

**ACT No. 12.912 OF OCTOBER 11, 2013**

**Amends Act No. 12.610, of December 27, 2012, authorizes the contribution of up to five percent (5%) of the States and Federal District Sharing Fund - FPE to the Fund for Social and Economic Development - FUNDESE and authorizes the concession of a tariff subsidy for the Subway System of Salvador and Lauro de Freitas.**

**I, THE GOVERNOR OF THE STATE OF BAHIA**, make it known that the Legislative Assembly decrees and I sanction the following Act:

**Art. 1** - Item I of Paragraph 4 and Paragraph 9 of art. 1 and Paragraph 2 of art. 3, all of Act No. 12.610, of December 27, 2012, shall henceforth be in force with the following wordings:

**“Art. 1** - .....

**Paragraph 4** - .....

I - the credits from financing agreements or funds arising from the payment of such credits, of the Fund for Social and Economic Development - FUNDESE, established by Act No. 7.599, February 7, 2000;

**Paragraph 9** - Venue of FGBP shall be in Salvador - Bahia.”

**“Art. 3** - .....

**Paragraph 2** - The FGBP may provide counter-guarantees to insurers, financial institution, international bodies, state-owned enterprises or funds linked to the Federal Government that secure the fulfillment of the pecuniary obligations of members in public-private partnership agreements.  
.....”

**Art. 2** - Act No. 12.610, of December 27, 2012, shall henceforth be in force with the addition of the following provisions:

**“Art. 1** - .....

**Paragraph** **4** -

.....  
.....  
X - funds of the States and Federal District Sharing Fund - FPE intended to the State of Bahia;”

“**Art. 1-A** - The State of Bahia, initial member of the FGBP, after its regular organization, shall pay in all shares in cash from credit transaction, pursuant to art. 1, Paragraph 4, item III, of this Act, in the initial amount of two hundred fifty million reais (BRL 250,000,000).

**Paragraph 1** - The amount mentioned in the main section of this article shall be the minimum balance of funds contributed to the FGBP.

**Paragraph 2** - If the minimum balance is reduced, the financial agent that is the manager of the FGBP shall adopt the following procedures:

I - promptly notify the meeting of members by letter, documenting the updated status of the guarantees, showing the total amount and composition;

II – establish a term of thirty (30) days for the State of Bahia to pay in new units of membership interest in cash, until the minimum balance is entirely reestablished.

**Paragraph 3** – Once the terms provided for in item II of Paragraph 2 of this article elapses without the relevant member having taken the appropriate actions, the financial agent managing the FGBP shall be authorized to pay in new shares, within ten (10) days, on behalf of the State of Bahia, using funds arising from payment of financing agreements executed with DESENBAHIA with cash from the Social and Economic Development Fund - FUNDESE.”

“**Art. 2** - .....  
.....

**Paragraph 3** - The State of Bahia shall be represented in the meeting of members by the Governor of the State or, in his/her absence, by the State Attorney General.”

“**Art. 3** - .....

**Paragraph 1** ..... -  
.....  
.....

VII - deposit in cash, without transfer of possession before the enforcement of the guarantee.  
.....

**Paragraph 14** - Mechanisms may be created for the recomposition or feedback of the guarantees granted by the FGBP, as provided in the public-private partnership contract, subject to the legal conditions.”

“**Art. 3-A** - The FGBP may authorize the financial agent manager to transfer the funds directly to the account of the private partner’s financiers, subject to the provisions in the relevant public-private partnership contracts.”

**Art. 3** – The contribution of funds corresponding to up to five percent (5%) of the funds from the States and Federal District Sharing Fund - FPE, intended to the State of Bahia, to the Fund for Social and Economic Development - FUNDESE, for purposes of reestablishing it in case of use of its funds for paying in units in Bahia’s Fund for Partnerships Guarantees – FGBP is hereby authorized.

**Art. 4** - The State of Bahia is authorized to grant tariff subsidy within the scope of the sponsored concession of the Subway System of Salvador and Lauro de Freitas, and any deficit incurred may be covered by extra-tariff revenues, alternative revenues, budgetary subsidies, intra-sector and inter-sector crossed subsidies arising from other categories of beneficiaries of transport services, among other sources established by the Concession-Granting Authority, pursuant to the provisions in Paragraphs 3 and 5 of art. 9 of Act No. 12.587, of January 3, 2012.

**Art. 5** - Articles 12 and 13 of Act No. 12.610, of December 27, 2012, articles 17 to 22 of Act No. 9.290, of December 27, 2004, Act No. 12.604, of December 14, 2012, and other provisions to the contrary are hereby repealed.

**Art. 6** - This Act enters into force on the date of its publication.

GOVERNMENT PALACE OF THE STATE OF BAHIA, on October 11, 2013.

**JAQUES WAGNER**  
*Governor*

Rui Costa  
Chief of Staff

Manoel Vitório da Silva Filho  
Secretary of Treasury

José Sérgio Gabrielli de Azevedo  
Secretary of Planning