

QUITO, 10 DE MAYO DEL 2019

SEÑORES
**CUERPO DE BOMBEROS DEL GOBIERNO AUTONOMO DESCENTRALIZADO MUNICIPAL
DEL CANTON RIOBAMBA**
CALLES CHILE 26-56 Y PICHINCHA,
RIOBAMBA ECUADOR

NUESTRA REFERENCIA:	S122424
REFERENCIA DEL EXTERIOR:	G305504
BANCO DEL EXTERIOR:	CAIXA GERAL DE DEPOSITOS
ORDENANTE:	JACINTO MARQUES DE OLIVEIRA, SUCRS., LDA
VALOR:	USD 188.928,51
VENCIMIENTO:	28 DE FEBRERO DEL 2020

DE MIS CONSIDERACIONES:

POR EL PRESENTE DOCUMENTO EL BANCO PICHINCHA C.A., OTORGA GARANTIA BANCARIA INCONDICIONAL, IRREVOCABLE, Y DE COBRO INMEDIATO A FAVOR DE **CUERPO DE BOMBEROS DEL GOBIERNO AUTONOMO DESCENTRALIZADO MUNICIPAL DEL CANTON RIOBAMBA**, POR LA SUMA DE **USD 188.928,51 (CIENTO OCHENTA Y OCHO MIL NOVECIENTOS VEINTE Y OCHO CON 51/100 DOLARES DE LOS ESTADOS UNIDOS DE NORTE AMERICA)** PARA GARANTIZAR:

BUEN USO DEL ANTICIPO DEL CONTRATO NO. IMP-CBGADMR-002-19.

SE PAGARA EL VALOR DE ESTA GARANTIA AL RECIBO DE UNA COMUNICACIÓN DEBIDAMENTE FIRMADA POR EL REPRESENTANTE LEGAL DEL **CUERPO DE BOMBEROS DEL GOBIERNO AUTONOMO DESCENTRALIZADO MUNICIPAL DEL CANTON RIOBAMBA**, EN LA QUE SE NOS COMUNIQUE QUE NUESTRA GARANTIZADA HA INCUMPLIDO CON LO ESTIPULADO EN EL PARRAFO ANTERIOR.

LA PRESENTE GARANTIA NO ES TRANSFERIBLE NI NEGOCIABLE.

ESTA GARANTIA TENDRA VALIDEZ HASTA EL **28 DE FEBRERO DEL 2020**, FECHA EN LA CUAL CADUCARÁ AUTOMATICAMENTE CESANDO DE HECHO TODA RESPONSABILIDAD TANTO PARA EL BANCO COMO PARA SUS ORDENANTES, AUNQUE NO NOS FUERE DEVUELTO EL PRESENTE DOCUMENTO.

DEJAMOS CONSTANCIA DE QUE LA GARANTIA QUE EMITIMOS NO TIENE RELACION ALGUNA CON NINGUN OTRO DOCUMENTO, CONTRATO O INSTRUMENTO LEGAL EXISTENTE ENTRE USTEDES Y NUESTRA GARANTIZADA, Y QUE DICHOS DOCUMENTOS, CONTRATOS O INSTRUMENTOS LEGALES SI EXISTIEREN NO LA AMPLIAN MODIFICAN O ENMIENDAN Y QUE POR LO TANTO NO TENEMOS NINGUNA OTRA RESPONSABILIDAD QUE NO SEA LA EXPRESAMENTE ESTIPULADA EN ESTA GARANTIA.

***** USD 188.928,51 *****

Atentamente,

RAM.


 **BANCO PICHINCHA**
www.pichincha.com
Maria Fernanda Oleas Gómez
Supervisor Operaciones Empresas
Matriz Quito

Nº. 0137302

----- Instance Type and Transmission -----
Notification (Transmission) of Original sent to SWIFT (ACK)
Network Delivery Status : Network Ack
Priority/Delivery : Normal/Deliv Notif
Message Input Reference : 1654 190503CGDIPTPLAXXX1988366942

----- Message Header -----
Swift Input : FIN 760 Guarantee/Stdby Letter Credit
Sender : CGDIPTPLXXX
CAIXA GERAL DE DEPOSITOS
LISBON PT
Receiver : PICHECEQ502
BANCO PICHINCHA C.A.
(HEAD INTERNATIONAL DIVISION)
QUITO EC

MUR : CGD 367886

----- FIN User Header -----
{108:CGD 367886}

----- Message Text -----
27: Sequence of Total
1/2
20: Transaction Reference Number
G305504
23: Further Identification
REQUEST
30: Date
190503
40C: Applicable Rules
OTHR/URDG
77C: Details of Guarantee
DETAILS OF GUARANTEE
UNDER OUR FULL RESPONSIBILITY AND COUNTER-GUARANTEE PLEASE ISSUE
THIS
GUARANTEE AS FOLLOWS:

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QUOTE

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BENEFICIARY: CUERPO DE BOMBEROS DEL GOBIERNO AUTONOMO
DESCENTRALIZADO MUNICIPAL DEL CANTON RIOBAMBA
ADDRESS: CALLES CHILE 26-56 PICHINCHA, RIOBAMBA
COUNTRY: ECUADOR

.
ADVANCE PAYMENT GUARANTEE NO -----

.
WE, ----- (HEREINAFTER "THE
GUARANTOR"), WITH HEAD OFFICE AT -----,
TAX PAYER NUMBER -----, WITH A SHARE CAPITAL OF--- --, HAVE
BEEN INFORMED THAT JACINTO MARQUES DE OLIVEIRA, SUCRS., LDA
(HEREINAFTER THE "PRINCIPAL"),
DOMICILED AT AV.DOS CORREIOS N191 - APT. 47 3885-909 ESMORIZ,
PORTUGAL, HAS
ENTERED INTO A CONTRACT NO. IMP-CBGADMR-002-19, WITH YOU,
(HEREINAFTER THE "BENEFICIARY"),
WITH HEAD OFFICE AT CUERPO DE BOMBEROS DEL GOBIERNO AUTONOMO
DESCENTRALIZADO MUNICIPAL DEL CANTON RIOBAMBA,
FOR THE AQUISICION DE UN VEHICULO AUTOBOMBA FORESTAL CON
CUMPLIMIENTO DE NORMATIVA
(HEREINAFTER THE "CONTRACT").

.
FURTHERMORE, WE UNDERSTAND THAT, ACCORDING TO THE CONDITIONS OF
THE CONTRACT, AN ADVANCE
PAYMENT IN THE SUM OF USD 188.928,51 (ONE HUNDRED AND
EIGHTY-EIGHT THOUSAND NINE HUNDRED AND
TWENTY-EIGHT DOLLARS AND FIFTY-ONE CENTS) IS TO BE MADE AGAINST

-23-
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AN ADVANCE PAYMENT GUARANTEE.

AT THE REQUEST OF THE PRINCIPAL, WE, THE GUARANTOR, HEREBY IRREVOCABLY UNDERTAKE TO PAY YOU ANY SUM OR SUMS NOT EXCEEDING IN TOTAL AN AMOUNT OF USD 188.928,51 (ONE HUNDRED AND EIGHTY-EIGHT THOUSAND NINE HUNDRED AND TWENTY-EIGHT DOLLARS AND FIFTY-ONE CENTS) UPON RECEIPT BY US OF YOUR FIRST WRITTEN DEMAND, WAIVING ALL RIGHTS OF OBJECTIONS AND DEFENCE FROM THE PRINCIPAL ARISING FROM THE CONTRACT, STATING THAT THE PRINCIPAL IS IN BREACH OF ITS OBLIGATIONS UNDER THE CONTRACT, NOTABLY BECAUSE THE PRINCIPAL HAS USED THE ADVANCE PAYMENT FOR PURPOSES OTHER THAN TOWARD PROVIDING THE SERVICES UNDER THE CONTRACT.

YOUR WRITTEN DEMAND (SIGNATURES THEREON APPEARING TO HAVE BEEN AUTHENTICATED BY YOUR BANK) SHALL BE ADDRESSED, BY REGISTERED LETTER, TO PABLO ROJAS, AT THE ADDRESS HEREIN ABOVE MENTIONED.

IT IS A CONDITION FOR ANY CLAIM AND PAYMENT TO BE MADE UNDER THIS GUARANTEE THAT THE ADVANCE PAYMENT REFERRED TO ABOVE MUST HAVE BEEN RECEIVED BY THE PRINCIPAL ON ITS ACCOUNT NUMBER PT50003502870000000503034 AT CAIXA GERAL DE DEPOSITOS, S.A.

THE MAXIMUM AMOUNT OF THIS GUARANTEE SHALL BE PROGRESSIVELY REDUCED BY THE AMOUNT OF THE ADVANCE PAYMENT REPAID BY THE PRINCIPAL AS INDICATED IN COPIES OF YOUR CERTIFIED STATEMENTS TO SUCH EFFECT WHICH SHALL BE PRESENTED TO US BY THE PRINCIPAL. THIS GUARANTEE SHALL EXPIRE, AT THE LATEST, UPON OUR RECEIPT OF THE CERTIFIED PAYMENT CERTIFICATE ISSUED BY YOU INDICATING THAT THE PRINCIPAL HAS MADE FULL REPAYMENT OF THE AMOUNT OF THE ADVANCE PAYMENT, OR ON THE 28TH DAY OF FEBRUARY 2020, WHICHEVER IS EARLIER.

CONSEQUENTLY, ANY DEMAND FOR PAYMENT UNDER THIS GUARANTEE MUST BE RECEIVED BY US AT THIS OFFICE ON OR BEFORE THAT DATE.

THIS GUARANTEE IS PERSONAL TO YOU AND IS NOT ASSIGNABLE.

UNQUOTE

IN CONSIDERATION OF YOUR ISSUANCE OF THE GUARANTEE, AS REQUESTED ABOVE, WE, CAIXA GERAL DE DEPOSITOS S.A., WITH HEAD OFFICE AT AV. JOAO XXI, 63 - 1000-300 LISBOA (PORTUGAL), REGISTERED AT COMMERCIAL REGISTRY OF LISBON, WITH THE SINGLE REGISTER AND TAX NUMBER 500960046, WITH SHARE CAPITAL OF EUR 3.844.143.735,00, HEREBY IRREVOCABLY AND UNRESERVEDLY UNDERTAKE TO PAY YOU OR TO YOUR ORDER ANY AMOUNT UP TO USD 188.928,51 (ONE HUNDRED AND EIGHTY-EIGHT THOUSAND NINE HUNDRED AND TWENTY-EIGHT DOLLARS AND FIFTY-ONE CENTS) UPON YOUR FIRST DEMAND TO BE ADDRESSED TO OUR BANK BY AUTHENTICATED SWIFT MESSAGE STATING THE AMOUNT CLAIMED AND THAT SUCH AMOUNT REPRESENTS THE SUM YOU HAVE BEEN CLAIMED UPON TO PAY BY THE BENEFICIARY.

OUR PAYMENT TO YOU SHALL BE VALUE 5 (FIVE) BUSINESS DAYS FROM THE DATE OF RECEIPT OF YOUR AUTHENTICATED SWIFT OF DEMAND OF PAYMENT.

-24-
7

YOUR BANK NEED NOT AT ANY TIME TO SUBSTANTIATE ITS REQUEST FOR PAYMENT AND WE DEFINITELY AND IRREVOCABLY RENOUNCE TO SUCH SUBSTANTIATION OF YOUR CLAIM (S).

WE FURTHER UNDERTAKE IRREVOCABLY TO PAY THE SUM CLAIMED BY YOUR BANK WITHOUT CAVIL OR ARGUMENTS AND WITHOUT ANY OBJECTION OR RESTRICTION OF WHATSOEVER NATURE AND WE RENOUNCE TO ANY RIGHT TO PLEA AND/OR DEMUR ANY OF YOUR CLAIM(S).

OUR COUNTER-GUARANTEE PRODUCES ITS EFFECTS REGARDLESS OF THE VALIDITY AND EFFECT OF THE UNDERLYING TRANSACTIONS OR CONTRACTS OF WHATSOEVER NATURE AND IRRESPECTIVE OF THE RELATIONSHIP WHICH MAY EXIST BETWEEN YOUR BANK AND THE BENEFICIARY AND WAIVING ALL AND ANY RIGHTS OF DEFENSE AND OBJECTION ARISING THEREFROM.

WE FURTHER CONFIRM THAT OUR COUNTER-GUARANTEE IS TOTALLY INDEPENDENT OF YOUR GUARANTEE ISSUED AT OUR SPECIFIC REQUEST.

THE TOTAL AMOUNT OF OUR PRESENT COUNTER-GUARANTEE SHALL BE REDUCED BY ANY PAYMENT EFFECTED BY OUR BANK HEREUNDER FURTHER TO YOUR CLAIM(S) UNDER THIS COUNTER-GUARANTEE IF ANY.

ALL AND ANY SUMS DUE UNDER OUR PRESENT COUNTER-GUARANTEE SHALL BE PAID BY US TO YOUR BANK IN FULL WITHOUT ANY SET-OFF OR COUNTERCLAIM AND FREE AND CLEAR OF AND WITHOUT DEDUCTION OF OR WITHHOLDING FOR OR ON ACCOUNT OF ANY PRESENT OR FUTURE TAXES, DUTIES OR OTHER CHARGES.

IF ANY SUCH PAYMENT SHALL BE SUBJECT TO ANY SUCH TAX OR IF WE ARE REQUIRED BY LAW TO MAKE SUCH DEDUCTION OR WITHHOLDING, WE UNDERTAKE TO PAY SUCH TAX AND WILL PAY YOUR BANK SUCH ADDITIONAL AMOUNT AS WILL RESULT IN OUR COUNTRY ALLOWING YOUR BANK TO RECEIVE A NET AMOUNT EQUAL TO THE AMOUNT WHICH IT WOULD HAVE RECEIVED HAD NO SUCH PAYMENT, DEDUCTION OR WITHHOLDING BEEN REQUIRED.

WE UNDERTAKE TO PAY ALL YOUR GUARANTEE COMMISSION AND CHARGES AS REQUESTED BY YOU, AND THUS FROM ISSUANCE DATE UNTIL THE EXPIRY DATE OF YOUR GUARANTEE.

OUR COUNTER-GUARANTEE IN YOUR FAVOUR WILL EXPIRE AT OUR COUNTERS ON 28TH OF MARCH, 2020 (ONE MONTH AFTER VALIDITY OF LOCAL GUARANTEE).

WE REPRESENT AND CONFIRM THAT THE PRESENT COUNTER-GUARANTEE IS NOT IN CONTRARY TO THE LAWS OF OUR COUNTRY AND THAT UNDER THE PREVAILING REGULATION NO APPROVAL OF EXCHANGE CONTROL OR SIMILAR AUTHORITY IS NECESSARY FOR OUR REQUESTING YOU TO ESTABLISH THE REQUIRED GUARANTEE UNDER OUR

----- Message Trailer -----

{CHK:7D70B0B0FD75}

PKI Signature: MAC-Equivalent

----- Interventions -----

Category : Network Report

Creation Time : 03/05/19 16:53:59

Application : SWIFT Interface

Operator : SYSTEM

Text

{1:F21CGDIPTPLAXXX1988366942}{4:{177:1905031654}{451:0}{108:CGD 367886}}

-25-
7

----- Instance Type and Transmission -----
Notification (Transmission) of Original sent to SWIFT (ACK)
Network Delivery Status : Network Ack
Priority/Delivery : Normal/Deliv Notif
Message Input Reference : 1654 190503CGDIPTPLAXXX1988366943

----- Message Header -----
Swift Input : FIN 760 Guarantee/Stdby Letter Credit
Sender : CGDIPTPLXXX
CAIXA GERAL DE DEPOSITOS
LISBON PT
Receiver : PICHECEQ502
BANCO PICHINCHA C.A.
(HEAD INTERNATIONAL DIVISION)
QUITO EC
MUR : CGD 367886

----- FIN User Header -----
{108:CGD 367886}

----- Message Text -----

27: Sequence of Total
2/2
20: Transaction Reference Number
G305504
23: Further Identification
REQUEST
40C: Applicable Rules
OTHR/URDG
77C: Details of Guarantee
RESPONSIBILITY.

.
THIS COUNTER-GUARANTEE IS SUBJECT TO THE UNIFORM RULES FOR
DEMAND GUARANTEES OF THE INTERNATIONAL CHAMBER OF
COMMERCE, ICC PUBLICATION NO 758 (URDG 758).
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THIS IS OPERATIVE INSTRUMENT AND NO MAIL CONFIRMATION WILL
FOLLOW.

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PLEASE QUOTE OUR REFERENCE G305504 IN ALL YOUR FUTURE
CORRESPONDENCE.
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YOUR GUARANTEE WILL BE COLLECTED IN YOUR OFFICE BY:
PABLO ROJAS
PASSPORT NUMBER:1713198131
PHONE: +593999960092
EMAIL: CAMIONESJACINTO AT GMAIL.COM
.

BEST REGARDS
CO UCO 2.4

----- Message Trailer -----
{CHK:B736F2AB197D}
PKI Signature: MAC-Equivalent

----- Interventions -----

Category : Network Report
Creation Time : 03/05/19 16:53:59
Application : SWIFT Interface
Operator : SYSTEM
Text

{1:F21CGDIPTPLAXXX1988366943}{4:{177:1905031654}{451:0}{108:CGD 367886}}