

e) the guarantor's undertaking to pay the guarantee amount in the event of the occurrence of the circumstances described in Article 46.4a and Article 46.5 of the Act.

Any disputes regarding the guarantee will be resolved in accordance with the laws of the Republic of Poland before a court of law with jurisdiction over BOSMAL's registered office.

The above provisions will apply to sureties accordingly.

BOSMAL will refund or, in justified cases, retain the bid bond in accordance with the provisions of Article 46 of the Act.

In the case of a consortium, the bid bond may be provided by one member of the consortium.

BOSMAL may require the Contractor to provide the bid bond already refunded to the Contractor, pursuant to Article 46.3 of the Act.

### **3 Subcontracting**

Pursuant to Article 36.4 of the Act, BOSMAL requires the Contractor to specify, in its tender document, those parts of the contract which the Contractor intends to subcontract (Tender Form, Appendix 1 to SECP).

### **4 Advance Payments**

BOSMAL may make an advance payment of 30% to the Contractor (Materials Provisions of the Contract, Appendix 2 to SECP).

### **5. Information on the formalities to be completed to enter into the contract after selecting the contractor.**

BOSMAL will require the Contractor to provide a performance bond in accordance with the guidelines contained in the Material Provisions of the Contract (Appendix 2). The selected Contractor shall provide the performance bond in the full amount, irrespective of the form of the bond, not later than on the day of signing the contract, but before signing the contract.

If the selected Contractor fails to provide the required performance bond, BOSMAL may select the best of the other submitted tenders, pursuant to Article 94.3 of the Act, unless the conditions described in Article 93.1 of the Act are fulfilled.

All the contractors tendering for the contract as a group will be jointly and severally liable for the performance of the contract, pursuant to Article 141 of the Act.

The selected Contractor will be required to sign the contract in accordance with the Material Provisions of the Contract as contained in Appendix 2 to SECP and in accordance with the Articles 139 and 140 of the Act.

If the selected Contractor carries on a business as a limited liability company, then if the value of the contract exceeds twice the amount of the Contractor's share capital, the Contractor will, not later than on the day of signing the contract, submit its shareholders' resolution in which the company's shareholders agree that the company may enter into a transaction whose value exceeds twice the amount of the company's share capital, pursuant to the provisions of Article 230 of the Polish Companies Code, unless the company's deed of formation specifies otherwise (in which case an extract of the Contractor's company formation deed must be submitted to confirm that the company is authorised to assume such obligations).

If the selected tender is a joint tender submitted by a group of contractors, BOSMAL will require the Contractor to submit an agreement governing the terms and conditions of the individual contractors' co-operation, such an agreement to be submitted before the contract is entered into.