

Unsolicited Proposal Assessment Forms (USP AFs)

USP AF4: Assessment of the draft contract

Objectives: To establish the consistency of the draft contract pursuant to Section 4.3 of the Revised 2022 BOT Law IRR

Official Project Name

1) Provisions that the identified Sections (Sec.) in the Revised 2022 BOT Law IRR explicitly require to be included in the draft contract	Identify the section/s in the draft contract that pertains to the provision
1. Specific contractual arrangement	Sec. 4.3(a)
2. Specific term	Sec. 4.3(a)
3. Specific scope of work	Sec. 4.3(a)
4. Key performance indicators, targets, and procedures for measuring reporting results	Sec. 4.3(b)
5. Implementation milestones including those for securing other approvals, project completion date	Sec. 4.3(c)
6. Cost recovery	Sec. 4.3(d)
7. Obligation of the Project Proponent to disclose loan or financing documents, as required under Section 14.6	Sec. 4.3(e)
8. Liquidated damages as contemplated in Sec. 12.14	Sec. 4.3(f)

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9. Performance security, including their validity and top-up mechanism procedures contemplated under Section 12.8 and 12.9	Sec. 4.3(g)	
10. Minimum insurance coverage, as may be required	Sec. 4.3(h)	
11. Acceptance tests and procedures	Sec. 4.3(i)	
12. Warranty period and procedures (after transfer) and warranty security. See details in Section 12.23	Sec. 4.3(j)	
13. Lock-in periods, as applicable	Sec. 4.3(k)	
14. Grounds for and effects of contract termination (as elaborated in Sec 12.21)	Sec. 4.3(l)	
15. Conditions and procedures for lender step-in rights	Sec. 4.3(m)	
16. Conditions for acceptable permitted security interest	Sec. 4.3(n)	
17. Procedures for resolving disputes as detailed in Section 12.22	Sec. 4.3(o)	
18. Manner and procedures for the resolution of warranty against corruption	Sec. 4.3(p)	
19. Compliance with all other applicable laws, rules, and regulations	Sec. 4.3(q)	