

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:**  
**REFERENCIA DEL EXTERIOR:**  
**BANCO DEL EXTERIOR:**  
**ORDENANTE:**

**S122425**  
**G305505**  
**CAIXA GERAL DE DEPOSITOS**  
**JACINTO MARQUES DE OLIVEIRA, SUCRS,**  
**LDA**  
**USD 13,494.89**  
**28 DE FEBRERO DE 2020**

**VALOR:**  
**VENCIMIENTO:**

**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 13.494,89 (TRECE MIL CUATROCIENTOS NOVENTA Y CUATRO CON 89/100 DOLARES DE LOS ESTADOS UNIDOS DE AMERICA) PARA GARANTIZAR:

FIEL CUMPLIMIENTO DE CONTRATO No. IMP-CBGADMR-002-19

SE PAGARA EL VALOR DE ESTA GARANTIA AL RECIBO DE UNA COMUNICACIÓN DEBIDAMENTE FIRMADA POR EL REPRESENTANTE LEGAL DE 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 DE 2020**, FECHA EN LA CUAL CADUCARA 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 13,494.89** ////////////////////////////

ATENTAMENTE,

LC.

  
**www.pichincha.com**  
Mery Fernanda Oleas Gómez  
Supervisor Operaciones Empresas  
Matriz Quito

**Nº. 0136379**

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----- 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 : 1648 190503CGDIPTPLAXXX1988366933

----- Message Header -----  
 Swift Input : FIN 760 Guarantee/Stdby Letter Credit  
 Sender : CGDIPTPLXXX

CAIXA GERAL DE DEPOSITOS  
 LISBON PT

Receiver : PICHECEQXXX  
 BANCO PICHINCHA C.A.  
 (HEAD OFFICE)  
 QUITO EC

MUR : CGD 367858

----- FIN User Header -----  
 {108:CGD 367858}

----- Message Text -----  
 27: Sequence of Total  
     1/2  
 20: Transaction Reference Number  
     G305505  
 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:

QUOTE

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

PERFORMANCE GUARANTEE NO .....  
 WE, ----- (HEREINAFTER "THE  
 GUARANTOR"), WITH HEAD OFFICE AT -----,  
 TAX PAYER NUMBER -----, WITH A SHARE CAPITAL OF .....  
 HAVE BEEN

INFORMED THAT JACINTO MARQUEZS DE OLIVEIRA, SUCRS., LDA  
 (HEREINAFTER THE "PRINCIPAL"), DOMICILED AT  
 AVENIDA DOS CORREIOS NO 191 - APT. 47 3885-909 ESMORIZ,  
 PORTUGAL, HAS ENTERED INTO A CONTRACT NO IMP-CBGADMR-002-19,  
 WITH YOU CUERPO DE BOMBEROS DEL GOBIERNO AUTONOMO  
 DESCENTRALIZADO MUNICIPAL  
 DEL CANTON RIOBAMBA (HEREINAFTER THE "BENEFICIARY"), WITH HEAD  
 OFFICE AT CALLES CHILE 26-56 Y PICHINCHA, RIOBAMBA, EQUADOR  
 FOR THE AQUISICION DE UN VEHICULO AUTOBOMBA FORESTAL CON  
 CUMPLIMIENTO DE NORMATIVA INTERNACIONAL  
 (HEREINAFTER THE "CONTRACT").

FURTHERMORE, WE UNDERSTAND THAT, ACCORDING TO THE CONDITIONS OF  
 THE CONTRACT, A PERFORMANCE GUARANTEE IS REQUIRED.

THIS BEING STATED, WE, THE GUARANTOR, HEREBY IRREVOCABLY  
 UNDERTAKE TO PAY YOU, THE BENEFICIARY, ON YOUR

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FIRST WRITTEN DEMAND, IRRESPECTIVE OF THE VALIDITY AND LEGAL EFFECTS OF THE ABOVE MENTIONED CONTRACT AND WAIVING ALL RIGHTS OF OBJECTION AND DEFENSE ARISING FROM THE PRINCIPAL'S DEBTS ANY SUM OR SUMS UP TO THE AGGREGATE AMOUNT OF USD 13.494,89 (THIRTEEN THOUSAND, FOUR HUNDRED AND NINETY-FOUR DOLLARS AND EIGHTY-NINE CENTS). YOUR FIRST WRITTEN DEMAND SHALL BE ADDRESSED, BY REGISTERED LETTER, TO -----, AT THE ADDRESS HEREINABOVE MENTIONED, STATING:

(1) THAT THE PRINCIPAL IS IN BREACH OF HIS OBLIGATION(S) UNDER THE UNDERLYING CONTRACT, AND

(2) THE RESPECT IN WHICH THE PRINCIPAL IS IN BREACH.

THIS GUARANTEE SHALL EXPIRE ON 28/02/2020 (THE EXPIRY DATE) AT THE LATEST.

CONSEQUENTLY, ANY DEMAND FOR PAYMENT UNDER IT MUST BE RECEIVED BY US, AT THE ADDRESS HEREINABOVE MENTIONED, 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 13.494,89 (THIRTEEN THOUSAND, FOUR HUNDRED AND NINETY-FOUR DOLLARS AND EIGHTY-NINE 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.

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.

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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 28 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 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).

THIS IS OPERATIVE INSTRUMENT AND NO MAIL CONFIRMATION WILL  
FOLLOW.

PLEASE QUOTE OUR REFERENCE G305505 IN ALL YOUR FUTURE  
CORRESPONDENCE.

YOUR GUARANTEE WILL BE COLLECTED IN YOUR OFFICE BY:

NAME: PABLO ROJAS (ID 1713198131)

PHONE NUMBER: +593999960092

EMAIL: CAMIONESJACINTO (AT) GMAIL.COM

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

{CHK:A185E8DFA1CD}

PKI Signature: MAC-Equivalent

----- Interventions -----

Category : Network Report  
Creation Time : 03/05/19 16:47:59  
Application : SWIFT Interface  
Operator : SYSTEM  
Text

{1:F21CGDIPTPLAXX1988366933}{4:{177:1905031648}{451:0}{108:CGD 367858}}

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/

----- Instance Type and Transmission -----  
Notification (Transmission) of Original sent to SWIFT (ACK)  
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CAIXA GERAL DE DEPOSITOS  
LISBON PT

Receiver : PICHECEQXXX  
BANCO PICHINCHA C.A.  
(HEAD OFFICE)  
QUITO EC

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OTHR/URDG

77C: Details of Guarantee

BEST REGARDS  
CO UCO 2.4

----- Message Trailer -----  
{CHK:CD37096777C0}  
PKI Signature: MAC-Equivalent

----- Interventions -----  
Category : Network Report

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Operator : SYSTEM

Text

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