

AMENDMENT No. 1
to the Contract No. KhSWP-1, dated September 22, 2023

Supply and installation of a new leachate treatment system

Khmelnyskyi

September 22, 2023

(1) Khmelnyskyi Communal Enterprise “SPETSKOMUNTRANS”, organised and existing under the laws of Ukraine, identification code of the legal entity: **03356565**, having its principal place of business at: **1 Kniazia Sviatoslava Khorobroho Street, Khmelnyskyi, 29008, Ukraine**, represented by the **Director Oleksandr ZIMIN**, acting on the basis of the Charter (hereinafter - the “Employer”),

and

(2) UAB “ARIONEX LT” organised under the laws of **Republic of Lithuania**, identification code of the legal entity: **300601705** and registered at: **6 Ašigalio, Kaunas, 49142, Lithuania**, represented by **Director Giedrius Rutkauskas** acting on the basis of Charter, acting for and on behalf of the Consortium of UAB “Arionex LT” and “Rotreat Abwasserreinigung” GmbH, acting on the basis of **JOINT ACTIVITY CONSORTIUM AGREEMENT** dated 04.04.2023. (hereinafter called “the Contractor”).

WHEREAS:

- A. The Employer and the Contractor (hereinafter – “The Parties”) have signed the Contract No. KhSWP-1 dated 05.09.2023 for “***Supply and installation of a new leachate treatment system***” (the “Contract”).
- B. The Employer received additional grant funding from the Bank and decided to finance the supply of part of the equipment under the Contract using these funds and prepared this Amendment.

THEREFORE, pursuant to Clause 13 “Changes and adjustments” of the General Conditions of Contract, the Parties agree as follows:

1. Section (c) of the Particular Conditions of Contract (PCC), the following paragraph shall be added to Clause 1.1.4 Money and Payments:

1.1.4.1 «Accepted Contract Amount» means the amount accepted in the Section (g) Bill of Quantities, Price Schedule No.4 – GRAND SUMMARY for the execution and completion of the Works and the remedying of any defects.

2. Section (c) of the Particular Conditions of Contract (PCC), the following paragraph shall be added to Clause 1.1.6 Other Definitions:

1.6.23 "Co-financing" means the joint involvement in certain proportions of the EBRD and the grant funding from the Neighborhood Investment Platform (NIP) to pay for the Contract in the proportions specified in paragraph 14.1 of the PCC.

3. Section (c) of the Particular Conditions of Contract (PCC), the following paragraph shall be added to Clause 14.1. The Contract Price:

e) Financing of the Contract shall be provided from the following sources:

(1) EBRD loan resources - EUR 1,655,593.00;

(2) Grant funding from The Neighbourhood Investment Platform (NIP) – EUR 779,000.00.

4. Section (c) of the Particular Conditions of Contract (PCC), Clause 14.15. Currencies of Payment shall be amended:

Original text	Corrected text
The Contract Price shall be paid in: the amounts payable shall be nominated in Euro, as it stated in the Bills of Quantities, and shall be paid in UAH, at the rate set by the National Bank of Ukraine on the date of payment.	Regardless of the country of origin of the Contractor, all payments from the proceeds of the grant shall be made by the Bank in EUR directly to the Contractor's account. Payments from the proceeds of the Bank's loan will be made by the Employer in UAH, at the rate set by the National Bank of Ukraine on the date of payment. Payments from the proceeds of the Bank's loan and the VAT to a domestic and international contractor will be in UAH.

5. Section (g) - Bill of Quantities completed by the Contractor:

Price Schedule 1 – Plants and Equipment replace with following:

Item / Позиція	Description / Опис	Country Code / Код країни	Qty. (set) / Кількість (комплект)	Unit Price	Total Price
				DDP, Euro excluding VAT / DDP, Ціна за одиницю без ПДВ	Euro excluding VAT / Загальна ціна в Євро без ПДВ
1	Leachate Treatment Equipment / Обладнання для очищення фільтрату				
	Containerized Leachate Treatment Plant 200 m ³ /day, including all pumps, tanks, reservoirs, vessels, electrical equipment & cabinets, instrumentation, valves and controls, automation & SCADA, and any other necessary equipment / Установка для очищення фільтратів у контейнерах 200 м3/добу, включаючи всі насоси, резервуари, резервуари, посудини, електрообладнання та шафи, прилади, клапани та засоби управління, автоматику та SCADA та будь -яке інше необхідне обладнання	AUT	1	779000	779000
A	Sub-TOTAL / Разом				779000

B	VAT / ПДВ – 20%	0
C	TOTAL including VAT (A+B) (to the Schedule №4) / Загалом враховуючи ПДВ (A+B) (до таблиці 4)	779000
Name of Tenderer		
Signature of Tenderer		

Price Schedule 4 – Grand Summary replace with following:

Item / Позиція	Description / Опис	Total Price Euro including VAT-20% / Загальна ціна в Євро з ПДВ
Grant financed items/Пункти, що фінансуються за рахунок гранту:		
1	GRAND TOTAL VALUE IN ACCORDANCE WITH SCHEDULE NO.1 Plant and Equipment (including mandatory spare parts) / ЗАГАЛЬНА ВАРТІСТЬ У ВІДПОВІДНОСТІ ДО ВІДОМОСТІ ЦІН №1 Установки та обладнання	779,000.00
Loan financed items/Пункти, що фінансуються за рахунок кредитних коштів:		
2	GRAND TOTAL VALUE IN ACCORDANCE WITH SCHEDULE NO.2 Design, Installation and Other Services. / ЗАГАЛЬНА ВАРТІСТЬ У ВІДПОВІДНОСТІ ДО ВІДОМОСТІ ЦІН №2 - Проектування, монтаж та інші послуги	1,081,164.00
3	GRAND TOTAL VALUE IN ACCORDANCE WITH SCHEDULE NO.3 Trial Operation and Maintenance Services. / ЗАГАЛЬНА ВАРТІСТЬ У ВІДПОВІДНОСТІ ДО ВІДОМОСТІ ЦІН №3 - Пробна експлуатація та послуги з технічного обслуговування	458,496,00
A	TOTAL / РАЗОМ (1 to 3)	2,318,660.00
B	Contingencies -5 (five) percent (%) from Total (A)* / Непередбачувані витрати - 5 (п'ять) відсотків (%) від суми РАЗОМ (A)*	115,933.00
C	GRAND TOTAL (A + C) (to the Tender Form) ЗАГАЛЬНА ЦІНА (A+C) (для Форм Тендера)	2,434,593.00
Name of Tenderer		
Signature of Tenderer		

6. The Contract amount is changed and will be EUR 2,434,593.00 (two million four hundred thirty-four thousand five hundred ninety-three euro).

7. All other terms and conditions of the Contract remain unchanged and are mandatory for execution by the Parties.

8. The Parties confirm that this Amendment No.1 is concluded with the full understanding of its conditions by the Parties and terminology in English language in two authentic copies, having same legal power, one for each Party.

9. The Parties concluded this Amendment No.1, being integral part of the Contract, signed by a duly authorised representative of each party hereto, amendments to which are effective since the moment it is properly executed by the Parties of this Amendment.

On behalf of the Employer:

Khmelnyskyi Communal Enterprise
"SPETSKOMUNTRANS"

Signed by:



Код
03356565

Oleksandr ZIMIN
Director

Acting on the basis of the Charter

for and on behalf of the Employer

Signed for and on behalf of the Employer

Date: 22.09.2023

On behalf of the Contractor:

Consortium of UAB "Arionex LT" and
"Rotreat Abwasserreinigung" GmbH

Signed by:



UAB
"ARIONEX LT"

Giedrius Rutkauskas
Director of UAB "ARIONEX LT"

acting on the basis of the Charter and
JOINT ACTIVITY CONSORTIUM
AGREEMENT dated 04.04.2023
for and on behalf of the Contractor

Signed for and on behalf of the Contractor

Date: 22.09.2023

Employer's details

Registered address: 1 Sviatoslava Khorobroho Street, Khmelnytskyi, 29008, Ukraine
EDRPOU code: 03356565
Payment Instructions (Banking Details of the Recipient (the "Payee")):
Payee's Account Name:
Payee's Account Number (IBAN number): UA153204780000026001924437619
Payee's Bank Name: JOINT – STOCK BANK "UKRGASBANK"
Payee's Bank SWIFT Code: UGASUAUK
Payee's Bank Address: UKRAINE, 03087, KYIV, YEREVANSKA STREET, 1

Payee's Bank Correspondent Details:

Correspondent's Name: Deutsche Bank AG, Frankfurt Am Main, Germany
Correspondent's SWIFT Code: DEUTDEFF
Correspondent's Address: Taunusanlage 12, 60325 Frankfurt Am Main, Germany
Payee's Bank's Account Name:
Payee's Bank's Account Number (IBAN number):
Reference:

Contractor's details:

Registered address: 6 Ašigalio, Kaunas, 49142, Lithuania
Identification code of the legal entity: 300601705
Payment Instructions (Banking Details of the Recipient (the "Payee")):
Payee's Account Name: UAB "ARIONEX LT"
Payee's Account Number (IBAN number): LT45 7180 9000 3046 7809 EUR
Payee's Bank Name: AB Šiaulių bankas
Payee's Bank SWIFT Code: CBSBL T26XXX
Payee's Bank Address: Tilžės g. 149, LT-76348 Šiauliai, LT

Payee's Bank Correspondent Details:

Correspondent's Name: AB Šiaulių bankas
Correspondent's SWIFT Code: CBSBL T26XXX
Correspondent's Address: Tilžės g. 149, LT-76348 Šiauliai, LT
Payee's Bank's Account Name:
Payee's Bank's Account Number (IBAN number):
Reference: