Appendix 4: **Revised Annex “D”**

**ANNEX “D”**

Sample Form (Waiver of Right to Seek Legal Remedies)

Date

*Chairperson*

Joint Venture Selection Committee

TIEZA

JVSC Secretariat Office

7TH Floor Tower I

Double Dragon Plaza, DD Meridian Park

Macapagal Avenue corner EDSA Extension

Bay Area, Pasay City

Subject: **Waiver of Right to Seek Legal Remedies**

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Madame/Sir:

As a duly authorized representative of (State the name of the company; in case of consortium, state in the manner “the Consortium of”) (hereinafter the “Interested Proponent”), and in connection with the Public Private Cooperation Program (“PPCP) of the Tourism Infrastructure and Enterprise Zone Authority (“TIEZA”), the undersigned, on behalf of the Interested Proponent, hereby expressly and formally commits to abide by the decision of the TIEZA Joint Venture Selection Committee(JVSC), and recognizes the sole right and discretion of the JVSC to determine Eligible Proponents and ultimately, the Winning Proponent

Moreover, the Interested Proponent expressly accepts the qualification criteria established by the JVSC of and hereby waives any right it may have to seek and obtain the following legal remedies and/or obtain legal remedies concerning the following: a writ of injunction or prohibition or restraining order against the TIEZA or the JVSC to enjoin TIEZA from implementing the PPCP, to prevent or restrain the qualification proceedings related thereto, the award of the contract to the Winning Proponent, and the carrying out of the awarded contract.

The Interested Proponent understands that this waiver, however, shall be without prejudice to the right of a disqualified or losing proponent to question the lawfulness of its disqualification or the rejection of its Proposal by appropriate administrative or judicial processes not involving the issuance of a writ of injunction or prohibition or restraining order.

Accordingly and in accordance with the Terms of Reference of the Public Private Cooperation Program (PPCP) involving the TIEZA Assets, this serves as a formal waiver by the Interested

Proponent of any right to file any form of legal remedy or action before any court, tribunal or administrative body to prevent TIEZA from proceeding with the PPCP, and the awarding and executing a contract with the Winning Proponent determined by the JVSC.

Name & Signature of the

Authorized Representative : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone nos. : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Note: This letter should be accompanied by notarized Corporate Secretary’s Certificate issued by the corporation, authorizing, through a duly executed Board Resolution, the said Authorized Representative to execute such document. This requirement may be complied with in the same Corporate Secretary’s Certificate required under the Undertakings of Consortium (Annex B) if there are sufficient provisions stated in the Board Resolution to effect the same.*

*In case of a consortium, each consortium members must submit a notarized Corporate Secretary’s Certificate authorizing, through a duly executed Board Resolution, he said Authorized Representative to execute such document. This requirement may be complied with in the same Corporate Secretary’s Certificate required under the Undertakings of Consortium (Annex B) if there are sufficient provisions stated in the Board Resolution to effect the same. Furthermore, this requirement may be complied with by duly executed and appropriate Special Power of Attorney issued by the consortium members to the Authorized Representative.*