

A17 LETTER OF TENDER

Date of this Tender: , 2009

NAME OF CONTRACT: Design and Construction of the Third Set of Locks, Panama Canal (RFP No. 76161)

TO: Autoridad del Canal de Panamá
Centro de Capacitación Ascanio Arosemena
Edificio 705, Ala Gerencial, Balboa
Panama, Republic of Panama
(the "Employer")

In this Letter of Tender unless defined herein words and expressions shall have the same meaning as are respectively assigned to them in the Conditions of Contract (Volume III, Part I of the RFP).

By delivery of this Letter of Tender, we, the tendering parties below (collectively, the "Tenderer" and, for the purposes of the Contract, the "Contractor"), each hereby makes the attached and enclosed Tender jointly and severally to the Employer, and further represents and warrants that we have examined, understood and checked the documents forming the RFP, all its amendments, and have ascertained that they do not contain any unfeasibility, errors, fault or other defects. We accordingly offer to design, execute and complete the Works and remedy any defects therein and to perform all other obligations of the Contractor under the Contract, in conformity with this Tender.

We agree to abide by this Tender until the expiration of the Tender Validity Period (as defined by Volume I, Part I of the RFP) and it shall remain binding upon us and may be accepted by the Employer at any time before the expiration of such period.

If this Tender is accepted, we will provide each of the Contractor Security Instruments in accordance with the terms of the Conditions of Contract, commence the Works as soon as is reasonably practicable after the Commencement Date, and complete the Works in accordance with the Contract within the Time for Completion.

This Tender made hereby, together with your written acceptance thereof by way of the Letter of Acceptance, shall constitute a binding contract between us, which shall be further evidenced by the execution of the Contract Agreement. This Tender shall be governed by the laws of the Republic of Panama.

We understand that you are not bound to accept the lowest or any tender you may receive.

NOW THEREFORE, the undersigned duly authorized representatives of the Tenderer have caused this Tender to be made the day and year first before written.

SIGNED by:

Name:

Position:
Address:
Date:

for and on behalf of the Tenderer and for and on behalf of [insert name of Lead Member], as Member and Lead Member in the presence of

Witness:
Name:
Address:
Date:

SIGNED by:

Name:
Position:
Address:
Date:

for and on behalf of the Tenderer and for and on behalf of [insert name of Member], as Member in the presence of

Witness:
Name:
Address:
Date:

[Insert such number of execution blocks as required to enable all Members to sign the Letter of Tender. The Letter of Tender is to be signed by each Member on its own behalf and on behalf of the Tenderer.]^{A17}