
Leasing Activities Information

MMS U.S. Department of the Interior
Minerals Management Service
Gulf of Mexico OCS Region

INSTRUCTIONS FOR MAKING EFT 1/5th BONUS PAYMENTS

(Final Notice of Sale 172; February 1999)

1. The MMS considers every signed bid to be a legally binding obligation on the part of the bidder(s). Bidders' legal obligation is to comply with all applicable regulations, including paying the 1/5th bonus deposit on all high bids. The statement, "It is understood that this bid legally binds the bidder(s) to comply with all applicable regulations, including paying the 1/5th bonus on all high bids, as provided in the Notice of Sale." must be included on each bid.
2. Bidders have the option to use electronic funds transfer (EFT) for making 1/5th bonus payments for Sale 172.
3. Bidders electing to use EFT procedures for making the 1/5th bonus deposit must follow the instructions below:
 - (A) Bidders should contact MMS Royalty Management (see contacts below) by the Bid Submission Deadline to designate an EFT coordinator and to confirm EFT procedures to be used. Joint bidders must designate one bidder as EFT coordinator. The EFT coordinator refers to you, the bidder, i.e., the corporation, company, or partnership submitting the bid(s), or an individual citizen submitting bids on his or her own behalf (NOT an individual within a corporation/company/partnership) for an OCS Lease Sale. As EFT coordinator, you must submit the bids and ensure that 1/5th of the total high bid cash bonus is transferred to the MMS via EFT.

MMS Royalty Management contacts for EFT matters:

- Mr. David Menard (303) 231-3574
- Ms. Kathy Jarrett (303) 231-3669
- Telefax (303) 231-3501

MMS Royalty Management addresses for EFT matters:

Mail

MMS Royalty Management Program
P.O. Box 25165, MS 3131

Denver, CO 80225-0165

Courier Service

MMS Royalty Management Program
Building 85; Room A-212

Denver Federal Center
Denver, CO 80225

- (B) On the Phone Numbers/Addresses of Bidders Form submitted with the bids to the MMS OCS Regional Office, you must provide the following:

The name and telephone and fax numbers (including the area code) of both your EFT contact and an alternate contact (Section IV of the Form). The MMS will contact that person to resolve any EFT problems.

Please note:

the EFT **contact** refers to an individual within a company, partnership, or corporation, or an individual named by a citizen working on the citizen's behalf; and

the EFT **coordinator** refers to you, the company, partnership, corporation or individual citizen submitting the bid(s).

- (C) You must make the 1/5th bonus EFT payment by either the Fedwire Deposit System (same day payments) or the Automated Clearing House (overnight payments). The Gulf of Mexico OCS Regional Office will advise you of the total amount required for EFT payment shortly after the conclusion of bid opening. After notification, you should instruct your bank to send 1/5th of the sum of your high bid bonuses via EFT to the appropriate United States Treasury account. Attachments 1, Fedwire Deposit System, and 2, Automated Clearing House, provide the specific instructions and message formats for the payments.
- (D) The EFT payment for 1/5th of your total high bid bonuses must be received in the appropriate United States Treasury account no later than 2:00 p.m., Eastern time, on the day after bid opening. Please make one EFT payment to secure your bids on all of the blocks on which you were the high bidder.
- (E) The MMS will assess interest penalties on the outstanding balance of deficient or missing EFT 1/5th bonus payments not received by the MMS by 2:00 p.m., Eastern time, on the day after bid opening. Interest penalties will accrue (on a daily basis) from the due time and date until the EFT payment is received.

If full payment is not received by 2:00 p.m., Eastern time, on the second business day following bid opening, the MMS may consider you to be in official default of your legal obligation. All of your valid high bids (at the MMS's discretion) may be jeopardized by a deficient or missing EFT payment. The MMS will collect deficient or missing EFT 1/5th bonus payments plus interest by drawing on the instrument used to secure the EFT payment (see Item G below), and/or use other available means to ensure payment.

- (F) You must assure that your bank makes payment on time. You are responsible for accurate EFT deposits. Your responsibility extends to any bank payment message coding error which prevents the payment from reaching the

appropriate MMS account. You must immediately contact the MMS Royalty Management Program if the bank is unable to complete the EFT due to mechanical or any EFT systems failure. Should any such third party errors arise and not be corrected by 2:00 p.m., Eastern time, the day following bid opening, interest penalties (to a maximum of two days interest) will accrue until the time the payment plus interest is deposited into the appropriate United States Treasury account.

You are not responsible for any reasonable delays caused by MMS errors. For example, if the MMS supplies you with an erroneous account code, you are not held responsible for any reasonable delays that this may cause. When the error is identified, you must immediately contact the MMS Royalty Management Program to resolve the error and deposit the 1/5th bonus payment into the appropriate United States Treasury account.

- (G) You must secure the payment of 1/5th of your bonus bids if you elect to pay by EFT. Again, the MMS considers the signed bid to be a legally binding obligation on your part to comply with all applicable regulations, including depositing the 1/5th bonus on all high bids. The MMS will consider any and all bids submitted by you not appropriately secured with one of instruments described below, as invalid.

Exempt from supplemental bond requirements

If you are a current federal OCS leaseholder exempt from supplemental bond requirements, your EFT payments only need to be secured by the bid form. The bid form acts as a binding contractual agreement between you and the MMS.

Should your exemption from supplemental bonding requirements result from the financial strength of a third party guaranty that party must expressly consent to guarantee the EFT 1/5th bonus payments.

Not exempt from supplemental bond requirements

Otherwise, your EFT 1/5th bonus payments must also be secured by one of the following three methods:

- (1) *Amended Areawide Coverage.* If you use this option to secure EFT 1/5th bonus payments, you must amend your \$3 million areawide development bond by a Rider from the issuing surety to contain provisions that the bond may be used to cover pre-lease obligations. All other terms and conditions for the bond must remain unchanged. The Rider must be notarized and must be in effect (i.e., approved by the MMS) prior to submitting bids for OCS Lease Sale 172.

If the \$3 million areawide development coverage is through a U.S. Treasury Note, a notarized letter from the bidder agreeing to the terms that the Treasury Note may be used to cover pre-lease obligations must be approved by the MMS prior to bid submission for Sale 172. That

provision must remain in effect until the EFT deposit is made.

Should you default on the 1/5th bonus payment by EFT (see Item E), the bond/Treasury Note will be called to cover the delinquent payment.

- (2) *A Letter of Credit (LOC)*. If you use this option to secure EFT 1/5th bonus payments, you must use the enclosed sample clean, stand-by, irrevocable LOC (Attachment 3) with no modifications. [*A clean LOC carries all provisions in itself; a stand-by LOC deals only with the payment of the documented sums within the stated periods; and an irrevocable LOC requires consent of both the MMS and the bidder for changes to be made.*] No later than one week prior to the OCS sale, you must submit a LOC for at least the 1/5th of the **sum** of **all** bids that you submit for an OCS lease sale, including joint bids to:

Attention: Mr. Carrol Williams
MMS Gulf of Mexico Region
Adjudication Unit (MS 5421)

The LOC must have a minimum coverage period of 120 days beginning with the date of the Sale (March 17, 1999). The LOC must be from a bank that has a minimum Thomson BankWatch rating of:

"C" for an LOC of less than \$1 million;
"B/C" for an LOC between \$1 million to \$10 million;
or "B" for an LOC over \$10 million.

You are responsible for verifying that the bank provides a current rating to the MMS. This rating must be submitted with each LOC. If the issuing bank's rating falls below the minimum acceptable level, a satisfactory replacement surety must be submitted or the MMS may consider the bids to not be appropriately secured and therefore invalid.

If the institution issuing the LOC becomes insolvent, the MMS will require an immediate replacement surety unless the current LOC is transferred, in whole, and completely honored by the receiving institution. If a replacement surety is not found, the MMS may consider the bids to not be appropriately secured and therefore invalid.

Once the appropriate EFT deposit is made, the LOC will be promptly returned to you. Alternatively, you may pick up their LOC from the Gulf of Mexico Region's Adjudication Unit upon verification that the appropriate EFT deposit was complete and timely.

Should you default on the 1/5th bonus payment by EFT (see Item E), the LOC will be called to cover the delinquent payment.

- (3) *Lump Sum Check.* If you opt to use this option to secure your EFT 1/5th bonus payments, your lump sum certified or cashiers check must be payable to the order of the U.S. Department of the Interior--Minerals Management Service. You must submit that check in a **separate** sealed envelope from the bid envelopes.

The lump sum check must be for at least the **sum of all** 1/5th bids that you make for an OCS lease sale, including joint bids. Multiple checks are acceptable by bidding combines. The envelope containing the payment(s) should be in the following format:

LUMP SUM CHECK SECURING EFT PAYMENTS
Oil and Gas Lease Sale 172
Submitted by: *Bidder Name*
GOM Company No.: *Bidder Number*

Once the appropriate EFT deposit is made, the lump sum check(s) will be returned to you, or alternatively, you may pick up the lump sum check(s) from the Adjudication Office, Gulf of Mexico Regional Office.

The lump sum payment(s) accompanying the bids will be deposited into the appropriate United States Treasury account should you default on the high 1/5th bonus payment by EFT (see Item E). Should the deposit of the lump sum check(s) result in a refund to you, the refund without interest will be accomplished through EFT as soon as practicable.

Fedwire Deposit System FUNDS TRANSFER MESSAGE FORMAT

(1)	(2)		
021030004			
(3)	(4)	(5)	
(6)			
(7)	(8)	(9)	
TREAS NYC/CTR/BNF=/AC-14170001 RFB=DOI,MMS			
(10)			
OBI=			

Field Content

- 1 RECEIVER-DFI# - Treasury's ABA (American Bankers Association) number for deposit messages is 021030004. This number remains constant and is required for all your funds transfer messages sent to the U.S. Treasury for Minerals Management Service.
- 2 TYPE-SUBTYPE-CD - The type and subtype code will be provided by the sending bank.
- 3 SENDER-DFI# - This 9-digit number will be provided by the sending bank.
- 4 SENDER-REF# - The 16-character reference number is inserted by the sending bank at its option.
- 5 AMOUNT - The transfer amount must be punctuated with commas and decimal point; use of the "\$" is optional. This item will be provided by the payor.
- 6 SENDER-DFI-NAME - This information is automatically inserted by the Federal Reserve Bank.

FIELDS 7, 8, AND 9 ARE CRITICALLY IMPORTANT. THESE ITEMS MUST APPEAR ON THE FUNDS TRANSFER DEPOSIT MESSAGE IN THE PRECISE MANNER AS STATED TO ALLOW FOR THE AUTOMATED PROCESSING AND CLASSIFICATION OF THE FUNDS TRANSFER MESSAGE TO THE AGENCY LOCATION CODE (ALC) OF THE MINERALS MANAGEMENT SERVICE.

<u>Field</u>	<u>Content</u>
7	<u>RECEIVER-DFI-NAME</u> - Treasury's name for deposit messages is "TREAS NYC/".
8	<u>PRODUCT CODE</u> - A product code of "CTR" for customer transfer must be used in the RECEIVER - TEXT field. A slash, "/", must be entered after the product code.
9	<u>AGENCY LOCATION CODE AND AGENCY NAME</u> - The ALC refers to the eight-digit numeric symbols used to identify MMS. The MMS's unique code, "14170001", must be specified in the funds transfer message for the funds to be correctly credited to MMS. The ALC identification sequence includes the beneficiary code field tag, "BNF=", and identifier code, "/AC-", followed by the appropriate ALC number. After the ALC, the agency name is needed. This is done by using "RFB=" followed by the abbreviations "DOI, MMS". These abbreviations will facilitate the research process should problems arise. Fields 7, 8, and 9 should be in the following format:

TREAS NYC/CTR/BNF=/AC-14170001 RFB=DOI,MMS;

10	<u>PAYMENT INFORMATION</u> - The detailed information in this field must include: OBI= Lease sale number , for example SALE 101 Company name and OCS Qualification Number for the bidder who makes the payment 1/5 Bid Submission - The words "One Fifth Bid for _____ leases". The number of leases company is high bidder on will go in the blank.
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Field 10 is limited to 220 characters. If field limit is exceeded, multiple wire transfers will be necessary. Samples of funds transfer messages are included on the following pages.

Fedwire Deposit System
(For Illustration Purposes Only)

1/5 BID SAMPLE MESSAGE FORMAT

Example of Fedwire Payment information for Bogus Oil & Gas payment of \$5,432,000.60 for OCS Sale 101. The OCS Qualification Number assigned to Bogus Oil&Gas is 1999. Bogus Oil&Gas is high bidder on 23 leases.

(1) 021030004 * (2)

(3) * (4) * (5) \$5,432,000.60

(6)

(7) (8) (9) TREAS NYC/CTR/BNF=/AC-14170001 RFB=DOI,MMS
(10) OBI=Sale 101;#1999 BOGUS OIL&GAS;One Fifth bid

23 leases

Automated Clearing House

FUNDS TRANSFER MESSAGE FORMAT

The following form is designed as an aid for the OCS lease sale bidders in providing complete and accurate data to their banks for the payment of the 1/5 bid amounts. The following payment record format is for an ACH CCD+ (Cash Concentration and Disbursement plus Addendum).

Payment Record Format

Data Element Name	Contents	Size	Position
Record Type Code	'6'	1	01-01
Transaction Code	'22'	2	02-03
Receiving ABA	'05103670'	8	04-11
Check Digit	'6'	1	12-12
Account Number	'312011'	17	13-29
Payment Amount	\$\$\$\$\$\$\$ cc	10	30-39
Identification Number	(Optional)	15	40-54
Receiver Name	'MMS OCS Lease Sale'	22	55-76
Discretionary	* (not required)	2	77-78
Addenda Indicator	'1' (addenda present)	1	79-79
Trace Number	Assigned by your bank	15	80-94

Addenda Record Format for TOTAL 1/5 Bid Amount

Data Element Name	Contents	Size	Position
Record Type Code	'7'	1	01-01
Addenda Type Code	'05'	2	02-03
Payment Related	REF*SM* 1 \REF*2U* 2 \NTE** 3 \ (See below for details of items indicated by the large numbers)	80	04-83
Sequence Number	Addenda number starting at 0001	4	84-87
Addenda Trace Number	Same as last seven number of detail trace number	7	88-94

1- OCS Lease Sale Number, example '101'

2- Company OCS Qualification Number, examples '1999' or 'YK999'

3- The words "OneFifth Bonus for ____ leases" The number of leases Bogus is high bidder on go in the blank.

The following is an example of the "Payment Related" addenda record field for Bogus Oil&Gas1/5 bonus bids for OCS lease sale number 101. The OCS Qualification Number assigned to Bogus Oil&Gas is #1999. The Payment Amount (see Payment Record format) of the ACH transfer is \$1,235,000.60. Bogus is high bidder on 15 leases.

REF*SM*101\REF*2U*1999\NTEOneFifth Bonus for 15 leases**

The asterisks (*) and the back slashes (\) are required items.

Attachment 3
Letter of Credit

BANK LETTERHEAD

Bank Address

Letter of Credit

Bank _____

Bank Address _____

Bank ABA Number _____

Clean, Stand-by, Irrevocable Letter of Credit No. _____

This Letter of Credit is effective March 17, 1999.

Expiration date is at the close of business on July 15, 1999.

Beneficiary:

Minerals Management Service
Royalty Management Program
Denver, Colorado 80225

Sir or Madam:

We hereby establish our clean, stand-by, irrevocable Letter of Credit in your favor and authorize drawing(s) on (Bank) _____ by order(s) and for account of (GOM Company Number, Company Name, Address) _____

_____ up to an aggregate amount of \$ _____ available by your drafts at sight.

The amount of the accompanying sight draft will be due and payable to the Minerals Management Service of the U.S. Department of the Interior as a result of deficient electronic funds transfer payment of 1/5th of the sum of high bids submitted for Sale 172 on (Date) March 17, 1999 and further that (GOM Company Number, Company Name) _____ has for a period of more than 2 business days neglected, failed, or refused to pay the sufficient amount although notified to do so by the Minerals Management Service of the U.S. Department of the Interior.

The payment is available upon sight draft.

Partial drawings are permitted under this Letter of Credit, and it is expressly provided herein that there may be more than a single drawing on this Letter of Credit, so long as the sum of the amounts drawn does not exceed the full amount of the Letter of Credit. Any partial drawings will reduce pro tanto the remaining aggregate balance available to be drawn. The beneficiary may draw hereunder by manner of a sight draft, an amount not to exceed the unused balance of this Letter of Credit.

We certify that the amount of the credit herein established will not be reduced for any reason during the period of this instrument without your written consent.

Except as expressly stated herein, this Letter of Credit is the individual obligation of the bank and is not subject to any condition or qualification and is not contingent on the ability of the bank to perfect a lien, security interest, or any other reimbursement. This credit cannot be modified or revoked without the consent of the beneficiary.

We hereby engage with the beneficiary that draft(s) drawn under and in compliance with the terms of this Letter of Credit will be duly honored when presented in person or delivered by registered mail or courier service at _____ (name of Bank and its address) if such presentment or delivery is made on or before the expiration date shown above.

We will promptly notify you of any notice received or action filed alleging the insolvency or bankruptcy of the Bank, or alleging any violations of regulatory requirements which could result in suspension or revocation of the Bank's charter or license to do business.

In the event the Bank becomes unable to fulfill our obligations under this Letter of Credit for any reason, notice shall be given immediately to the beneficiary.

This Letter of Credit is subject to the Uniform Customs and Practice for Documentary Credits (1993 Revision), International Chamber of Commerce Publication No. 500. If this Letter of Credit expires during an interruption of business as described in Article 17 of said Publication No. 500, the bank hereby specifically agrees to effect payment if this Letter of Credit is drawn against within 30 days after the resumption of business.

IN WITNESS WHEREOF, the bank has hereunto set its signature and seal this _____ day of _____, 19____.

(Issuing Bank)

(Authorized Officer)

ACKNOWLEDGMENT

On this _____ day of _____, 19____, before me, a Notary Public in and for the County of _____, in the State of _____, appeared _____ to me personally known who, being by me duly sworn, did say that he/she is _____ of _____, the bank named in and which executed the within instrument, and that the seal affixed to said instrument is the seal of said Bank, and that said instrument was signed, sealed and delivered in behalf of said Bank by authority of its Board of Directors, and he/she, as such, offer acknowledged said instrument to be the free act and deed set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day, month and year aforesaid.

My Commission Expires:

Date

Notary Public in and for said
County and State