

Tender Guarantee No. _____

We have been informed that, _____, hereinafter called the TENDERER, participates in your Invitation to Bid [No. _____ of _____]¹, hereinafter called the INVITATION TO BID for the supply of

_____ (goods as described in Invitation to bid) _____

pursuant to its offer [No. _____ of _____]¹, hereinafter called the OFFER.

According to the conditions of the INVITATION TO BID, offers must be supported by a tender guarantee of a bank.

In consideration of the aforesaid, we, COMMERZBANK Aktiengesellschaft, _____, hereby issue the guarantee on behalf of the TENDERER towards you in the maximum amount of

_____ (in words: _____)

and undertake irrevocably

without consideration of any objections and defences of the TENDERER or third parties and irrespective of the validity and legal effect of the INVITATION TO BID or the OFFER and waiving any objections arising therefrom

to pay to you any amount claimed from us by you up to the maximum amount of this guarantee upon receipt of your first demand in writing wherein you confirm simultaneously that the TENDERER failed to meet its obligations resulting from his participating in the INVITATION TO BID.

[For reasons of identification, each claim under this guarantee shall be transmitted to us via your bankers which shall confirm that your demand for payment is signed by you in a legally binding manner].²

The obligation under this guarantee shall expire [as soon as the original of this guarantee has been returned to us by you or a third party for discharge, but it expires in any case at the latest]³

¹ delete if unknown

² Paragraph optional, only if requested by the principal of the guarantee

³ [...] not applicable in case of electronic transmission of the guarantee.

on _____. Any claim for payment complying with the above conditions must be received by us within the validity period of this guarantee.

[The rights under this guarantee shall only be assignable with our prior consent.]²

[This guarantee shall be governed by the law of the Federal Republic of Germany. Exclusive place of jurisdiction shall be _____⁴ _____.]²

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⁴ Location of the branch/entity issuing the guarantee