OFFICIAL TRANSLATION of an ETHICS AND COMPLIANCE ATTACHMENT originally issued in SPANISH

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/// This ethics and compliance attachment shall be incorporated in the Election Method and articulated with the contractual integrity commitment ///

**ATTACHMENT**

**ETHICS, TRANSPARENCY AND COMPLIANCE RULES**

**1. EFFECTS OF THE PRESENTATION OF THE BID.**

With the presentation of the **BID**, the **BIDDER** declares under oath that it is aware and accepts:

a) The provisions on conflicts of interest and ethical conflicts included in the By-laws, the Code of Good Governance, the Code of Ethics and Conduct, the Instructions on Conflicts of Interest, Disqualifications and Incompatibilities and other internal regulations that relate to the subject in **ECOPETROL,** or modifications thereto, as well as the consequences derived from any breach of said regulations.

b) That it complies with all the requirements established by **ECOPETROL** to participate in this Election Method and has truthfully completed the forms to ratify its commitment to contractual integrity (VEI-F-058 or replacing forms).

c) That its funds derive from legal activities and are linked to the normal development of activities related to its corporate purpose; consequently, it declares that these funds are not the result of illegal activities or derive from the breach of a rule and/or provision, national or international, applicable to **ECOPETROL.**

d) That it has not carried out transactions or operations consisting of or aimed at the promotion, performance of illegal activities, or in favor of persons related to these activities.

e) That it has not carried out transactions, business or operations with persons, companies or countries included in restricted lists issued by the Office of Foreign Assets Control (OFAC) or the United Nations.

f) That for the performance of the contract or commercial agreement entered into, or the performance of its regular activities, it will not contract with third parties engaged in illegal operations or whose funds derive from illegal activities.

g) That with the presentation of the Bid, neither by its object or by its effect, it incurs practices involving restrictive or unfair competition, such as, without limited to: Agreement between two or more companies that prevents, restricts, or distorts competition, abusive conducts by economic agents holding a dominant position in the market, economic integrations that substantially restrict competition and are not compensated with efficiencies. In addition to the foregoing, acts of Unfair Competition contemplated in Law 256 of 1996 that affect or impact the market.

h) That with the presentation of the Bid, the selection, integration, and composition of the members of Plural or Joint Bidders, no situations arise among bidders that may generate risks or materialize conducts affecting, manipulating, or distorting the competition subject matter of the election method, by reason of commercial, or legal relationships, or of any other nature between bidders, legal representatives or shareholders, related to or that arise from the contractual process.

i) That it complies and will comply with the rules on prevention and control of money laundering and terrorist financing (ML/TF) applicable to it and to **ECOPETROL**; to that effect, it will guarantee the implementation of policies, procedures and mechanisms contemplated in internal provisions and national and international regulations.

j) That if the **BIDDER** and/or any of its members (in case of joint **BIDDERS**) or the legal person(s) with which the bidder intends to demonstrate any of the participation requirements (in cases accepted by the **ELECTION METHOD DOCUMENTS**), have been investigated and/or sanctioned by the United States authorities for failure to comply with the provisions of the Foreign Corrupt Practices Act (FCPA), said **BIDDER,** member, or accrediting legal person (as the case may be) shall make a declaration completing the corresponding form and will submit to **ECOPETROL** the respective action plan implemented (if applicable) with the corresponding authority, and deliver the document(s) that certify its compliance with the agreement(s).

k) That if after evaluating the action plan implemented, **ECOPETROL** considers that the controls applied are insufficient to address the specific risk to the contract or commercial agreement derived from the Election Method, **ECOPETROL** may request the application of additional controls with the purpose of mitigating recidivism of the conducts sanctioned and minimizing the risk of exposure during the performance of the contract or the commercial agreement. Likewise, **ECOPETROL** may decide not to carry out business with the respective company. To that effect, the **BIDDER** accepts the implementation commitment within the term indicated by **ECOPETROL**, under penalty of early termination of the contract or commercial agreement -if the bidder was awarded the contract or commercial agreement.

l) That **ECOPETROL** reserves the right to demand the implementation of similar measures in those cases in which the **BIDDER** and/or any of its members (in the event

of joint **BIDDERS**) or accrediting legal person, have been subject to sanctions imposed by the Office of Foreign Assets Control (OFAC) or by United Nations lists. In these cases, **ECOPETROL** may also request the adoption of measures and controls from and during the Election Method, if deemed necessary. Likewise, **ECOPETROL** may decide not to carry out business with the respective company.

m) That the person signing the bid, the company or entity I represent, its shareholders, associates or partners that directly or indirectly hold five percent (5%) or more of the corporate capital, contribution or participation, its legal representatives and members of the Board of Directors, are not included in the international lists that bind Colombia, in conformity with International Law (United Nations lists) or the OFAC lists, in which case **ECOPETROL** is entitled to carry out the verifications it considers pertinent and terminate any commercial or legal relationship if it verifies that I, or any of the abovementioned persons, are included in said lists.

n) That if during the performance of the contract or commercial agreement the **CONTRACTOR** and/or any of its members (in case of joint **CONTACTORS**) are subject to investigation or sanction by reason of the actions described above, the **CONTRACTOR** shall communicate these facts to **ECOPETROL** within a term not exceeding five (5) business days following notification, and provide the sanctioning document(s), action plans and/or the respective initial investigation acts so **ECOPETROL** may adopt and include the measures it deems pertinent.

ñ) That failure to comply with any obligation to adopt the laws and internal rules to prevent money laundering and terrorist financing (MA/TF), fraud and/or corruption, will also result in the early termination of the contract or commercial agreement.

o) That it is understood that the person signing the **BID** and the natural or legal person represented by the signatory grant their informed consent and therefore, we authorize **ECOPETROL** to communicate to the national and international authorities -including authorities of countries in which **ECOPETROL** carries out operations-, any situation which implies my involvement in conducts contemplated in this document.

Likewise, **ECOPETROL** is authorized to provide the competent authorities all the personal, public, private or semi-private information they may require regarding the person signing the bid or the natural or legal person represented. The bidder acknowledges and accepts that **ECOPETROL** submits the corresponding reports to the pertinent authorities, in conformity with its rules and manuals regarding the system to prevent and/or manage risks related to money laundering and terrorist financing, exonerating it from any responsibility for such procedure.

p) That all the documentation and information supplied for the execution and performance of the contract or legal business is true and accurate, and that **ECOPETROL** is authorized to carry out verifications considered pertinent, and to terminate the contract or legal business if it verifies or has knowledge to the contrary.

q) That no other natural or legal person has a non-legitimate interest in the contract or legal business that motivates the presentation of the **BID.**

r) That neither the person or company signing the **BID,** nor its legal representative, or members of Boards or shareholders, act in conflict of interest or ethical conflict according to **ECOPETROL’s** regulations (By-laws, Code of Good Governance, Code of Ethics and Conduct).

s) That with the presentation of the **BID** no acts that constitute a violation of the rules of free and fair competition are carried out.

t) That neither the bidder, nor its partners, members of Boards, legal representative or its employees have had access to confidential or privileged information with respect to the selection process.



u) That neither the bidder, nor its partners, members of the Board, legal representative or employees have offered presents, invitations, hospitalities, or bribery of any nature to have access to confidential or privileged information with respect to the Election Method or to be awarded the contract or commercial agreement.

v) That the **BIDDER** is not subject to disqualifications or incompatibilities as provided for in Law 80 of 1993, Law 1474 of 2011, Law 1778 of 2016 and related provisions.

w) That neither the **BIDDER** nor any of its members (in the case of joint **BIDDERS)** have been proven liable by **ECOPETROL** or any company of its Business Group of incurring a violation of the corresponding Code of Ethics and Conduct or internal regulations related to compliance risks (corruption, fraud, bribery, money laundering, terrorist financing or violations to the FCPA Law).

x) That it acknowledges, declares, and accepts that **ECOPETROL** is required by the law to request clarifications deemed pertinent in the event circumstances arise based on which there is reasonable doubt regarding the operations or regarding the natural or legal person I represent, as well as in relation with the origin of our assets, in which case we shall provide clarifications, accounting and financial information of our suppliers, clients and employees, as the case may be. If such clarifications are not to the satisfaction of **ECOPETROL,** we authorize it to terminate any commercial or legal relationship.

y) That it acknowledges, declares and accepts that Ecopetrol S.A., and any of its

Group subordinates or affiliates may terminate the contracts or covenants entered into with Ecopetrol and its Group companies, regardless of the singular or plural nature of the contractor (without consideration of the form of association), once the internal procedures established and agreed to are finalized, upon decision issued by the Corporate Ethics and Compliance Management Office of the Compliance Vice Presidency of Ecopetrol, when there is evidence that one or several of the following conducts have taken place: (i) any situation described in the declaration included in the registered list of suppliers (ML/TF Prevention Declaration), (ii) actions or omissions corresponding to fraud, bribery and corruption activities are verified (violations to the FCPA Law, gifts, invitations, conflicts of interest or ethical conflicts), in conformity with the Code of Ethics and Conduct of Ecopetrol, which is an integral part of the documents of the Election Method and the contract, as well as corporate provisions that amend, update or adjust them, informed to the **BIDDER** and/or Contractor.

**2. MINIMUM PARTICIPATION REQUIREMENTS.**

**2.1 COMPLIANCE WITH MONEY LAUNDERING AND TERRORIST FINANCING PREVENTION AND CONTROL RULES**

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In the event the **BIDDER** and/or any of its members (in the case of joint **BIDDERS**) is required by regulations in force to implement systems to prevent and control money laundering and terrorist financing as a condition to analyze its bid, the **BIDDER** and/or its members (as corresponds) must accredit full compliance with these obligations through certification signed by its legal representative or by the Compliance Officer.

If the **BIDDER** and/or any of its members (in the case of joint **BIDDERS**) is not required by regulations in force to implement systems to prevent and control money laundering and terrorist financing, it shall expressly inform such circumstance in any section of the **BID.** In this event, it shall express its specific commitment to fully comply with the legal and regulatory provisions applicable to **ECOPETROL** and sign the commitment with the contractual integrity demanded from it.

Failure to provide the foregoing certificate or to make the statement required, shall only be remedied within the term established by **ECOPETROL.**

**2.2 INFORMATION OF PARTNERS, ASSOCIATES OR MAJORITY SHAREHOLDERS.**

The **BIDDER** and its members (in case of a joint **BIDDER**) shall inform the name and identification of the shareholders, associates or partners that directly or indirectly hold five percent (5%) or more of the capital stock, contribution, or interest.

Failure to provide this information shall only be remedied within the term established by **ECOPETROL.**

**2.3 INADMISSIBILITY OF THE BID.**

Any bid which incurs any or several of the following situations will not be analyzed:

a) When the **BIDDER** or any of its members, by reason of its participation in the Election Method or due to its previous relationship with **ECOPETROL** or with any of the Group companies, incurs or has incurred any violation of the Code of Ethics and Conduct and/or events of corruption, fraud, bribery, money laundering, terrorist financing or violations to the FCPA Law.

b) When it abstains from signing the attachments and/or forms related to ethics, transparency or contractual integrity in the manner established by **ECOPETROL.**

c) When it has failed to comply with any of the conditions and demands included in this document.



d) Bids submitted by **BIDDERS** that, in their capacity as contractors or members of a contractor, carried out or are currently carrying out in favor of ECOPETROL**,** activities inherent to the planning of the contract subject matter of this Election Method.

Bids submitted by the following bidders shall also be inadmissible: i) branches, ii) controlling or controlled companies or members of the contractors described in the foregoing paragraph, or iii) controlling or controlled companies of the contractor´s parent company or members of the contractors described in the foregoing paragraph.

It is understood that, by submitting the **BID,** the **BIDDER** acknowledges and accepts that neither it or its members (in the case of joint **BIDDERS**) are in the situation described in this numeral as a generator of a conflict of interest or ethical conflict, in the light of **ECOPETROL’s** internal regulations.

**3. PERFORMANCE REQUIREMENTS**

As a requirement for the performance of the contract or commercial agreement, the **BIDDER** shall declare that:

a) It is complying with the provisions regarding prevention and control of money laundering and terrorist financing applicable to it and to **ECOPETROL.**

To accredit the foregoing, it will submit a certificate stating the above, issued by the legal representative or by the Compliance Officer, in accordance with form SCI-F-003 or that

which replaces it.

b) Neither the bidder nor its shareholders, associates or partners who directly or indirectly hold five percent (5%) or more of the capital stock, contribution, or interest, is included in the international lists that bind Colombia, in conformity with international law (lists issued by the United Nations), OFAC lists or other lists of criminals or terrorists that due to their nature, generate a high risk of MA/TF.

c) It has completed the attachments and/or forms regarding ethics, ML/TF, transparency, or contractual integrity in the manner established by **ECOPETROL.**

**4. INFORMATION ON IRREGULARITIES - PRESIDENTIAL PROGRAM “FIGHT AGAINST CORRUPTION”.**

Irregularities, improper acts or omissions of public servants of **ECOPETROL,** that arise by reason of the Election Method procedure, may be informed to the Corporate Management of Ethical and Compliance Matters calling 2343900 or through the toll-free line 018009121013 for the rest of the country; address: Carrera 13 No. 36 -24, Piso 4, Edificio **ECOPETROL,** Bogotá D.C., or through the following link of the corporate complaints channel: <http://lineaetica.ecopetrol.com.co>.

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I hereby declare under oath that the foregoing is a true translation from the original, that I am well acquainted with the English and Spanish languages and that I am an Official Translator accredited by Certificate of Professional Competence No. 525 of August 30, 2018, issued by the Universidad Nacional de Colombia.

Bogotá, D.C., 7 January 2022

 

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