

ADDENDUM No. 1
PARTIAL MODIFICATION TO THE FINAL BIDDING DOCUMENTS
INTERNATIONAL OPEN BIDDING MONÓMEROS 001-2024

OBJECT: To contract the "Supply of a Secondary Nitrous Oxide Abatement System (N₂ O), for the Nitric Acid Plant of Monómeros, located in the Special, Industrial and Port District of Barranquilla, Department of Atlántico - Colombia, in the context of the Nitric Acid Climate Action Group (NACAG) initiative".

The company Monómeros Colombo Venezolanos S.A., based on the observations received to the technical annex 1 A of the Definitive Bidding Documents and the responses made to them in the process of **International Open Bidding Monómeros 001-2024**, considers convenient to modify one of the technical requirements demanded in the present selection process, as well as to clarify the legal requirements that were indicated in the definitive bidding documents in the following terms:

FIRST: MODIFY paragraph b of numeral 2 of the technical annex 1A, CONDITIONS OF GUARANTEE TO BE REQUIRED BY MONÓMEROS FROM THE SUPPLIER THAT WINS THE SUPPLY, which will read as follows:

"(...) b. Mechanical Warranties:

*The Supplier shall **guarantee a minimum of 20,000 operating hours** for the support basket structure of the abatement system. The support basket shall be covered against any design, material, welding or other failures for all equipment components under normal operating conditions. A basket life of 50,000 hours is expected.*

Correct procurement, machining, heat treatment, welding, thermal stability and watertightness must be guaranteed by the selected Supplier within of the International Public Bidding process."

SECOND: MODIFY AND CLARIFY the second number (2) of SECTION III. PROCEDURE OF THE INTERNATIONAL OPEN BIDDING PROCEDURE CRITERIA FOR SELECTING THE MOST FAVORABLE BID, in relation to the **minimum term or time of incorporation that will be required of the participants**, which will be as follows:

(modification highlighted in bold)

"2. PARTICIPANTS.

The following may participate in this selection process, as long as they meet the conditions required in the Bidding Documents and are not subject to any cause of inability or incompatibility: i) individually, national or foreign legal entities that are duly constituted, prior to the closing date of the process and/or jointly, in any of the forms of association provided in Article 7 of Law 80 of 1993 (Consortiums, temporary unions or promises of future partnership) formed by legal entities under the conditions set forth above, whose corporate purpose allows them to comply with the purpose of the Contract.

All Proposers must:

a) Have the legal capacity to submit the Proposal.

b) Have the legal capacity to enter into and perform the contract.

c) Comply with the validity of the company at the time of submitting the bid, which must be at least three (3) years of incorporation, prior to the opening date of this open international bidding.

d) Not to be in a process of compulsory liquidation, concordat or any other process of insolvency according to the applicable law; such affirmation shall be understood to be given with the subscription of the Letter of Presentation of the proposal.

e) Not being reported in the Boletín of Fiscals officers according to the country of origin.

f) Not to be involved in any of the causes of inability, incompatibility, conflict of interest provided by the Colombian Law and the Constitution, as well as in the contracting prohibitions provided by Monómeros.

NOTE: *A legal entity may NOT submit more than one offer for the same contractual process, individually or as a member of a consortium or joint venture or any other associative form. In the event that this prohibition is incurred, by itself or through an intermediary, Monómeros will not consider any of the offers and the proposals will be REJECTED.*

2.1 CONSORTIUMS, JOINT VENTURES, PROMISE OF FUTURE PARTNERSHIP.

The bidders may participate as a consortium, joint venture or promise of future partnership, jointly and severally liable for the obligations arising from the proposal and the contract in both cases. The penalties derived from the eventual non-compliance with the obligations derived from the proposal and the contract, for the temporary union, will be imposed according to the participation in the execution of each of the members. For the consortium, the actions, facts and omissions that may arise shall affect all the members of the consortium conform.

In the event that the proposal is submitted in a consortium, joint venture or promise of future partnership, the corresponding document of formation (Form 6) must be attached to the proposal, duly completed and signed for each particular case.

The term of duration of each of the members of the Consortiums or Temporary Associations may not be less than three (3) years.

THIRD: MODIFY AND CLARIFY numeral 4 "Minimum Qualifying Requirements" subnumeral 4.1 "Legal Capacity ("COMPLIES - DOES NOT COMPLY")", regarding the time of incorporation of the legal entity that may participate in the present selection process, which will be as follows: (modification highlighted in bold type)

"4.1 LEGAL CAPACITY (COMPLIES / DOES NOT COMPLY).

In order to verify the legal capacity of the interested bidders, the following documents and requirements must be submitted with the proposal:

a) Anti-corruption commitment (Form N° 01). The Offer must be accompanied by this document, signed by the Bidder, which is understood to be made under oath and stating that the Bidder is not immersed in any of the grounds set forth in Colombian law.

b) Manifest of No Impediment to Participate (Form No. 02), the bidder or each one of the members in case of a plural bidder must fill out the form in question, which must be signed by the legal representative of the legal entity. In case of having fines, the bidder must inform and list the pertinent.

c) Letter of presentation of the Offer (Form N° 04). The BIDDER shall fill in the corresponding format and attach the letter of presentation of the proposal, duly signed by: The legal representative for legal entities; the person appointed to represent it in case of Consortium or Temporary Union, or the duly constituted attorney-in-fact. By signing the document in question, the bidder declares under oath that it is not subject to any cause of

incompatibility and/or inability to submit the bid and expressly accepts and agrees to the procedures, contents and reciprocal obligations established in the selection process. Whoever subscribes the letter of presentation of the proposal shall:

- In case of being a legal entity: To be the legal representative or attorney-in-fact of the bidder, with express authority to act in the name and on behalf of the bidder. In the latter case, the power of representation must include the power to submit the proposal, enter into the contract (if awarded) and liquidate it.*
- In case of consortium or temporary union: To be the representative of the consortium or temporary union, with express authority to act in the name and on behalf of the consortium or temporary union.*

Such power of representation should include the power to submit the proposal, to enter into the contract (if awarded) and liquidate it.

d) Certification of the Legal Entity (Form N° 05). This Annex must be submitted duly signed and filled out.

e) Capacity, existence and legal representation. Legal entities must prove their existence and legal representation with the appropriate document issued by the competent authority in the country of its domicile no earlier than three (3) months from the date of presentation of the Offer, in which it is evidenced that the legal representative has no limitations to contract obligations on behalf of the legal entity, or by providing the corresponding authorization or document of the direct corporate body that empowers him/her. This document shall be used to verify:

- The date of issuance of the certificate of existence and legal representation no more than three (3) months prior to the closing date of this process.*
- That the object of the company includes the main activities that are the object of the present process.*
- **The duration of the partnership (singular-plural proposer) must be at least three (3) years prior to the opening date of this Bidding.***

The term of duration of each of the members of the Consortiums or Temporary Associations may not be less than three (3) years prior to the opening date of this bidding.

- *If the legal representative of the company has restrictions to contract obligations on behalf of the company, he/she must prove sufficient authorization from the respective competent corporate body to contract obligations on behalf of the company.*

Note 1: If the Offer is subscribed by a foreign legal entity through its branch office in Colombia, the legal capacity of the branch office and of its representative or agent must be evidenced through the presentation of the Certificate of existence and legal representation with an issue date of no more than 30 days prior to the date of presentation of the offer by the Chamber of Commerce.

Note 2: When the documents provided by the foreign legal entity to prove the existence and legal representation do not have all the required information, they may attach a certification signed by the legal representative of the foreign legal entity with the missing data, which is understood to be submitted under oath.

NOTE 3: If the BIDDER is a CONSORTIUM, TEMPORARY UNION OR PROMISE OF PARTNERSHIP FUTURA, as a result of the integration of legal entities, *the above documents must be submitted for each and every one of its members.*

f) Constitutive document of the consortium or temporary union or promise of future partnership if the Bidder is plural (Form 6), which must state the participation of each of the members of the plural Bidder, the legal representation of the plural Bidder or the power of attorney granted to the person who subscribes the documents on behalf of the plural Bidder, if this is the Bidder's condition.

g) Authorization of the corporate body. In case there are statutory limitations to the powers of the legal representative, the respective authorizations to develop the present selection process, the contract and all the activities directly or indirectly related.

h) Duly constituted power of attorney. In the event that the letter of presentation of the proposal is submitted through an attorney-in-fact, the latter must be duly empowered to submit it, as well as to attend and participate during the entire selection process. When participating in a Consortium or Temporary Union, they may designate a single common representative and, in such case, the presentation of the document of formation of the Consortium or Temporary Union, signed by all the members, shall be sufficient for all purposes.

i) Minutes of the shareholders' meeting in the event that the powers of the legal representative are limited due to the nature or amount of the legal business.

j) Certification of compliance with its obligations with the integral social security system and parafiscal contributions (Form 7).

In the case of foreign bidders with no domicile or branch office in Colombia and in whose country the obligation to pay parafiscal and social security contributions is not required. The legal representative of the legal entity, consortium or temporary union must indicate this circumstance in a document signed under oath.

k) Judicial, fiscal and disciplinary records issued by the competent authority, according to the country of origin. Monómeros will verify in the last bulletin of responsible persons issued by the General Comptroller of the Republic of Colombia, the General Attorney's Office of the Nation and the National Police, which the bidder and each of its members when it is a Consortium or Temporary Union, are not reported in such bulletin(s).

NOTE: In the case of foreign bidders without domicile or branch in Colombia and in whose country of origin there is no state entity that certifies the absence of the described background or its equivalence, this circumstance must be indicated as well as the declaration of not having a background that implies inability to contract in a document signed under oath by the bidder legal representative of the legal entity, as individual bidder or member of the plural bidder.

l) Photocopy of citizenship document and/or its equivalent. The legal representative of the bidder legal entity must submit a copy of the citizenship document, or foreigner's document, as appropriate, showing only the front side of the document (part where the image of the person is located).

If the proposal is submitted as a consortium, joint venture or any other form of plural bidder, copies of the citizenship documents or identification documents of the legal representatives of each of the companies or corporations that make up the plural bidder, as well as that of the designated representative, must be attached.

FOURTH: MODIFY AND CLARIFY numeral 4 "Minimum Qualifying Requirements" subnumeral 4.4 "Technical Capacity ("(COMPLIES - DOES NOT COMPLY)", regarding the accreditation of the fourth technical qualification requirement "guarantee", which will read as follows: (modification highlighted in bold type)

<p>4.</p>	<p><i>"The Bidder shall offer a warranty of at least two (2) years against manufacturing defects of the basket, which covers spare parts, accessories and other contracted goods. This warranty shall be effective from the date of delivery to satisfaction. Therefore, by means of this warranty this bidder shall be obliged to replace any component of the basket that is required due to manufacturing defects or poor quality."</i></p>	<p><i>To include in the proposal</i></p>
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FIFTH: The other conditions of the bidding documents, which have not been modified by this Addendum, **remain in effect** as long as they are not contrary to the modifications adopted herein.

Given in the city of Barranquilla - Colombia, on the eighteenth (18th) day of the month of June, 2024.

THE STRUCTURING COMMITTEE