be determined;
 - 6.5.7.2. To decide that no negotiations will be conducted with the bidder;
 - 6.5.7.3. The provisions of paragraphs 5.24.14 until 5.24.14.2 heretofore will apply.
- 6.5.8. The Tenders Committee may decide not to conduct negotiations with the bidders, in the event of any of the following:
- 6.5.8.1. Negotiations have not yet started with any of the bidders;
 - 6.5.8.2. If all bidders have agreed to renounce the negotiations. Contacting the bidders with a request to renounce the negotiations will be made in writing only.
- 6.5.9. The Tenders Committee may decide not to accept another bid after conducting negotiations with all the bidders, in the event that all the bidders agreed to renounce the submission of a bid, as above. As already mentioned, contacting the bidders with a request to renounce the negotiations will be made in writing only.
- 6.6. **A closed tender**
- 6.6.1. The Tenders Committee may authorize contracting by way of a closed tender process for the purchase of goods, land, services or the performance of work – where any of the following applies (Regulation No. 7):
- 6.6.1.1. A contract whose value does not exceed NIS 600,000 and which was conducted in accordance with this procedure;
 - 6.6.1.2. Contracting to purchase goods or services of special properties and uncommon features, including medical equipment, medications, serums or vaccines, an insurance transaction or one related to advertising or public relations, having properties and features as above, provided a limited number of suppliers who meet such a contract exists and all such suppliers as above will be considered the bidders list for a closed tender;
 - 6.6.1.3. Contracting with a government company that constitutes an arm through which the government performs its direct and defined tasks, or the tasks imposed on such a company as per the Law and contracting is conducted in order to perform these tasks, under circumstances in which there are several government companies associated with the subject under question;



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- 6.6.1.4. A contract to purchase professional literature or a single order of materials, at a sum exceeding NIS 500,000.
- 6.6.2. At the stage of preliminary preparations toward a closed tender, the Tenders Committee will verify performance of the following:
- 6.6.2.1. The existence of a bidders list, compiled in accordance with paragraph 7 hereunder;
- 6.6.2.2. Specifications or a service levels document have been prepared, as the case may be;
- 6.6.2.3. An evaluation has been prepared, corresponding to the budget, where a decision was made to prepare an evaluation;
- 6.6.2.4. The conditions for participation in the tender were established;
- 6.6.2.5. The criteria for selecting the winner were established;
- 6.6.2.6. A contract was prepared;
- 6.6.2.7. The Tenders Committee has authorized all the documents;
- 6.6.2.8. The bidders were contacted in accordance with paragraph 6.6.3 hereunder;
- 6.6.2.9. The question of whether professional assistance is required from either an external examination team or an external expert was discussed, and a decision was reached.
- 6.6.2.10. A decision to be made whether to hold a contractors' visit and setting a date that effect. Where it was decided to hold a contractors' visit – the details of administering the event were prepared and the answers to questions raised in the course of the visit and to the clarification questions sent in writing, were also formulated in writing.
- 6.6.3. The process of selecting bidders from the bidders list for co-participation in the process**
- 6.6.3.1. The number of bidders who will be contacted –**
- 6.6.3.1.1. Where the list of bidders for a certain category does not include more than 10 bidders, the Tenders Committee will contact all of them [Regulation No. 21(1)].
- 6.6.3.1.2. Where the bidders list includes more than ten bidders – the Tenders Committee will contact at least five bidders [Regulation No. 21(2)].
- 6.6.3.1.3. The bidders who will be called to submit bids will be selected by rotation, to the extent possible,

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and in accordance with the procedure specified under paragraph 6.6.3.2 hereunder.

6.6.3.2. The identity of the suppliers who will be contacted – where the Tenders Committee decides not to contact all bidders included under the bidders list, then for the purpose of a closed tender or a competitive call for bids, the suppliers who will co-participate in the tender will be selected in an equal, fair and transparent process as specified hereunder, while making efforts to contact as many bidders as possible in any process. To that effect, the Committee may act as follows:

6.6.3.2.1. The bidders will be listed in alphabetical order.

6.6.3.2.2. The first call to obtain bids will be addressed to (at least) the first five bidders in alphabetical order. The second call will be addressed to (at least) the following five bidders in that order and so on.

6.6.3.2.3. Once all the participants on the list were given the opportunity to co-participate in the processes, the Tenders Committee may decide that up to other three bidders, although not appearing in the regular order, will be added to any call conducted in accordance with paragraph 6.6.3.2.2. This, only where such bidders won a contract process held by the Technion in the past, by way of either a public or closed tender and the Technion was satisfied with the contract with these bidders.

6.6.3.2.4. The Tenders Committee may establish other criteria for determining the suppliers to be contacted, including – their fields of expertise and the extent of their capability and suitability to fulfil the services, which constitute the subject matter of the call.

6.6.4. Selection and comparison of bids and selecting the winning bid

6.6.4.1. The tender process, the order of decision making as well as all other accompanying processes will be conducted in accordance with the instructions related to public tenders and which are included in this procedure, mutatis mutandis.

6.6.5. A single bid in a closed tender

The Tenders Committee may select a single bid, when a closed tender has taken place, subject to the following conditions only:



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- 6.6.5.1. When the value of the contract is less than NIS 1.5 million, upon the authorization of the Director General, the latter having been convinced that the holding of an additional tender will not be of any benefit;
- 6.6.5.2. When the value of the contract exceeds NIS 1.5 million, subject to the authorization of the Exemption Committee;
- 6.6.5.3. Where no bid has been submitted or the Tenders Committee has not recommended any bid, paragraph 5.24.13 will apply, mutatis mutandis.

6.7. The bidders list

- 6.7.1. For the purpose of contracting by way of a closed tender or contracting an expert, in accordance with paragraph 6.9.1 hereunder, the Tenders Committee should supervise the administration of the bidders list, by the categories of the contract.
- 6.7.2. The tender holder will administer the bidders' lists.

The drawing of a bidders' list

- 6.7.2.1. The director of the Tenders Unit or anyone on his behalf will prepare definitions of categories of contracting where closed tenders may be held in accordance with paragraph 6.6.1 heretofore or, bidders may be contacted to submit bids in accordance with paragraph 6.9.7 hereunder and will also propose threshold conditions for acceptance into the bidders' list, for each group.
- 6.7.2.2. The material mentioned under paragraph 6.7.2.1 heretofore will be submitted to the Tenders Committee for authorization.
- 6.7.2.3. The Tenders Committee will authorize the material or amend it and will instruct placing an advertisement to the public as to the intention to compile a bidders' list, on the website, in accordance with paragraph 5.18, mutatis mutandis. An advertisement as above may be published in the framework of a tender to enter into a specific contract, which will be accompanied by the drawing of a bidders' list.
- 6.7.2.4. The advertisement regarding the intention to compile a bidders' list will include the set threshold terms and will specify the method of submission of a bid by the bidders to the Tenders Committee and which documents should be attached. The advertisement will also state that it includes no obligation on behalf of the Technion to contract bidders who will be included in the list.
- 6.7.2.5. There will generally be no time limitation placed on the option to submit a request to be included in the bidders' list. However, the Tenders Committee may decide otherwise.



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- 6.7.2.6. The bidders' list will usually be compiled two months following the first public publication, or, within another period set by the Tenders Committee.
- 6.7.2.7. Requests to be included in the bidders list will be examined by the Tenders Committee, in the manner described under paragraph 5.24, mutatis mutandis.
- 6.7.2.8. Notices to the applicants will be served in accordance with paragraph 5.25.1, mutatis mutandis.
- 6.7.2.9. Requests received after the drawing up of the bidders' list will be usually discussed together and at least once a year. Accordingly, the bidders' list will be updated at least once a year.
- 6.7.2.10. The bidders' list will be published on the website and updated at least once a year.
- 6.7.2.11. Any update and change in the information of a bidder or the bidders' list will necessitate an update of the automated list, which will be conducted by a person authorized to handle the website.

6.7.3. Special provisions with respect to bidders in a tender to purchase manpower-intensive work or services -

- 6.7.3.1. The Tenders Committee may not include a bidder on the list, in view of his conduct with respect to the protection of employee rights.
- 6.7.3.2. The Tenders Committee may decide to delete a bidder from the list, having given him an opportunity to bring his arguments before the Committee and for special reasons which will be recorded, in view of his conduct with respect to the preservation of employee rights.
- 6.7.3.3. Should it be found that a bidder on the list was convicted or fined in association with the violation of labor law, he will be deleted from the list, by the Tenders Committee, unless the latter decides not to do so, for special reasons which will be recorded.

6.8. Special conditions for hiring an expert

- 6.8.1. In cases where the Tenders Committee decides to hire the services of an expert, whose work involves the preparation of the tender documents or providing consultation services to the Tenders Committee – he will receive only these documents or parts of bids, which are relevant for the performance of the services that he is requested to provide.
- 6.8.2. As a prerequisite for his hiring, any expert will sign a declaration stating that none of his relatives or a corporation wherein he is an interested party, has a personal interest in the tender as well as a



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non-disclosure undertaking. The head of the logistics and tenders' unit may exempt said expert from the obligation of a declaration as above, in cases where it will be deemed unnecessary.

6.8.3. An expert hired by the Technion or on the latter's behalf as a service provider or supplier of work, may not participate in a tender on the subject for which he advised the Technion, whether as an expert or the writer of the specifications – whether as a primary or a secondary supplier.

6.9. Contracting an expert (Regulation No. 9)

6.9.1. Contracting an expert not by way of a tender will be done, to the extent possible, by way of “a competitive call for bids” as provided under paragraph 6.9.7 hereunder.

6.9.2. A **framework agreement** will be entered into with an expert only if the latter was selected as a result of a “competitive call for bids” and in accordance with the conditions listed under paragraph 6.9.8 hereunder.

6.9.3. Should the Technion fail to have a bidders' list for a required matter, or, where the Tenders Committee, having considered the matter and based on special reasons which will be recorded, decides that it impossible and unfair to contract by such method, it will conduct the tendering following as “examination of several feasible bids” as stated under paragraph 6.9.9 hereunder.

6.9.4. If the professional entity in the Technion deems it impossible to conduct a competitive call for bids, he should explain the reasons thereto to the Tenders Committee and such reasons will be recorded in the Tenders Committee's protocol.

6.9.5. Entering into a contact with an expert following a” competitive call for bids” or an “examination of several feasible bids” will be published on the Technion's website, as contracts without a tender are being published.

6.9.6. The criteria for contracting an expert will be formulated by a tender holder in cooperation with the professional entity at the Technion, will be authorized by the Head of the Tenders Committee and submitted for final authorization by the Tenders Committee.

6.9.7. Competitive call for bids –

6.9.7.1. The Tenders Committee will examine several feasible bids out of a list of potential bidders compiled to that effect, in accordance with the provisions of paragraph 6.7 and the criteria set to that effect, including the price quoted. A competitive call for bids may be conducted as a process with a two-stage examination and in such case it will be conducted in accordance with paragraph 6.2, mutatis mutandis.



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- 6.9.7.2. The Tenders Committee will contact at least 5 suppliers from the bidders list, unless such list includes less than 5 suppliers. In such a case, all the suppliers on the list will be contacted, in accordance with this paragraph.
- 6.9.7.3. If, following such call for bids, less than 3 bids were submitted, the Tenders Committee will not open the bids, but will return same to the bidders and will contact again – all the bidders who were initially contacted or all the bidders who responded to the first call, as the Tenders Committee will decide, as well as the other 5 suppliers or to all the bidders on the bidders' list for the same category of contracts, as per the lowest of them.
- 6.9.7.4. The Tenders Committee may not conduct another call if the initial one was made to at least 10 suppliers, or upon the authorization of the Exemption Committee, if it has been convinced that this would be of no benefit, under the circumstances of the case.
- 6.9.7.5. Bidders will be contacted on a rotational basis, to the extent possible, in accordance with paragraph 6.6.3.2 heretofore.
- 6.9.8. A framework agreement with an expert
- 6.9.8.1. The Tenders Committee may conclude a framework agreement, following a competitive call for bids, under the following conditions:
- 6.9.8.1.1. The agreement is for a cumulative period of no more than five years and for a cumulative contract value of no more than NIS 4,000,000.
- 6.9.8.1.2. The agreement is made in respect of defined areas of activity.
- 6.9.8.2. Any procurement of work or services under the framework agreement will be reported by the procuring entity to the Tenders Committee.
- 6.9.9. Examining several feasible bids-
- 6.9.9.1. The Tenders Committee will generally contact at least 3 bidders, on a rotational basis to the extent possible, and in a manner that is fair and confers the maximum advantage on the Technion, the Tenders Committee may, according to its discretion, contact more than 3 bidders to obtain their bids, in consideration of the value of the contract and its essence.
- 6.9.9.2. The call will state the criteria for selecting the winning bid.

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6.9.9.3. In the event of repeated contracts on the same subject, the Tenders Committee will establish a timetable for compiling a bidders' list and its administration in accordance with paragraph 6.7 heretofore.

6.10. **Contracting a planner**

6.10.1. Contracting a planner for the performance of professional work requiring special knowledge and expertise in the field of planning will be conducted based on the value of the contract:

6.10.1.1. For a contract value of up to NIS 1.5 million, by way of selection from a planners' pool in accordance with criteria established in this respect, with the exception of the quoted price.

6.10.1.2. From NIS 1.5 million up to NIS 3 million: a competitive call for bids (paragraph 6.9.7 heretofore) and criteria will be established so that the price quotation will constitute 20% of the score for the bids and the quality components will constitute 80% of the score for the bids.

6.10.1.3. Over NIS 3 million; a public tender will be held and the weights of the criteria will be established as above under paragraph 6.10.1.2 heretofore.

6.10.2. Bids that deviate by more than 15% from the median price quotations, where at least five bids have been submitted, will be disqualified, provided that one-half of the valid bids submitted in the tender have not been disqualified.

6.11. **Automated tenders**

6.11.1. The Tenders Committee may decide that a tender will be conducted by way of an automated tender, provided the Technion has an appropriate system for conducting automated tenders, which complies with all the conditions required by Law.

6.11.2. The Tenders Committee will perform actions in the automated system through at least two employees who were authorized by the Tenders Committee, after they have identified themselves for the purpose of performing the action.

6.11.3. An automated tender will be held by way of sending electronic bids to the tenders' electronic box, as per the provisions of the Law.

6.11.4. The Tenders Committee may decide that part of the bid will be submitted electronically and the other in a different manner.

6.11.5. The Tenders Committee may decide to hold an automated dynamic tender, as defined under Regulation No. 35.

6.11.6. The Tenders Committee may decide to hold an expedited automated tender with respect to a contract that fulfils one of the following:

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6.11.6.1. The contract is required urgently to prevent substantial damage, on a scope and for a period as minimally required under such circumstances.

6.11.6.2. The contract value does not exceed NIS 1,235,000.

6.12. Joint tenders

6.12.1. A tender may be held jointly with another higher education institution, in the existence of one of the following:

6.12.1.1. There are a limited number of suitable suppliers and there is no economic feasibility in conducting a separate tender for each higher education institution.

6.12.1.2. The goods, land, work or services are required for the joint operation of the Technion with other institution/s and the joint tender is held for that purpose.

6.12.2. In this type of tenders, a joint tenders committee will be established by the directors general of the institutions who will jointly conduct the tender and will include at least three members (of the same institution or from various ones), including the controller/finance deputy director general and the legal consultant of any of the institutions.

6.12.3. The documents of the joint tender should state the names of the institutions which are conducting the tender.

7. Application and Validity

7.1. This procedure will be in effect as from its publication date.

7.2. This procedure will be subject to the amendments required by the Law and the Mandatory Tenders Regulations, if any, including the rate of the sums quoted in the procedure.

Appendices

- A. The Powers of the Exemption Committee
- B. The Text of a Guarantee to Secure a Bid
- C. The Text of the Press Ad
- D. The Text of an Internet Ad
- E1. Opening the Tender Box and Recording of Bids
- E2. Opening of Price Quotations Protocol
- F. Guidelines for a Preliminary Request for Information
- G. Text of the Document Accompanying the RFI



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- H. The Independent Auditor's Report
- I. Labor Laws

Matanyahu Engelman
Executive Vice President and Director General of the Technion

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Appendix A – The Powers of the Exemption Committee

The Exemption Committee may exempt parties from a tendering contract as specified hereunder.

- a. **A continuation contract** under conditions which are either identical to or improved in comparison with the initial contract, **provided it abides with all** the following conditions:
 - (1) The continuation contract is requested within over 5 years from the initial contract.
 - (2) The continuation contract includes another cost exceeding NIS 2,500,000.
 - (3) The initial contract was entered into with no tender and no competitive call for bids.
 - (4) A continuation contract has been entered into with the same supplier, on the same matter, in the last 12 months.
- b. Exemption with respect to a contract for which there are special and rare circumstances for contracting without a tender. An exemption as above will be granted upon authorization by the **Minister of Finance** and under extraordinary reasons, which will be recorded.
- c. A contract exceeding the sum of NIS 1,000,000 with a solitary supplier or an outsource supplier, with no notification on the internet with respect to the intention to enter into a contract or any other notification, which is required for such a contract.

A contract with a solitary our outsourced supplier, which was entered into with no notification as above, for a sum less than NIS 1,000,000 requires **reporting** by the Tenders Committee to the Exemption Committee.
- d. A contract, which the Director General wishes to enter into not by way of a tender as this might substantially derogate from the Technion's ability to maintain any of its activities, which it possesses as a higher education institution, in accordance with the Higher Education Council Law, 5718-1958.
- e. An authorization to open bids in a competitive call to obtain bids, if less than 3 bids have been submitted, in the event that the Exemptions Committee has found that there is no benefit in issuing another competitive call under the circumstances of the matter.
- f. Authorization of any **exemption from a tender** (with the exception of a tender on the matter of land rights), which the Committee has decided upon in a contract **whose value exceeds NIS 1,500,000**. Authorization of any exemption from a tender on the matter of land rights, when the value exceeds NIS 2,500,000.
- g. Authorization of a contract with a solitary bidder in a closed tender, when the value of the tender exceeds NIS 1,500,000, provided there is an authorization of the Director General according to which there is no benefit in issuing another tender.

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- h. Authorization of a contract without a tender, where the value of the tender exceeds NIS 4 million, under circumstances of a solitary bid.

Receipt of Reports:

The Exemption Committee will receive a report from the Tenders Committee once in a quarter, in the matter of any contract entered into by way of exemption from a tender as well as by a closed tender.

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Appendix B – the Text of a Guarantee to Secure a Bid

The Text of the Guarantee

Comment: Due to wording problems, it is recommended to submit a cashier's check, rather than a guarantee, as a security for the submission of the bid. A bidder, who notwithstanding chooses to submit a guarantee must take steps to ensure that the text of the guarantee issued by a bank branch/insurance company is identical to the following, with no change at all.

To:

The Technion – Israel Institute of Technology
Haifa 3200

Subject: Guarantee No..... for the Sum of NIS.....

This guarantee is in effect until.....

1. Pursuant to the request of..... (hereinafter: the “Requesting Party”), we pledge to pay you, under a complete and absolute guarantee, any sum which is or shall be owed to you by the Requesting Party up to the sum of NIS _____ (hereinafter” the “Sum of the Guarantee”), in association with Tender No..... for.....
2. We will pay you any sum, up to the sum of the guarantee, immediately upon your first written request, without you having to explain your request, and we will not file any defense claim against you, to which the Requesting Party may have recourse in association with the charge debited to you, and while not initially requiring clearance of said sum from the Requesting Party.
3. This guarantee will remain in effect until_____ inclusive, and shall thereafter become null and void. Any demand in accordance with this guarantee must be received by us, no later than the above-mentioned date.
4. This guarantee cannot be transferred or endorsed.
5. This demand in accordance with this guarantee should be addressed to the bank branch/the insurance company at the following address.
 The _____ (Bank/Insurance Company)
 Stamp and signature _____ (the branch/insurance company)
 at: _____ (address)

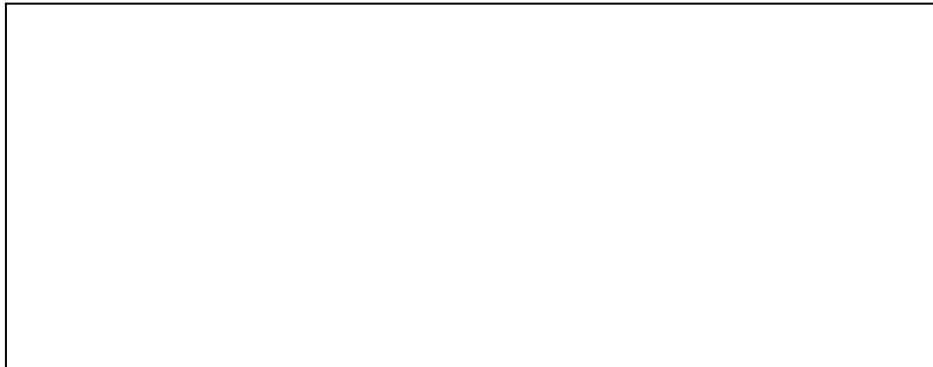
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Appendix C – The Text of the Press Ad.

The Technion – Israel Institute of Technology
 The Tenders and Logistics Unit
 Announces the publication of
Public Tender No....
For the Procurement of.....

Information concerning the tender can be found on the website at: www.admin.technion.ac.il/michrazim
 The deadline for the submission of bids:...

Interested bidders should note that amendments and changes, if any, in the conditions of the tender, in any, will be published on the above-mentioned website only.





Appendix D – The Text of an Internet Ad.

Pubic Tender No..../....

A call for bids for the provision of services.../ for the procurement of....

The Technion – Israel Institute of Technology hereby calls for bids for **the** provision of services.../ for the procurement of...

1. The essence of the contract/the work (including any optional right to extend the contract)

...

...

2. The term of the contract (including any optional right to extend the term of the contract)

...

...

3. Conditions for participation in the tender

Bidders who comply with the following cumulative conditions may enter the tender

3.1

3.2

3... Other conditions as specified in the tender documents.

4. Essential documents that should be attached to the bid

4.1 Bank guarantee as defined under the Control of Financial Services (Insurance) Law, 5741-1981, in the bidder's name, for the sum of NIS ***, will remain in effect until.....// a Check... [In accordance with the conditions of the tender]

4.2 In addition, all documents, authorizations, declarations and undertakings as specified in the tender, should be attached.

5. How to obtain and review the tender documents

5.1 The tender documents can be reviewed starting from *** until the deadline for submission of bids as specified under paragraph 7 hereunder on the Technion's website at: www..... and in the offices of the Technion Purchasing Department, room # 199.

5.2 Alternatively, only in the event that the documents cannot be obtained through the website, a copy of the tender documents can be obtained against payment of NIS *** at the Offices, the Technion, the Senate Building, room #....

6. Contractors' visit

Will take place on ***. Any bidder interested in submitting a bid for the tender and/or alternatively, participation is not mandatory.

Alternatively – a contractors' visit will not be held.



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7. The deadline for submission of offers

The bid should be submitted in Hebrew, at the Offices of the Technion's Purchasing Department, as specified in the tender documents, in a sealed enveloped until... at....

8. In the event of a special tender

It should be mentioned whether this is any of the following: a tender involving negotiations; a tender with a prequalification stage; a tender with a two-stage evaluation; a public tender with an additional competitive process; a dynamic or expedited automated tender.

9. In the event of a tender to procure manpower-intensive work or services

Conditions should be added in accordance with Regulation No. 11.

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Appendix E1 – Protocol for the Opening of the Tender Box and Recording of Bids

Date: _____

Tender No. ___	The Subject of the Tender		
Deadline for submission of bids Date: _____ at: _____	Financial evaluation inserted in the Tender Box Yes/No		
Guarantee requested for the bid Yes/No	Type of tender <input type="checkbox"/> Public <input type="checkbox"/> Closed <input type="checkbox"/> Other _____		

We, the undersigned, members of the Tenders Committee/qualified employees (hereunder: the "Qualified Employees) hereby authorize that we were present at the opening of the tender box and the inspection of the above-indicated tender documents on _____ at _____

The box was/was not locked (delete whatever is irrelevant).

The box contained _____ envelopes, signed and marked by consecutive numbers from _____ to _____ .

(Please note the last number)

The envelopes were opened and their content was documented as follows (please check the boxes):

- The qualified employees signed the first page of each bid.
- The qualified employees signed the price quotation envelopes (in a two-stage tender). The price quotation envelopes were transferred to be kept in a safe/locked cabinet at the Tenders Unit/irrelevant.
- The number of bidders and their names were listed in a table as described hereunder.
- With respect to each bid, there was a notation regarding whether a guarantee to the bid was submitted. The guarantees were transferred to be kept in a safe/locked cabinet at the Tenders Unit/irrelevant.
- The signed bids (with the exception of the price quotation envelope in a two-stage tender) were deposited with the tender writer, for further handling.

Comments:



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Envelope No.	Bidder's Name	Guarantee Attached? [Yes/No/Irrelevant]	Comments

In a closed tender, the protocol must include, as follows, the names of the bidders that were addressed who have failed to submit a bid until the set deadline:

Signature of the qualified employees:

Employees' Name	Position	Signature	Date



Appendix E2 –Opening of Price Quotations Protocol

Date: _____

Tender No. __	The Subject of the Tender		
Authorization of the Tenders Committee to open the price quotation envelopes was obtained on.....	Financial evaluation placed into the Tender Box Yes/No		
The number of bids in the Tender	Type of tender <input type="checkbox"/> Public	<input type="checkbox"/> Closed	<input type="checkbox"/> Other _____
Bids that were not authorized for opening:			

We, the undersigned, members of the Tenders Committee/qualified employees (hereunder: the "Qualified Employees) hereby authorize that we were present at the opening of the price quotation envelopes of the above-mentioned tender on _____ at _____

- The envelopes were opened and the first page of each price quotation was signed by the undersigned qualified employees.
- The price quotations were documented as follows/attached:

Price Quotation No.	Bidder's Name	Total Price Quotation	Comments

Comments:

Signature of the qualified employees:

Employees' Name	Position	Signature	Date

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Appendix F – Guidelines for a Preliminary Request for Information

- Authorizations, licenses and permits with respect to the supplier and/or product.
- Technical and functional properties, designation of components and assemblies, the operation and usage concept, quality issues, reliability, standardization and safety.
- Qualities, dimensions, measurement units, performance/response times, distribution evaluations, inventory levels, control data.
- Storage, maintenance, conveyance, marking, packaging and labelling issues.
- Issues of human-machine interface, usage method, display and indicators.
- Business/commercial agreements with relevant bodies.
- Funding capabilities, securities and relevant economic information.
- Description of implementation concepts, projects, execution options, work methods.
- The reputation of the goods and the supplier, both in Israel and overseas, including reliability, personal capabilities, professional experience, level of expertise, customers, references and/or opinions of previous buyers.
- Optional contract methods: purchasing, leasing, etc.
- Any technical, operational or commercial information, which may be relevant.

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Appendix G – Text of the Document Accompanying the RFI

An RFI document will generally state the following:

- The following does not constitute a call for bids and it is not part of the tender process. Therefore, it contains nothing which might constitute any undertaking toward any respondent thereto. The purpose of the request is solely to obtain information, following which the Technion will consider its further activities, in accordance with professional and practical considerations.
- The Technion reserves the right to use the information, which will be obtained following this request, in order to draw a list of potential suppliers – all subject to the Technion's exclusive discretion.
- In the event in which a tender process takes place in future, the Technion may either amend or add conditions and requirements – all subject to the latter's professional discretion and needs.
- The Technion reserves the right to address, to the extent required, anyone who responded to this request, with a request for supplementary information and clarifications, to present representations and demonstrations, to carry out a pilot, to visit customer sites and to visit the site of suppliers who will respond to such request.
- The Technion has the right to use information which will be disclosed in response to a request and the supplier will have no copyright claims.
- The RFI will include guidelines with respect to the method of submitting the required information (deadlines, configuration, a possibility of raising questions, etc.).
- Relevant appendices will be attached to the document, to the extent required.



Appendix H – The Independent Auditor’s Report

To:
The Technion

Dear Sir/Madam,

Subject: _____ [Company’s name] The Opinion of _____,
[Auditor’s name)

As per your request and in our capacity as the certified public accountants of _____ Ltd., we have examined the Company’s declaration, presented under your letter dated _____ with respect to the payment of minimum wages and the absence of Labor Law violations, as part of entering into a contract with the Technion.

This declaration is the responsibility of the above-mentioned Company’s management. Our responsibility is to express an opinion regarding the above-mentioned declaration, based on our audit.

We conducted our audit in accordance with the Directives for Regulation, Finance and Economy, to which you referred us. The Auditing Directive requires that we plan and perform the audit, based on such Directive, to obtain reasonable assurance about whether the above-mentioned declaration is free of material misstatement.

An audit includes examining, on a test basis - as specified in the Directive - evidence supporting the information in the above-mentioned declaration.

We believe that our audit provides a reasonable basis for our opinion.

In our opinion, based on our audit, that which is stated in the declaration referred to above fairly presents, in all material respects, the contents thereof.

Sincerely yours,

C.P.A.’s Firm



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Appendix I – Labor Laws

Serial No.	The Name of the Law	The Minister in Charge
1	The Labor Dept. Ordinance, 1943	The Labor Minister may generally enact regulations and create forms for implementing the provisions of this Ordinance.
2	The Accidents and Occupational Diseases (Notification) Ordinance, 1945	The Labor Minister may enact regulations, usually for implementing the provisions of this Ordinance.
3	The Safety at Work Ordinance, 1946	The Labor Minister is charged with implementing this Ordinance.
4	The Discharged Soldiers (Reinstated in Employment Law), 5709-1949	<p>The Defense Minister is charged with implementing this Law.</p> <p>The Defense Minister may, by consent of the Labor and National Insurance Minister, enact regulations in all matters related to the implementation of this Law and the aforementioned does not derogate from the provisions of Articles 31 and 33.</p> <p>Article 31: War Invalids Regulations</p> <p>Article 33: Preemptive Right of Employment Regulations.</p>
5	The Hours of Work and Rest Law, 5711-1951	The Labor Minister is charged with implementing this Law and he may enact regulations in all matters related to the implementation thereof, including regulations on the ways in which an employer will inform his employees with respect to the provisions of this Law.
6	The Annual Leave Law, 5711-1951	The Labor Minister is charged with implementing this Law and he may enact regulations in all matters related to the implementation thereof.
7	The Night Baking Prohibition Law, 5711-1951	The Law was annulled – See, the Night Baking Prohibition (Annulment) Law, 5758-1998 Article H, 5758 p, 266.
8	The Explosives Law, 5714-1954	“A Minister” – a member of the government, to the extent that he has been granted the authority to implement this Law, by the government. A minister may assign all or part of his powers in accordance with this Law, to another



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person, with the exception of the authority to enact regulations and to appoint a supervisor.

Notification as to the assignment of powers as above will be published in the Official Gazettes.

Implementation and regulations. 24. (a) The government may grant to each of its members the authority to implement this Law, including the enactment of regulations in all matters related to its implementation as above.

(b) The granting of powers in accordance with sub-paragraph (a) can be either general or reserved.

(c) Notification as to the granting of powers in accordance with sub-paragraph (a) will be published in the Official Gazettes.

1. See, the Assignment of Powers in the Official Gazettes 341, 5714 (1954), p. 829 to the Labor Minister (upon consent of the Defense Minister) (Implementation of Articles 2,3 and 4 and the Enactment of Regulations), to the Labor Minister (Implementation of Articles 5, 6, 7, 8, 10, 11 and 12 and the Enactment of Regulations as well as the Appointment of a Supervisor (in accordance with Article 1), to the Minister of Commerce and Industry (Implementation of Article 9 and enactment of regulations) and to the Labor Minister (Enactment of regulations, in accordance with Article 22(3)).

9 The Apprenticeship Law, 5713-1953 The Labor Minister is charged with implementing this Law and he may enact regulations in all matters related to the implementation thereof, including regulations with respect to the ways of supervising the apprenticeship.

The Labor Minister may assign to another person the powers granted to the former in accordance with Articles 3,6 – to the extent that no measures are taken under regulations F-21. Notification as to any assignment of powers will be published in the Gazettes.

10 The Youth Labor Law, The Labor Minister is charged with



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5713-1953

implementing this Law and he may enact regulations in all matters related to the implementation thereof.

(b) The Labor Minister will enact no regulations, except in accordance with Articles 10, 31 and 32, but only upon consultation with the Youth Labor Council, which is to be established in accordance with Article 30.

43. (a) The Labor Minister may assign his powers to another person in accordance with Articles 3,4, 25 and 28(a), with the exception of the authority to grant a general permit in accordance with Article 25(a) or (b).

(b) Notification as to the assignment of powers will be published in the Official Gazettes.

3- Annulled 5- Prohibition Against Working in Specific Places

28a – An Employment Ledger.

11 The National Service
Law, 5713-1953

The Minister may enact regulations in all matters related to the implementation of this Law.

“A Minister” means – a member of the government, to whom it granted the authority to implement this Law. The government has conferred the authority to implement this Law upon the Labor Minister (Official Gazettes 5714 [1954] No. 321, dated Nov. 26th 1953, p. 207).

12 The Employment of
Women Law, 5714-1954

The Labor Minister is charged with implementing this Law and he may enact regulations in all matters related to the implementation thereof.

The Labor Minister will not enact regulations in accordance with Articles 1 and 2, unless he consults with the labor union, representing the highest number of employees in Israel as well as with the representative employers' organizations in Israel, that, in the opinion of Labor Minister are relevant to the matter.

22. (a) The Labor Minister may assign to another person the powers granted to the former in accordance with this Law, except



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- for the authority to enact regulations, to issue a general permit and to publish a notification, in accordance with Article 11(b).
- 13 The Organization of Work Control Law, 5714-1954 The Labor Minister is charged with implementing this Law and he may, upon consultation with the Institute's Council, enact regulations in all matters related to the implementation thereof.
- 14 The Wage Protection Law, 5718-1958 The Labor Minister is charged with implementing this Law and he may enact regulations in all matters related to the implementation thereof.
- 15 The Employment Services Law, 5719-1959 The Labor Minister is charged with implementing this Law and he may enact regulations in all matters related to the implementation thereof, with the exception of in the matter of either foreign workers or mediation of employment for foreign workers.
- (b) The Minister of the Interior is charged with implementing the provisions of this Law in the matter of foreign workers and mediation of employment for foreign workers and he may enact regulations in all matters related to its implementation.
90. The Labor Minister will not enact regulations in accordance with Articles 36(b), 36(d) and 52, unless he consults with the national organization, representing the highest number of employees in Israel, with the employers' organizations, that, in the opinion of Labor Minister are representative and relevant to the matter and, with the Service Council.
91. The Minister may confer the powers delegated to him, in accordance with Articles 18, 26 and 45. Notification as to the delegation of powers will be published in the Gazettes.
- 16 The State Service (Appointments) Law, 5719-1959 The Prime Minister is charged with implementing this Law and he may enact regulations, including regulation of fees, registration fees for examinations and the wages of public service employees, among the members of the Service Committee.



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| 17 | The Emergency Labor Service Law, 5727-1967 | The Minister is charged with implementing this Law and he may enact regulations in all matters related to the implementation thereof, including regulations with respect to volunteering to an employment service. |
| 18 | The National Insurance Law [Integrated Version], 5728-1968 | The "Minister" – the Labor and Welfare Minister
The Minister is charged with implementing this Law and he may enact regulations in all matters related to the implementation thereof.
401. The Minister may assign any of his powers, in accordance with this Law, with the exception of the authority to enact regulations and the powers in accordance with Articles 20, 24, 25(b) and 26.
(Appointing the Institute's Director General, Deputies and an actuary. Authorization of the budget and the budget proposal). |
| 19 | The Handicrafts and Industries Regulations (their Regulation) (Oil) - 1934 | The Minister of the Interior |
| 20 | The Parallel Tax Law, 5733-1973 | The Labor and Welfare Minister and the Minister of Health are charged the implementation of the provisions of this Law and they may enact regulations in all matters related to the implementation thereof. |
| 21 | The Collective Agreements Law, 5717-1957 | The Labor Minister is charged with implementing the provisions of this Law and he may enact regulations in all matters related to the implementation thereof.
However, the Minister will not enact regulations in accordance with Article 26, unless he consults with the national organization, representing the highest number of employees in Israel, with the employers' representative organizations, that, in the opinion of Minister are relevant to the matter.
26 The Labor Minister will issue an extension order only if a month before he has published a written notification in the Gazettes, or in any other way which he deemed appropriate, as to his intention to do so. Once such notification has been published – anyone wishing to appeal to |



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22 The Minimum Wage Law
– 5747-1987

the Minister with respect to the issue of the order, may do so in any manner, which is established in the regulations. The Minister of Labor, will publish a notification as above, only upon consultation with the national organization, representing the highest number of employees in Israel, with the national employers' representative organizations, that, in the opinion of Minister are relevant to the matter.

The "Minister" – the Minister of Labor and Welfare.

(a) The Minister is charged with implementing this Law and he may enact regulations in all matters related to the implementation thereof.

(b) The Minister will establish regulations in matters specified hereunder, by way of a rule or by categories, upon the authorization of the Knesset's [Israeli Parliament] Committee of Labor and Welfare:

(1) The payment of minimum wages to a worker whose salary is not payable on a monthly, daily or hourly basis, and the calculation method thereof;

(2) The payment of minimum wages to a worker whose salary is payable partly on a monthly, daily or hourly basis and partly on another basis;

(3) Additional or supplementary provisions in the matter of minimum wages payment and the calculation thereof.

(c) The Minister, upon consultation with the national labor union, representing the majority of organized employees in Israel and with the employers' organizations, that, in the opinion of Minister are representative and relevant to the matter, and, upon authorization of the Knesset's Labor and Welfare Committee, may establish supplementary regulations in the matter of calculating the minimum daily and hourly wages. In this matter he may establish other provisions than those provided by this Law.

23 The Equal Employment
Opportunities Law,
5748-1988

The "Minister" – the Minister of Labor and Welfare.



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- 24 The Foreign Workers
(Prohibition on Unlawful
Employment) Law,
5741-1991
- (a) The Minister is charged with implementing this Law and he may enact regulations in all matters related to the implementation thereof.
- (b) The Minister may, upon authorization of the Knesset's Labor and Welfare Committee, establish provisions in the regulations with respect to the obligation to submit notifications to the employer in the matter of Article 4, by a couple or any of the spouses and the consequences of a failure to submit notifications, as above.
- (c) The Minister, upon authorization of the Knesset's Welfare and Health Committee may add a law to those listed under the Addendum, by an order.
- Regulations in accordance with Articles 1b to 1e will be enacted upon authorization of the Committee (medical authorization, a work contract, medical insurance and appropriate housing).
- The Minister is charged with implementing this Law and he may enact regulations in all matters related to the implementation thereof.
- The Law does not indicate the identity of the Minister. The provisions of the various chapters required consultation with the Minister of the Interior and the Finance Minister.
- 25 National Health
Insurance Law, 5744-
1994
- (a) The Minister of Health is charged with implementing this Law and he may enact regulations in all matters related to the implementation thereof.
- (b) Regulations and orders in accordance with this Law will be established by paying attention to the funding sources, listed under Article 13.
- (c) Regulations in all matters related to the allotment of funds from the funding sources, in accordance with Article 17 will be enacted upon the consent of the Minister of Labor and Welfare and subject to the provisions of Article 17.
- (d) Notwithstanding the provisions of subparagraph (a), the Minister of Labor and Welfare is charged with implementing this Law in all matters related to collection,



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- distribution and transfer of monies that the Institute received from the funding sources listed under Article 13(a) and he may enact regulations in this matter, upon consent of the Minister of Health.
- 26 Title A of Chapter 6 of the Law Implementing the Agreement on the Gaza Strip and the Jericho Area (Economic Arrangements and Various Provisions) (Statutory Amendments), 5754-1994
The Minister charged with implementing this title and he may enact regulations in all matters related to the implementation thereof.
The "Minister" – the Agriculture Minister.
- 27 The Employment of Employees by Manpower Contractors Law, 5756-1996
(a) The Minister is charged with implementing the provisions of this Law, with the exception of Article 10(a) and he may enact regulations in all matters related to the implementation thereof.
(b) The Minister of the Interior is charged with implementing the provisions of Article 10(a) and the provisions of this Law, which are applicable in the matter of a permit in accordance with above-stated Article and he may enact regulations in all matters related to the implementation thereof, upon consultation with the Minister.
Article 10(a) refers to national manpower services.
- 28 Chapter 4 of the Equal Rights for People with Disabilities Law, 5758-1998
The Minister of Justice is charged with implementing this Chapter, however - (Claims)
(1) The Minister of Communications is charged with implementing Title D, to the extent relevant to the Bezeq Company services and facilities (Title D, Public Service – Accessibility).
(2) The Minister of Transport is charged with implementing Title D, to the extent that it is relevant to vehicle rental services (Title D, Public Service – Accessibility).
(3) The Minister of Health is charged with implementing Title F (Title F health services and a public place where health services are provided – accessibility – annulled).
(4) The Minister of Education and the Minister of Trade, Commerce and



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- Employment are charged with implementing title G, as the case may be (title G, Educational Institutions, Secondary Education Institutions, Educational and Academic Services – Accessibility).
- (5) The Minister of the Interior, the Transportation Minister and the Minister in charge as interpreted by Title I, are charged with implementing Title I, as the case may be (Title I Roads, Accessibility – annulled).
- (6) The Defense Minister is charged with implementing Title J (Title J Emergency Time Services, Accessibility – annulled).
- (7) The Minister of Industry, Trade and Employment is charged with implementing Title K, with the exception of Article 19/42 (Title L – Accessibility Authorized Persons and Accessibility Coordinators).
- 29 Article 8 of the Prevention of Sexual Harassment Law, 5758-1998 The Minister of Justice is charged with implementing this Law and he may, upon authorization of the Knesset Committee on the Status of Women, enact regulations in all matters related to the implementation thereof.
- Regulations in the matter of Article 7 will initially be submitted to the authorization of the Knesset Committee on the Status of Women, within five months from the publication of this Law (Article 7 – Measures Taken by an Employer).
- 30 The Collective Agreements Law, 5717-1957 The Minister of Labor is charged with implementing this Law and he may enact regulations in all matters related to the implementation thereof. However, the Minister will not enact regulations in accordance with Articles 26, unless he consults with the largest number of employees in Israel and with representative employers' organizations, that, in the opinion of Labor Minister are relevant to the matter (Article 26 – the Procedure of Issuing an Extension Order).
- 31 The Advance Notice for Resignation and Termination Law, 5761-2001 The Minister of Labor and Welfare is charged with implementing this Law and he may enact regulations in all matters related to the implementation thereof.



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(b) Notwithstanding the provisions of subparagraph 3, 4 and 5, the Minister of Labor, upon consultation with labor unions and with the employers' organizations, that, in the opinion of Minister are representative and, upon authorization of the Knesset's Labor and Welfare Committee, may establish provisions other than those provided under Articles 3 and 4, on the matter of advance notice for termination or resignation, taking into account the category of workers, the method of paying their wages and their employment (Articles 3,4 Advance Notice of Termination of a Salaried or Wage Earning Employee).

(a) The Minister is charged with implementing this Law; and he may, upon authorization of the Science Committee, enact regulations for the implementation thereof. He may also as above and with the consent of the Minister of Justice, enact regulations in the matter of maximal rates of conducting genetic tests for family relationship, in accordance with Chapter e1.

(b) Initial regulations in accordance with this Law will be submitted to the Committee, within nine months of the publication thereof.

(c) The Minister of Justice, upon consultation with the Minister, and the authorization of the Science Committee, may establish provisions with respect to the method of documenting the procedure of a genetic test of family relationships, saving the results of such tests and their transfer to the Family Affairs Court or the Rabbinical Court, in accordance with the provision of Chapter E1.

33 The Employee
Notification (Working
Conditions) Law, 5762-
2002 (Expired)

The Minister of Labor and Welfare is charged with implementing this Law and he may enact regulations in all matters related to the implementation thereof, including the format of a notification in accordance with Articles 2 and 3 and the manner of its delivery.

34 The Employee
Protection during

The Minister of Industry, Commerce and Employment and the Finance Minister are



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Emergency Law, 5767-
2006

charged the implementation of this Chapter;
and they may, upon authorization of the joint
Committee of the Knesset's Finance
Committee and the Knesset's Labor,
Welfare and Health Committee, enact
regulations in all matters related to the
implementation thereof (the chapter on
paying the wages of employees in a
restriction zone and the chapter on paying
the wages of employees in a declared zone).
The Minister of Industry, Commerce and
Employment is charged with implementing
this Chapter and he may enact regulations
on all matters related to the implementation
thereof (the Prohibition of Termination and
Work Continuity Chapter).

35 Article 5(a) of the
Protection of Employees
(Exposure of Offences
of Unethical Conduct or
Improper Administration)
Law, 5757-1997

The Minister of Labor and Welfare is
charged with implementing this Law and he
may enact regulations in all matters related
to the implementation thereof.