KB nationale bibliotheek

Annex B – Commercial Provisions

Content

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1 Introduction

The financial provisions dossier contains all the agreements on commercial arrangements between the Parties concerning the implementation of the DAMPS Agreement.
The provisions of the Agreement apply in full to this Annex.

2 Commercial arrangements

Agreed financial conditions:

The prices for the DAMPS Agreement are included in Annex 1 “Price List”. If these conditions change during the agreement, the annexes will be amended (new versions can be recognised from the date), signed by both parties, and added to this agreement.

Indexing:

In any event, the agreed rates are fixed for the initial term of the agreement and may be reviewed on the request of the Contractor up to once per extension on the basis of the percentage change of the Statistics Netherlands index ‘Services Price Index (DPI), aggregate ‘62 Computer programming, consultancy and related services’ based on the annual average using the following indexing formula: (annual average for new year - annual average for old year)/annual average for old year x 100% (rounded to 2 decimal places).

The new year is considered to be the most recent full year for which the average definitive index figure has been calculated; the old year is considered to be the year preceding the new year.

Invoicing and payment:

Invoicing and payment will take place in the manner described in the Specifications. Payment and settlement with the Contractor will occur in euros (€) at a bank established in the Netherlands.

Financing:

KB will not provide pre-financing.

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3 Invoicing and payment

Invoicing

The Contractor should send a single copy of invoices to the invoicing address provided by KB, and should state both KB's VAT identification number and that of the Contractor, as well as the agreement number and the order number. Invoicing will take place after delivery and Acceptance of the Activities, or if agreed, after a particular agreed milestone has been reached.

Payment

Payment will be made within thirty (30) days of receipt of the invoice by KB. KB's records are decisive, unless there is evidence to the contrary by the Contractor.

KB is authorised to suspend payment of an invoice if there is any reason to suppose that the invoice is inaccurate or if the invoiced Activities are invalid. An overrun of the payment period, irrespective of whether it results from a suspension, will not entitle the Contractor to suspend or terminate the Activities. KB will immediately notify the Contractor of any supposed inaccuracy or invalidity of any invoice.

4 Contract Reductions and Contract Extras

If the Contractor has to deliver Activities that have been considerably increased and/or extended due to additional requirements made by KB, these will be considered as Contract Extras that are eligible for payment. If the Contractor believes that there are Contract Extras, it will inform KB in writing of this as soon as possible.

The following are not considered as Contract Extras:

a. additional work that the Contractor could or should have foreseen for the purpose of delivering the Activities in accordance with the agreed requirements, and
b. work that results from incorrect and/or incomplete (functional and/or technical) specifications, if these were drawn up by or on the instructions of the Contractor, or were accepted by the Contractor and/or errors in the Activities that the Contractor should have reasonably been able to foresee.

Contract Reductions

If the Contractor has to deliver Activities that have been reduced and/or limited due to adapted requirements made by KB, these will be considered as Contract Reductions which will be eligible for a reduction to the originally offered price. If KB believes that there are Contract Reductions, it will inform the Contractor in writing of this as soon as possible.

Contract Extras

The Contractor will invoice Contract Extras separately after completion of the Contract Extras and Acceptance of these by KB. In the case of Contract Reductions, the Contractor will provide KB with a credit note for the reduction after this has been accepted by KB. The Client will specifically state the nature and scale of the altered Activities in its invoices and provide a breakdown of these using documents.