Regulation 22(1)

# **FORM 10**

# **NOTICE OF NEGOTIATION FOR CONTRACT OF NATIONAL INTEREST**

|  |
| --- |
| **IMPORTANT NOTICE:**   * Please take time to understand the effect of a Notice of Negotiation for Contract of National Interest, before using this form to serve the Notice. You may refer to [www.go.gov.sg/re-align-national](http://www.go.gov.sg/re-align-national) for more information.   Please note that **the contract must have been certified by the relevant Minister to be a Contract of National Interest for your contract to be eligible for repricing under the Re-Align Framework**. You should serve this Notice of Negotiation for Contract of National Interest only if you have been issued with the certificate.  Once you serve this Notice of Negotiation for Contract of National Interest, both parties will have four (4) calendar weeks to renegotiate a mutually acceptable price for the contract. Nothing in the Framework compels the other party to accept your proposal. The other party may offer their own proposal. Both parties should negotiate in good faith and explore ways to reach an agreement. You may also consider mediation or seeking other help to carry out your negotiations.  If parties cannot reach an agreement after 4 weeks, you may serve and lodge a Notice for Repricing within 2 weeks. Thereafter, the Assessor will look into the matter. If the Assessor finds that you are eligible for repricing, the Assessor will determine whether the contract should be repriced and if so, the price to be applied to the contract.  If you do not serve and lodge a Notice for Repricing within those 2 weeks, you will not be eligible for a repricing of the contract by an Assessor.   * Please use this form only if you are unable to use the electronic form in the links below:   + For individuals – <https://go.gov.sg/notice-of-negotiation-national-singpass>   + For entities – <https://go.gov.sg/notice-of-negotiation-national-corppass> * To seek to renegotiate the price of the contract under Division 6 of Part 10 of the Act,please complete this form and [serve](https://www.mlaw.gov.sg/realign/other-modes-service) the form on the following person(s) (where applicable):  1. Any other party to the contract; 2. Your guarantor or surety, or the issuer of a performance bond, in relation to your obligations under the contract; and 3. Any assignee of any party to the contract.   You should serve the form on the above person(s) within 3 days beginning on the date of this form (at Part VI below).   * Please **make and keep a copy of this Notice of Negotiation for Contract of National Interest** before you serve on the intended recipient(s). * If you are **unable to serve this form and the supporting documents by email** on the intended recipient(s), you may serve the documents on the intended recipient(s):  1. By an **internet-based messaging system** (e.g. WhatsApp) or the **messaging system on the website, blog, or social media or networking website** owned or operated by the recipient, provided you have corresponded with the recipient via that messaging system regarding the contract; 2. Only if you are unable to serve by email or the mode in (a) above, by **both**: 3. the **mode of service specified under the contract for giving notice; and** 4. **prepaid registered post** (You should keep a copy of the registered post slip or courier slip as proof of service); or 5. Only if you are unable to serve by email or the modes in (a) and (b) above, by **prepaid registered post only** (You should keep a copy of the registered post slip or courier slip as proof of service).  * Please also submit the completed form and supporting documents to the Registry at [COVID19-RAF-REGISTRY-NOTICES@mlaw.gov.sg](mailto:COVID19-RAF-REGISTRY-NOTICES@mlaw.gov.sg). * You should fill **all** the fields in this form, unless they are indicated as fields that are required to be filled only if the information is available or applicable, or they are indicated as fields that you may leave blank.\*   \* *The Registrar and/or Assessor may allow an amendment of the Notice or make directions to a party to provide any document or information, to comply with the requirements of the Regulations.* |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Part I – Particulars of Party who is seeking a renegotiation of price under Notice of Negotiation for Contract of National Interest**  Please note that all correspondence, notices or documents in relation to proceedings under the Re-Align Framework, including correspondence with you or the entity (as the case may be) by the Registry (if applicable), will be served on the email address provided below. | | | | | | | |
|  | Name of Party**\***:  \***If you are making this Notice of Negotiation for Contract of National Interest on behalf of your company or business, fill in the name of the company or business.** | | | *e.g. ABC Supplier Pte. Ltd.* | | | |
|  | Unique Entity Number (UEN) (if applicable): | | | *Enter UEN if applicable* | | | |
|  | Email address (if available): | | | *Enter email address for service of documents and correspondence* | | | |
|  | Contact no.: | | | *Enter phone number where you can be contacted. Please include the country code if it is a foreign number.* | | | |
|  | Address: | | |  | | | |
|  | Name of authorised representative (where applicable): | | | *If you are authorised to serve the Notice of Negotiation for Contract of National Interest on behalf of your company, business or organisation, enter your name here* | | | |
| **Part II – Particulars of**   1. **Any other party to the contract;** 2. **The guarantor or surety, or an issuer of a performance bond, in relation to your obligations under the contract (if applicable); and** 3. **Any assignee of any party to the contract.**   If any of the above parties is an entity (such as a business, company or organisation), you must identify the entity correctly. You should insert the entity’s name and registered address and, **where available**, the telephone number, email address, and Unique Entity Number of the entity.  Please repeat Part II if there is more than one person. | | | | | | | |
|  | Name: | | | *e.g. XYZ Services Pte Ltd* | | | |
|  | Identity of the party: | | |  | | Any other party to the contract | |
|  | | Guarantor or surety or issuer of a performance bond | |
|  | | Assignee of a party to the contract | |
|  | Unique Entity Number (UEN) (if available): | | | *Enter UEN if available* | | | |
|  | Address (if available): | | | *If the other party is an entity, please provide the entity’s registered address (see* [*www.uen.gov.sg*](http://www.uen.gov.sg)*).* | | | |
|  | Email address (if available): | | |  | | | |
|  | Contact no.: | | |  | | | |
|  | Representative’s name: | | | *If the other party is an entity or business, please enter the name of its representative.* | | | |
| **Part III – Declaration of eligibility under** [**Part 3 of the Second Schedule**](https://www.go.gov.sg/re-align-eligibility) **of the Act**  Please select the boxes in this Part to confirm that the party named in Part I meets the eligibility criteria for the Re-Align Framework. | | | | | | | |
|  |  | The annual revenue of the party named in Part I does not exceed S$30 million, or if that party is a member of a group, the annual revenue of the group does not exceed S$30 million. (Please refer [here](https://www.go.gov.sg/re-align-annualrevenue) for information on the relevant period for which the annual revenue or group annual revenue should be computed.) | | | | | |
|  |  | The party named in Part I has suffered from a fall in monthly average gross income of at least 70% from 1 July 2020 to 31 December 2020, as compared to 1 July 2019 to 31 December 2019. (If you have not commenced business by 1 July 2019, please refer [here](https://www.go.gov.sg/re-align-incomefall-comparisonperiods) for information on the relevant periods for which the fall in income will be assessed.) | | | | | |
| **You should attach the supporting documents as set out** [***here***](https://go.gov.sg/re-align-eligibility-supportingdocs) **to this Notice of Negotiation for Contract of National Interest (if available). Doing so is needed to demonstrate to the other party that you comply with the eligibility criteria, and will help ensure fast and efficient good faith negotiations. You may be allowed subsequently to provide documents and information by the Registrar or an Assessor to support your position, but, this is at the Registrar’s or Assessor’s discretion, and this may delay a resolution of the application.** | | | | | | | |
| **Part IV – Declaration that contract is a specified contract certified to be a Contract of National Interest**  Please select the boxes in this Part to confirm that the contract in question is a Contract of National Interest covered by the Re-Align Framework which price may be renegotiated. | | | | | | | |
|  | The contract falls within one of the categories: (please select one option by ticking in the applicable box): | | | | | | |
|  | Lease or licence for non-residential immovable property | | | | | |
|  | Hire-purchase or conditional sale agreement for (a) commercial equipment; or (b) commercial vehicle, which is not entered into with a bank, or with a finance company under the Finance Companies Act (Cap. 108) | | | | | |
|  | Rental agreement for (a) commercial equipment; or (b) commercial vehicle | | | | | |
|  | Contract for the supply of goods | | | | | |
|  | Contract for the supply of services | | | | | |
|  |  | The contract is not an [Excluded Contract](https://go.gov.sg/re-align-contracts).  *Examples of excluded contracts include consumer contracts, employment contracts, construction and supply* | | | | | |
|  |  | The contract has been certified to be a Contract of National Interest under section 60 of the Act. | | | | | |
|  | Date when certification by relevant Minister was served on you: | | | | | Click or tap to enter a date. |
|  |  | The contract was entered into before 25 March 2020. | | | | | |
|  | Date of contract: | | | | | Click or tap to enter a date. |
|  |  | The contract is governed by Singapore law. | | | | | |
|  |  | At least one of the parties to the contract has a place of business in Singapore. | | | | | |
| **You should attach to this Notice of Negotiation for Contract of National Interest:**   1. **a copy of the contract.** 2. **a copy of the certification that the contract is a Contract of National Interest.** | | | | | | | |
| **Part V – Proposal on the renegotiation of pricing under the contract** | | | | | | | |
|  | Please specify what your proposal is of how the price of the contract should be adjusted and the reasons for your proposal. | | | *e.g. We propose that the contract price of the goods be increased by 20% from 1 February 2021 onwards until the expiry of the contract as the price of the materials which are required for the manufacture of the goods have risen by 20% due to COVID-19.* | | | |
|  | You should submit all relevant supporting documents to support your proposal on the repricing of the contract. Do you have any supporting documents? | | |  | Yes | | |
|  | No | | |
|  | If the answer to Q2 is yes, please:   1. describe briefly what these supporting documents are; and 2. attach these supporting documents. | | | *e.g. Documents showing that price of materials required for the manufacture of goods have increased due to COVID-19.* | | | |
| **Part VI – Confirmation of contents** | | | | | | | |
|  | I declare that the information I have provided in this Notice of Negotiation for Contract of National Interest is true and accurate, to the best of my knowledge and belief. | | | | | | |
|  | I understand under section 76 of the Act, if any declaration or statement, or any information or document provided, in this form is false or misleading in a material particular, and I know or ought reasonably to know that, or is reckless as to whether, the declaration, statement, information or document is false or misleading in a material particular, I will be guilty of an **offence**. | | | | | | |
|  | (For a person serving this Notice of Negotiation for Contract of National Interest on behalf of another individual)  In submitting this Notice of Negotiation for Contract of National Interest, I confirm that I am **authorised to act on behalf of the individual named in Part I** in filling in and serving this Notice of Negotiation for Contract of National Interest and to **represent the said individual** in matters relating to this Notice of Negotiation for Contract of National Interest including in the proceedings under Part 10 of the Act. | | | | | | |
|  | (For a person serving this Notice of Negotiation for Contract of National Interest on behalf of a company, business or organisation)  In submitting this Notice of Negotiation for Contract of National Interest, I confirm that I am **authorised to act on behalf of the entity** **or organisation** in filling in and serving this Notice of Negotiation for Contract of National Interest and to **represent the entity or organisation** in matters relating to this Notice of Negotiation for Contract of National Interest including in the proceedings under Part 10 of the Act. | | | | | | |
| Name: | | |  | | | | |
| Signature: | | |  | | | | |
| Date of Notice of Negotiation for Contract of National Interest: | | | Click or tap to enter a date. | | | | |