

Appendix no. 5 - Major contractual conditions

Major contractual conditions for the tender no. 5/0176/2018 related to purchase, delivery and start-up of zinc layer thickness measurement system for Hot Dip Galvanizing Line at ArcelorMittal Poland S.A Świętochłowice within the project „Development of the innovative Zn-Al-Mg based coating for the production of hot deep galvanized sheets” (project no. POIR.01.02.00-00-0176/16-00), co-funded by European Regional Development Fund and under Operational Program Smart Growth 2014-2020, Measure 1.2. “Sectoral R&D programs” (a competition organized by the National R&D Center no. 2/1.2/2016).

1. Payment terms

All payments, except down payment, will be payable after sixty (60) calendar days counting from the end of the month as from the BUYER’s quantitative and qualitative acceptance of the corresponding contractual events and invoice receipt.

No.	Description of contractual event	Date of contractual event	Part of the CONTRACTUAL PRICE (% of the CONTRACTUAL PRICE)	Comments (e.g. subject to Bank Guarantees)
1	down payment payable within 30 days after contract signature after submitted Bank Guarantee	J	10%	Delivery of a bank guarantee to the Buyer securing Buyer’s claims for the return of the advance payment. Validity date of a bank guarantee: until the moment of signing by the Parties of the final acceptance protocol of WORKS and/or EQUIPMENT Value of bank guarantee: 10%
2	End of DDP deliveries	J + weeks	55%	The payment on the basis of mutually signed protocol confirming the receipt of goods
3	Ready for initial operation – R.F.I.O.	J + weeks	25%	
4	Signature of the Final acceptance protocol of WORKS and/or EQUIPMENT	J + weeks	10%	

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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 1% of the PRICE.

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

2.3 . Notwithstanding any CONTRACTOR’s obligations stipulated in the CONTRACT, the CONTRACTOR is obliged to particularly meet the following KPIs:

- 1 Measurement of alloy Zn-Al (GI)
- 2 Measurement of alloy Zn-Al-Mg (Al max. 5,2%, Mg max. 3,2%)
- 3 Measurement range for top head 15 – 300 g/m² of zinc layer
- 4 Measurement range for bottom head 15 – 300 g/m² of zinc layer
- 5 Measurement for strip speed between 15-180 m/min
- 6 Measurement for strip width between 700 – 1520 mm
- 7 Measurement for strip thickness between 0,4 - 2 mm
- 8 Measurement heads based on X-ray tubes

2.3.1 In the event of failure to meet any of the above conditions by the CONTRACTOR, the “Make good” clause will apply and the CONTRACTOR will use his best efforts to fulfill the above mentioned KPIs at least on their minimum level.