

 javys jadrová vyrad'ovacia spoločnosť	BIDSF Project	C7-C TREATMENT AND CONDITIONING OF HISTORICAL WASTE BIDSF 009 3 001	C7-C Amendment No. 2 to Contract
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Amendment No. 2 to Contract BIDSF 009 3 001

This Amendment to CONTRACT BIDSF 009 3 001 is made on _____, 2011 between

Jadrová a vyrad'ovacia spoločnosť, a.s. a state owned joint stock company duly organized and existing under the Laws of the Slovak Republic with its registered office located at Tomášikova 22, 821 02 Bratislava, Slovak Republic and registered with the Trade Register of the District court Bratislava I in section Sa under number 4649/B, Company Identification No.: 35 946 024, duly represented by Mr. Ján Horváth– Chairman of the Board of Directors and Mr. Miroslav Obert – Vice-Chairman of the Board of Directors, entrusted with the relevant powers in compliance with the Statute of Jadrová a vyrad'ovacia spoločnosť, a.s. (hereinafter called "the Employer") of the one part,

and

VUJE, a.s. a joint stock company duly organized and existing under the Laws of the Slovak Republic with its registered office located at Okružná 5, 918 64 Trnava, Slovak Republic and registered with the Trade Register of the District court Trnava in section Sa under number 164/T, Company Identification No.: 31 450 474, duly represented by Mr. Peter Líška – Vice Chairman of the Board of Directors and Mr. Matej Korec – member of the Board of Directors, entrusted with the relevant powers in compliance with the Statute of VUJE, a.s. (hereinafter called "the Contractor") of the other part.

The Employer and the Contractor shall be collectively referred to as "Parties".

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RECITALS

WHEREAS

- (a) The Parties celebrated on July 30th, 2010 a Contract (hereinafter referred as, "Contract") under the name of "C7-C – Treatment and conditioning of historical waste".
- (b) During the implementation of the Contract, the Parties have agreed that the Scope of Supply shall be extended for additional equipment and associated services. The Parties have agreed, that the Contract Price will be increased in 237,490 € for execution of additional equipment and associated services.
- (c) The Parties acknowledge that all words and expressions shall have the same meaning as are respectively assigned to them in the Conditions of Contract hereinafter referred to and that all other Terms and Conditions of the Contract remain unchanged and now, therefore, the Employer and the Contractor hereto agree as follows:

CLAUSES

The following documents, describing details of additional equipment and associated services (technical specification, schedule of works, price breakdown), attached hereto shall be deemed to form an integral part of this Amendment No. 2 to Contract:

- Request for Additional Equipment and Associated Services
- Description of the Proposed Equipment and Associated Services

The Contract is herein modified to incorporate the following provisions, being the effective date of this Amendment No. 2 the date when the signed Amendment No. 2 by both Parties is published in accordance with sec. 5a of the Act. No. 211/2000 Coll. on Free Access to Information and on Change and Supplement of Certain Acts (Act on Free Information), as amended:

1. Part A – The Contract Agreement, point 2. shall be amended as follows:

The following documents shall be deemed to form and be read and construed as part of this Agreement, for the purpose of interpretation, the priority of the documents shall be in accordance with the following sequence:

- A. This Contract Agreement
- B. The Letter of Acceptance
- C. The Letter of Tender
- C-1 Amendment No. 1
- C-2 Amendment No. 2
- D. The Conditions of Particular Application
- E. The Appendix to Tender

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- F. The General Conditions
 - G. The Employer's Requirements constituted by:
 - G1. Technical Specifications,
 - G2. Schedule of works,
 - G3. Drawings and other Documentation
 - G4. QA and QC surveillance requirements,
 - G5. Site accessibility requirements,
 - H. Clarification questions and answers
 - I. The Contractor's Proposal constituted by:
 - I1. Technical part,
 - I2. Project organization and Time schedule,
 - I3. Price Schedules,
 - I4. List of spare parts,
 - I5. List of subcontractors,
 - I6. Manufacturers' Authorisation form
 - J. Performance Security
2. Part A – The Contract Agreement, point 4 shall be amended as follows:
- The Employer hereby covenants to pay the Contractor, in consideration of the execution and completion of the Works and the remedying of defects therein, the Amended Contract Price in amount of 6,260,990 €, which consists of the Contract price in amount of 6,023,500 € and price for execution of Amendment no.2 in amount of 237,490 € of at the times and in the manner prescribed by the Contract.
3. Part D - The Conditions of Particular Application, Sub-Clause 1.5 [Priority of the documents] shall be amended as follows:
- A new item C-2 Amendment No. 2 shall be added between items C1 Letter of Tender and D The Conditions of Particular Application;
4. Part D, Sub-Clause 14.4 [Schedule of Payments] shall be amended as follows:
Delete the last paragraph and substitute with:
Referring to the first paragraph, the following Schedule of Payments shall be the basis for the payment milestones in which the Contract Price will be paid:
Delivered on site and submission confirmed by the Deliverable Acceptance protocol of:

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No	Payment milestones	Payment Schedule "A"
1	Design for building permit process	10% of 3,700,000 €
2	Detail Design	10% of 3,700,000 €
3	Issue of Building permit	5% of 3,700,000 €
4	Dismantling and installation including commissioning tests and Site Acceptance Tests (SAT) for parts: PS 03, PS 08, PS 09, PS 44, PS 100	30% of 3,700,000 €
5	Dismantling and installation including individual tests and SAT for parts: PS 04, PS 05, PS 07	20% of 3,700,000 €
6	Dismantling and installation including individual tests and SAT for part: PS 06	10% of 3,700,000 € + 237,490 €
7	Execution of pre-commissioning tests and non active and active commissioning tests	5% of 3,700,000 €
8	Taking-Over certificate	10% of 3,700,000 €
	Contract price + price of the Amendment no.2 for Payment Schedule "A"	3,700,000 + 237,490 €
	Amended Contract price for Payment Schedule "A"	3,937,490 €

1. Part G1 - Technical Specification, chapter 3.1.2.2 Modifications of the incinerator facility


a. secondary RAW minimisation: in the second paragraph, the second bullet "installation of an evaporator for thickening wash liquids during their removal from the scrubber for cementation (concentration of salts in wash liquids ≥ 350 g/l)" shall be deleted

and in "Acceptance criteria" the first bullet "Concentration of salts in wash liquids ≥ 350 g/l" shall be deleted.

c. replacement of critical parts of the incinerator by new ones resistant against corrosion in "The acceptance criteria are", the bullet "The wet scrubbers BK40001 and BK 40002 shall be replaced by new ones with equal or higher quality" shall be added.

2. Part G1 - Technical Specification 3.1.4 Concentration plant, Task (b) shall be deleted and replaced with the following:

The scope of works shall include the development of the licensing documentation necessary for re-classification of the tank BB30001 and related pipelines and valves to seismically classified equipment of category 1B and equipment classified in accordance with Act 541/2004 (Atomic Energy Act) and related decrees.

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3. Part G1 - Technical Specification 3.1.5 Cementation plant, Task (c) shall be deleted in its entirety.
4. Part G1 - Technical Specification 3.1.6 Modifications of the BSC storage, transportation and lifting devices, Task (a) shall be deleted and replaced with the following:

Modification shall consist of the removal of the asymmetrical movement of the FCC transport trolley while the railway will not be modified.

5. Part G1 - Technical Specification 3.1.10 Modifications of the bituminization plant, Task (a): shall be deleted and replaced with the following:

The Contractor shall replace the following parts of the existing equipment by new ones in accordance with the following specifications:

- 3 pcs - regulating electro-pneumatic valves (DN50 2pcs and DN65 1pc)
medium – saturated steam (1MPa/180°C, 0.3 t/h)
- 3 pcs - regulating manual valves (DN50 2pcs and DN65 1pc)
medium – saturated steam (1MPa/180°C, 0.3 t/h)

The new equipment shall meet the following requirements:

- compatibility with the existing equipment which remains in operation,
- the same or better operational features for demanded services in comparison with the equipment to be replaced,
- compliance with Slovak standards,

The work scope shall include also:

- dismantling of the existing equipment,
- mounting, connection and testing of the new equipment,
- upgrade of the accessories related to equipment affected by the reconstruction (electrical, I&C equipment, etc.),
- update of the as-built documentation of equipment and accessories affected by the reconstruction.

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IN WITNESS WHEREOF, the Parties hereto signed this Amendment No.2 in four (4) copies in English language, each considered an original.

For and on behalf of the Employer - **Jadrová a vyrad'ovacia spoločnosť, a.s.**

Date:

SIGNED by:

SIGNED by:

Mr. Miroslav Obert – Vice-Chairman of the Board of Directors

Mr. Peter Líška – Vice-Chairman of the Board

Mr. Ján Horváth – Chairman of the Board of Directors

Mr. Matej Korec - Member of the Board of Directors

for and on behalf of the Employer
Date:

for and on behalf of the Contractor
Date: