



**AMENDMENT No 2 TO CONTRACT FOR A PROJECT
DEVELOPMENT SERVICES WITH CONTRACT NUMBER
ELENA-2012-044**

between

EUROPEAN INVESTMENT BANK

and

PRESOV SELF GOVERNING REGION

Prešov, 23.1. 2018

Luxembourg, 1.02. 2018

AMENDMENT AGREEMENT

THIS AGREEMENT is dated 14 December 2017 and enters into force on the date mentioned at its ultimate provision.

PARTIES

- (1) **European Investment Bank** (hereinafter referred to as "**EIB**" or the "**Bank**") established at 98-100, boulevard Konrad Adenauer, L-2950 Luxembourg, Grand Duchy of Luxembourg, represented for the purposes of signature of this agreement by Mr François Trévoux, Director, and Ms Sonja Malkki, Head of Division, and
- (2) **Prešov Self-Governing Region** (hereinafter referred to as "the Final Beneficiary"), established at Námestie Mieru 2, 080 01 Prešov, Slovakia represented for the purposes of signature of this contract by Mr Milan Majersky, President of the Prešov Region.

EIB and the Final Beneficiary shall be individually referred to as a "**Party**" and collectively as the "**Parties**".

WHEREAS

- (A) EIB and the Final Beneficiary respectively signed on 18th December 2014 a contract for project development services – contract number ELENA-2012-044 - relating to the implementation of Project Development Services in the Project Sustainable Energy in Prešov Region (SEPR).
- (B) The parties hereto wish to amend the Contract on the terms and in the manner set out in this agreement (the "**Agreement**").

AGREED TERMS

1. DEFINITIONS AND INTERPRETATION

- 1.1 Terms defined in the Contract shall have the same meaning when used in this Agreement, unless defined below.
- 1.2 The rules of interpretation of the Contract shall apply to this Agreement.
- 1.3 Unless the context otherwise requires, references in the Contract to "this Contract" shall be to the Contract as amended by this Agreement.

2. AMENDMENTS

The following amendments are made to the Contract:

2.1 CHANGE IN BUDGET BETWEEN TWO COST CATEGORIES

As per Article I.4.3 of the contract ELENA-2012-044 and as requested by the Prešov Self-Governing Region in its letter dated 09 November 2017, it is agreed to transfer EUR 97 000 from the cost category “External experts/subcontracts” to the category “Direct staff costs”.

The estimated total eligible cost in Annex II of the contract:

ESTIMATED TOTAL ELIGIBLE COST	
Direct staff costs	306,000
External experts / subcontracts	905,000
TOTAL eligible costs [in EUR]	1,211,000

is deleted and replaced by the following hereto:

ESTIMATED TOTAL ELIGIBLE COST	
Direct staff costs	403,000
External experts / subcontracts	808,000
TOTAL eligible costs [in EUR]	1,211,000

2.2 ANNEX II : ESTIMATED BUDGET OF PROJECT DEVELOPMENT SERVICES

The table in Annex II is replaced as follows:

Direct staff costs				
Categories of staff to work on the project (e.g. senior expert, expert, junior expert; project assistant etc.)	Monthly salary (EUR) (A)	Number of work months on project (B)	Direct Staff costs (EUR) (Ax B)	
1 Director of Implementation Unit	2,000.00	48	96,000.00	
2 Expert (RES and EE)	1,500.00	48	72,000.00	
3 Financial expert	1,500.00	48	72,000.00	
4 Tender expert	1,500.00	48	72,000.00	
5 Legal expert	1,500.00	48	72,000.00	
6 Assistant	500.00	38	19,000.00	
Total direct staff costs	8,500.00	403,000.00		
External experts / subcontracts				
Type of activities / support	Description of tasks to be carried out		Total [EUR]	
Technology specific feasibility studies	Parameter studies for PV, Public Lighting, Building refurbishment, solar water heating, indoor lighting.		67,000.00	
Energy audits for buildings	Preparation of energy audits of 90 buildings		117,000.00	
Technical studies and tender preparation for buildings	Technical studies leading to tender preparation and evaluation for 143 buildings including indoor lighting improvement		321,000.00	
Energy audits and tender preparation for public lighting	Establishing of energy baseline, estimation of energy savings, tender preparation and evaluation		150,000.00	
Technical assessment and tender preparation for PV plants	Technical and financial assessment of PV plants for 143 buildings leading to tender preparation and evaluation		150,000.00	
IT Advisor	Administration of internal part of project-homepage for internal project communication and data exchange.		3,000.00	
Subtotal external experts / subcontracts			808,000.00	
ESTIMATED TOTAL ELIGIBLE COST				
Direct staff costs			403,000.00	
External experts / subcontracts			808,000.00	
TOTAL eligible costs [in EUR]			1,211,000.00	
FUNDING				
Requested funding from ELENA facility [in EUR]; maximum 90%		in%	90.0%	1,089,900.00
Own funding [in EUR]		in%	10.0%	121,100.00
Other sources [EUR]		in%	0.0%	0
TOTAL funding [in EUR]			1,211,000.00	
Within the ELENA facility eligible costs are defined as follows:				
• costs of external experts contracted by the EIB or the Beneficiary according to the national procurement rules • additional staff hired by the Beneficiary (e.g. to set up project implementation units) to manage and provide Project Development Services. The cost of additional staff assigned to the action should comprise actual salaries plus social security charges and other statutory costs included in the remuneration, provided that this does not exceed the average rates corresponding to the beneficiary's usual policy on remuneration. No other costs are eligible.				
Changes between cost categories:				
The total budget initially accepted at the start of the project cannot be increased. Overspending must be taken over by the beneficiary. Changes within each cost category or in relation to the different subcontracting services are possible without any approval. Changes between these two categories need prior approval by the EIB and should be limited to a maximum of 10% of the total beneficiary's budget.				

3. DISPUTE RESOLUTION AND APPLICABLE LAW

- 3.1 This Agreement is governed by its terms, the terms of the Contract and by EU law.
- 3.2 Any dispute between the parties as to the interpretation, application, or performance of this Agreement, including its existence, validity or termination, not settled amicably shall be submitted to the jurisdiction of the Court of Justice of the European Union.

This Agreement has been entered into force on the date signed by the last contracting party.

European Investment Bank

Prešov Self-Governing Region
(Final Beneficiary)

Date: ... 1. 2. 2018

Date: ... 23. 01. 2018

signed by his own hand

signed by his own hand

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François Trévoux
Director

Milan Majersky
President of the Prešov Region

signed by his own hand

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Sonja Malkki
Head of Division

This amendment was published on the website: 7. 3. 2018

This amendment is effective from the date: 8. 3. 2018