A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2133-0018. Public reporting for this collection of information is estimated to be approximately 150 hours per response, including the time for reviewing instructions, completing, and reviewing the collection of information. All responses to this collection of information are voluntary. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Maritime Administration, MAR-390, 1200 New Jersey Avenue, SE, Washington, DC 20590.

#### INSTRUCTIONS FOR APPLICATION FOR SHIP FINANCING

An application for ship financing (the "Application") under the Federal Ship Financing Program (46 USC Chapter 537; "Title XI" or the "Act"), and the regulations prescribed to carry out the provisions of the Act (46 CFR Part 298; the "Regulations"), shall be prepared and submitted in substantially similar form as attached to these instructions:

- Please answer each question as completely as possible.
- The metric measurement system may be used when supplying data.
- If any question or request for information in the application is inapplicable to the applicant's particular case or the answer is "N/A" or "None," this should be so stated.
- No Title XI financing may be considered for approval until a completed Application has been received.
- The applicant's name shall be included on all accompanying electronic or physical documents for identification.
- The Application and any associated documents should be submitted in Microsoft Word-compatible format (.doc or .docx) and/or indexed, searchable and copiable, portable document format (.pdf).
- Financial spreadsheets should be in an unlocked Microsoft Excel-compatible format (.xls or .xlsx) with formulas.
- Subsequent amendments and supplements to the Application shall utilize the same formats and shall be properly identified.

Any amendment to the Application shall include a cover letter marked "Amendment," contain a statement on the first page thereof, clearly identifying it as an amendment to the Application, state the name of the applicant, and note any changes to the Application.

#### Public Release of Application Information -

Part I: All information supplied in Part I of the Application will be released for public information purposes.

Part II-V: All information supplied in Part II through V of the Application will be subject to the following:

- If the application, including the attachments thereto, contains information the applicant considers to be trade secrets or commercial or financial information and privileged or confidential, or otherwise exempt from disclosure under the Freedom of Information Act (FOIA), 5 USC 552(b)(4), the applicant shall assert a claim of exemption at the time of application.
- The same requirement shall apply to any amendment to the Application.

#### Applicant Considerations Prior to Application Submission -

Prior to Application submission, the applicant should initiate a preliminary meeting with the Maritime Administration (MARAD) through its Office of Marine Financing (OMF), in Washington, D.C. to discuss the Application and requirements of the Act and the Regulations (a "Pre-Application Meeting").

MARAD recommends this Pre-Application Meeting to (1) ensure that the applicant is able to submit sufficient information for the most efficient review of the Application, (2) evaluate statutory priority for the

project, such as eligibility as a Vessel of National Interest, and (3) consider the eligibility of the applicant for the "Streamlined Application Review" process.

#### **Application Submission Process -**

As part of the Pre-Application Meeting discussion, the applicant may request to be considered for the Streamlined Application Review process. MARAD will determine if an applicant is eligible, and then notify the applicant that it may proceed with the Streamlined Application process.

All Applications will be considered under one of two application processes: standard/traditional or streamlined.

- Standard/Traditional Application process: Applications are accepted on a rolling basis. Applications <u>not</u> eligible for Streamlined Application processing will undergo review via this process. In general, all Applications are processed in order of receipt but are not required to be approved in that same order.
- Streamlined Application process: Applicants are only able to submit for Streamlined Application Review at the invitation of MARAD. For the purpose of the expedited consideration of Applications for Title XI financing, a Streamlined Application is defined as an Application which exhibits higher credit quality and a lower probability of default; and, as a result, exposes the Title XI program to a lower level of credit loss.

Both Application review processes require the same information. The Standard Application process requires all required documentation at time of application submission whereas the Streamlined Application Review Process requires less initial information in the two-step process that evaluates earlier identified lower risk factors.

#### **Application Submission Requirements -**

*Standard/Traditional Application Review:* The Application shall be submitted to OMF electronically in two steps with the following parts and attachments via email to <u>marinefinancing@dot.gov</u> in the initial step:

- Part I: Summary Information.
- Part II: Applicant and Project.
- Part III: Construction Period Financing (if applicable).
- Part IV: Refinancing (if applicable).
- Part V: Reconstruction or Reconditioning (if applicable).
- Attachment I: Affidavit of US Citizenship.
- Attachment VII: Declaration Regarding Lobbying.
- A request for wire instructions to transmit the required application fee of \$5,000 or tracking information for submission of such application fee via courier/delivery service to OMF.

Applications will not be processed until the application fee is received.

Upon receipt of the application fee, OMF will provide applicants access to a secure document portal for submission of the other attachments of the Application that are required to be completed in accordance with the type of financing applied for, as set forth in Part I, Section 5 of the Application.

*Streamlined Application Review:* The Application shall be submitted to OMF electronically in three steps with the following parts and attachments via email to <u>marinefinancing@dot.gov</u> in the initial step:

- Part I: Summary Information.
- Part II: Applicant and Project (Partial Sections I.A.1, II.A, II.F, IV.B.2-4, IV.D.1, and IV.E).
- Attachment I: Affidavit of US Citizenship.
- Attachment VII: Declaration Regarding Lobbying.
- A request for wire instructions to transmit the required application fee of \$5,000 or tracking information for submission of such application fee via courier/delivery service to OMF.

Applications will not be processed until the application fee is received.

Upon receipt of the application fee, OMF will provide applicants access to a secure document portal for submission of the following attachments of the Application: Attachment IV.

After evaluation of the parts and attachments provided in steps one and two, OMF will provide access to a secure portal for submission of the other parts and attachments of the Application that are required to be completed in accordance with the type of financing applied for, as set forth in Part I, Section 5 of the Application.

#### **PART I - SUMMARY INFORMATION**

- **1.** Name and address of applicant.
- 2. Name and address of parent company (if applicable).
- 3. Congressional district number of applicant.
- 4. Congressional district number of shipyard.
- 5. <u>Na</u>ture of application (check as many as applicable):
  - a) Construction period financing (Also complete Part III)
  - **b)** Mortgage period financing
  - c) Refinancing of existing debt (Also complete Part IV)
  - d) Reconditioning/Reconstruction (Also complete Part V)
  - e) Other (specify)
- 6. The Proposal:
  - a) Describe briefly the proposed project including a brief description of the vessel(s) and the intended use of the vessel(s).
  - **b)** Provide the total estimated actual cost (details to be provided in Part II, Section IV.D.1); the requested level of Title XI financing (i.e., 87.5%, 75%); and the estimated financing amount.
  - c) Indicate the requested period of the Title XI financing.
  - d) Give the name and address of the shipyard.
  - e) Indicate the estimated construction commencement and vessel delivery date(s).
  - f) Has the applicant or a related company previously applied for Title XI financing? If so, under what name and what was the outcome?
  - **g)** Will the project involve indebtedness other than Federal Financing Bank notes? (if yes, specify):
  - h) Name and phone number of principal contact concerning this Title XI application.
  - i) Does the Applicant have a website? If so, please provide the address.

# PART II - APPLICANT AND PROJECT

The undersigned,\_\_\_\_\_(herein referred to as the "Applicant"), hereby applies to the United States of America, represented by the Maritime Administrator of the Maritime Administrator") under the Act and the Regulations for the financing.

## I. THE APPLICANT: Its Identity

## A. Form of Organization -

**1.** Please detail the business structure of the Applicant and any bareboat charterers of the vessel(s) to be financed (e.g., corporation, partnership, limited partnership, limited liability company), including the name, address of the principal place of business, place of formation, and date of formation.

**2.** Please provide the tax identification number(s) or equivalent(s) and NAICS code(s) for the Applicant, any bareboat charterers, and parent company (if applicable).

**3.** Please provide certified copies of the certificate of incorporation and bylaws, certificate of formation, partnership agreement or other documentation forming the Applicant, any bareboat charterers, and parent company (if applicable) as **Attachment XI**. If more than one entity, please include a company organizational chart with annotations for ownership of less than 100%.

**4.** Does the Applicant or parent (if applicable) have an active SAM.gov registration and UEI number? If yes, please provide. If no, please note one will be required before the application may be approved.

#### B. Ownership -

**1.** The Applicant and any bareboat charterer of the vessel(s) to be financed shall provide the following information regarding the entity's officers, directors, partners or members: name and address, office or position, nationality and interest owned (e.g., shares owned and whether voting or non-voting).

**2.** Please provide a brief statement of the general effect of each voting agreement, voting trust or other arrangement whereby the voting rights of any interest in the Applicant are controlled or exercised by any person who is not the holder of legal title to such interest.

**C. Citizenship:** If the Applicant intends that the financed vessel(s) will be operated in the domestic trades of the United States, the Applicant shall submit, as **Attachment I** to this application, an affidavit of US citizenship for the shipowner and any bareboat charterer of the vessel(s) to the extent required by 46 CFR Part 355. A copy of the prescribed form of corporate affidavit is set out as **Attachment I**. Non-corporate entities may contact the Maritime Administration for a copy of the appropriate prescribed form of affidavit.

# II. THE APPLICANT: Background

**A. Business Activities** - Please provide a brief description of the Applicant's principal business activities during the past five years.

**B.** Affiliated Entities - Please list all business entities that directly or indirectly through one or more intermediaries, control, are controlled by or are under common control with the Applicant. Please indicate the nature of the business transacted by each entity and the relationship between these entities. This information may be presented in the form of a chart in Attachment XI. Indicate whether any of the affiliated entities have previously applied for or received Title XI financing.

**C. Bankruptcy** - Please indicate whether the Applicant, any predecessor or affiliated entity has been in bankruptcy or reorganization under any insolvency or reorganization proceeding. If so, please give details.

**D. Default** - Please provide a statement indicating whether the Applicant or any predecessor or affiliated entity is now, or during the past five years has been, in default under any agreement or undertaking with others or with the United States of America. Is the Applicant currently delinquent on any Federal debt? If so, please provide explanatory information.

E. Banking References - Please provide the following information:

- **1.** Principal bank(s) or lending institution(s) name and address.
- **2.** Nature of relationship.
- **3.** Individual references, name(s), telephone and email address of banking officer(s).

**F. Financial Information** - The Applicant shall submit as **Attachment IV** the following financial statements:

**1.** The most recent financial statement of the Applicant, its parent and other significant participants, as applicable (year-end or intermediate), and the three most recent audited statements with details of all existing debt. If the Applicant is a new entity and is to be funded from or guaranteed by external source(s), it shall provide the abovementioned statements for such source(s);

**2.** A pro-forma balance sheet of the Applicant and guarantor (if applicable) as of the estimated date of execution of the loan documentation reflecting the assumption of the Title XI financing, including the current liability; and

**3.** Pro-forma balance sheets for five years subsequent to the closing.

# III. THE APPLICANT: Management/Operations

A. **Past Business Activities** - A brief description of the principal business activities during the past five years of each officer, director, partner or member listed above in Section I.B.1. If these persons (have) act(ed) as executive officers in other entities, please indicate the names of these entities and whether such entities are in default under any agreement or undertaking with others or with the United States of America. Are any of these entities currently delinquent on any Federal debt? If so, please provide explanatory information.

**B. Business Relationships** - The name and address of each organization engaged in business activities which have a direct financial relationship to those carried on or to be carried on by the Applicant with which any person listed above has any present business connection, the name of each such person and, briefly, the nature of such connection.

**C. Management Agreements** - Please provide a copy of any management agreement(s) between the Applicant and any related or unrelated organization(s) which will affect the management of the Title XI project. Attach any copies of the management agreement(s) as **Attachment X**.

**D. Operating Agreements -** Please provide a detailed statement which shows the ability of the Applicant to successfully operate the vessel(s). If a company other than the Applicant will operate the vessel(s), then this information shall be provided for the operating company. Attach any copies of the operating agreement(s) as **Attachment X**.

**E.** Please provide a general description of the vessels currently owned and/or operated by the Applicant or its affiliates. This description should also include areas of operation.

**F.** Briefly describe the general character and location of the principal assets employed in the business of the Applicant, other than vessels. Describe financial encumbrances, if any.

## IV. THE PROJECT

A. **Project Description** - The Applicant shall provide a detailed description of the project.

#### B. Economic Soundness

**1. Market Study** - The Applicant should provide a market review to demonstrate the need and potential market for the project. The market review should include market indicators (data) outlined in the attached market study guidelines in **Attachment VI**. The project's expected revenues and expenses should be consistent with the data presented in the market review.

**2. Revenue** - Provide a detailed statement of the revenues expected to be earned from the project based upon the information provided above. The revenues should be estimated for the projected utilization rate for the vessel(s). A justification for the utilization rate should be supplied and should indicate the number of days per year allowed for maintenance, drydocking, inspection, etc.

#### 3. Expenses -

- **a.** Provide a detailed breakdown of estimated vessel daily operating expenses, including wages, insurance, maintenance and repair, fuel, etc. Also provide a detailed projection of anticipated costs associated with long term maintenance of the vessel(s) such as drydocking and major mid-life overhauls, with a time frame for these events over the period of the Title XI financing.
- **b.** Provide, if applicable, a detailed breakdown of those expenses associated with the vessel(s) voyage, such as port fees, agency fees, and canal fees that are assessed as a result of the voyage.
- **c.** Provide a detailed breakdown of annual capital costs and administrative expenses, segregated as to:
  - 1) Interest on debt;
  - 2) Principal amortization; and
  - 3) Salaries and other administrative expenses (indicate basis of allocation).

4. Forecast of Operations - Utilizing the revenue and expense information outlined above provide a forecast of operations for the Title XI project on a cash basis in spreadsheet form as Attachment XII. This forecast should incorporate expected reoccurring revenue and expenses for the requested Title XI financing period. If the applicant will be deploying the vessel(s) in an existing market where they already provide a similar service, please include the three prior years of cashflow operations prior to the new vessel(s) entering service. Please indicate what current revenues and utilization levels are for similar vessels.

**C. Design** - Complete **Attachment II** and **Attachment III** of this Application. In addition, please provide the name of the proposed supervising architect and state his/her experience and qualifications.

If the vessel(s) has already been delivered, copies of the classification and certificates should be submitted with the application as **Attachment III**.

**D. Cost of the Project** - The following information shall be submitted with respect to the cost of the project.

**1.** Actual Cost of Construction - A detailed statement of the estimated actual cost of construction, reconstruction or reconditioning of the vessel(s) including those items which would normally be capitalized as vessel construction costs and other items requested to be included in

Actual Cost:

Shipyard Contract Price	\$
Escalation	\$
Changes & Extras	\$
Owner Furnished Items	\$
Design	\$
Engineering	\$
Inspection	\$
Guarantee Fee	\$
Net Interest during Construction	\$
Commitment Fee(s)	_\$
Total Actual Cost (excluding foreign items)	\$
Foreign Equipment and Service (by category as shown above)	\$
Total Actual Cost (including foreign items)	\$

Please utilize **Attachment VIII** to provide a justification for the inclusion in Actual Cost of any foreign equipment or services. Any foreign equipment not submitted on the waiver request will not <u>be considered for Title XI financing</u>. If any category above is inapplicable, enter zero beside that category. Net Interest during Construction is total estimated construction period interest on non-equity funds less estimated earnings from the escrow fund, if such fund is to be established. If the project involves refinancing, **Attachment V** should be completed at the time of filing the application.

2. Contracts - If any of the above costs have been incurred by written contracts such as the shipyard contract, management or operating agreement, signed copies should be included in Attachment V (unless provided in other attachments). If any contracts are anticipated to be signed, provide a draft(s), and indicate the expected date(s) of execution. The Applicant will be required to have the contracting shipyard submit back-up cost details and technical data.

**3. Other Costs** - Provide a detailed statement showing the cost of any shore facilities, cargo containers, etc., and items not listed in Section IV.D.1 above proposed to be purchased in conjunction with the project. In addition, please include a detailed statement showing any other costs associated with the project not previously included, such as legal and accounting fees, printing costs, vessel insurance, underwriting fees, incentive payments, etc. A statement as to how these other costs are to be paid should be provided.

#### E. Financing -

**1.** Describe, in detail, how and when funds are to be provided to cover:

- **a.** the vessel(s) equity (the difference between the capitalizable cost and the Title XI financing amount);
- **b.** the required working capital; and
- **c.** initial operating expenses. If any other person or entity is providing funding to the Applicant to assist in the financing of the project, please provide complete details about this funding.

**2.** Please provide a detailed statement with respect to the types and value of assets (in addition to the vessel(s) being financed), including any corporate guarantees, being offered by the Applicant to collateralize the Title XI financing.

**3.** What type of debt amortization is proposed? If other than level principal, please provide a justification.

#### F. Environmental Impact -

**1.** Are any Federal, State, Tribal, or local approvals, permits or certificates required pursuant to any law, rule, regulation, or ordinance related to the environment? If yes, provide copies of all such approvals, permits or certificates, or applications for same, that encompass the project and identify any environmental study or assessment that has been performed as **Attachment IX**.

**2.** Describe any outstanding public interest in the project or any environmental justice concerns. Will the project have any impacts to historic or tribal resources?

**3.** Please provide details of any in-water work activities required by the project, and any changes to stormwater management systems or outfalls.

## PART III - CONSTRUCTION PERIOD FINANCING

If the application involves construction period financing (e.g., Title XI financing to aid in the pre-delivery construction of the vessel(s)), the following information is to be supplied:

**1.** Has the shipyard(s) obtained a performance bond or insurance? If so, this performance bond or insurance documentation should be submitted.

**2.** If the shipyard has not obtained a performance bond or insurance, identify any consideration that is to be given in lieu thereof (i.e., a guarantee by the shipyard's parent). If a guarantee of the shipyard's performance is to be executed or the shipyard is believed to have sufficient financial resources and operational capacity, the most recent audited financial statements of the appropriate party should be submitted.

**3.** Provide a detailed draw-down schedule for the escrow fund with dates and amounts.

**4.** Cargo preference requirements apply to any project that includes construction period financing with Title XI. Will there be any ocean transportation of any equipment, materials, or commodities under the project? If yes, please provide copies of all ocean bills of lading for all materials, or commodities shipped by the date of this Application, a short description of the US-flag carrier(s) and the service details to be utilized for all future shipments, and information as to plans for future shipment of ocean cargo (i.e., shipping plan) in the spreadsheet or narrative form as **Attachment XIII**. All shipments after the date of this Application must be reported (in the form of bills of lading) timely to MARAD's Office of Cargo & Commercial Sealift via cargo.marad@dot.gov.

# PART IV - REFINANCING

Title XI financing may be issued for the purpose of refinancing existing indebtedness relating to the vessel(s) so long as the debt was incurred for one of the purposes eligible for Title XI financing and was placed within one year of vessel delivery. The amount of the refinanced debt will be limited to the lesser of (1) 75 percent or 87.5 percent, as applicable, of the depreciated actual cost of the vessel(s), or (2) the existing indebtedness relating to the vessel(s). If the project involves refinancing, in whole or part, the following additional information is to be submitted.

- **1.** Amount of existing debt;
- 2. Date debt incurred and original amount of debt;
- **3.** Repayment schedule as to principal and interest;
- **4.** Amount repaid to date;
- 5. Executed copy of the loan agreement; and

**6.** Information on the vessel's depreciated actual cost, including information on when the vessel was built, and its original cost of construction.

## PART V - RECONSTRUCTION OR RECONDITIONING

If the project involves reconstruction or reconditioning of an existing vessel(s), in whole or part, the following additional information is to be submitted. Financing available under this part must involve substantial modification such as enlarging the vessel(s), converting to a different mode of cargo transport, etc. Repair, reconditioning or reconstruction which is required to meet the current regulatory body or classification society requirement is not allowed.

- **1.** State the nature of the reconstruction or reconditioning and describe how it will increase the economic life and/or economic utility of the vessel(s).
- **2.** Estimated economic life of the vessel(s) before and after the reconstruction or reconditioning.
- 3. Date and place the vessel(s) was originally built, including name of the shipyard.
- 4. Original cost of construction (or acquisition cost if Applicant is not the original owner).
- **5.** Repair items, if any, should be shown as a separate item of cost and stated separately in the contract or specifications.
- 6. Amounts of any existing mortgages or security interests in the vessel(s) (also specify the holder(s) of such interests) and proposed method by which any such encumbrances will be released at the time of the funding.

[Remainder of page intentionally left blank]

#### Signature Page

(Name of Applicant)

I, \_\_\_\_\_(Name) \_\_\_\_, do certify that I am the \_\_\_\_\_(<u>Title of office(s) held</u>) \_\_\_\_\_ of \_\_\_\_\_ (<u>Name of Applicant or Parent Company</u>) \_\_\_\_\_, the Applicant on whose behalf I have executed the foregoing Application; this Application is made for the purpose of inducing the United States of America to approve financing pursuant to the provisions of 46 USC Chapter 537. I have carefully examined the Application and all documents submitted in connection therewith and, to the best of my knowledge, information and belief, the statements and representations contained in said application and related documents are full, complete, accurate and true.

By: \_\_\_\_\_\_(Signature)

Dated:\_\_\_\_\_, 20\_\_\_

Attest:\_

Name: Title:

**NOTE:** The U.S. Criminal Code makes it a criminal offense for any person to knowingly make a false statement or representation or to conceal or cover up a material fact from any department or agency of the United States as to any matter within its jurisdiction (18 USC 1001).

## ATTACHMENTS

Please complete the attachments using the requested form therein and file them with the Application. In the case of attachments where no form is included, please furnish the information in the manner requested in the relevant section of the Application.

Attachment I - Affidavit of Citizenship (a completed form must accompany the application.)

Attachment II - Table of Vessel Characteristics

Attachment III - Preliminary Vessel Design Information and Class Certifications (if applicable)

Attachment IV - Financial Information (for a complete description of requirements, see Part II, Section II.F.)

Attachment V - Shipyard Contract and Request for Actual Cost Approval and Reimbursement.

Attachment VI - Market Study Guidelines for Title XI Projects

Attachment VII - Lobbying Form (a completed form must accompany the application and this form must be updated as events occur.)

Attachment VIII - Certification of Foreign Component Waiver Request and Foreign Item List Template

Attachment IX - Environmental Impact Approvals, Permits, Certificates, and Documentation

Attachment X - Management Agreements and Operating Agreements

Attachment XI - Organizational Documentation and Related

Attachment XII - Forecast of Operations

Attachment XIII - Cargo Preference Ocean Bills of Lading and Shipping Documentation

#### NOTE:

**1)** For all requested information that is not being supplied at the time of application filing, indicate when these materials are to be supplied and the reason for not supplying them with the application.

**2)** For Applicants with an existing Title XI debt, certain information requested in this application may already be on file with the Maritime Administration and need not be re-submitted if the information is current. For any such information, please advise and also note when the information was submitted.

**3)** The Maritime Administration reserves the right to request additional information on any aspect of the project.

#### AFFIDAVIT OF U.S. CITIZENSHIP

State of\_\_\_\_\_,

County of \_\_\_\_\_\_SS:

I, _	(Name)	, of_	(Residence address)	, being
dul	y sworn, depose and say:			

 1.
 That I am the \_\_\_\_\_\_(Title of office(s) held) \_\_\_\_\_\_of (Name of Applicant) \_\_\_\_\_\_, a corporation organized and existing under the laws of the State of \_\_\_\_\_\_\_(hereinafter called the "Corporation"), with offices at \_\_\_\_\_\_\_(Business address) \_\_\_\_\_\_\_, in evidence of which incorporation a certified copy of the Articles or Certificate of Incorporation (or Association) is filed herewith (or has been filed) together with a certified copy of the corporate Bylaws. [Evidence of continuing U.S. citizenship status, including amendments to said Articles or Certificate and Bylaws, should be filed within 30 days after the annual meeting of the stockholders or annually, within 30 days after the original affidavit if there has been no meeting of the stockholders prior to that time.];

2. That I am authorized by and on behalf of the Corporation to execute and deliver this Affidavit of U.S. Citizenship;

3. That the names of the President or other Chief Executive Officer, Vice Presidents or other individuals who are authorized to act in the absence or disability of the President or other Chief Executive Officer, the Chairman of the Board of Directors, and the Directors of the Corporation are as follows:

 Name
 Title
 Date and place of birth

(The foregoing list should include the officers, whether or not they are also directors and all directors, whether or not they are also officers.)

and that each of said individuals is a citizen of the United States by virtue of birth in the United States, birth abroad of U.S. citizen parents, by naturalization, by naturalization during minority through the naturalization of a parent, by marriage (if a woman) to a U S. citizen prior to September 22,1922, or as otherwise authorized by law, except (give name and nationality of alien directors, if any); however, the Bylaws of the Corporation provide that <u>(Number)</u> of the directors are necessary to constitute a quorum; therefore, the alien directors named represent no more than a minority of the number necessary to constitute a quorum. [In the case of corporations under title VI, Merchant Marine Act, 1936, as amended, all directors must be citizens of the United States. Further, obtaining evidence necessary to support this Affidavit of U.S. Citizenship is the responsibility of the affiant.];

4. Information as to stock, where Corporation has 30 or more stockholders:<sup>1</sup>

That I have access to the stock books and records of the Corporation; that said stock books and records have been examined and disclose (a) that, as of <u>(Date)</u>

, the Corporation had issued and outstanding <u>(Number)</u> shares of <u>(Class or series)</u>, the only class or series of stock of the Corporation issued and outstanding [if such is the case], owned of record by <u>(Number)</u> stockholders, said number of stockholders representing the ownership of the entire issued and outstanding stock of the Corporation, and (b) that no stockholder owned of record as of said date five per centum (5%) or more of the issued and outstanding stock of the Corporation of any class or series. [If different classes or series of stock exist, give the same data for each class or series issued and outstanding, showing the monetary value and voting rights per share in each class or series. If there is an exception to the statement in clause (b), the name, address, and citizenship of the stockholder and the amount and class or series of stock owned should be stated.]

That the registered addresses of <u>(Number)</u> owners of record of <u>(Number)</u> shares of the issued and outstanding <u>(Class or series)</u> stock of the Corporation are shown on the stock books and records of the Corporation as being within the United States, said shares being <u>(Number)</u> per centum (\_\_\_\_\_%) of the total number of shares of said stock (each class or series). [The exact figure as disclosed by the stock books of the corporation must be given and the per centum figure must not be less than 65 per centum, except that for a corporation operating a vessel in the coastwise trade, the per centum figure must be not less than 95 per centum. These per centum figures apply to corporate stockholders as well as to the primary corporation.]

(The same statement should be made with reference to each class or series of stock, if there is more than one class or series.)

5. Information as to stock, where Corporation has less than 30 stockholders:<sup>2</sup>

That the information as to stock ownership, upon which the Corporation relies to establish that the required percentage<sup>2</sup> of stock ownership is vested in citizens of the United States, is as follows:

Name of stockholder	Number of shares owned (each class or series)	Percentage of shares owned (each class or series)
------------------------	---	---

and that each of said individual stockholders is a citizen of the United States by virtue of birth in the United States, birth abroad of U.S. citizen parents, by naturalization during minority through the naturalization of a parent, by marriage (if a woman) to a U.S. citizen prior to September 22, 1922, or as otherwise authorized by law.

**NOTE:** If a corporate stockholder, give information with respect to State of incorporation, the names of the officers, directors, and stockholders in the appropriate percentage of shares held, with statement that they are all U.S. citizens. Nominee holders of record of 5 percent or more of any class or series of stock and the beneficial owners thereof should be named and their U.S. citizenship affirmed.

6. That the controlling interest (or 75% of the interest)<sup>3</sup> in (each) said Corporation, as established by the data herein before set forth, is owned by citizens of the United States; that the title to a majority (or 75%)3 of the stock of (each) said Corporation is vested in citizens of the United States free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; that such proportion of the voting power of (each) said Corporation is vested in citizens of the United States; that states; that through no contract or understanding is it so arranged that the majority (or more than 25%)3 of the voting power of (each) said Corporation may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; and that by no means whatsoever, is control of (each) said Corporation in excess of 25%)<sup>4</sup> conferred upon or permitted to be exercised by any person who is not a citizen of the United States; and

<sup>&</sup>lt;sup>1</sup> Strike inapplicable paragraph 4.

<sup>&</sup>lt;sup>2</sup>75% if Corporation is operating in the coastwise trade, on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States; and controlling interest if Corporation is operating solely in the foreign trade, both terms as defined in section 2, Shipping Act, 1916, as amended.

<sup>&</sup>lt;sup>3</sup> Strike inappropriate language.

<sup>4</sup> Strike inappropriate language.

7. That affiant has carefully examined this affidavit and asserts that all of the statements and representations contained therein are true to the best of his knowledge, information, and belief.

Dated: (Signature of affiant)

Subscribed and sworn to before me, a Notary Public in and for the State and County aforesaid, this \_\_\_\_\_ day of\_\_\_\_\_, 20\_\_\_\_.

(Notary Public)

My Commission expires: \_\_\_\_\_

## Attachment II

# TABLE OF VESSEL CHARACTERISTICS FOR PROPOSED VESSEL(S)

Please provide vessel characteristics. See Part II, Section IV.C. The vessel characteristics shall include:

- 1. Length overall
- 2. Length between perpendiculars
- 3. Beam
- 4. Full load draft
- 5. Depth to strength deck
- 6. Full load displacement
- 7. Service speed at full load displacement
- 8. Number of passengers by classes
- 9. Approximate number of staterooms for each class
- 10. Number of crew:
  - a. Deck Department
  - b. Engine Department
  - c. Steward's Department
- 11. Dry cargo volume--bale cubic and/or grain cubic and/or TEU
- 12. Dry cargo deadweight
- 13. Refrigerated cargo cubic and/or TEU
- 14. Refrigerated cargo deadweight
- 15. Cargo oil cubic 100% full
- 16. Cargo oil deadweight
- 17. Fuel oil tankage cubic 100% full
- 18. Fresh water tankage cubic 100% full
- 19. Number of propellers
- 20. Type of main propulsion machinery.
- 21. Rated horsepower of main propulsion machinery (MCR)
- 22. Estimated fuel consumption in service at sea and in port
- 23. kWh of Electrical Energy Storage Devices that provide power to the propulsion system including Batteries and Flywheel Energy Storage (FES)
- 24. Evaporator capacity
- 25. Auxiliary generator capacity
- 26. Cruising radius at service speed at full displacement
- 27. Estimated net tonnage
- 28. Estimated gross tonnage
- 29. Estimated total deadweight capacity
- 30. Light ship weights
  - a. steel
  - b. outfit
  - c. machinery

## Attachment III

## **VESSEL DESIGN INFORMATION**

Please provide Vessel design information. See Part II, Section IV.C. The requirement for submission of the information outlined in Attachment III may be waived, at the Maritime Administration's discretion, for those projects which have a design previously approved by the Maritime Administration.

1. **SPECIFICATIONS:** Specifications shall cover all shipyard contract work to be accomplished. They shall identify classification society rules to be used, national and international regulations to be applied and primary vessel certifications to be obtained. They shall also address pollution considerations such as engine emissions, sewage processing, refrigerants and firefighting systems.

2. **GENERAL ARRANGEMENT DRAWINGS:** Drawings shall include the inboard profile and plan view of the decks with a table of principal vessel characteristics.

3. **MIDSHIP SECTION STRUCTURAL DRAWING:** Drawing shall be consistent with classification society and/or regulatory body requirements.

4. **MAJOR LONGITUDINAL AND TRANSVERSE STRUCTURAL DRAWINGS:** Drawing shall be consistent with classification society and/or regulatory body requirements.

5. **LONGITUDINAL HULL GIRDER STRENGTH ANALYSIS:** Analysis shall be consistent with classification society and/or regulatory body requirements.

6. **MACHINERY ARRANGEMENT DRAWINGS:** Drawings shall have sufficient plan view(s), elevation(s) and section view(s) to show the location of all major machinery components. A list of main machinery components shall also be included.

7. **LIGHTSHIP WEIGHT ESTIMATE:** Estimate shall include a weight breakdown in the three main weight groups: hull structure (including deck house), hull outfitting (including joiner work) and machinery, with a center of gravity for each main group.

8. **LIGHTSHIP LONGITUDINAL WEIGHT DISTRIBUTION CURVE:** Curve should be consistent with classification society and/or regulatory body requirements.

9. **LINES DRAWINGS:** Drawings shall show the body plan, profile plan and waterline plan. Tabular offsets in hard copy and in computer format shall also be provided.

10. **SPEED/POWER CHARACTERISTICS:** Include curves of speed versus power and rpm with enough pertinent technical data for the selection of main engine(s) and propeller(s).

11. **HYDROSTATIC CHARACTERISTICS:** Hydrostatic data may be presented as curves, nomographs and/or tables.

12. **LOADING CONDITION CALCULATIONS:** Calculations should be consistent with classification society and/or regulatory body requirements and shall represent the safe loading of the ship throughout its range of operating drafts.

13. **INTACT AND DAMAGED STABILITY (if required) ANALYSES:** Analyses shall be consistent with classification society and/or regulatory body requirements.

14. **CAPACITY PLAN:** Plan shall include volume, weight, and center of gravity information for each cargo space and/or tank. Free surface effects for all tanks shall also be included.

15. **ELECTRIC LOAD ANALYSIS:** Analysis should be consistent with classification society and/or regulatory body requirements.

16. **HEAT BALANCE OR ENERGY ANALYSIS:** Analysis shall be in diagrammatic form and should be consistent with classification society and/or regulatory body requirements.

17. **KEY EVENT PRODUCTION SCHEDULE:** Production schedule which clearly demonstrates the integration of each vessel with the shipyard's existing workload shall be provided, if the Title XI application involves construction period financing.

18. **VESSEL DOCUMENTATION:** A copy of all classification society and/or regulatory body documents and certificates issued for the vessel(s).

- **NOTES:** (1) When deemed necessary, additional technical information may be requested by the Maritime Administration and shall be provided by the Title XI Applicant.
  - (2) If a preliminary Title XI application is submitted, it shall include, as a minimum, Sections 1 and 2 of this Attachment III.
  - (3) In general, all plans provided shall be drawn to an engineering or architectural scale and may be in a computerized format such as AutoCAD R.12 or later. All other technical information may also be submitted in a computerized format. Data compatibility requirements should be discussed with the Maritime Administration prior to submittal.

#### **Summary of Actual Cost Request**

Applicant's Name Applicant's Addre					
Shipyard's Name Shipyard's Addre					
Name of Vessel Type of Vessel			Shipyard Hull No.		
	LOA	LBP	BEAM	DEPTH	SHP
Submittal No.					
Period Covered	From:		to:		Final Cost Submittal
		Date		Date	

Date of Last Previous Submittal

# Instructions to Applicant

Requests for actual cost approvals and remittances must be submitted on this form and on the supplemental schedules listed below as applicable. Specific instructions are included on each supplemental schedule.

Remittances to Shipyard	Supplemental Schedule No.	Previous Cumulative Total	Actual Cost This Submittal	Cumulative Actual Cost To Date
Contract Base	1			
Cost Escalation	1			
Changes & Extras	2 & 2A			
Other Items	3			
1. Subtotal-Actual Construction Cost				
Owner Furnished Items	4			
Design, Engineering and Inspection At Owner's Cost	5			
2. Subtotal-Actual Owner's Cost				
Total (1 & 2) Actual Construction & Outfitting Cost:				
Less: Items of Foreign Cost Not Allowed	6			
<ol> <li>SubtotalActual Construction and Owner's Outfitting Cost</li> </ol>				
Financing Costs: Guarantee Fee/Commitment Fees	7			
Interest Expense				
Interest Income				
4. SubtotalFinancing Costs				
TotalActual Cost				
5. Source of Payments				
Escrow Fund				
Construction Fund				
General Fund				
TOTAL				

Notes, Comments, Etc.

# **CERTIFICATION OF PAYMENTS**

The undersigned has examined the records of \_\_\_\_\_\_ and certifies the above cost figures and the attached supplemental schedules to accurately state the actual costs, both paid and to be paid, of \_\_\_\_\_\_ in accordance with generally accepted accounting practices.

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

Name

Title

## Shipyard Contract(s)

Please provide signed copies (or drafts if not yet executed) of all written contracts such as the shipyard contract, management or operating agreement (unless provided in other attachments) for justification of all costs that have been or are expected to be incurred by the Applicant. See Part II, Section IV.D.2.

**Supporting Documentation** 

Supplemental Schedule No. 1 Contract Base Cost and Escalation

Applicant's Name Applicant's Address

Shipyard's Name Shipyard's Address

Name of Vessel Submittal No. Shipyard Hull No. Date

## **Instructions to Applicant**

List all remittances made to the shipyard for the construction of the vessel as shown in the contract specifications. Include escalation, if applicable, as defined in the contract. Do not include the cost of subsequent amendments to the contract or changes and extras which are to be listed on Schedules 2 and 2A.

Date of		Contract		
Payment	Notes or Comments (if required)	Base Cost	Escalation	Total

**Supporting Documentation** 

Supplemental Schedule No. 2 Index of Changes and Extras

Applicant's Name Applicant's Address

Shipyard's Name Shipyard's Address

Name of Vessel Submittal No. Shipyard Hull No.

Date

# **Instructions to Applicant**

List all changes and extras in numerical order as indicated below. Fill in all information requested. Show total cost claimed at the end of the list. Attach Schedule 2A with information requested arranged in the same sequence.

If preferred, the Applicant may request the shipyard to forward this schedule and Schedule 2A directly to the Office of Marine Financing, Maritime Administration at marinefinancing@dot.gov.

Change No. Description or Identification

Subcontractor (if applicable.) Cost per Ship

**Supporting Documentation** 

Supplemental Schedule No. 2A Changes and Extras Details

Applicant's Name Applicant's Address

Shipyard's Name Shipyard's Address

Name of Vessel

Submittal No.

Shipyard Hull No.

Date

## **Instructions to Applicant**

Enter below the details requested for each change order in the same sequence as listed in Schedule 2. The scope of work for each change should be briefly described. Major items of material and/or labor should be set forth individually--whether added or deleted. Sufficient detail should be included to justify the cost added or deleted for each change. Include as many changes as possible on each sheet.

	Title of Change/Scope of				Net Cost
Change	Work by Phases/Material	Materi	al Cost	Labor	of Change
No.	Description/Labor Description	Unit	Total	Hours Cost	(+) or (-)

**Supporting Documentation** 

Supplemental Schedule No. 3 Other Items

Applicant's Name Applicant's Address

Shipyard's Name Shipyard's Address

Name of Vessel

Submittal No.

Shipyard Hull No.

Date

## Instructions to Applicant

List below all items paid directly to the shipyard which qualify as construction cost, but do not belong in the categories of base contract cost, changes, extras, and escalation. Example: insurance, storage of owner furnished items, performance bond; if such items are not provided for in construction contract.

Item No.

Description

Cost

**Supporting Documentation** 

Supplemental Schedule No. 4 Owner Furnished Items

Applicant's Name Applicant's Address

Shipyard's Name Shipyard's Address

Name of Vessel

Submittal No.

Shipyard Hull No.

Date

## Instructions to Applicant

List below all owner furnished materials, equipment and services where the total cost per invoice exceeds \$2,500. At the end of the list include all invoices costing less than \$2,500 in a lump sum opposite the description "Miscellaneous Owner Items." Description of individual items listed should include quantity, material specification, model No., horsepower, capacity, etc., as applicable, to allow review for reasonability of cost and eligibility as Title XI actual cost. Invoices containing the above information may be submitted in lieu of filling this form out provided a summary of all such invoices is provided with each submittal.

Note: If the item is not manufactured, show the name of the company who is furnishing the goods or services. Do not list brokers, jobbers, distributors, or representatives.

Item		Description or	Manufacturer's Name*	Vendor's	Cost per
No.	Quantity	Identification	City and Country	Invoice No.	Shipset

#### **Supporting Documentation**

## Supplemental Schedule No. 5 Design, Inspection and Engineering at Owner's Cost

Applicant's Name Applicant's Address

Shipyard's Name Shipyard's Address

Name of Vessel Submittal No. Shipyard Hull No.

Date

## Instructions to Applicant

List below expenditures paid by the Applicant for design, inspection and engineering in sufficient detail to permit review for Title XI eligibility and reasonability of cost.

	Names of Applicant's Employees			
Item	and/or Names of Subcontractors	No.	Invoice No. or	
No.	Nature of Work Performed	Hours	Rate/Hour	Cost

#### **Supporting Documentation**

## Supplemental Schedule No. 6 Items of Foreign Manufacture, Growth or Origin

Applicant's Name Applicant's Address

Shipyard's Name Shipyard's Address

Name of Vessel

Submittal No.

Shipyard Hull No.

Date

## Instructions to Applicant

Under Maritime Administration policy all items of foreign manufacture, growth or origin are ineligible as Title XI actual cost. It is the responsibility of the Applicant to furnish the information listed below for each such item. This includes both goods and services. The total cost of the items listed will be deducted from the total actual cost eligible for Title XI financing unless a waiver has been requested by letter from the Maritime Administration and granted by the Maritime Administration by letter.

Item		Description or	Vendor's Name	Vendor's	Cost per
No.	Quantity	Identification	City and Country	Invoice No.	Ship

## **Supporting Documentation**

## Supplemental Schedule No. 7 Interest, Commitment Fees and Guarantee Fee

Applicant's Name	
Applicant's Address	

Shipyard's Name Shipyard's Address

Name of Vessel Submittal No. Shipyard Hull No.

Date

## Instructions to Applicant

Fill out the information requested below concerning the interest and commitment fees for which you are requesting reimbursement in this submittal.

Period	Check Which		Principal	Interest	Amount
Covered	Int. Fee	Paid to Amount	Rate	Paid	

## Preamble, Market Study Guidelines

A portion of the information required by Part II, Section IV.B.1 submitted as **Attachment VI** of the Application relates to the overall market in which the vessels will operate and the applicant's performance in that market. In order to assist the applicant in providing the most relevant information we have prepared the attached market study guidelines which should form the basis for your response. If you believe specific information items are not relevant to your project, please contact the Maritime Administration to discuss the data required to support your application.

#### Market Study Guidelines for Title XI Projects

#### I. Existing Markets and Services:

- Information can be provided by applicant or independent market consultant.
- Clear definition of market (e.g., U.S. domestic product tanker trades) as perceived by the applicant.
  - Geographic scope, including any specific regions, ports, or routes of focus.
  - List of major companies (addresses, if known) serving the market and market shares (shares can be measured in terms of traffic or capacity). Applicants should also provide information on the financial stability, reputation, and track record of major companies in the market.
- Measures of traffic (overall/applicant's share)
  - Time series for last five years (thoroughly explain any anomalies that occurred in last five years).
  - Annual, or higher frequency if traffic is seasonal.
  - Weight or volume measures, e.g., number of passengers/tons carried.
  - Qualitative factors affecting traffic trends, e.g., changes in regulatory requirements/geopolitical events.
  - Estimates for next five years, along with an explanation justifying the estimates.
  - Applicant's market share (historical and projected).
- Measures of supply (capacity) (overall fleet/applicant's fleet)
  - Existing fleet (Describe specifically the types of ships included in the fleet profile).
  - Number of ships
  - Cargo capacity (passenger berths, DWT, cargo capacity (short tons, bbls.).
  - Fleet trends, in size, vessel types, speed, fuel consumption, crew size, other technological improvements.
  - Environmental and sustainability measures, e.g., emissions standard compliance and fuel efficiency initiatives.
  - Age profile of existing fleet.
  - Orderbook
  - Same measures as existing fleet.
  - Recent scrapping rates, average scrapping age.
  - Regulatory impacts (if any).
- Measures of Demand, Fleet Employment (overall/applicant's)
  - Time series for last five years (explain any anomalies that occurred in last five years), defining the utilization of vessels within the fleet (e.g. the number of vessels in active service, the percentage in operation over a specific period, or the hours of operation logged by the fleet) and the extent to which those vessels' use efficiently meet demand as used in the data. When defining the extent to which those vessels' use efficiently meets demand, applicants should calculate the percentage of total

fleet capacity that is being utilized at any given time, considering factors such as the number of vessels in operation versus the total fleet size and the hours of operation compared to the maximum potential operating hours.

- Measured by number of ships/shipping capacity employed.
- Annual or higher frequency if employment is seasonal.
- Estimates for next five years, along with an explanation justifying the estimates.
- Rates (overall/applicant's)
  - Time series, last five years (explain any anomalies that occurred in last five years), next five years (estimates).
  - Annual or higher frequency if traffic is seasonal.
  - Time charter rates (preferred), per diems/fares for passenger service, freight (voyage rates). Time charter rates should be industry-competitive and require a comparison with prevailing market rates. Time charter equivalent rates are optional and must include a complete set of employment assumptions underlying estimates.
  - Estimates for next five years, along with an explanation justifying the estimates.
- Pro Forma Estimates
  - Time charter/freight rates/fares for the proposed equipment with cost components identified, e.g., capital costs, operating costs, voyage costs (fuel/port) under various utilization assumptions.
  - A sensitivity analysis demonstrating the impact of variations in key assumptions on pro forma estimates and identifying and assessing the potential risk factors that could impact the project's financial viability. Risk factors may include, but are not limited to, fluctuations in fuel prices, changes in regulatory requirements, geopolitical events, market competition, and major external influencers. Applicants should explicitly identify and analyze external factors that have historically impacted the market or may pose a potential risk in the future.

Information provided in market studies should be thoroughly documented: footnotes, sources, and references. Footnotes, sources, and references should be comprehensive and easily verifiable. If any of the preceding industry data items are unavailable, applicant should provide proxies, e.g., survey data, employment contracts, charters. Applicant should clearly describe the proxies.

#### II. New Market with no established service:

- Applicant should clearly define the potential market.
- Applicant should have an independent market survey done by a reputable firm to estimate the size of the potential market using industry-recognized survey methodologies. A reputable firm should have a proven track record of conducting independent market surveys within the transportation or related sectors; demonstrate expertise in employing robust methodologies for data collection and analysis, ensuring the reliability and accuracy of their findings; operate with impartiality and independence, free from any conflicts of interest that could compromise the objectivity of their findings; exemplify reliability, credibility, and adherence to professional standards; articulate a clear understanding of the project objectives and deliverables, along with a well-defined timeline and communication plan; and demonstrate flexibility and innovation in their approach to addressing unique challenges and opportunities.
- The Applicant should provide background information on the firm conducting the survey, the focus group, service attributes, development of the questionnaire (include questionnaire), and the survey population and sample selection process. The applicant should also provide the margin of error for the survey results.

- The survey should generate estimates for the following:
  - Traffic
  - Diverted from other competitive modes v. new demand
  - Seasonality
  - Required capacity
  - Service frequency
  - Prices/rates customers would pay
  - Potential for market growth
  - Regulatory hurdles and/or identifiable risks, and
  - The survey report should contain, if known, a list of major companies (addresses, if known) expected to serve the market and their potential market shares (shares can be measured in terms of traffic or capacity), along with information on the financial stability; reputation; and track record of those companies.
  - It should also contain a critical evaluation of the project (positive/negative aspects) and recommendations as to changes to project based on survey results.
- Pro Forma Estimates
  - Breakeven time charter/freight rates/fares for the proposed equipment with cost components identified, e.g., capital costs, operating costs, voyage costs (fuel/port) under various utilization assumptions. The applicant should align pro forma estimates with the survey results and provide a detailed breakdown of the assumptions used, especially those derived from the survey.
- Market surveys indicate latent market potential. The applicant should therefore submit its proposed merchandising, advertising and promotional plan which clearly describes how it expects to achieve traffic/utilization/rate levels necessary for profitable results. The applicant should provide detailed guidance on the proposed merchandising, advertising, and promotional plan, including specific strategies to tap into latent market potential.

#### III. Established market with new type of service or vessel:

- Applicant should provide items listed for established market and a survey to demonstrate demand for the new type of service or vessel. The survey should include potential customers' preferences, expectations, and willingness to pay for the new type of service or vessel. The new type of service or vessel should be integrated seamlessly into the existing market data to allow for a holistic analysis.

#### DECLARATION REGARDING LOBBYING

I,\_\_\_\_\_\_, do hereby declare under penalty of perjury, in accordance with the provisions of 28 United States Code 1746, that the following statements are true and correct to the best of my knowledge:

1. I am the Chief Executive Officer of \_\_\_\_\_\_\_, an applicant (the "Applicant") for a financing pursuant to 46 USC Chapter 537, and this Declaration is hereby submitted in compliance with the provisions of 31 USC 1352, as amended by the Lobbying Disclosure Act of 1995, Pub. L. 104-65, December 19, 1995 (the "Lobbying Act").

2. The submission of the information set forth herein has been duly authorized and approved in the manner required by the Applicant's articles of incorporation and its bylaws.

3. There immediately follows a list of any lobbyists who have an obligation to register under the Lobbying Act and who have made lobbying contacts on behalf of the Applicant in connection with the requested Title XI financing:

4. The Applicant will file a further declaration in the form of this Declaration at the end of each calendar quarter in which there occurs any event that materially affects the accuracy of the information contained in this Declaration.

5. The terms "lobbyist" and "lobbying contacts" used herein have the meanings given to them by the Lobbying Act.

Dated:

Name

Title

## **Certification for Foreign Component Waiver Request**

I, <u>(name)</u>, the <u>(title)</u> of <u>(applicant name)</u> (the "Applicant") hereby request on behalf of the Applicant that MARAD grant a waiver from the domestic component requirement in 46 CFR 298.13(b)(2) to allow inclusion of the attached list of foreign components in the Actual Cost for the project as part of its financing pursuant to the provisions of 46 USC Chapter 537.

I certify that I have carefully examined the attached list of equipment and, to the best of my knowledge, information and belief, the statements and representations contained in said list are full, complete, accurate and true.

(signature)

#### Attachment VIII

# Foreign Component List

Line Item	Description	Source	Manufacturer	Country of Origin	Amplifying Data

#### Instructions for Submitting the Foreign Component List

- See Part II, Section IV.D.1 for information pertaining to submission of foreign components.
- Determine how many items of foreign equipment that will be in the waiver request.
- Submit the justification for the foreign items using the format in this attachment with separate rows for item of foreign equipment on the waiver.
- **Description Column:** Provide a description for each item of foreign equipment sufficient to identify its use.
- **Source Column:** Note whether each the item of foreign equipment is being sourced as *Owner Furnished* or *Shipyard Furnished*.
- Manufacturer Column: Provide the manufacturer for each item of equipment.
- **Country of Origin Column:** Provide the country of origin for each piece of equipment.
- Amplifying Data Column: Provide one of the following foreign waiver justifications for each item of equipment:
- Equipment/Service is not available in the United States for one of the following reasons:
  - Not available in time for building schedule/ spec out;
  - Equipment is part of a complex system and cannot be substituted; or
  - Domestic equivalent is not cost competitive.
  - Equipment/Service is available in the United States, but cannot be used for one of the following reasons:
    - Insufficient quality/ not acceptable marine standards; or
    - Metric equivalent not available.

#### Attachment IX

## Environmental Impact Approvals, Permits, Certificates, and Documentation

Please provide copies of all any Federal, State, Tribal, or local approvals, permits or certificates, or applications for same, that encompass the project and, if applicable, any environmental study or assessment. See Part II, Section IV.F.

# **Management Agreements and Operating Agreements**

Please provide a copy of any management agreement(s) between the Applicant and any related or unrelated organization(s). See Part II, Sections II.C and II.D.

## **Organization Documentation and Related**

Please certified copies of the certificate of incorporation and bylaws, certificate of formation, partnership agreement or other documentation forming the entity for the Applicant, any bareboat charterers, and parent company (if applicable). Please also include relevant organizational charts that illustrate the relationship between the Applicant, any bareboat charterers, any affiliates, and the parent company (if applicable). See Part II, Sections I.A.3 and II.B

## Attachment XII

#### **Forecast of Operations**

Please provide the forecast of operations in a Microsoft Excel-compatible spreadsheet retaining all formulas used in the calculation of assumptions for the forecast. If necessary, please provide details in a narrative section or other form to support assumptions used in the forecast. See Part II, Section IV.E.

# Cargo Preference Ocean Bills of Lading and Shipping Documentation

Please provide copies of all ocean bills of lading for all materials, or commodities shipped by the date of this Application, a short description of the US-flag carrier(s) and the service details to be utilized for all future shipments, and information as to plans for future shipment of ocean cargo (i.e., shipping plan) in the spreadsheet or narrative form. See Part III, Section 4.