



No. **51 /2009**

Date: 22.12.2009

Topic: Conclusion of a significant contract.

Legal grounds: Article 56 (1) (2) of the Act on offers – current and periodical information

The Management Board of Polimex-Mostostal S.A. informs that today, i.e. on 22 December 2009, Polimex-Mostostal S.A. concluded a contract with the Generalna Dyrekcja Dróg Krajowych i Autostrad (General Directorate for National Roads and Motorways), Branch Office in Krakow, in the proceedings regarding public procurement conducted in the course of a limited tender for: 'Construction of the A4 motorway along the section from the Szarów junction to the Brzesko junction within km 455+900 – 479+000'.

The Contract was concluded by a consortium of the following companies: Polimex-Mostostal S.A. having its registered office in Warsaw (Consortium leader), DOPRASTAV a. s. having its registered office in Bratislava, and Metrostav a.s. having its registered office in Prague (Consortium partners) – total participation amounting to 49%.

Participation of Polimex-Mostostal S.A. in the works and remuneration shall constitute: 51 % of the entirety.

Contract net value: **638,444,366.21 PLN** (in words: *six hundred and thirty-eight million, four hundred and forty-four thousand, three hundred and sixty-six point two one PLN*).

Contract gross value: **778,902,126.78 PLN** (in words: *seven hundred and seventy-eight million, nine hundred and two thousand, one hundred and twenty-six point seven eight PLN*).

Execution period: 24 months of the commencement date.

Period of the guarantee granted amounts to 60 months.

Contractual penalties:

- due to renouncement of the Contract on the part of the Contractor – 10% of the Accepted Contract Price,
- due to renouncement of the Contract on the part of the Ordering Party – 10% of the Accepted Contract Price,
- for extending the Time for Completion of the Works – 0.01% of the Accepted Contract Price per each day of delay,
- for a failure to observe the defect removal period and execute minor outstanding works provided for in the acceptance certificate, or a failure to remove defects and

execute minor outstanding works during the defects warranty period, within time stipulated by the Engineer/the Ordering Party, in the amount of 5,000 PLN per each day of delay.

The criterion in accordance wherewith the Contract 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 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 as amended).