



No. **47 /2009**

Date: 30-11-2009

Subject: Conclusion of a significant contract

Legal grounds: Article 56 (1) (1) of the Act on Public Offer

The Management Board of Polimex-Mostostal S.A. informs that on 30.11.2009 it signed a contract with the Lubelski Węgiel 'Bogdanka' S.A. having its seat in Bogdanka, 21-013 Puchaczów, for the 'Construction of a winning haulage system from pit shaft 2.1 at Stefanów Field to the Coal Mechanical Processing Plant at Bogdanka Field of the Lubelski Węgiel 'Bogdanka' S.A. within the scope of developing detailed designs, constructing structures, delivering machinery and equipment, installation at the site, launching and commissioning the machinery and equipment, and obtaining a use permit'.

Net remuneration: 99,449,000.00 PLN - (in words: ninety-nine million, four hundred forty-nine thousand PLN).

Gross remuneration: 121,327,780.00 PLN - (in words: one hundred twenty-one million, three hundred twenty-seven thousand, seven hundred eighty PLN).

Works commencement date: within 14 business days of the contract signature date.

Works completion date: within 12 months of the contract signature date, i.e. by 01.12.2010.

The performance bond has been determined to amount to 3.5 % of the net remuneration and to be provided in the form of an insurance guarantee.

The guarantee period shall amount to 3 years with respect to the structures covered by the subject matter of the Contract, whereas with respect to the equipment, machinery and systems – pursuant to the guarantee period granted by the manufacturer, not less than 12 months.

The Contractor shall pay contractual penalties in the event of:

delay in the execution of the subject matter of the Contract – in the amount of 0.05% of the net remuneration for the subject matter of the Contract per each day of delay,

delay in the removal of defects identified upon the Technical Inspection of the Structures or upon the Practical Completion Inspection of the Subject Matter of the Contract and during the guarantee or the warranty period – in the amount of 0.02% of the net remuneration for the subject matter of the Contract per each commenced day of delay,

denouncement of the Contract – in the amount of 10% of the net remuneration for the subject matter of the Contract.

The maximum amount of penalties has not been determined. Payment of the contractual penalties shall not exclude the right to compensation claims exceeding the amount of the penalties.

The remaining terms and conditions of the Contract have been agreed to be at arm's length.

The criterion in accordance wherewith the Agreement has been deemed significant is the value of Polimex-Mostostal S.A. equity capital.

Legal grounds: Article 56 (1) (2) of the Act on public offering 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 Finance 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 as amended).