



Annex 3

Statement of Compliance

Each Respondent shall provide a Statement of Compliance which confirms:

- that the Respondent has full authority to submit a Proposal on the basis of this Request for Proposal;
- that the Submission has been appropriately reviewed by the Respondent's technical, commercial, financial and legal representatives; and
- the level of internal approval obtained by key Subcontractors in order to make the Proposal (letters of support from each key Subcontractor should be included).

In the case of Respondents proposing to deliver the Project as a Consortium, a separate Statement of Compliance must be signed by an authorised signatory of each proposed Consortium Member.

Each Respondent (including each Respondent that is a proposed Consortium Member) shall provide a statement that the Proposal is fully compliant with all aspects of the RfP and also the terms and conditions of the draft Project Contract, or shall state clearly any exceptions, deviations, alternative approaches or additions to the requirements of the Request for Proposal and/or draft Project Contract (as appropriate), with justification. Additional comments and clarifications should also be listed where appropriate (for example to clarify interpretation of requirements), but these must be differentiated from any deviations / exceptions (etc.) above.

With respect to the terms and conditions of the draft Project Contract, each Respondent must either:

- expressly confirm that the Proposal is made on the basis of the terms and conditions of the draft Project Contract; or
- expressly confirm that the Proposal is made on the basis of the terms and conditions of the draft Project Contract subject to clarifications and exceptions. In these circumstances, the Respondent must include in their Submission:
 - a copy of the draft Project Contract, marked up with the Respondent's proposed clarifications and exceptions; and
 - a separate commentary against the clarifications and exceptions setting out the reason for those clarifications and exceptions.

Respondents should note that, in addition to the foregoing, the ETI expects that each of the Respondents will provide in their Statements of Compliance an initial detailed view on those areas of the Project Contract set out in the Commercial and Legal Requirements document.

Any exception in relation to those matters set out in the Commercial and Legal Requirements document is considered a material issue and must be clearly and specifically identified in the Statement of Compliance.

Please note that the ETI may reject a Proposal if a material issue (including a non-compliance with the terms and conditions of the draft Project Contract) is identified by a Respondent at any stage during the Project Commissioning Process.