

EXECUTIVE OFFICE OF THE PRESIDENT
DEPUTY UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

November 22, 2006

The Honorable Jorge Humberto Botero
Minister of Commerce, Industry and Tourism
Ministerio de Comercio, Industria y Turismo
Bogotá, Colombia

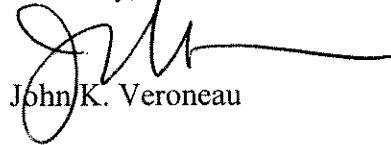
Dear Minister Botero:

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 of America and Colombia during the course of the negotiation of 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 officials 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,



John K. Veroneau

[Courtesy Translation]

November 22, 2006

The Honorable John K. Veroneau
United States Trade Representative
Washington, DC

Dear Ambassador Veroneau:

I have the honor to acknowledge receipt of your letter of this date, which reads as follows:

“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 of America and Colombia during the course of the negotiation of 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 officials 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.”

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

Sincerely,

Jorge Humberto Botero
Minister of Commerce, Industry and Tourism
