



No. **50 /2009**

Date: 18.12.2009

**Topic: Selection of the bid for the ‘Construction of a new heat unit with a fluidised boiler, a back-pressure turbine, two peak boilers and a heat accumulator at Bielsko-Biala EC1 Heat and Power Generating Plant’.**

*Legal grounds: Article 56 (1) (1) of the Act on offers – confidential information*

The Management Board of Polimex-Mostostal S.A. informs that on 18 December 2009 there was selected a bid in the proceedings regarding public procurement of: ‘Construction of a new heat unit with a fluidised boiler, a back-pressure turbine, two peak boilers and a heat accumulator at Bielsko-Biala EC1 Heat and Power Generating Plant’ by the Ordering Party: Południowy Koncern Energetyczny S.A., ul. Lwowska 23, 40-389 Katowice.

The bid made by Polimex – Mostostal S.A. was selected as the most advantageous one – it had been awarded the highest number of points calculated in accordance with the principles provided for by the Ordering Party.

Bid **net** price: 409,700,000.00 PLN (in words: four hundred and nine million, seven hundred thousand PLN)

Bid **gross** price: 499,834,000.00 PLN (in words: four hundred and ninety-nine million, eight hundred and thirty-four thousand PLN)

The subject matter of a possible Contract will cover design, delivery, installation, launching and commissioning of the New Heat Unit inclusive of a fluidised boiler, a back-pressure turbine, two peak boilers and a heat accumulator.

Completion and Unit commissioning date have been established on 28 March 2013.

Technical guarantees shall apply for 42 months of the commissioning date, i.e. by September 2016.

Performance bond constitutes 10% of the bid value, i.e. 49,983,400.00 PLN.

Per each day of delay, there has been stipulated a contractual penalty in the amount of 0.05% of contractual remuneration subject to the limit of contractual penalties amounting to 20% of contractual remuneration.

Decision on the selection of the most advantageous bid is not final. Contractors and other parties, should the legal interest thereof in order obtainment have been or may be prejudiced as a result of infringement by the Ordering Party of the provisions of the Act dated 29 January 2004 – ‘Public Procurement Law’, shall be entitled to means of legal protection provided for in Section VI thereof. Protest lodging period shall be 10 days of the day whereon the party has or may have obtained information on

circumstances constituting grounds for lodging the protest.

The Ordering Party shall notify the Contractor of the Contract signature date and fulfilment of formal obligations pertaining thereto in a separate letter. Prior to Contract conclusion, there shall be held an inspection by the President of the Public Procurement Office.

Legal grounds: Article (56) (1) of the Act on public offer and conditions of organised trade in financial instruments, and on public companies, as related to § 5 (1) (3) and § 9 of the Ordinance of the Minister of Finances dated 19 February 2009 on current and periodical information provided by issuers of securities and terms of deeming information required by the regulations of a non-Member State equivalent (Journal of Laws of 2009, no. 33, item 259).