

**AUCTION OF  
LOCAL MULTIPOINT DISTRIBUTION  
SYSTEM SPECTRUM RIGHTS**

**APPENDIX 3 – INITIAL OFFER**

17 August 2001

INFO-COMMUNICATIONS DEVELOPMENT AUTHORITY  
REPUBLIC OF SINGAPORE

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# INITIAL OFFER

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**IF YOU REQUIRE ADDITIONAL SPACE FOR YOUR RESPONSES, PLEASE CONTINUE EACH SUCH RESPONSE ON A SEPARATE BLANK PAGE, WITH THE NUMBER OF THE PARAGRAPH TO WHICH YOU ARE RESPONDING CLEARLY MARKED.**

1.1 Name of Applicant: \_\_\_\_\_

*(See  
Note  
1.1)*

Legal form of Applicant: \_\_\_\_\_

Place of Incorporation: \_\_\_\_\_

Registration Number: \_\_\_\_\_

Registered Office: \_\_\_\_\_

Please tick box if Applicant proposes that any LMDS Spectrum Right for which it successfully bids is to be granted to a Singapore Entity to be established. If this box is ticked, please complete information as requested in the Schedule to the Initial Offer.

1.2 The Applicant hereby confirms that it will participate in the Auction.

1.3 The Applicant submits an Initial Offer for the following number of LMDS Spectrum Lots at the Reserve Price of S\$41,400 per lot:

*(See  
Note  
1.3)*

Number of LMDS Spectrum Lots	Initial Offer made*
1	
2	
3	
4	

\* Please mark "X" in one box only.

1.4 In consideration of IDA considering the Applicant for registration as a Bidder and for participation in the Auction, the Applicant hereby agrees and acknowledges that:

- (a) this Initial Offer constitutes a legally binding offer made by the Applicant for the number of LMDS Spectrum Lots specified in paragraph 1.3 at the Reserve Price;
- (b) if IDA within its sole discretion determines not to proceed with the Auction and determines to accept the offer made by the Applicant referred to in paragraph 1.4(a), this shall constitute a legally binding contract;

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- (c) all information provided in, or in support of, the Application Form submitted by the Applicant and this Initial Offer is, to the best of the Applicant's knowledge and belief, true, accurate and complete in all material respects with reference to the facts and circumstances existing at the date hereof; and
  - (d) the Applicant repeats each of the confirmations and undertakings set out in paragraphs 1.9, 1.10 and 1.11 of the Application Form, with reference to the facts and circumstances existing at the date of this Initial Offer, as if such confirmations and undertakings were set out in this Initial Offer.

1.5 The Applicant hereby confirms that a Bank Guarantee in compliance with the requirements of Section 2.5 of the Auction Rules is enclosed.

1.6 The Applicant's Authorised Representatives are:

*(See Note 1.6)*

- (1) Name: \_\_\_\_\_  
Identity Card Number/  
Passport Number: \_\_\_\_\_  
Contact Address: \_\_\_\_\_  
Contact Telephone Number: \_\_\_\_\_  
Contact Fax Number: \_\_\_\_\_  
Specimen Signature: \_\_\_\_\_
  
- (2) Name: \_\_\_\_\_  
Identity Card Number/  
Passport Number: \_\_\_\_\_  
Contact Address: \_\_\_\_\_  
Contact Telephone Number: \_\_\_\_\_  
Contact Fax Number: \_\_\_\_\_  
Specimen Signature: \_\_\_\_\_
  
- (3) Name: \_\_\_\_\_  
Identity Card Number/  
Passport Number: \_\_\_\_\_  
Contact Address: \_\_\_\_\_  
Contact Telephone Number: \_\_\_\_\_  
Contact Fax Number: \_\_\_\_\_

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Specimen Signature: \_\_\_\_\_

(4) Name: \_\_\_\_\_

Identity Card Number/  
Passport Number: \_\_\_\_\_

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

Contact Telephone Number: \_\_\_\_\_

Contact Fax Number: \_\_\_\_\_

Specimen Signature: \_\_\_\_\_

(5) Name: \_\_\_\_\_

Identity Card Number/  
Passport Number: \_\_\_\_\_

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

Contact Telephone Number: \_\_\_\_\_

Contact Fax Number: \_\_\_\_\_

Specimen Signature: \_\_\_\_\_

(6) Name: \_\_\_\_\_

Identity Card Number/  
Passport Number: \_\_\_\_\_

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

Contact Telephone Number: \_\_\_\_\_

Contact Fax Number: \_\_\_\_\_

Specimen Signature: \_\_\_\_\_

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(7) Name: \_\_\_\_\_  
Identity Card Number/  
Passport Number: \_\_\_\_\_  
Contact Address: \_\_\_\_\_  
Contact Telephone Number: \_\_\_\_\_  
Contact Fax Number: \_\_\_\_\_  
Specimen Signature: \_\_\_\_\_

(8) Name: \_\_\_\_\_  
Identity Card Number/  
Passport Number: \_\_\_\_\_  
Contact Address: \_\_\_\_\_  
Contact Telephone Number: \_\_\_\_\_  
Contact Fax Number: \_\_\_\_\_  
Specimen Signature: \_\_\_\_\_

(9) Name: \_\_\_\_\_  
Identity Card Number/  
Passport Number: \_\_\_\_\_  
Contact Address: \_\_\_\_\_  
Contact Telephone Number: \_\_\_\_\_  
Contact Fax Number: \_\_\_\_\_  
Specimen Signature: \_\_\_\_\_

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(10) Name: \_\_\_\_\_  
Identity Card Number/  
Passport Number: \_\_\_\_\_  
Contact Address: \_\_\_\_\_  
Contact Telephone Number: \_\_\_\_\_  
Contact Fax Number: \_\_\_\_\_  
Specimen Signature: \_\_\_\_\_

(11) Name: \_\_\_\_\_  
Identity Card Number/  
Passport Number: \_\_\_\_\_  
Contact Address: \_\_\_\_\_  
Contact Telephone Number: \_\_\_\_\_  
Contact Fax Number: \_\_\_\_\_  
Specimen Signature: \_\_\_\_\_

(12) Name: \_\_\_\_\_  
Identity Card Number/  
Passport Number: \_\_\_\_\_  
Contact Address: \_\_\_\_\_  
Contact Telephone Number: \_\_\_\_\_  
Contact Fax Number: \_\_\_\_\_  
Specimen Signature: \_\_\_\_\_

1.7 Documentary evidence of the appointment in accordance with the Auction Rules of the Authorised Representatives of the Applicant is enclosed, together with copies of their identity cards or passports.

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1.8 Signed for and on behalf of

*(See  
Note  
1.8)*

\_\_\_\_\_

by:

\_\_\_\_\_

director

\_\_\_\_\_

director/company secretary

Date: \_\_\_\_\_

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*Notes to Initial Offer*

Defined terms used in the Initial Offer and these Notes to the Initial Offer shall have the meaning given to such terms in the Auction Rules, unless expressly specified otherwise.

Note to 1.1: Provide the full name of the person/company wishing to participate in the Auction (*Applicant*) and the legal form of the Applicant (e.g. private limited company, public limited company).

Note that an LMDS Spectrum Right will only be granted to an entity which complies with Section 1.4 of the Auction Rules, namely:

- (a) a citizen of Singapore;
- (b) a company incorporated under the Companies Act (Cap. 50);
- (c) a business registered in Singapore under the Business Registration Act (Cap. 32); or
- (d) such other person as IDA considers appropriate,

(each a *Singapore Entity*).

If the Applicant proposes that an LMDS Spectrum Right for which it successfully bids is to be granted to a Singapore Entity to be established for the purpose:

- (a) please tick the box indicating that any such LMDS Spectrum Right is to be granted not to the Applicant but to a Singapore Entity. By ticking the box the Applicant will be deemed to have served a notice under Section 12.8 of the Auction Rules;
- (b) please complete the information requested in the Schedule to the Initial Offer;
- (c) please note that the Applicant must be a shareholder or proprietor of, or partner in, or otherwise an owner of, the Singapore Entity to be established at the time of the grant of the LMDS Spectrum Right; and
- (d) please note that full details of each other person/company which will be a shareholder or proprietor of, or partner in, or otherwise an owner of, the Singapore Entity to be established and details of their shareholding/ownership structure will be required to be set out in the Schedule. Supporting documentation (including copies of relevant contracts) may be submitted.

If the Applicant is a Singapore Entity and any LMDS Spectrum Right is to be granted to the Applicant, there is no need to complete the Schedule to the Initial Offer.

Note to 1.3: Mark a cross (“X”) in the box in the “Initial Offer” column in the table to specify the number of LMDS Spectrum Lots for which the Applicant hereby submits an Initial Offer, provided that:

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- (a) no Applicant may make an Initial Offer for more than four LMDS Spectrum Lots, or no more than three LMDS Spectrum Lots in the case of an Initial Offer made by a member of the SingTel Group; and
  - (b) no Applicant may be granted more than one LMDS Spectrum Right.

Note to 1.6: A Bidder must appoint at least one Authorised Representative and may appoint up to twelve Authorised Representatives. Only six Authorised Representatives may attend at the Auction Location on behalf of the respective Bidder at any one time. Only Authorised Representatives may submit bids on behalf of a Bidder.

Please attach copies of the identity cards or passports of all persons named in Section 1.6.

Note to 1.8: If the Applicant is a company, the Initial Offer must be signed by two directors or one director and the company secretary of the Applicant, who must be clearly identified and must have authority to bind the Applicant for purposes of the Applicant participating in the Auction. If the Applicant is not a company, the Initial Offer must be signed by one or more persons who must be clearly identified and must have authority to bind the Applicant.

Where a Singapore Entity is to be established for the purpose of being granted an LMDS Spectrum Right, the Schedule to the Initial Offer must additionally be signed by a representative of each other person/company which is or will be a shareholder or proprietor of, or partner in, or otherwise an owner of, or is or will control or is or will be entitled to share in the profits of, the Singapore Entity to be established at the time of the grant of the LMDS Spectrum Right, which representative must have authority to bind that other person/company.

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## SCHEDULE TO INITIAL OFFER

Please note that this Schedule to the Initial Offer should be completed only if the Applicant is not the Singapore Entity to which the Applicant wishes any LMDS Spectrum Right to be granted if it is a successful bidder.

All references to *Newco* are to the Singapore Entity which is to be established and to which the Applicant may request any such LMDS Spectrum Right be granted.

1. Name of Applicant \_\_\_\_\_
2. Each of the actual and/or proposed shareholders or proprietors of, partners in, or other owners of, Newco and each person which controls or will control by contract or otherwise, Newco or is or will be entitled, by contract or otherwise, to share in the profits of Newco (*Proposed Investors*) as listed in the responses to question S2 of the Application Form confirms and undertakes that:
  - (a) IDA may deal with the Applicant as a participant in the Auction, or in relation to any other manner of allocation of the LMDS Spectrum Rights, without regard to any of the Proposed Investors. The Proposed Investors shall have no rights against, or obligations to, IDA, other than pursuant to the Schedule to the Application Form and this Schedule to the Initial Offer;
  - (b) the information provided in the Initial Offer and in any supporting documentation submitted to IDA, is true and complete in all material respects, to the best of the knowledge and belief of such Proposed Investor, and any opinion expressed is honestly held;
  - (c) the information provided in the Application Form and the Schedule thereto remains true and complete in all material respects;
  - (d) such Proposed Investor will invest in NewCo in accordance with the information provided to IDA in the Application Form and the Initial Offer; and
  - (e) such Proposed Investor acknowledges the confirmations and undertakings given by it in Section S.5 of the Schedule to the Application Form and confirms that it will continue to comply with such undertakings.

For purposes of this Schedule “controls” has the meaning given in the Note to paragraph 1.5 of the Application Form.

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Each of the Proposed Investors as listed in the responses to question S.2 of the Application Form is required to sign this Schedule to the Initial Offer.

Signed by \_\_\_\_\_  
On behalf of \_\_\_\_\_  
\_\_\_\_\_  
director director/secretary

Signed by \_\_\_\_\_  
On behalf of \_\_\_\_\_  
\_\_\_\_\_  
director director/secretary

Signed by \_\_\_\_\_  
On behalf of \_\_\_\_\_  
\_\_\_\_\_  
director director/secretary

Signed by \_\_\_\_\_  
On behalf of \_\_\_\_\_  
\_\_\_\_\_  
director director/secretary