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**Draft 8 May 2006**

**Exchange of Letters between the United States and Colombia**  
**Relating to Interim Measures under the Government Procurement Chapter**

The Honorable Robert J. Portman  
United States Trade Representative  
Washington, DC

Dear Ambassador Portman:

In connection with the signing on this date of the United States – Colombia Trade Promotion Agreement (the “Agreement”), I have the honor to confirm the following understanding reached by the Governments of the United States and Colombia regarding Chapter Nine (Government Procurement).

In respect of Article 9.11, in the case of Colombia, the *Tribunal Contencioso Administrativo* and *Consejo de Estado* are impartial authorities for the purposes of paragraph 1 of Article 9.11. As these impartial authorities do not have authority to provide the interim remedies referred to in Paragraph 3 of Article 9.11, the remedies available to the *Procuraduría General de la Nación* shall be deemed to satisfy the requirements of that paragraph. The *Procuraduría General de la Nación* is an independent agency that has the authority to suspend tendering procedures and the awarding of a contract in the course of any disciplinary proceedings brought against the government agents responsible for a procurement.

I have the honor to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an agreement between our two Governments.

Sincerely,

Jorge Humberto Botero