

AGREEMENT No. 143
(August 20, 2007)

“Whereby the Acquisition Regulation of the Panama Canal Authority is amended”

THE BOARD OF DIRECTORS
OF THE PANAMA CANAL AUTHORITY

WHEREAS:

Article 18, item 5, paragraph c of the Panama Canal Authority Organic Law No. 19 of June 11, 1997, empowers the Board of Directors authority to approve the Regulation applicable to contract work, supply acquisition, and the rendering of services contracts necessary for the proper functioning of the Canal.

The Board of Directors of the Panama Canal Authority approved the Acquisition Regulation pursuant to Agreement No. 24 of October 4, 1999.

That it is deemed convenient to modify the Acquisition Regulation to adapt its content to the current needs of the Canal. The Administrator of the Panama Canal Authority has submitted to the Board of Directors a draft agreement which contains the pertinent amendments for its consideration.

AGREES:

ARTICLE ONE: To add two new paragraphs to Article 47A of the Acquisition Regulation, which shall read thusly:

“6. In the event that, after the prequalification has been performed, any of the prequalified tenderers proposes to change, if the tenderer was a consortium, the composition of it’s members or if it was a corporation, the composition of its shareholders or partners or their share percentage in the company, the pre-qualified tenderer shall, within the established time frames specified in the pre-qualification document, submit a written proposal to the Authority, in compliance with the conditions and observing all prohibitions within said document concerning said changes, and subject in addition to the provisions herein:

- a. The Authority has the discretionary authority to authorize or not all changes proposed and may, before making any decision, request any additional information from the petitioner which may be deemed convenient; and,
- b. In no event will the Authority authorize the replacement of any one member of the consortium if the new member does not match or exceed the minimum requirements and each one of the criteria considered for evaluation that were taken into consideration for prequalifying the member of the consortium that would be replaced, nor shall it authorize changes in the composition or in the partners or shareholders share of the prequalified corporation if said change diminishes the result of the corporation’s evaluation.

7. The Prequalification Document shall be subject to the provisions in the Second Section of Chapter X of this Regulation for the presentation of any protest against the solicitation documents.”

Issued in the City of Panama, on the twentieth day of the month of August of two thousand and seven.

ARTICLE TWO: This agreement shall take effect upon its publication in the Canal Register.

TO BE PUBLISHED AND ENFORCED.

Dani Kuzniecky

Diógenes de la Rosa

Chairman of the Board of Directors

Secretary