

**CORRIGENDUM No 1**

**WORKS TENDER DOSSIER**

In the Volume 1 - Instructions to Tenderes launched 13/11/2009, pg 6, timetable 1.3 is modified and replaced by the following text:

***Instead of:***

1.3 Timetable:

|  | DATE                             | TIME* |
|--|----------------------------------|-------|
| Clarification meeting  | December 16 <sup>th</sup> , 2009 | 14.00 |
| Site visit   | December 16 <sup>th</sup> , 2009 | 10.00 |
| Deadline for request for any additional information from the Contracting Authority | February 5 <sup>th</sup> , 2010  | 12.00 |
| Last date on which additional information are issued by the Contracting Authority  | February 15 <sup>th</sup> , 2010 | -     |
| Deadline for submission of tenders   | February 26 <sup>th</sup> , 2010 | 12.00 |
| Tender opening session   | February 26 <sup>th</sup> , 2010 | 13.00 |
| Notification of award to the successful tenderer                                   | April 6 <sup>th</sup> , 2010**   | -     |
| Signature of the contract  | May 21 <sup>st</sup> , 2010**    | -     |

\* All times are in the time zone of the country of the Contracting Authority

\*\* Provisional date

**Read:**

1.3 Timetable:

|  | DATE                             | TIME* |
|--|----------------------------------|-------|
| Clarification meeting  | December 16 <sup>th</sup> , 2009 | 14.00 |
| Site visit   | December 16 <sup>th</sup> , 2009 | 10.00 |
| Deadline for request for any additional information from the Contracting Authority | March 1 <sup>st</sup> , 2010     | 12.00 |
| Last date on which additional information are issued by the Contracting Authority  | March 11 <sup>th</sup> , 2010    | -     |
| Deadline for submission of tenders   | March 22 <sup>nd</sup> , 2010    | 12.00 |
| Tender opening session   | March 22 <sup>nd</sup> , 2010    | 13.00 |
| Notification of award to the successful tenderer                                   | May 28 <sup>th</sup> , 2010**    | -     |
| Signature of the contract  | July 8 <sup>th</sup> , 2010**    | -     |

\* All times are in the time zone of the country of the Contracting Authority

\*\* Provisional date

In the Volume 1 - Instructions to Tenderes launched 13/11/2009, sub – clause 12.2. - is modified and replaced by the following text:

**Instead of:**

12.2 In order to be considered eligible for the award of the contract, Tenderers must provide evidence that they meet the selection criteria. This evidence must be provided by Tenderers in the form of the information and documents described in Sub-Clause 12.1 above and in whatever additional form Tenderers may wish to utilise.

In the case of a tender submitted by a consortium, unless specified, these selection criteria will be applied to the consortium as a whole.

***The minimum selection criteria for the Sole Tenderer include:***

Economic and financial capacity of candidate:

1. It must be a registered firm or natural person capable of carrying out the specified works.
2. The Tenderer must have an annual turnover for each of the last 3 years (2006, 2007, 2008) equivalent to 10,000,000 EUR.
3. The Tenderer must have access to sufficient credit and other financial facilities to cover the required cash flow for the duration of the contract. In any case, the amount of credit available must exceed the equivalent of 3,000,000 EUR.

Technical and professional capacity of candidate:

4. The Tenderer must have as a prime contractor completed at least 2 construction projects comprising construction of water supply system in the length of at least 10 km over the last 5 years (last five years shall be understood as the period: 31st December 2004 up to deadline for submission of tenders). Referenced project must have been started and completed in the period of reference. The Contracting Authority reserves the right to ask for copy of the respective certificate of final acceptance signed by the supervisor/contracting authority of the project concerned.
5. The Tenderer must have as a prime contractor completed at least 2 construction projects comprising construction of sewerage system in the length of at least 15 km over the last 5 years (last five years shall be understood as the period: 31st December 2004 up to deadline for submission of tenders). Referenced project must have been started and completed in the period of reference. The Contracting Authority reserves the right to ask for copy of the respective certificate of final acceptance signed by the supervisor/contracting authority of the project concerned.
6. The Tenderer must carry out at least 70% of the contract works by its own resources, which means that it must have the equipment, materials, human and financial resources necessary to enable it to carry out that percentage of the contracted works.

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7. Tenderer's Key Personnel (Contractor's Representative and Site Manager) must have experience in execution of at least 2 projects comprising construction of water supply system in the length of at least 10 km over the last 5 years (last five years shall be understood as the period: 31st December 2004 up to deadline for submission of tenders) and experience in execution of at least 2 projects comprising construction of sewerage system in the length of at least 15 km over the last 5 years (last five years shall be understood as the period: 31st December 2004 up to deadline for submission of tenders).

Tenderer's Key Personnel (Contractor's Representative and Site Manager) must also have the following experience:

| Position                           | GENERAL PROFESSIONAL EXPERIENCE (years) | SPECIFIC PROFESSIONAL EXPERIENCE IN SIMILAR <sup>1</sup> WORKS (years) | EXPERIENCE IN SIMILAR POSITION (years) |
|------------------------------------|---|--|--|
| <b>Contractor's Representative</b> | <b>15</b>                               | <b>10</b>  | <b>5</b>                               |
| <b>Site Manger</b>                 | <b>15</b>                               | <b>10</b>  | <b>5</b>                               |

Also, Tenderer's Key Personnel (Contractor's Representative and Site Manager) must submit CV's and evidence for referenced projects as required above (such as Employer's certificate, affidavit, etc.)

***The joint venture/consortium as a whole (all members together) and the lead member must satisfy the following minimum qualifying criteria:***

Economic and financial capacity of candidate:

1. The joint venture/consortium must be a registered firm or natural person capable of carrying out the specified works.

<sup>1</sup> Similar works mean construction/reconstruction of water supply system and construction/reconstruction/restoration of sewerage system.

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2. The joint venture/consortium must have an annual turnover for each of the last 3 years (2006, 2007, 2008) equivalent to 10,000,000 EUR (lead member of a joint venture/consortium must have an annual turnover for each of the last 3 years equivalent to EUR 8 million).
3. The lead member of joint venture/consortium must have access to sufficient credit and other financial facilities to cover the required cash flow for the duration of the contract. In any case, the amount of credit available must exceed the equivalent of 3,000,000 EUR.

Technical and professional capacity of candidate:

4. The joint venture/consortium as a whole must have completed at least 2 construction projects comprising construction of water supply system in the length of at least 10 km over the last 5 years (last five years shall be understood as the period: 31st December 2004 up to deadline for submission of tenders). Referenced project must have been started and completed in the period of reference. The Contracting Authority reserves the right to ask for copy of the respective certificate of final acceptance signed by the supervisor/contracting authority of the project concerned.
5. The joint venture/consortium as a whole must have completed at least 2 construction projects comprising construction of sewerage system in the length of at least 15 km over the last 5 years (last five years shall be understood as the period: 31st December 2004 up to deadline for submission of tenders). Referenced project must have been started and completed in the period of reference. The Contracting Authority reserves the right to ask for copy of the respective certificate of final acceptance signed by the supervisor/contracting authority of the project concerned.
6. The joint venture/consortium as a whole must carry out at least 70% of the contract works by his own resources, which means that he must have the equipment, materials, human and financial resources necessary to enable it to carry out that percentage of the contracted works.

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7. Joint Venture/Consortium Key Personnel (Contractor’s Representative and Site Manager) must have experience in execution of at least 2 projects comprising construction of water supply system in the length of at least 10 km over the last 5 years (last five years shall be understood as the period: 31st December 2004 up to deadline for submission of tenders) and experience in execution of at least 2 projects comprising construction of sewerage system in the length of at least 15 km over the last 5 years (last five years shall be understood as the period: 31st December 2004 up to deadline for submission of tenders).

Tenderer’s Key Personnel (Contractor’s Representative and Site Manager) must also have the following experience:

| Position                           | GENERAL PROFESSIONAL EXPERIENCE (years) | SPECIFIC PROFESSIONAL EXPERIENCE IN SIMILAR <sup>2</sup> WORKS (years) | EXPERIENCE IN SIMILAR POSITION (years) |
|------------------------------------|---|--|--|
| <b>Contractor’s Representative</b> | <b>15</b>                               | <b>10</b>  | <b>5</b>                               |
| <b>Site Manger</b>                 | <b>15</b>                               | <b>10</b>  | <b>5</b>                               |

Also, Tenderer’s Key Personnel (Contractor’s Representative and Site Manager) must submit CV’s and evidence for referenced projects as required above (such as Employer’s certificate, affidavit, etc.)

An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility and notably that of nationality, as the economic operator.

<sup>2</sup> Similar works mean construction/reconstruction of water supply system and construction/reconstruction/restoration of sewerage system.

**Read:**

- 12.2 In order to be considered eligible for the award of the contract, Tenderers must provide evidence that they meet the selection criteria. This evidence must be provided by Tenderers in the form of the information and documents described in Sub-Clause 12.1 above and in whatever additional form Tenderers may wish to utilise.

In the case of a tender submitted by a consortium, unless specified, these selection criteria will be applied to the consortium as a whole.

***The minimum selection criteria for the Sole Tenderer include:***

Economic and financial capacity of candidate:

1. It must be a registered firm or natural person capable of carrying out the specified works.
2. The Tenderer must have an annual turnover for each of the last 3 years (2006, 2007, 2008) equivalent to 10,000,000 EUR.
3. The Tenderer must have access to sufficient credit and other financial facilities to cover the required cash flow for the duration of the contract. In any case, the amount of credit available must exceed the equivalent of 3,000,000 EUR.

Technical and professional capacity of candidate:

4. The Tenderer must have as a prime contractor completed at least 2 construction projects of water supply system in the total length of at least 10 km (this length must not be made up by more than 2 projects) over the last 5 years (last five years shall be understood as the period: 31st December 2004 up to deadline for submission of tenders). Referenced project must have been started and completed in the period of reference. The Contracting Authority reserves the right to ask for copy of the respective certificate of final acceptance signed by the supervisor/contracting authority of the project concerned.<sup>3</sup>

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<sup>3</sup> one and the same Project can cover criteria under sub-point (4) and sub-point (5)

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5. The Tenderer must have as a prime contractor completed at least 2 construction projects of sewerage system in the total length of at least 15 km (this length must not be made up by more than 2 projects) over the last 5 years (last five years shall be understood as the period: 31st December 2004 up to deadline for submission of tenders). Referenced project must have been started and completed in the period of reference. The Contracting Authority reserves the right to ask for copy of the respective certificate of final acceptance signed by the supervisor/contracting authority of the project concerned.<sup>4</sup>
  
6. The Tenderer must carry out at least 70% of the contract works by its own resources, which means that it must have the equipment, materials, human and financial resources necessary to enable it to carry out that percentage of the contracted works.
  
7. Tenderer's Key Personnel (Contractor's Representative and Site Manager) must also have the following experience:

| Position                           | GENERAL PROFESSIONAL EXPERIENCE (years) | SPECIFIC PROFESSIONAL EXPERIENCE IN SIMILAR <sup>5</sup> WORKS (years) | EXPERIENCE IN SIMILAR POSITION (years) |
|------------------------------------|---|--|--|
| <b>Contractor's Representative</b> | <b>15</b>                               | <b>10</b>  | <b>5</b>                               |
| <b>Site Manger</b>                 | <b>15</b>                               | <b>10</b>  | <b>5</b>                               |

Also, Tenderer's Key Personnel (Contractor's Representative and Site Manager) must submit CV's and evidence for referenced projects as required above (such as Employer's certificate, affidavit, etc.)

<sup>4</sup> one and the same Project can cover criteria under sub-point (4) and sub-point (5)

<sup>5</sup> Similar works mean construction/reconstruction of water supply system and construction/reconstruction/restoration of sewerage system.



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***The joint venture/consortium as a whole (all members together) and the lead member must satisfy the following minimum qualifying criteria:***

Economic and financial capacity of candidate:

1. The joint venture/consortium must be a registered firm or natural person capable of carrying out the specified works.
2. The joint venture/consortium must have an annual turnover for each of the last 3 years (2006, 2007, 2008) equivalent to 10,000,000 EUR (lead member of a joint venture/consortium must have an annual turnover for each of the last 3 years equivalent to EUR 8 million).
3. The lead member of joint venture/consortium must have access to sufficient credit and other financial facilities to cover the required cash flow for the duration of the contract. In any case, the amount of credit available must exceed the equivalent of 3,000,000 EUR.

Technical and professional capacity of candidate:

4. The joint venture/consortium as a whole must have completed at least 2 construction projects of water supply system in the total length of at least 10 km (this length must not be made up by more than 2 projects) over the last 5 years (last five years shall be understood as the period: 31st December 2004 up to deadline for submission of tenders). Referenced project must have been started and completed in the period of reference. The Contracting Authority reserves the right to ask for copy of the respective certificate of final acceptance signed by the supervisor/contracting authority of the project concerned.<sup>6</sup>
5. The joint venture/consortium as a whole must have completed at least 2 construction projects of sewerage system in the total length of at least 15 km (this length must not be made up by more than 2 projects) over the last 5 years (last five years shall be understood as the period: 31st December 2004 up to deadline for submission of tenders). Referenced project must have been started and completed in the period of reference. The Contracting Authority reserves the right to ask for copy of the respective certificate of final acceptance signed by the supervisor/contracting authority of the project concerned.<sup>7</sup>

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<sup>6</sup> one and the same Project can cover criteria under sub-point (4) and sub-point (5)

<sup>7</sup> one and the same Project can cover criteria under sub-point (4) and sub-point (5)

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6. The joint venture/consortium as a whole must carry out at least 70% of the contract works by his own resources, which means that he must have the equipment, materials, human and financial resources necessary to enable it to carry out that percentage of the contracted works.
7. Joint Venture/Consortium Key Personnel (Contractor’s Representative and Site Manager) must have the following experience:

| Position                           | GENERAL PROFESSIONAL EXPERIENCE (years) | SPECIFIC PROFESSIONAL EXPERIENCE IN SIMILAR <sup>8</sup> WORKS (years) | EXPERIENCE IN SIMILAR POSITION (years) |
|------------------------------------|---|--|--|
| <b>Contractor’s Representative</b> | <b>15</b>                               | <b>10</b>  | <b>5</b>                               |
| <b>Site Manger</b>                 | <b>15</b>                               | <b>10</b>  | <b>5</b>                               |

Also, Tenderer’s Key Personnel (Contractor’s Representative and Site Manager) must submit CV’s and evidence for referenced projects as required above (such as Employer’s certificate, affidavit, etc.)

An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility and notably that of nationality, as the economic operator.

<sup>8</sup> Similar works mean construction/reconstruction of water supply system and construction/reconstruction/restoration of sewerage system.

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In the Volume 1 - Instructions to Tenderes launched 13/11/2009, Section 2 – Form 2.2. Appendix to Tender, pg 37 two rows were added, relating to the Advance payment, above the row Percentage of retention (14.3):

***Instead of :***

|   | Sub-Clauses of FIDIC Conditions of Contract |   |
|---|---|---|
| Percentage for adjustment of Provisional Sums | 13.5(b)                                     | 10%                                     |
| Percentage of retention                       | 14.3  | 10% of the Interim Payment Certificates |

***Read:***

|   | Sub-Clauses of FIDIC Conditions of Contract |   |
|---|---|---|
| Percentage for adjustment of Provisional Sums | 13.5(b)                                     | 10%   |
| Total advance payments                        | 14.2  | 10% of the Accepted Contract Amount                                 |
| Number and timing of instalments              | 14.2  | One instalment, paid upon delivery of the Advance Payment Guarantee |
| Percentage of retention                       | 14.3  | 10% of the Interim Payment Certificates                             |

In the Instructions to Tenderes launched 13/11/2009, Section 5, Tender Evaluation Grids (For information only) – Table No 3 , pg 83 rows: 32,33 and 35 are modified and replaced by the following text:

***Instead of :***

| No  | Form/Clause*                   | Criterion  | Y / N |
|-----|--------------------------------|--|-------|
| 32. | Form<br>4.6.4/Clause<br>12.2   | The Tenderer (either a single company or Joint Venture/consortium as a whole) has completed at least 2 construction projects comprising construction of water supply system in the length of at least 10 km over the last 5 years (last five years shall be understood as the period: 31st December 2004 up to deadline for submission of tenders).  |       |
| 33. | Form<br>4.6.4/Clause<br>12.2   | The Tenderer (either a single company or Joint Venture/consortium as a whole) has completed at least 2 construction projects comprising construction of sewerage system in the length of at least 15 km over the last 5 years (last five years shall be understood as the period: 31st December 2004 up to deadline for submission of tenders).  |       |
| 35. | Form<br>4.6.1.3/Clause<br>12.2 | Tenderer's Contractor's Representative and Site Manager (either a single company or Joint Venture/Consortium as a whole) have experience in execution of at least 2 projects comprising construction of water supply system in the length of at least 10 km over the last 5 years (last five years shall be understood as the period: 31st December 2004 up to deadline for submission of tenders) and experience in execution of at least 2 projects comprising construction of sewerage system in the length of at least 15 km over the last 5 years (last five years shall be understood as the period: 31st December 2004 up to deadline for submission of tenders).<br><br>Tenderer's Contractor's Representative and Site Manager also have the following experience: General professional experience: 15 years; Specific professional experience in similar works: 10 years and Experience in similar position: 5 years |       |

\* Reference is made to relevant forms of the Questionnaire and relevant Clauses of the Instructions to Tenderers.

**Read:**

| No  | Form/Clause*                   | Criterion   | Y / N |
|-----|--------------------------------|---|-------|
| 32. | Form<br>4.6.4/Clause<br>12.2   | The Tenderer (either a single company or Joint Venture/consortium as a whole) has completed at least 2 construction projects of water supply system in the total length of at least 10 km (this length must not be made up by more than 2 projects) over the last 5 years (last five years shall be understood as the period: 31st December 2004 up to deadline for submission of tenders). |       |
| 33. | Form<br>4.6.4/Clause<br>12.2   | The Tenderer (either a single company or Joint Venture/consortium as a whole) has completed at least 2 construction projects of sewerage system in the total length of at least 15 km (this length must not be made up by more than 2 projects) over the last 5 years (last five years shall be understood as the period: 31st December 2004 up to deadline for submission of tenders).     |       |
| 35. | Form<br>4.6.1.3/Clause<br>12.2 | Tenderer's Contractor's Representative and Site Manager have the following experience: General professional experience: 15 years; Specific professional experience in similar works: 10 years and Experience in similar position: 5 years   |       |

In the Volume 2 – Contract launched 13/11/2009, pg 2 – Contractual Documents, content is modified and replaced by the following text:

**Instead of:**

- Section 1                      Contract Form
- Section 2                      General Conditions of Contract
- Section 3                      Particular Conditions of Contract
- Section 4                      Performance Guarantee Form  
  
(Form of Performance Security – Demand Guarantee as per FIDIC)
- Section 5                      Retention Guarantee Form  
  
(Form of Retention Money Guarantee as per FIDIC)

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\* Reference is made to relevant forms of the Questionnaire and relevant Clauses of the Instructions to Tenderers.

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|                  |  |
|------------------|--|
| <u>Section 6</u> | Disputes Adjudication Agreement Form         |
| <u>Section 7</u> | Sequence of Principal Events during Contract |

***Read:***

|                  |  |
|------------------|--|
| <u>Section 1</u> | Contract Form  |
| <u>Section 2</u> | General Conditions of Contract   |
| <u>Section 3</u> | Particular Conditions of Contract  |
| <u>Section 4</u> | Performance Guarantee Form<br><br>(Form of Performance Security – Demand Guarantee as per FIDIC) |
| <u>Section 5</u> | Pre - Financing Payment Guarantee Form<br><br>(Form of Advance Payment Guarantee as per FIDIC)   |
| <u>Section 6</u> | Retention Guarantee Form<br><br>(Form of Retention Money Guarantee as per FIDIC)                 |
| <u>Section 7</u> | Disputes Adjudication Agreement Form   |
| <u>Section 8</u> | Sequence of Principal Events during Contract   |

The content of the added Section – Pre-Financing Payment Guarantee Form (Form of Advance Payment Guarantee as per FIDIC) is enclosed on the next pages:

WATER SUPPLY AND SEWERAGE SYSTEM WITH WASTEWATER TREATMENT PLANT FOR SLAVONSKI BROD

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## **VOLUME 2**

### **CONTRACTUAL DOCUMENTS**

#### **Section 5**

**Pre - Financing Payment Guarantee Form**  
**(Form of Advance Payment Guarantee as per FIDIC)**

WATER SUPPLY AND SEWERAGE SYSTEM WITH WASTEWATER TREATMENT PLANT FOR SLAVONSKI BROD

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## ADVANCE PAYMENT GUARANTEE FORM

(To be completed on paper bearing the letterhead of the financial institution)

**Project Title:** WATER SUPPLY AND SEWERAGE SYSTEM WITH  
WASTEWATER TREATMENT PLANT FOR SLAVONSKI BROD

**Project Subtitle:** CONSTRUCTION OF WATER SUPPLY AND SEWERAGE SYSTEM

**Project No:** 2008HR16IPR003 / 2

**Identification number:** EuropeAid/128555/D/WKS/HR

**Contract No:** \_\_\_\_\_

**Beneficiary:** HRVATSKE VODE  
Ulica grada Vukovara 220  
HR-10000 Zagreb  
(whom the Contract defines as the Employer)

For the attention of Hrvatske vode (whom the Contract defines as the "Employer").

We have been informed that \_\_\_\_\_ (hereinafter called the "Principal") is your contractor under such Contract and wishes to receive an advance payment, for which the Contract requires him to obtain a guarantee.



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At the request of the Principal, we the undersigned, [*name of bank*], hereby irrevocably undertake to pay you, the Employer, any sum or sums not exceeding in total the amount of [the “guaranteed amount”, say: ] upon receipt by us of your first demand in writing and your written statement stating:

- (a) that the Principal has failed to repay the advance payment in accordance with the conditions of the Contract, and
- (b) the amount which the Principal has failed to repay.

This guarantee shall become effective upon receipt of the advance payment by the Principal. Such guaranteed amount shall be reduced by the amounts of the advance payment repaid to you, as evidenced by your notices issued under sub-clause 14.6 of the conditions of the Contract. Following receipt (from the Principal) of a copy of each purported notice, we shall promptly notify you of the revised guaranteed amount accordingly.

Any demand for payment must contain your signature(s) which must be authenticated by your bankers or by a notary public. The authenticated demand and statement must be received by us at this office on or before (*the date 70 days after the expected expiry of the Time for Completion*) (the “expiry date”), when this guarantee shall expire and shall be returned to us.

We have been informed that the Employer may require the Principal to extend this guarantee if the advance payment has not been repaid by the date 28 days prior to such expiry date. We undertake to pay you such guaranteed amount upon receipt by us, within such period of 28 days, of your demand in writing and your written statement that the advance payment has not been repaid and that this guarantee has not been extended.

This guarantee shall be governed by the laws of country in which the financial institution issuing the guarantee is established and shall be subject to the Uniform Rules for Demand Guarantees, published

as number 458 by the International Chamber of Commerce, except as stated above. Any dispute arising out of or in connection with this guarantee shall be referred to the Commercial Court in Zagreb, Amruševa 2, 10 000 Zagreb, Croatia.

Date ....., .././..

Signature(s)