

**Appendix no. 4 - Major contractual conditions  
to RFQ no. 01/0211/17-00/2019 dated 24.09.2019**

Major contractual conditions for the tender no. **01/0211/17-00/2019** dated **24.09.2019** related to the supply (in accordance with DDP), unloading, erection and commissioning of a new OHT crane no. 1025 of lifting capacity Q=40t, consistent with the requirements of AMP for an automatic crane drive control system - Automatic Crane Engine (ACE), 2 sets of electrically driven tongs (ACE) for horizontal transport of hot sheet coils of weight Q=35t and retrofitting of an existing OHT crane no. 1020 / Q40t for the needs of ACE in Cold Rolling Mill in Kraków within the project "Developing and implementing an optimal logistics model and cooling model at the coil stockyard before pickling line in Cold Rollin Mill ArcelorMittal Poland S.A." (project no. POIR.01.02.00-00-0211/17-00), co-financed under sub-measure POIR.01.02.00 of the Intelligent Development Operational Programme 2014-2020 from the funds of the European Regional Development Fund.

1. Payment terms

All payments, will be payable after quantitative and qualitative acceptance of corresponding contractual events, minimum after sixty (60) calendar days ( or longer according to mutual agreement) counting from the date of delivery of the invoice to the Buyer.

No.	Description of contractual event	Date of contractual event	Part of the CONTRACTUAL PRICE (% of the contractual price)	Comments (e.g. subject to Bank Guarantee)
1	Down payment	T0	10%	Against Bank Guarantee for the same amount, (on template approved by the Buyer) securing the Buyer's claims for the return of an advance paid.  Validity date of Bank Guarantee: until <b>Final Acceptance Protocol</b> signature date.
2	Execution of Stage I	T0 + 9 months	70%	The payment on the basis of mutually signed <b>Stage I Completion Protocol</b> confirming receipt of goods and fulfilment of scope of work related to Stage I
3	End of Stage II	T0 + 14 months	20%	The payment on the basis of mutually signed <b>Final Acceptance Protocol</b> , confirming fulfilment of scope of work related to Stage II and against delivery of Bank Guarantee for 10% of CONTRACTUAL PRICE, (on template approved by the Buyer) securing the Buyer's claims for defects in the WORKS or / and EQUIPMENT.  Validity date of Bank Guarantee: until the end of Performance Guarantee period (for supplies and Services).

## 2. Penalties

2.1 For delay in correct and full completion of Subject Matter of the Contract, CONTRACTOR shall pay the BUYER liquidated damages in the amount of 1 % of the PRICE per each full week of delay up to 10% of the CONTRACTUAL PRICE.

2.2 The above provisions shall not prejudice the obligation to pay liquidated damages as defined in the Occupational Health and Safety Agreement.