

Saturday, July 04, 2015

Dear Sirs,

Announcement No. 2
Tender for the supply of RO-RO TRACTORS 4X4 (Tractors)
(the "Tender")
Tender No. 2549/TZ/15

1. Further to the announcement made on May 28, 2015 (the "**Original Announcement**"), with respect to the Tender, Ashdod Port Company ("**APC**") wishes to inform of amendments to the Original Announcement, as follows:
 - 1.1. Section 22.1 to the Agreement will be as follows- **Supplier's Liability and Insurance** –
"The Supplier shall be solely liable for, and shall fully indemnify and hold harmless APC and/or any of its officers, directors or employees against any liability, loss, damage, expense or proceeding whatsoever in connection with this Agreement resulting from or arising in connection with an act and/or omission of Supplier or anyone acting in his name or on his behalf, including, without limitation, in respect of (i) personal injury to or the death of any person; (ii) any loss or damage to property or otherwise; (iii) any infringement of any third party Intellectual Property by Supplier, the FLT's, any spare parts, any training material or technical manuals or any related services, or (iv) any breach of an undertaking, warranty or representation by the Supplier hereunder, unless and only to the extent that such are caused directly due to an act and/or omission by APC in breach of this Agreement or applicable law. **However, it is agreed that the Supplier's liability towards APC, regarding property damage caused to the APC's property only, will be limited to a sum of 400,000 € per event. For the avoidance of doubt, this limitation shall not apply to damage caused to third parties; bodily injury or any damages caused with malicious intent.**"
 - 1.2. Attached an updated Insurance Certificate (Appendix F).
2. All other provisions included in the Original Announcement remain the same.

Please sign and submit this Announcement within your Technical Proposal to be submitted with respect to the Tender.

Sincerely,

Ayelet Mandler

Secretary of the Tender Committee

Cc: Members of the Tender Committee

Date

Signature and Stamp