

To
ROAD INFRASTRUCTURE AGENCY
Sofia, Republic of Bulgaria

**PERFORMANCE BANK GUARANTEE
OF
AWARDED PUBLIC PROCUREMENT FOR CONSTRUCTION**

We have been informed that our Client [name and address of the public works contractor], hereinafter referred to as CONTRACTOR, with Your Decision № /year [please, quote the № and the date of the decision on the selection of the winning contractor] is announced as ranked first and therefore as Contractor of public works contract under the title: **Additional design and construction of site: "HEMUS" motorway, /A2/ Sofia ring road (SRR) - YANA road junction, from km 0+000 to km 8+460**

We have also been informed that in accordance with the terms and conditions of the tender procedure and the provisions of the Public Procurement Act, upon signature of the Contract for the award of public works, the CONTRACTOR is obliged to submit to you, in the capacity of Contracting Authority under the aforementioned public procurement, a bank guarantee for good performance in your favour, amounting to[BGN], representing 3 (three) percent of the price, VAT exclusive, for contract implementation to ensure the impending execution of its obligations duties in accordance with the agreed terms and conditions.

Considering the aforementioned, we [name of the Bank] hereby irrevocably and unconditionally commit to pay in your favour and a bank account you indicate any amount claimed by you within the amount of [BGN] as mentioned hereinabove, within 3 (three) working days after receipt of your first written request to do so, containing your statement that the Contractor has failed to meet either of its contractual obligations.

This guarantee shall enter into force upon its issuance.

Our liability under this guarantee shall expire after 60 (sixty) months following the date of commissioning of the entire construction site (the date of use permit of the construction site) by which date we shall receive any claims under it. After that date, this guarantee shall automatically become invalid, regardless whether this guarantee letter is sent back to us or not.

This guarantee must be sent back to us as soon as it is no longer necessary or its validity has expired, whichever occurs earlier.

This guarantee is issued in favour of the Road Infrastructure Agency or its legal successor and cannot be assigned.

Best regards,
[BANK]
[Names and positions of the persons who have the powers to take on obligations on behalf of the bank]
[Signatures and stamp of the Bank]