Current report no. 33/2021
Date: 2021-05-04
ERBUD S.A.

Subject:
Disclosure of delayed confidential information - conclusion of a significant Agreement worth PLN 27.4 million net for construction works on the construction of the Dębnica Kaszubska wind farm and receipt of an instruction to start works.

Legal basis
Art. 17 (1) of the MAR – confidential information.

Raport content:
Management Board of ERBUD S.A. (the Issuer) informs that on June 4, 2020, September 30, 2020 and March 25, 2021, it decided to delay the disclosure of confidential information, in accordance with article 17 (4) of Regulation (EU) no. 596/2014 of the European Parliament and of the Council of April 16, 2014, on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directive 2003/124/EC, 2003/125/EC and 2004/72/EC.
The confidential information of June 4, 2020, concerned the conclusion of a conditional agreement, the content of which is provided below by the Issuer. The confidential information of September 30, 2020 and March 25, 2021 concerned the conclusion of annexes to this agreement, prolonging the date by which the investor should submit an order to start work and increase the value of the agreement.

The reason for the disclosure of delayed confidential information is the fulfillment of a condition precedent stipulated in the agreement.
Management Board of ERBUD S.A. (the Issuer) informs that on June 4, 2020, the Issuer, acting in a Consortium with ONDE S.A. (formerly PBDI S.A.) from Toruń (a 90% subsidiary of the Issuer, Consortium Leader) concluded a significant Agreement for construction works under the following conditions:
1. Date of conclusion of the agreement: June 4, 2020;
2. Investor (exact name and registered office): DK Farma Wiatrowa Spółka z ograniczoną odpowiedzialnością, ul. Chmielna 101/102, 80-748 Gdańsk;
3. Total net value of the agreement: PLN 27,397,329.14 net;
4. Subject of the agreement: construction works on the construction of the Dębnica Kaszubska wind farm;
5. Term of the Agreement: April 4, 2022;
6. Payment terms: partial invoicing in line with the fulfillment of milestones. Invoices paid within 30 days from the date of invoice delivery;
7. Performance guarantee: 10% of the net remuneration in the form of a bank guarantee valid until April 19, 2022.
8. Guarantee of removal of defects and faults: 3% of the net remuneration in the form of a bank guarantee valid until April 19, 2027.
9. Penalties:
- for the termination of the Agreement for reasons attributable to the Contractor: 10% of the contract value;
- for delays in the implementation of individual milestones - 0.1% of the contract value for each calendar day of delay;
- for delays in contract performance - 0.1% of the contract value for each calendar day of delay;
- for delay in delivering documents regarding contract performance - PLN 3,000 for each day of delay;

- for delay in removing defects and faults - PLN 5,000 for each day of delay;
The maximum allowable amount of contractual penalties for delay will not exceed 25% of the total contract price.
10. Comments:
The Parties' commencement of the implementation of the subject of the Contract was conditional on a written order to commence works provided to the Contractor by the Ordering Party.
The value of the works performed by the Issuer will not exceed 25% of the contract value.
At the same time, the Issuer informs that on May 4, 2021, acting in the Consortium with ONDE S.A. (formerly PBDI S.A.) with its registered office in Toruń (a 90% subsidiary of the Issuer, Consortium Leader), confirmed the receipt from the Ordering Party - DK Farma Wiatrowa Sp. z o. o. a written order to start work.
In connection with the above, the condition for the entry into force of the Agreement has been fulfilled.