

Annex No. 6 of the Contract for the Provision of Services and Performance of Activities of the
Construction Manager "Modernization and Greening of WtEP OLO"

**Calculation of the discount on the Provider's remuneration in case of change of qualitatively
evaluated Key Person/Key Persons**

In the event of a change/exchange/replacement of a qualitatively evaluated Key Person, (whose recognized quality contributed to the evaluation of the offer according to the specified criteria of the price-quality ratio within the public procurement) for a new Key Person who does not meet the minimum recognized quality (number of assigned points) corresponding to the recognized quality of the respective qualitatively evaluated Key Person in the public procurement process, then the Provider undertakes to apply on every invoice, related to the Remuneration for the provision/performance of Services/activities, issued by the Provider pursuant to Art. V, para. 5.2. of the Contract following the acceptance of a new Key Person, a discount on the remuneration calculated according to the following procedures/calculations:

1. Since the Provider's price offer within the public procurement was accepted/approved by the Client for the best price-quality ratio calculated according to the rules specified in the Tender Documents, in the event of a decrease in quality (provision/performance of even part of the Services/activities under the Agreement by Key Experts whose qualitative evaluation is lower than the qualitative evaluation of Key Experts in the public procurement process), to determine the amount of the discount from the Remuneration, it is necessary to calculate the point value of the price criterion (Criterion K1 in the public procurement process) while maintaining the total score of the price offer obtained by the Provider within the public procurement. The formula for calculating points for the criterion $K1_N$

$$K1_N = CPB - K2_N$$

Where:

$K1_N$ is the number of new points assigned/achieved for the total price offered by the Provider for the provision/performance of Services/activities within the scope of implementation of Stage 1 to Stage 7 (point expression of Criterion K1 in the VO process after price adjustment),

CPB is the total score of the price offer obtained by the Provider for the evaluation of its price offer in the public procurement process (total number of points obtained in the public procurement process),

$K2_N$ is the newly assigned/newly achieved number of points after a qualitative assessment of a new Key Person.

2. The procedure for the discount calculation on the Provider's Remuneration for the provision of Services/activities within the meaning of Annex No. 2 of the Agreement is calculated according to the formulas:

$$P_N = \sqrt[4]{\max^4 * \left[1 - \frac{K1_N}{mpb}\right]}$$
$$Z_{\%} = 1 - \frac{P_N}{P}$$

where:

"**PN**" represents the calculated total offered price from the Provider for the provision/performance of Services/activities within the scope of implementation E1 to E7, which resulted from the change in the price-quality ratio due to the change in the qualitatively evaluated Key Expert and the need to compensate for this qualitative change by adjusting the points of Criterion K1;

(Note: The formula for calculating P_N was determined by the mathematical apparatus of the inverse of the function to the original function. Thus, in this case, as the inverse of the formula for calculating the points of the Criterion K1.)

"**P**" represents the total contract price of the Provider for the provision/performance of Services/activities within the scope of implementation E1 to E7 according to Annex No. 2 of the Agreement.

"**K1_N**" is the number of new points awarded/achieved for Criterion K1

'**mpb**' means the maximum number of points for the criterion evaluated (100 points),

'**max**' means the maximum allowable price within the public procurement,

"**Z_%**" is the calculated percentage discount of the Provider's Reward for the provision of Services/Activities in accordance with Annex No. 2 of the Agreement (due to the need to maintain the price-quality ratio of the Provider).

The remuneration discount will be applied in the form of a percentage (%) discount on the amount of the remuneration (which is the subject of invoicing) within each invoice issued by the Provider following the written acceptance of the new Key Person by the Client.

Example:

*Contractual total Remuneration of the Provider for the provision of Services/activities within the meaning of Annex No. 2 of the Agreement – **EUR 1,000,000 excluding VAT***

*Calculated total Remuneration of the Provider for the provision of Services/activities within the meaning of Annex No. 2 of the Agreement after qualitative evaluation of the new Key Person due to the need to maintain a balance of price and quality ratio of the Provider: – **800 000 EUR without VAT***

*Calculated % discount on the Provider's total Remuneration due to the need to maintain a balance between price and quality ratio of the Provider: **20%***

The Provider will invoice the Remuneration minus a 20% discount (discount on the invoiced total price of the Remuneration amount excluding VAT).