


**COMMONWEALTH OF PUERTO RICO  
PUERTO RICO ELECTRIC POWER AUTHORITY**

**CONTRACT 2019-P00045 E  
FIFTH AMENDMENT**

**APPEAR**

**AS FIRST PARTY:** The Puerto Rico Electric Power Authority (PREPA), a public corporation and government instrumentality of the Commonwealth of Puerto Rico, created by Act 83 of May 2, 1941, as amended (Act 83), represented in this act by its Chief Executive Officer/Executive Director, José F. Ortiz Vázquez, of legal age, married and resident of San Juan, Puerto Rico. -----

**AS SECOND PARTY:** Triple-S Salud, Inc. (hereinafter referred to as "the Insurer"), a corporation organized and existing under the laws of the Commonwealth of Puerto Rico, herein represented by its President, Madeline Hernández Urquiza, of legal age, single and a resident of San Juan, Puerto Rico, duly authorized to appear in representation of the Insurer by Certificate of Incumbency dated December 26, 2019. -----

 Both PREPA and Insurer are herein individually referred to as a "Party" and collectively referred to as the "Parties".-----

**WITNESSETH**

**WHEREAS,** PREPA, by virtue of its enabling act (Act 83), has the authority to engage those professional, technical and consulting services necessary and convenient to the activities, programs, and operations of PREPA;-----

**WHEREAS**, on December 27, 2018 the Parties executed the Contract 2019-P00045 (hereinafter referred to as "Contract") for the provision of health insurance products for PREPA's Retired Employees under 65 years of age (hereinafter referred to as "The Plan"). The Contract was originally effective until December 31, 2019.

**WHEREAS**, as a result of PREPA's Request for Proposal (RFP) 97716, on December 27, 2019, the Parties executed the Contract 2020-P00066 (hereinafter referred to as "New Contract") to provide PREPA the same services during 2020.-----

**WHEREAS**, through Resolution of December 27, 2019 the Puerto Rico Court of Appeal, upheld a complaint brought by MMM Healthcare, LLC (case KLRA2019-00796), requesting the stay of PREPA's administrative proceedings related to the execution of a contract under the RFP 97716. -----

**WHEREAS**, through Resolution dated December 30, 2019, notified on December 31, 2019, the Puerto Rico Court of Appeals, sustained the stay of PREPA's administrative proceedings related to the execution of a contract under the RFP 97716.

**WHEREAS**, after considering the adverse effect that the above-mentioned stay could have in the beneficiaries of PREPA's health plan, on December 31, 2019 the Parties executed a First Amendment to the Contract extending its term for a thirty (30) days period or until the final determination of the Court of Appeals regarding case KLRA2019-00796, whichever occurs first. On January 30, 2020 the Parties executed a Second Amendment to the Contract extending its term for a thirty (30) days period or until the final determination of the Court of Appeals regarding case KLRA2019-00796, whichever



occurs first. On February 28, 2020 the Parties executed a Third Amendment to the Contract extending its term for a thirty-one (31) days period or until the final determination of the Court of Appeals regarding case KLRA2019-00796, whichever occurs first. On March 31, 2020 the Parties executed a Fourth Amendment to the Contract extending its term until April 30, 2020 or until the final determination of the Court of Appeals regarding case KLRA2019-00796, whichever occurs first. -----

**WHEREAS**, considering that as of this date the Court of Appeals has not yet resolved, nor has it lifted the stay of proceeding in case KLRA2019-00796, and due to the lock-down established by the Government of Puerto Rico to control the spread of the COVID-19 Pandemic, the Parties consider it necessary and convenient to extend the Contract term for an additional period, specifically until June 30, 2020, or until the Court of Appeals issues its final determination in case KLRA2019-00796, whichever occurs first.-----

**THEREFORE**, in consideration of the mutual covenants and agreements contained in this amendment, hereinafter stated, the Parties agree themselves, their personal representatives, and successors as follows: -----

**TERMS AND CONDITIONS**

**FIRST:** The Parties agree to extend the term of the Contract until June 30, 2020, under the same terms and conditions. Nevertheless, if during this period of extension, the Court of Appeal issues its final determination in case KLRA2019-00769, in a manner favorable to PREPA, the Parties agrees that the terms and conditions of the New Contract will come into effect immediately.-----

**SECOND:** All disbursements made by PREPA under the provisions of this Contract will be paid from account 01-2283-22836-000-000.-----

**THIRD:** All other terms and conditions, specifications, stipulations, insurances, and requirements established in the Contract, as amended, shall remain unaltered and fully enforceable.-----

In WITNESS WHEREOF, the Parties hereto have agreed to execute this Fifth Amendment of the Contract in San Juan, Puerto Rico, on April 30, 2020.-----

Puerto Rico Electric Power Authority

Triple-S Salud, Inc.



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José F. Ortiz Vázquez  
Chief Executive Officer

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Madeline Hernández Urquiza  
President