



# INSTYTUT TECHNOLOGII ELEKTRONOWEJ

Al. Lotników 32/46, 02-668 Warsaw, Poland

<http://www.ite.waw.pl>

DKZ/21/2008

Warsaw, 30.09.2008.

**Re: The open procedure for the delivery of the spectroscopic ellipsometer.**

Regarding the Contractor writing with a request for making recordings changes in the terms of reference, namely:

*"16.1. Indemnity*

- 1) In case of delay, caused by negligence, or poor performance of the Seller, the Seller will pay to the Buyer an indemnity of 0,1% of the value of the equipment delayed for each working day of delay up to 5% of it's value.*
- 2) In case of delay in payment, the Buyer will pay to the Seller indemnity of 0,1% of the value of delayed payment for each day of delay up to 5% of it's value.*
- 3) In case the Seller will cancel the Contract without reason caused by the Buyer, the Seller will pay to the Buyer penalty of the 5% of the total Contract value.*
- 4) In case the Buyer will cancel the Contract without reason caused by the Seller, the Buyer will pay to the Seller penalty of the 5% of the total Contract value.*
- 5) In case of delay, caused by the Seller, in delivery longer than 3 months, the Buyer can cancel the Contract and the Seller will pay to the Buyer penalty of the 5% of the total Contract value".*

**The awarding entity informs that we do not make any changes in the point 16.1 of terms of reference.**

**The indemnity for delays in the realization of the order we leave in the same height i.e. 10 %.**

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