



STATE SECRETARIAT FOR INFRASTRUCTURE AND ENVIRONMENT

ANNEX VII – PENALTIES AND INSPECTION SCHEDULE



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1. INTRODUCTION

- 1.1. The purpose of this ANNEX is to stipulate the contractual penalties, define infringing conducts, and the fines to which the CONCESSIONAIRE shall be subject, without prejudice to the possibility that a sanction might be applied in light of its failure to adhere to any other obligations established under the CONTRACT or the AUCTION NOTICE, as permitted under Clause Forty-Three of the CONTRACT, and in the laws and regulations applying to the matter, which govern the CONCESSIONAIRE.
- 1.2. This ANNEX does not change the process of environmental inspection, as resulting from SMA Resolution no. 48/2014, or any updates thereto, which provides on the conducts constituting environmental violations, and its respective administrative penalties.
- 1.3. The application of penalties referenced in this ANNEX shall always adhere to the provisions of Clause Forty-Three of the CONTRACT, so that the GRANTING AUTHORITY shall always be allowed to, in addition to applying the appropriate penalty, demand the return of any amounts earned by the CONCESSIONAIRE, even by way of savings, as a result of the practiced qualified as a violation, thereby avoiding the CONCESSIONAIRE's unjust enrichment.

2. MISCELLANEOUS

- 2.1. For purposes of enforcing penalties, this ANNEX, the CONTRACT, especially its Clause Forty-Three, the AUCTION NOTICE, and the other ANNEXES shall be observed, as well as the applicable legislation.
- 2.2. In the event that a given conduct constitutes more than one violation, among those referenced hereunder, the penalty corresponding to the most specific violation shall apply, provided that a single conduct shall not be subject to the enforcement of an additional, more general penalty.
- 2.3. In case of violations that are proven to have resulted from force majeure events and/or acts of God, and/or renders a divergent conduct unenforceable, no penalty shall be enforced upon the CONCESSIONAIRE, as long as the event that is beyond the CONCESSIONAIRE's control and culpability is directly and immediately to blame for the act of infraction identified.
 - 2.3.1. If it is determined that the infraction would have occurred even if, hypothetically, the force majeure event and/or act of God had not happened, the penalty may be enforced upon the CONCESSIONAIRE.
 - 2.3.2. For purposes of enforcing penalties, the following definitions shall apply:
 - I. force majeure event and act of God: any event so defined under Brazilian Civil Law, which is deemed to be the direct, immediate cause of an infraction within the scope of the CONTRACT;
 - II. unenforceable divergent conduct: a situation that, albeit constituting an infraction according to the terms of this ANNEX or the CONTRACT, is not caused by fault of the CONCESSIONAIRE, which has diligently taken every action incumbent upon it to secure a different result, which shall be properly shown and unequivocally established in the due course.

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CASH PENALTIES

3. WARNING

- 3.1. A warning penalty may be applied, instead of a fine penalty, whenever a contractual infraction is committed, with a minimum value stated in the Infractions Table of 0.001% (one thousandth percent), subject to fulfillment of the following requirements:
- I. the CONCESSIONAIRE must formally request the application of a warning, acknowledging the commitment of the captioned infraction, within the term stipulated for the production of its defense during the course of the administrative proceeding; and
 - II. the CONCESSIONAIRE must show that it has taken the actions needed to effectively remedy the failure, thereby ceasing the commitment of the infraction by the date of the request, subject to corroboration;
 - III. the CONCESSIONAIRE must show that it has taken the appropriate actions to prevent the recurrence of a similar failure;
 - IV. the infraction shall not have caused material damages to the GRANTING AUTHORITY, the CONCESSION ASSETS, the USERS, and/or to the public service provided; and
 - V. no recurrence shall have been identified, as defined in Clause 43.3 of the CONTRACT.

4. FINE

- 4.1. Fines shall be applied whenever the CONCESSIONAIRE infringes any provisions of the CONTRACT and the ANNEXES, according to the rules established hereunder, subject to the terms of Chapter VII of the CONTRACT.
- 4.2. The values of fines to be applied shall be estimated based on percentages levying on the highest of the following amounts:
- I. REVENUES earned by the CONCESSIONAIRE and any of its wholly-owned subsidiaries, during the calendar year preceding the infraction that entailed enforcement of the penalty; or
 - II. REVENUES earned by the CONCESSIONAIRE, as estimated in the technical and economic viability (TEV) study for the contract year preceding the infraction that entailed enforcement of the penalty, considering the portion of the CONTRACT's term that has already elapsed, save for the four years of the CONTRACT's term, during which the REVENUES estimated in the TEV for the 4th (fourth) year of the CONTRACT's term shall be considered.
- 4.3. All contractual infractions are described in the Infractions Table in item 6 of this ANNEX.
- 4.3.1. The monetary value ranges listed in the Infractions Table shall allow for valuation of the infraction, upon application of the assessment criteria established in item 4.5.
- 4.3.2. Following valuation of the infraction, based on the assessment criteria established in item 4.5, the value of the fine to be effectively paid can be determined, as well as the periodicity of its application, when relevant, based on the rules governing the specific category of the infraction, as defined in item 4.6.

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- 4.3.3. In instances where infractions are already included and described in the Infractions Table, values of the respective fines shall have been stipulated proportionately to the correlated infraction.
- 4.4. In the event that the CONCESSIONAIRE fails to perform any obligation established in the AUCTION NOTICE, the CONTRACT, or the ANNEXES, or adhere to all applicable laws and rules not referenced under the Infractions Table, the fine shall be estimated according to the assessment procedure described in item 4.5 and the classification in item 4.6, referencing, when possible, the monetary value range and the infraction category, as established in the Infractions Table, that is most similar to the infraction committed, but not covered in the Table.
- 4.4.1. For purposes of the estimation referenced in item **Erro! Fonte de referência não encontrada.**, above, when no appropriate reference can be found for an infraction among the descriptions in the Infractions Table, the fine shall be calculated respecting the minimum and maximum values referenced in this ANNEX, subject to the criteria described in the subparagraphs of item **Erro! Fonte de referência não encontrada.** of this ANNEX.
- 4.5. The infraction shall be valued, while applying the following assessment stages, based on the value ranges established in the Infractions Table.
- 4.5.1. For infractions subject to gradation of value according to the duration of the delay, the criteria for the two assessment stages shall be evaluated a single time, and applied to each period of delay referenced in the Infractions Table, based on the respective range of values, in a manner that is proportionately identical, so as to ensure that the infraction value is situated for each period of delay, at the same proportional distance from the minimum and maximum levels of the respective range of values.
- 4.5.2. **First assessment stage:** in order to determine the base value within the range of values assigned to the infraction in the Infractions Table, damages caused by the infraction – to the GRANTING AUTHORITY, the CONCESSION ASSETS, the USERS, and/or the service provided – shall be considered, as well as all amounts earned, whether directly or indirectly, by the CONCESSIONAIRE.
- 4.5.2.1. For infractions described in section “INFRASTRUCTURE REPURPOSING, ADAPTATION AND UPGRADING” of the Infractions Table, during the first assessment stage to determine the fine value, any partial deliveries may be considered, in which case the base value shall be decreased proportionately to the portion of infrastructure delivered, which is effectively available and operational, both functionally and technically.
- 4.5.3. **Second assessment stage:** once the base value has been defined, aggravating and mitigating circumstances are to be considered, if any, subject to the application of the respective increase or decrease percentile to the base value.
- 4.5.3.1. The increase or decrease percentile to be applied to the base value shall result from the sum of all aggravating percentiles minus the sum of all mitigating percentiles.
- 4.5.3.2. The following are mitigating circumstances, which shall cause the base value of the fine to be applied to decrease:
- I. the fact that the CONCESSIONAIRE spontaneously comes before the GRANTING AUTHORITY to notify the occurrence of an infraction that has not been identified by inspection, and acknowledges its responsibility: decrease of 50% (fifty percent) from the base value established for the fine, as long as the CONCESSIONAIRE, following due administrative proceedings pays the fine spontaneously, within the term established for its payment;

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- II. the admission, within the term for production of a defense, of the commitment of the infraction assessed, as well as its responsibility therefor: decrease of 20% (twenty percent) from the base value established for the fine, as long as the CONCESSIONAIRE, following due administrative proceedings, pays the fine spontaneously, within the term established for its payment;
 - III. the contribution of external agents to the default, which influences the end result: decrease of 15% (fifteen percent) from the base value established for the fine; and
 - IV. when consistent with the nature of the infraction, the performance of spontaneous actions by the CONCESSIONAIRE, which cause the infraction to cease and restore the conditions of the affected parties, within the term for production of a defense: decrease of 20% (twenty percent) from the base value established for the fine.
- 4.5.3.3. The following are aggravating circumstances, which shall cause the base value of the fine to be applied to increase:
- I. the fact that the infraction was committed with fraudulent intent or in bad faith: increase of 30% (thirty percent) on top of the base value established for the fine;
 - II. failure to take alternate and/or mitigating actions, within the term and under the conditions recommended by the GRANTING AUTHORITY: increase of 20% (twenty percent) on top of the base value established for the fine;
 - III. the fact that the infraction was committed to facilitate or ensure execution, concealment, impunity or any advantage resulting from another infraction: increase of 30% (thirty percent) on top of the base value established for the fine;
 - IV. the fact that the infraction was committed causes irreversible damages to the CONCESSION ASSETS and/or USERS: increase of 30% (thirty percent) on top of the base value established for the fine;
- 4.5.3.4. The following situations cannot be acknowledged, concurrently, as aggravating and/or mitigating circumstances:
- I. the mitigating circumstance referenced in subsection 4.5.3.2, item I, combined with the mitigating circumstance referenced in subsection 4.5.3.2, item II, in which case the former shall prevail;
 - II. the mitigating circumstance referenced in subsection 4.5.3.2, item IV, combined with the aggravating circumstance referenced in subsection 4.5.3.3, item II, in which case the aggravating circumstance shall prevail;
 - III. any of the mitigating circumstances referenced in subsection 4.5.3.2, items I, II or III, combined with any of the aggravating circumstances referenced in subsection 4.5.3.3, items I or III, in which case the aggravating circumstance(s) shall prevail;
- 4.5.3.5. The mitigating circumstance referenced in subsection 4.5.3.2, item I, shall not apply to infractions qualified as “delay infractions”, which result from failure to adhere to schedules or dates objectively established in CONTRACT, the ANNEXES, and in plans submitted.

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- 4.5.3.6. The effectiveness of mitigating circumstances referenced in items I and II of subitem **Erro! Fonte de referência não encontrada.** is subject to the suspensive condition consisting of spontaneous payment, by the CONCESSIONAIRE, of the fine estimated and applied at the end of the appropriate administrative proceeding, and the expiration of the term established for settlement of the fine, without its unconditional payment, shall entail nullification of mitigating circumstance as well as execution of all appropriate legal or contractual actions to collect the fine.
- 4.5.4. The value of a recurring infraction shall be incremented in case of recurrence by the CONCESSIONAIRE within a period of 3 (three) years, as defined in Clause Forty-Three of the CONTRACT, even if, on the date of the recurring infraction, no judgment has yet been issued for the first infraction, or even if no administrative proceeding has been instituted in view of enforcing sanctions, based on the following percentiles:
- I. first recurrence: increase of 25% (twenty-five percent) of the value of the fine;
 - II. second recurrence: increase of 50% (fifty percent) of the value of the fine;
 - III. third recurrence and following: increase of 100% (one hundred percent) of the value of the fine.
- 4.6. All infractions referenced hereunder are split into 3 (three) categories: (I) infractions for one-time breach of CONTRACT; (II) delay infractions; and (III) infractions for default of CONTRACT whose effects linger over time.
- 4.6.1. The **infractions for one-time breach of CONTRACT** denote instances where the CONCESSIONAIRE has defaulted with an obligation established by law, under the AUCTION NOTICE, the CONTRACT or the ANNEXES, but the infraction ends with the breach itself, producing no long-term effects, whereas no action is needed to stop the infraction.
- 4.6.1.1. In this case, the GRANTING AUTHORITY shall institute the appropriate administrative proceeding in view of enforcing the sanctions, thereby notifying the CONCESSIONAIRE on the contractual default verified and informing the category of the infraction among those listed in the INFRACTIONS TABLE, as appropriate.
- 4.6.1.2. The infraction value, estimated based on item 4.5, shall correspond to the value of the fine payable for each infringing conduct identified, whether by action or inaction.
- 4.6.2. The **delay infractions** denote a delay by the CONCESSIONAIRE in the performance of its obligations established by law, under the AUCTION NOTICE, the CONTRACT or the ANNEXES, where the infraction continues until the CONCESSIONAIRE executes the obligation in full, albeit late, thereby remedying the default.
- 4.6.2.1. In this case, without prejudice to the immediate institution of appropriate administrative proceedings in view of enforcing sanctions, the GRANTING AUTHORITY shall notify the CONCESSIONAIRE so that it may proceed with the immediate execution of the defaulted obligation, further informing the category of the infraction among those listed in the Infractions Table, as appropriate. Failure to deliver said notification shall not exempt the CONCESSIONAIRE from its duty to remedy the delay.
- 4.6.2.2. The infraction value estimated based on item 4.5 shall correspond to the value of the fine, for each full month of duration of the CONCESSIONAIRE's delay, whereas the fine shall be estimated by multiplying 1/30 (one thirtieth) of the infraction value for each day

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that the CONCESSIONAIRE remains delinquent, counted as of the date when the obligation should have been performed.

- 4.6.3. Infractions for breach of CONTRACT whose effects linger over time denote a situation where the CONCESSIONAIRE infringes an obligation established by law, under the AUCTION NOTICE, the CONTRACT or the ANNEXES, but the infraction does not end with the breach itself, whereas its effects are projected over time, until the CONCESSIONAIRE takes action to return to a situation of compliance with the contract.

4.6.3.1. In this case, without prejudice to the immediate institution of appropriate administrative proceedings in view of enforcing sanctions, the GRANTING AUTHORITY shall notify the CONCESSIONAIRE on the identification of the breach of contract, and determine the CONCESSIONAIRE's deployment of actions required to remedy the situation, informing the category of the infraction among those listed in the INFRACTIONS TABLE, as appropriate. Failure to deliver said notification shall not exempt the CONCESSIONAIRE from its duty to remedy the situation.

4.6.3.2. The infraction value estimated on item 4.5 shall correspond to the amount payable by the CONCESSIONAIRE as a result of each infringing conduct committed, whether by action or inaction, plus an increment of 1% (one percent) on top of the infraction value, per day, until the situation has been remedied, whose value shall be estimated from the date of occurrence of the infraction until the date when it is remedied.

4.6.3.3. Should the CONCESSIONAIRE prove that there is no chance that the situation can be remedied, the infraction shall then be converted into a one-time breach of contract, as described in subsection 4.6.1, and the infraction value estimated based on item 4.5 shall suffer a 30% increment.

- 4.6.4. The rating of infractions, as established in the Infractions Table, is merely referential in nature, indicative of the possibility of penalization of each infraction, among the categories established in item **Erro! Fonte de referência não encontrada.**, without prejudice to the possibility that they be qualified in a different category during the course of the administrative sanctioning proceeding, provided that the definition established for each of the categories in subitems **Erro! Fonte de referência não encontrada.** to **Erro! Fonte de referência não encontrada.** prevails over the rating determined in the Infractions Table.

- 4.7. The value of fines as described in subsections 4.6.2 and 4.6.3, estimated, respectively, as established in items 4.6.2.2 and 4.6.3.2, may not exceed, for each infringing conduct, considered individually, an amount corresponding to 200% (two hundred percent) of the highest level of the range of values presented in the Infractions Table, provided that, in the event referenced in subitem 4.5.1, the range of values established for the longest period of delay applies.

- 4.8. In the event that the CONCESSIONAIRE performs any act that leads to an effective ruling determining termination of the CONCESSION, a fine shall be applied in an amount equivalent to the PERFORMANCE BOND, instead of the fine stipulated for the default leading to the termination, even if a specific fine has been stipulated for such act.

5. TEMPORARY SUSPENSION OF THE RIGHT TO BID AND BAN FROM TRANSACTING WITH THE DIRECT OR INDIRECT PUBLIC ADMINISTRATION OF THE STATE OF SÃO PAULO, AND DECLARATION OF INELIGIBILITY TO BID OR TRANSACT WITH THE PUBLIC ADMINISTRATION

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- 5.1. The suspension of the right to participate in bid proceedings and to transact with the direct or indirect Public Administration of the State of São Paulo, and the declaration of ineligibility to bid or transact with the PUBLIC ADMINISTRATION constitute sanctions that may be applied, subject to the lawful rules governing competence, in case of recurring regulatory or contractual infractions, as well as infractions causing serious damage to the public interest, in addition to the situations foreseen under the law and applicable regulations, particularly those referenced in article 82 of State Law no. 6.544/1989, whenever they lead to an effective ruling determining termination of the CONCESSION, and further considering the following circumstances, in compliance with equitability and proportionality principles:
- I. the nature and gravity of the infraction;
 - II. the existence of malice on the part of the CONCESSIONAIRE or its agents;
 - III. the damage caused to the GRANTING AUTHORITY, the CONCESSION ASSETS, or USERS;
 - IV. the benefits earned by the CONCESSIONAIRE as a result of the infraction committed;
 - V. the actions taken by the CONCESSIONAIRE to minimize damages caused by the infraction;
 - VI. the economic and financial situation of the CONCESSIONAIRE, especially its ability to honor its financial commitments, generate revenues, and maintain the performance of the CONTRACT; and
 - VII. the CONCESSIONAIRE's prior professional records.
- 5.2. The penalty of suspension of the right to participate in bid proceedings and to transact with the direct or indirect Public Administration of the State of São Paulo may be applied for no more than 2 (two) years.
- 5.3. The declaration of ineligibility to bid or transact with the PUBLIC ADMINISTRATION shall remain effective while the reasons that determined the punishment persist, or until the party's rehabilitation with the authority that applied the penalty.
- 5.3.1. The rehabilitation shall be requested to the authority responsible for enforcing the penalty, and it shall be granted as long as the CONCESSIONAIRE reimburses the PUBLIC ADMINISTRATION for losses suffered, and provided a term of 2 (years) has elapsed since sanction has been enforced.
- 5.4. The penalties of suspension of the right to participate in bid proceedings and to transact with the direct or indirect Public Administration of the State of São Paulo, and issuance of the declaration of ineligibility to bid or transact with the PUBLIC ADMINISTRATION, shall apply against the CONCESSIONAIRE and its controlling shareholder(s) exercising CONTROL over the SPECIFIC PURPOSE COMPANY when the unlawful act occurred, which resulted in enforcement of the sanction.

6. INFRACTIONS TABLE

ITEM	INFRACTION	VALUE	INFRACTION CATEGORY
DELIVERY, AMENDMENT AND RENEWAL OF PLANS AND CERTIFICATES			

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ITEM	INFRACTION	VALUE	INFRACTION CATEGORY
1	Failure to produce the INTERVENTIONS PLAN and basic projects, including all the minimum components, to the GRANTING AUTHORITY within the appropriate timetable.	I - In case of delay of up to two weeks: between 0.001% and 0.01%.	II – Delay Infraction.
		II – In case of delay of more than two weeks: between 0.01% and 0.1%.	
2	Failure to produce the MANAGEMENT AND OPERATIONAL PLAN, including all the minimum components, to the GRANTING AUTHORITY within the appropriate timetable.	I - In case of delay of up to two weeks: between 0.001% and 0.01%.	II – Delay Infraction.
		II – In case of delay of more than two weeks: between 0.01% and 0.1%.	
3	Failure to produce the MUSEUM PLAN, including all the minimum components, to the GRANTING AUTHORITY, within the appropriate timetable.	I - In case of delay of up to two weeks: between 0.001% and 0.01%.	II – Delay Infraction.
		II – In case of delay of more than two weeks: between 0.01% and 0.1%.	
4	Amending or reviewing, without submitting to the GRANTING AUTHORITY's mandatory examination, according to the terms of ANNEXES II and III, and the CONTRACT, provided that each occurrence constitutes a separate infraction.	Between 0.001% and 0.1%.	III – Infraction consisting of breach of contract whose effects persist over time.
	1. INTERVENTIONS PLAN and basic projects.		Remedy: (I) To procure, if possible, the GRANTING AUTHORITY's approval; or (II) revoke the amendment/review.
	2. MANAGEMENT AND OPERATIONAL PLAN.		
5	To suffer the precautionary embargo or suspension of activities, or lose, at any time throughout the CONCESSION PERIOD, the proper conditions for rendering services, as a result of failure to adhere to the conditions therefor or to specific laws governing the matter.	Between 0.1% and 1.5%.	III – Infraction consisting of breach of contract whose effects persist over time. Remedy: to procure the authorization required in the events permitted under the applicable legislation.
6	Failure to produce administrative acts (such as permits, licenses, authorizations) procured in the name of the CONCESSIONAIRE, yearly.	Between 0.1% and 1.5%.	II – Delay Infraction.

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ITEM	INFRACTION	VALUE	INFRACTION CATEGORY
INFRASTRUCTURE REPURPOSING, OVERHAULING AND UPGRADING			
7	Delay of the initial milestones of INTERVENTIONS and/or the infrastructure repurposing, overhauling and upgrading works, according to the GRANTING AUTHORITY-approved INTERVENTIONS PLAN.	I - In case of delay of up to one month: between 0.001% and 0.01%. II – In case of delay of more than one month and up to six months: between 0.01% and 0.1%. III – In case of delay of more than six months: between 0.1% and 1.5%.	II – Delay Infraction.
8	Failure to adhere to the intermediary milestones of INTERVENTIONS and/or the infrastructure repurposing, overhauling and upgrading works, according to the GRANTING AUTHORITY-approved INTERVENTIONS PLAN.	I - In case of delay of up to one month: between 0.001% and 0.01%. II – In case of delay of more than one month and up to six months: between 0.01% and 0.1%. III – In case of delay of more than six months: between 0.1% and 1.5%.	II – Delay Infraction.
9	Failure to complete the INTERVENTIONS, in full or in part, within the time frame established in the GRANTING AUTHORITY-approved INTERVENTIONS PLAN.	I - In case of delay of up to one month: between 0.001% and 0.01%. II – In case of delay of more than one month and up to six months: between 0.01% and 0.1%. III – In case of delay of more than six months and up to one year: between 0.1% and 1.5%. IV – In case of delay of more than one year: between 1.5% and 5%.	II – Delay Infraction.
10	Failure to adhere to the guidelines applying to building and renovation projects, as established under ANNEX III.	Between 0.001% and 0.01%.	III – Infraction consisting of breach of contract whose effects persist over time. Remedy: to suit constructions to the guidelines.
11	Failure to redo, overhaul or amend any and all works or services under its responsibility that have been executed improperly or in breach of defined quality standards.	Between 0.01% and 1.5%	III – Infraction consisting of breach of contract whose effects persist over time.

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ITEM	INFRACTION	VALUE	INFRACTION CATEGORY
			Remedy: to corroborate the implementation of actions required to overhaul or amend the defect verified by the GRANTING AUTHORITY.
12	Failure to prepare complementary drawings and detailed information needed for all the elements comprising each construction to be fully understandable (<i>as built</i>), as established under ANNEX III, within the appropriate timetable.	I – In case of delay of up to two months: between 0.001% and 0.01%. II – In case of delay of more than two months: between 0.01% and 0.1%.	II – Delay Infraction.
TRANSFER OF POSSESSION OF THE PUBLIC ASSET AND START OF OPERATIONS OF CASH-GENERATING UNITS OR ASSETS			
13	Failure to adhere to the deadline for the assumption of the CONCESSION AREA, save when failure to comply with results from any event imputable to the GRANTING AUTHORITY.	I - In case of delay of up to two weeks: between 0.01% and 0.1%. II – In case of delay of more than two weeks: between 0.1% and 1.5%.	II – Delay Infraction.
14	To delay or create an impediment to execute the TERM OF DELIVERY OF THE PUBLIC ASSET.	I - In case of delay of up to two weeks: between 0.01% and 0.1%. II – In case of delay of more than two weeks: between 0.1% and 1.5%.	II – Delay Infraction.
DUTY TO KEEP SERVICES UP-TO-DATE			
15	Failure to keep services provided for under the CONCESSION up-to-date and state-of-the-art.	Between 0.001% and 0.1%.	III – Infraction consisting of breach of contract whose effects persist over time. Remedy: to upgrade the method of rendering serviced.
ENVIRONMENTAL AND HISTORICAL HERITAGE			

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ITEM	INFRACTION	VALUE	INFRACTION CATEGORY
16	Failure to meet any requirements established in the environmental licenses.	Between 0.1% and 1.5%.	III – Infraction consisting of breach of contract whose effects persist over time. Remedy: meet the requirements.
17	Failure to procure, maintain or renew environmental licenses.	Between 0.1% and 1.5%.	Failure to procure: II – Delay Infraction. Failure to maintain or renew: III – Infraction consisting of breach of contract whose effects persist over time. Remedy: to procure the mandatory license.
18	Failure to meet requirements established in approvals issued by tangible and/or intangible heritage preservation institutions, imposed as a result of the listing of historical sites in grounds assigned to the CONCESSIONAIRE.	Between 0.01% and 1.5%.	III – Infraction consisting of breach of contract whose effects persist over time. Remedy: meet the requirements.
19	Failure to adhere to the rules, standards or procedures described in the MANAGEMENT PLAN for PARQUE ESTADUAL DA CANTAREIRA (PEC) and PARQUE ESTADUAL ALBERTO LÖFGREN (PEAL), provided that each rule that is overlooked constitutes a separate infraction, including for purposes of determining a recurrence, which shall only be the case when a new infraction is committed against a rule that was previously breached.	Between 0.001% and 1.5%.	III – Infraction consisting of breach of contract whose effects persist over time. Remedy: adhere to rules, standards or procedures breached.
20	Failure to meet any requirements and conditions established under licenses and/or regulations connected with environmental, urban planning, and urban mobility laws, and other specific authorizations required for regular performance of its activities.	Between 0.1% and 1.5%.	III – Infraction consisting of breach of contract whose effects persist over time. Remedy: to adhere to the requirements.

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ITEM	INFRACTION	VALUE	INFRACTION CATEGORY
21	Failure to dispose, in an environmentally sound manner, the waste produced by activities associated with the COMMERCIAL OPERATION OF THE PUBLIC ASSET.	Between 0.001% and 1.5%.	III – Infraction consisting of breach of contract whose effects persist over time. Remedy: to adjust the procedures.
INSPECTION, INSPECTION SUPPORT AND INTERACTIONS			
22	To create difficulties, fail to collaborate or adhere to the GRANTING AUTHORITY's determinations concerning its inspection powers.	Between 0.01% and 1.5%.	If the conduct is an isolated occurrence: I – Infraction for one-time breach of contract.
			If the conduct persists over time: III – Infraction consisting of breach of contract whose effects persist over time.
			Remedy: take the necessary actions to enable execution of inspections.
23	Failure to perform the obligation to procure or replace the INDEPENDENT RAPPORTEUR within the set time frames.	Between 0.1% and 1.5%.	II – Delay Infraction.
24	Prevent, coerce or establish any form of impediment to the execution of the assessment of PERFORMANCE INDICATORS by the INDEPENDENT RAPPORTEUR.	Between 0.01% and 1.5%.	I – Infraction for one-time breach of contract.
25	Failure to provide explanations and information requested by the Contract Performance Monitoring Committee.	Between 0.001% and 1.5%	II – Delay Infraction.
26	Failure to prepare and deliver the Annual Report and PERFORMANCE INDICATORS to the GRANTING AUTHORITY within the appropriate timetable.	I - In case of delay of up to one month: between 0.001% and 0.01%.	II – Delay Infraction.
		II – In case of delay of more than one month: between 0.01% and 0.1%.	

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ITEM	INFRACTION	VALUE	INFRACTION CATEGORY
27	Failure to produce a report including all assessments concerning PERFORMANCE INDICATORS, and subsequently to deliver it to the INDEPENDENT RAPPORTEUR, in view of estimating the VARIABLE GRANT.	Between 0.1% and 1.5%.	II – Delay Infraction.
28	Engage in any kind of fraud concerning USER counts and ticket exemptions.	Between 0.1% and 5%.	If the fraud is an isolated situation: I – Infraction for one-time breach of contract.
			If the fraud lingers over time: III – Infraction consisting of breach of contract whose effects persist over time.
			Remedy: cease the fraudulent practice verified.
29	Failure to stop inappropriate behaviors by USERS, considering conducts described in the specific laws and regulations.	Between 0.001% and 0.1%.	I – Infraction for one-time breach of contract.
ACCESS TO THE CONCESSION AREA AND RULES GOVERNING INTERACTIONS			
30	Preventing the access of representatives of the GRANTING AUTHORITY, the INSTITUTO's (INSTITUTE) FUNDAÇÃO FLORESTAL (FORESTRY FOUNDATION) and/or SABESP to the CONCESSION AREA to perform activities associated with their respective institutional duties.	Between 0.01% and 1.5%.	If the conduct is an isolated occurrence: I – Infraction for one-time breach of contract.
			If the conduct persists over time: III – Infraction consisting of breach of contract whose effects persist over time.
			Remedy: Allow representatives' access.
31	Preventing, without justification, the access of researchers or employees and the supporting team of the INSTITUTO, who are duly identified, to execute scientific	Between 0.01% and 0.1%.	If the conduct is an isolated occurrence: I – Infraction for one-time breach of contract.

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	activities or activities associated with their respective institutional duties at the CONCESSION AREA.		<p>If the conduct persists over time: III – Infraction consisting of breach of contract whose effects persist over time.</p> <p>Remedy: Allow representatives' access.</p>
32	Failure to inform the INSTITUTO and/or SABESP of any act, fact or event inherent to the PARKS' daily operations that requires expansion of the base references included in the interaction guidelines.	Between 0.01% and 0.1%.	<p>III – Infraction consisting of breach of contract whose effects persist over time.</p> <p>Remedy: notify the INSTITUTO or SABESP, as the case may be, to implement mitigations of interface risks that might be required.</p>
ADDITIONAL REVENUE			
33	Failure to submit the appropriate contracts and documents to the GRANTING AUTHORITY, concerning the ADDITIONAL REVENUE.	Between 0.1% and 1.5%.	II – Delay Infraction.
34	Failure to adhere to the obligation to sign any and all contracts concerning the use of REVENUE.	Between 0.1% and 1.5%.	<p>III – Infraction consisting of breach of contract whose effects persist over time.</p> <p>Remedy: deliver to the GRANTING AUTHORITY all contracts concerning the use of ADDITIONAL REVENUE.</p>
35	Executing a contract concerning the use of ADDITIONAL REVENUE, with a term exceeding the CONCESSION period, without the GRANTING AUTHORITY's prior consent.	Between 0.1% and 1.5%.	<p>III – Infraction consisting of breach of contract whose effects persist over time.</p> <p>Remedy: (I) to procure the GRANTING AUTHORITY's consent once the conditions established under the CONTRACT have been met; or (II) terminate the contract, or change its term of duration according to the duration of the CONCESSION.</p>

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ITEM	INFRACTION	VALUE	INFRACTION CATEGORY
36	Marketing, in full or in part, naming rights associated with the CONCESSION AREA without adhering to the rules established under the CONTRACT and applicable laws.	Between 0.1% and 1.5%.	III – Infraction consisting of breach of contract whose effects persist over time.
FINANCING			
37	Offering rights arising out of the CONCESSION to guarantee financing arrangements, without the GRANTING AUTHORITY's prior, explicit consent.	Between 0.1% and 5%.	<p>III – Infraction consisting of breach of contract whose effects persist over time.</p> <p>Remedy: (I) disencumber the rights arising out of the CONCESSION under the financing agreement; or (II) procure, if possible, the GRANTING AUTHORITY's consent.</p>
38	Offering shares or rights corresponding to the control of the CONCESSIONAIRE, to guarantee financing arrangements, without the GRANTING AUTHORITY's prior, explicit consent.	Between 0.1% and 5%.	<p>III – Infraction consisting of breach of contract whose effects persist over time.</p> <p>Remedy: (I) disencumber the shares or rights corresponding to the control of the CONCESSIONAIRE under the financing agreement; or (II) procure, if possible, the GRANTING AUTHORITY's consent.</p>
39	Failure to notify the GRANTING AUTHORITY on any changes to the terms of financing arrangements secured, or of any new financing arrangement or debt incurred, which might be considered in the estimation of compensation payable in the event that the CONCESSION is terminated.	Between 0.1% and 5%.	II – Delay Infraction.
ASSETS COMPRISING THE CONCESSION, REVERSAL AND TRANSITION			
40	Failure to keep the REVERSIBLE ASSETS in a perfect state of conservation and safety, and sound operating conditions.	Between 0.001% and 5%.	III – Infraction consisting of breach of contract whose effects persist over time.

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ITEM	INFRACTION	VALUE	INFRACTION CATEGORY
			Remedy: adjust the state of conservation and safety, as well as REVERTIBLE ASSETS' operating conditions.
41	Executing, without the GRANTING AUTHORITY's prior approval, works and interventions involving demolition, renovation or construction of new facilities.	Between 0.01% and 5%.	<p>III – Infraction consisting of breach of contract whose effects persist over time.</p> <p>Remedy: (I) reverse the work or intervention; or (II) procure, if possible, the GRANTING AUTHORITY's approval.</p>
42	Failure to keep the INVENTORY in a good state of conservation and fully operational, including all mandatory information.	Between 0.001% and 0.1%.	<p>III – Infraction consisting of breach of contract whose effects persist over time.</p> <p>Remedy: update the INVENTORY.</p>
43	Failure to deliver to the GRANTING AUTHORITY, upon its request, a current INVENTORY of the REVERTIBLE ASSETS.	Between 0.001% and 0.1%.	<p>III – Infraction consisting of breach of contract whose effects persist over time.</p> <p>Remedy: deliver the current inventory of the REVERTIBLE ASSETS.</p>
44	Failure to enter the REVERTIBLE ASSETS in the CONCESSIONAIRE's bookkeeping records, registering them separately from its PRIVATE ASSETS.	Between 0.001% and 0.1%.	<p>III – Infraction consisting of breach of contract whose effects persist over time.</p> <p>Remedy: suit accounting records.</p>
45	Attempted fraud or actual fraud in the inventory listing of the REVERTIBLE ASSETS.	Between 0.1% and 5%.	<p>In case of attempted fraud: I – Infraction for one-time breach of contract.</p> <p>In case of actual fraud: III – Infraction consisting of breach of contract whose effects persist over time</p> <p>Remedy: deliver the corrected INVENTORY list to the GRANTING AUTHORITY.</p>

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ITEM	INFRACTION	VALUE	INFRACTION CATEGORY
46	Selling, transferring or encumbering the REVERTIBLE ASSETS, in any way whatsoever, without the GRANTING AUTHORITY's prior consent.	Between 0.01% and 5%.	III – Infraction consisting of breach of contract whose effects persist over time.
			Remedy: (I) to acquire new assets, of equivalent or greater quality, as the wrongly sold assets; (II) to unencumber the wrongly encumbered assets; or (iii) if possible, secure the GRANTING AUTHORITY's consent for the disposal, transfer or encumbrance.
47	The CONCESSIONAIRE's failure to mention the tie-in to the CONCESSION, expressly, when executing legal transactions involving the REVERTIBLE ASSETS.	Between 0.01% and 0.1%.	III – Infraction consisting of breach of contract whose effects persist over time.
			Remedy: to take actions needed to, albeit <i>post hoc</i> , indicate the tie-in to the CONCESSION.
48	Failure to return the REVERTIBLE ASSETS, as well as all rights and privileges tied to the CONCESSION, upon its end.	Between 0.01% and 5%.	III – Infraction consisting of breach of contract whose effects persist over time.
			Remedy: to take all necessary actions to return the REVERTIBLE ASSETS, the rights and privileges associated with the CONCESSION.
49	Failure to transfer to the GRANTING AUTHORITY or whomever it designates, upon termination of the CONCESSION, for whatever reason, all the REVERTIBLE ASSETS in a perfect state of conservation, use and functionality.	Between 0.01% and 5%.	III – Infraction consisting of breach of contract whose effects persist over time.
			Remedy: transfer to the GRANTING AUTHORITY, or whomever it designates, the REVERTIBLE ASSETS, or suit their state of conservation, use and functionality.
50	Failure to transfer, without charge, all rights and documents required for executing activities, described within the purpose of	Between 0.1% and 1.5%.	III – Infraction consisting of breach of contract whose effects persist over time.

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ITEM	INFRACTION	VALUE	INFRACTION CATEGORY
	the CONTRACT, upon termination of the CONCESSION.		Remedy: transfer residual rights and documents to the GRANTING AUTHORITY.
51	Distributing any monies or equity among the SPE's shareholders before the GRANTING AUTHORITY can attest that the reversed assets are in a perfect state of conservation, use and functionality, and free of encumbrances or charges thereon, and that amounts payable to the GRANTING AUTHORITY, by way of compensation or any other reasons, are fully guaranteed.	Between 0.1% and 5%.	<p>III – Infraction consisting of breach of contract whose effects persist over time.</p> <p>Remedy: (i) procure the restitution of monies or equity by the shareholders; or (ii) procure a certification from the GRANTING AUTHORITY as to the state of the reversed assets.</p>
CONCESSIONAIRE			
52	Failure to meet the TIMETABLE FOR THE PAYING IN OF CAPITAL STOCK.	Between 0.01% and 0.1%.	II – Delay Infraction.
53	Decreasing the SPE's capital stock below the minimum value allowable without the GRANTING AUTHORITY's consent.	Between 0.1% and 1.5%.	<p>III – Infraction consisting of breach of contract whose effects persist over time.</p> <p>Remedy: increase the SPE's capital stock, upholding the minimum allowable value.</p>
54	Transferring CONTROL without the GRANTING AUTHORITY's prior, explicit consent.	Between 1.5% and 5%.	<p>III – Infraction consisting of breach of contract whose effects persist over time.</p> <p>Remedy: (I) to take actions foreseen under the CONTRACT, or (II) to secure the GRANTING AUTHORITY's consent, if possible.</p>
55	Failure to submit any proposals for the issuance of bonds and securities to the GRANTING AUTHORITY's prior approval, when i) they include a provision for	Between 0.1% and 5%.	III – Infraction consisting of breach of contract whose effects persist over time.

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ITEM	INFRACTION	VALUE	INFRACTION CATEGORY
	conversion into shares, which causes a change to the company's control, or ii) they are guaranteed by voting shares comprising the group that controls the SPE.		Remedy: (I) to suspend the issuance of bonds and/or securities; or (II) to procure the GRANTING AUTHORITY's consent, if possible.
SERVICE OPERATIONS			
56	Failure to adhere to the obligation to provide services continuously or appropriately.	Between 0.01% and 1.5%.	<p>III – Infraction consisting of breach of contract whose effects persist over time.</p> <p>Remedy: to resume CONCESSION activities that have been interrupted and/or restart their proper execution so as to fully service USERS.</p>
57	Failure to provide first aid to USERS at the CONCESSION AREA requiring emergency assistance, or failure to transfer them, when necessary, to public health institutions or accredited institutions.	Between 0.1% and 1.5%.	I – Infraction for one-time breach.
58	Failure to act to prevent and suppress crimes and misdemeanours, or to report any incidents within the CONCESSIONAIRE's facilities.	Between 0.001% and 0.1%.	I – Infraction for one-time breach.
59	Failure to suppress inappropriate behaviors by USERS, considering conducts as described under the laws and regulations specifically applying thereto.	Between 0.001% and 0.1%.	I – Infraction for one-time breach.
60	Start operations of any CASH-GENERATING UNITS without procuring the mandatory permits and licenses, including the occupancy permit ("habite-se").	Between 0.01% and 1.5%.	<p>III – Infraction consisting of breach of contract whose effects persist over time.</p> <p>Remedy: to suspend works in order to procure the necessary permits to allow for operations to resume.</p>
SPECIFIC OBLIGATIONS OF THE CONCESSIONAIRE			

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ITEM	INFRACTION	VALUE	INFRACTION CATEGORY
61	Failure to maintain, throughout the entire CONCESSION TERM, all the qualification conditions required of it in the TENDER.	Between 0.1% and 1.5%.	III – Infraction consisting of breach of contract whose effects persist over time.
			Remedy: to corroborate the maintenance of qualification conditions required of it in the TENDER.
62	Failure to inform the population and USERS in case of a change in ADMISSION rates as well as the effective date of change.	Between 0.001% and 0.1%.	II – Delay Infraction.
63	Failure to provide USERS with any information concerning the ticket exemption policy.	Between 0.01% and 0.1%	II – Delay Infraction.
64	Failure to adhere to all tax and labor-related duties associated with its activity.	Between 0.01% and 1.5%.	III – Infraction consisting of breach of contract whose effects persist over time.
			Remedy: to corroborate the fulfillment of all tax and/or labor-related duties defaulted.
65	Failure to properly disclose to the general public, and to USERS in particular, the introduction of special procedures in the event of exceptional circumstances.	Between 0.001% and 0.1%.	I – Infraction for one-time breach of contract.
66	Failure to publish its bookkeeping records and financial statements periodically, as established under the applicable legislation.	Between 0.01% and 0.1%.	III – Infraction consisting of breach of contract whose effects persist over time.
			Remedy: to corroborate lawfully required publications.
67	Failure to make available to USERS any of the mandatory communication lines.	Between 0.001% and 0.1%.	III – Infraction consisting of breach of contract whose effects persist over time.
			Remedy: to make available to USERS all communications lines provided for under the CONTRACT.

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ITEM	INFRACTION	VALUE	INFRACTION CATEGORY
68	Failure to keep a permanent public ombudspersons' office to receive and process all complaints and suggestions from the USERS or any third parties affected by the services provided.	Between 0.001% and 0.1%.	II – Delay Infraction.
69	Failure to prepare the TRANSACTION POLICY WITH THE RELATED PARTIES within the set time frame.	I - In case of delay of up to one month: between 0.001% and 0.01%.	II – Delay Infraction.
		II – In case of delay of more than one month: between 0.01% and 0.1%.	
70	Failure to adhere to the TRANSACTION POLICY WITH THE RELATED PARTIES.	Between 0.01% and 5%.	III – Infraction consisting of breach of contract whose effects persist over time.
			Remedy: (i) to undo all legal transactions executed with RELATED PARTIES; or (II) suit them, if possible, to the TRANSACTION POLICY WITH THE RELATED PARTIES.
71	Failure to implement the Compliance Program within the stipulated time frame.	I - In case of delay of up to one month: between 0.001% and 0.01%.	II – Delay Infraction.
		II – In case of delay of more than one month: between 0.01% and 0.1%.	
72	Failure to adhere to the Compliance Program.	Between 0.01% and 5%.	III – Infraction consisting of breach of contract whose effects persist over time.
			Remedy: to take actions recommended in the Compliance Program.
CHARGES APPLYING TO THE CONCESSIONAIRE			
73	Failure to provide for one or more charges applying to ticketing and commercial services, based on contract milestones.	Between 0.1% and 1.5%.	III – Infraction consisting of breach of contract whose effects persist over time.
			Remedy: to provide for charges associated with ticketing and commercial services.

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ITEM	INFRACTION	VALUE	INFRACTION CATEGORY
74	Failure to settle, whether in full or in part, one or more charges associated with cleaning services.	Between 0.001% and 0.1%.	III – Infraction consisting of breach of contract whose effects persist over time.
			Remedy: to resume appropriate cleaning services.
75	Failure to provide, whether in full or in part, property security and access control services within the CONCESSION AREA, as of the execution date of the TERM OF DELIVERY OF THE PUBLIC ASSET.	Between 0.01% and 1.5%.	III – Infraction consisting of breach of contract whose effects persist over time.
			Remedy: to resume appropriate property security and access control services.
76	Failure to settle, whether in full or in part, one or more charges associated with maintenance of infrastructure assets that the CONCESSIONAIRE is required to maintain or support within the CONCESSION AREA.	Between 0.001% and 1.5%.	II – Delay Infraction.
77	Failure to provide, whether in full or in part, one or more utility services or infrastructure networks within the CONCESSION AREA.	Between 0.001% and 1.5%.	II – Delay Infraction.
78	Failure to provide, whether in full or in part, one or more management services within the CONCESSION AREA.	Between 0.001% and 1.5%.	II – Delay Infraction.
79	Failure to start or execute environmental education or research support activities.	Between 0.01% and 1.5%.	Failure to start: II – Delay Infraction.
			Failure to execute: III – Infraction consisting of breach of contract whose effects persist over time.
			Remedy: to resume environmental education activities.
SUBCONTRACTING AND SUB-GRANTS			

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ITEM	INFRACTION	VALUE	INFRACTION CATEGORY
80	Subcontracting the execution of activities associated with the CONCESSION in violation of rules provided for under the CONTRACT.	Between 0.01% and 1.5%.	III – Infraction consisting of breach of contract whose effects persist over time.
			Remedy: (i) to nullify or suit the contract with the third party.
81	Executing or allowing any form of sub-grant concerning services that are the purpose of this CONTRACT, save in the events referenced in the CONTRACT.	Between 0.1% and 5%.	III – Infraction consisting of breach of contract whose effects persist over time.
			Remedy: to take the necessary actions to return to the <i>status quo ante</i> .
PERFORMANCE BOND AND INSURANCE			
82	Failure to keep the PERFORMANCE BOND valid and effective, according to the terms established in the CONTRACT, for the duration of the contract.	Between 1.5% and 5%.	III – Infraction consisting of breach of contract whose effects persist over time.
			Remedy: to provide a valid performance guarantee, according to the terms established in the Contract.
83	Failure to deliver to the GRANTING AUTHORITY, within no more than 30 (thirty) days, counted as of the start of each CONCESSION year, a certificate issued by the insurer(s), confirming that all insurance policies secured remain valid, and the respective premiums have been paid for.	Between 0.01% and 0.1%.	III – Infraction consisting of breach of contract whose effects persist over time.
			Remedy: to deliver the mandatory certificate to the GRANTING AUTHORITY.
84	Failure to deliver to the GRANTING AUTHORITY, within no more than 30 (thirty) days prior to the end of the PERFORMANCE BOND's term, a document corroborating the renewal and updating of the PERFORMANCE BOND.	Between 0.01% and 0.1%.	III – Infraction consisting of breach of contract whose effects persist over time.
			Remedy: to deliver the mandatory corroborating document to the GRANTING AUTHORITY.
PAYMENT OF AMOUNTS DUE TO THE GRANTING AUTHORITY			

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ITEM	INFRACTION	VALUE	INFRACTION CATEGORY
85	Delaying the transfer of amounts payable by the CONCESSIONAIRE by way of (I) VARIABLE GRANT or (II) INSPECTION FEES.	I – In case of delay of up to three days: between 0.001% and 0.01%.	II – Delay Infraction.
		II – In case of delay between three and six days: between 0.01% and 0.1%.	
		III – In case of delay of more than six days: between 0.1% and 1.5%.	