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Annex 3. Power of attorney

Call for tenders SANTE/2020/C3/043 - for the development, production, priority-purchasing options and supply of COVID-19 Vaccines for EU Member States

POWER OF ATTORNEY

The undersigned: [redacted] (10)(2e)

having the legal capacity required to act on behalf of his/her company,

BioNTech Manufacturing GmbH, An der Goldgrube 12, 55131 Mainz, Germany (VAT No: DE 313150544)

HEREBY AGREES TO THE FOLLOWING:

1) To submit a joint tender as a member of a group of tenderers (the Group), constituted by Pfizer Inc. and BioNTech Manufacturing GmbH (Group members), and led by Pfizer Inc. (Group leader), in accordance with the conditions specified in the Tender specifications and the terms specified in the tender to which this Power of attorney is attached.
2) If the Contracting authority awards the contract resulting from this call for tenders to the *Group* on the basis of the joint tender to which this power of attorney is attached, all *Group members* shall be considered parties to the contract in accordance with the following conditions:
   (a) All *Group members* shall be jointly and severally liable towards the Contracting authority for the performance of the contract.
   (b) All *Group members* shall comply with the terms and conditions of the contract and ensure the proper delivery of their respective share of the services and/or supplies subject to the contract.
3) Payments by the Contracting authority related to the services and/or supplies subject to the Contract shall be made through the bank account of the *Group leader*: Citibank Dublin; Swift: CITIIE2X; IBAN [redacted] (10)(2g)
4) . Payment to the *Group leader* discharges the Contracting authority from its payment obligation *vis a vis* other *Group members*.
5) The *Group members* grant to the *Group leader* all the necessary powers to act on their behalf in the submission of the tender and the conclusion of the contract, including:
   (a) The *Group leader* shall submit the tender on behalf of all *Group members* and indicate the name and e-mail address of an individual - single point of contact authorised to communicate officially with the Contracting authority in connection with the submitted tender on behalf of all *Group members,* including in connection with all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature.
   (b) The *Group leader* shall sign any contractual documents — including the contract, and amendments thereto — and issue any invoices related to the performance of the contract on behalf of all *Group members*.
   (c) The *Group leader* shall act as a single contact point with the Contracting authority in the

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delivery of the services and/or supplies subject to the contract. It shall co-ordinate the delivery of the services and/or supplies by the *Group* to the Contracting authority, and shall see to a proper administration of the contract.

Any modification to the present Power of attorney shall be subject to the Contracting authority's express approval. This Power of attorney shall expire when all the contractual obligations of the *Group* have ceased to exist. The parties cannot terminate it before that date without the Contracting authority's consent.

Place and date: Munich, 18.09.2020

Name (in capital letters), function, company and signature:

[redacted] (10)(2e)

BioNTech Manufacturing GmbH

[redacted] (10)(2e)

ioNTech Manufacturing GmbH