

Appropriate Person Request Form

Overview

The Appropriate Person Criteria (APC) is a Regulatory Standard established by the Authority for Public Services Regulation (APSR) to ensure that entities interested in participating in the Oman Power & Water Procurement Company (OPWP) tender processes for the development and operation of Independent Power Producer (IPP), Independent Water Project (IWP), or Independent Water and Power Project (IWPP) are deemed fit and proper.

The APC is part of the RFQ and RFP stages of the aforementioned procurement process. The Applicants/Bidders are required to demonstrate compliance with both the APC and OPWP's qualification criteria. Additionally, the Applicants/Bidders must formally request the Authority's APC approval by submitting all required information in the format specified in the APC Guidance document, enclosed with the official letter titled "Appropriate Person Request".

Submission Instruction

This form must be completed by the Applicants/Bidders seeking to participate in OPWP's tenders for IPP, IWP, or IWPP during both the **RFQ** and **RFP** stages of the procurement process, as required.

To obtain a formal letter from the Authority confirming the applicant's compliance with the APC, the following steps must be taken:

1. Submit the form alongside the Appropriate Person Request letter addressed to the Chairman of the Authority:

H.E. Dr. Mansoor Al Hinai Chairman of Authority for Public Services Regulation 1st Floor Uninvest Building, Muscat Hills
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2. All Applicants/Bidders must confirm they conducted the following by marking the boxes below:

- ☐ Reviewed the Appropriate Person Criteria that is available on the Authority's website;
- ☐ Reviewed the Licence Application Form that is available on the Authority's website and understood the full extent of information required to be completed and submitted with the application;
- ☐ Reviewed the Law for the Regulation and Privatisation of the Electricity and Related Water Sector Promulgated by Royal Decree (78/2004) (Electricity Sector) and its amendments, the Law for the Regulation of the Water and Wastewater Sector Promulgated by Royal Decree (40/2023) (Water Sector), and conditions of a Licence, both of which are available on the Authority's website; and
- ☐ Reviewed and understood the applicable provisions and conditions in relation to a Licence including but not limited to the relevant Articles of the Sector Law.

3. Complete this form in its entirety.

Submission Guidelines and Requirements:

1. **Compliance with Instructions:** The determination of compliance will rely exclusively on the information provided. Applicants/Bidders must ensure not to provide any incorrect, untrue or misleading information.
2. **Notification of Changes:** The Authority must be notified immediately of any changes in the bidding group during the **RFQ** and **RFP** stages of the tender. In such cases, this form must be updated and submitted alongside a formal letter informing the Authority of the changes.
3. **Application as a Consortium:**
 - If applying as part of a consortium, the managing member must be clearly specified.
 - Each member of the consortium must complete an individual form as part of the submission.
4. **Disclosure of Government Ownership:** Bidders must disclose any foreign government ownership in their company.
5. **Additional Information:** In specific circumstances, Applicants or Prospective bidders may be required to provide supplementary information to support their responses.

Ensure all submissions are accurate and complete to avoid delays.

Project and Applicant Details

Provide below the name of the project & the Tender number you are applying for:	
Project Name:	
Tender number (as specified in OPWP's tender documents):	

Indicate whether you are applying as a sole applicant or as part of a consortium, and provide the required information as applicable.		
<input type="checkbox"/> Sole Applicant	<i>If applying as a sole applicant provide the name of the Company and a Point of Contact:</i>	
	Bidder (Company) Name:	
	Bidder Point of Contact:	

<input type="checkbox"/> Consortium	<i>If applying as a consortium, indicate the managing member and name each member of the consortium respectively:</i>	
	Managing Member (Company) Name:	
	Managing Member's Point of Contact	

Applicant Name (Company / Managing member/Member in case of consortium)	Legal type of the Company: <input type="checkbox"/> Holding <input type="checkbox"/> Public Joint-Stock <input type="checkbox"/> Closed Joint-Stock <input type="checkbox"/> Governmental	Provide name(s) of Consortium members and corresponding Point of Contact for each (phone & email)	Proposed Percentage in the project Company (%)
1.		Name: Phone: Email:	
2.		Name: Phone: Email:	
3.		Name: Phone: Email:	
4.		Name: Phone: Email:	
5.		Name: Phone: Email:	

Note: Please add additional rows to the table as needed to ensure all required information is provided.

Shareholding Information

A. Sole Applicant

- i. Please provide a detailed breakdown of the Company's shareholders structure, specifying the names of shareholders, the class of shares (Private/Governmental), and their Percentage equity holdings by filling out the table below.

S.N	Shareholder's Name	Shareholder's Type (Private/ Governmental)	Percentage (%)
1.			
2.			
3.			
4.			
5.			

Note: Please add additional rows to the table as needed to ensure all required information is provided.

- ii. Additionally, please include the Company Organizational Chart (with shareholder and ownership details). Please specify corporate ownership, shareholding composition, equity holdings, subsidiaries' shareholder structure, the nature and extent of each shareholding, including details of the Parent Company and the Ultimate beneficiary, and any other relevant information as an Annex attached to this form.

B. Consortium

- i. Please provide a detailed breakdown of the shareholders structure for all companies comprising the Consortium, specifying the names of shareholders, the class of shares (Private/Governmental), and their percentage equity holdings by filling out the table below.

S.N	Shareholder's Name	Shareholder's Type (Private/ Governmental)	Percentage (%)
1.			
2.			
3.			
4.			
5.			

Note: Please add additional rows to the table as needed to ensure all required information is provided.

- ii. Additionally, please include the Company Organizational Chart (with shareholder and ownership details) Please specify corporate ownership, shareholding composition, equity holdings, subsidiaries' shareholder structure, the nature and extent of each shareholding, including details of the Parent Company and the Ultimate beneficiary, and any other relevant information as an Annex attached to this form.

Disclosure of Existing Ownership in Oman's Electricity and Water Sector

This section is mandatory and must be completed irrespective of whether the Applicant/Bidder is applying as a sole entity or under a consortium. If applying as a consortium, the required table must be completed for each member company of the consortium.

Please provide details if you, or any of your subsidiaries or affiliates, hold any existing shares in electricity generation and/or water desalination plants within the Sultanate of Oman.

S.N	Name of Plant	Economic / Equity Interest (%)	Voting Power (%)	Entitlement to Distributed Income (%)	Entitlement to the Residual Assets in case of the entity winding up (%)
1.					
2.					
3.					
4.					
5.					

Note: Please add additional rows to the table as needed to ensure all required information is provided.

1. Does the Applicant have previous license or license exemption from the Authority to undertake any other Regulated Activity?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
If the answer is Yes , please specify all previous licenses held by the Applicant:	

2. Does the applicant have a Controlling Interest ¹ in any other Licensee by any means?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
If the answer is Yes , please specify:	

3. Does the applicant have, or plan to acquire, any direct or indirect economic interest in any other Licensee?	
If the answer is Yes , please provide details of the Licensee, License type, etc:	
Directly: _____ %	Indirectly: _____ %

¹ As per the definition of Control under the Generation and Water Desalination License conditions.

Government Policy

A. Sole Applicant

If the company's shareholders fall under the Governmental class of shares, have direct and/or indirect foreign government holdings, and ownership shares, please complete the table below.

1. Is the company a Public Joint-Stock Company?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
If the answer is Yes , please specify the stock exchange on which the company shares are traded:	
2. Is the Company subject to the provisions of Regulation and Competition Law in your state?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
If the answer is Yes , please specify the applicable Laws, regulations and Regulating Bodies:	
3. What percentage does the government own in the Company? (Directly or indirectly – please specify)	
Directly: _____ %	Indirectly: _____ %
4. Is the Company independent from any direct government interference/involvement in its management? Please clarify the Governing mechanism to ensure independence.	

B. Consortium

If the company's shareholders fall under the Governmental class of shares, have direct and/or indirect foreign government holdings, and ownership shares, please complete the table below.

1. Is the company a Public Joint-Stock Company?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
If the answer is Yes , please specify the stock exchange on which the company shares are traded:	

2. Is the Company subject to the provisions of Regulation and Competition Law in your state?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
If the answer is Yes , please specify the applicable Laws, regulations and Regulating Bodies:	

3. What percentage does the government own in the Company? (Directly or indirectly – please specify)	
Directly: _____ %	Indirectly: _____ %

4. Is the Company independent from any direct government interference/involvement in its management? Please clarify the Governing mechanism to ensure independence.

Additional Information and Clarifications

This section allows all Applicants/Bidders to provide any clarifications or supplementary information in support of the application. Please note that the Authority may request further Documents to support your application.

Please disclose any relevant information that must be brought to the attention of the Authority as part of the application process.

Signature and Authorization

This form must be signed by an authorized representative of the Applicants/Bidders.

The signatory must provide the following details: Full name, role or title within the company or consortium, date of signing, and company name.

If applying as part of a consortium, each member of the consortium must ensure their respective authorized representative signs the form and provides the necessary details.

The signature(s) serve as a formal declaration that all information provided in this application form is accurate, complete, and in compliance with the requirements outlined by the Authority.

Applicants/Bidders' Signature(s)