


Annex 11.

 <p>SERVICIO GEOLÓGICO COLOMBIANO</p>	GUIDELINE	VERSION: 1
	ACCESS TO INFORMATION IN THE VIRTUAL DATA ROOM AT THE COLOMBIAN GEOLOGICAL SERVICE (SGC).	Effective Date:
		CODE No. GU-SUB-REC-027

1. OBJECTIVE

Establish conditions for accessing documents and information contained in the Data Room for the Objective Selection Process coordinated by the National Mining Agency – ANM (for its acronym in English) for Strategic Mining Reserve Areas, specifically for coal. Information will be provided virtually.

2. SCOPE

This guide applies for accessing information in the Data Room for the following process: “Objective Selection, in Strategic Mining Reserve Areas” – led by the ANM, for the Participants and any other party interested in obtaining access to Data Room.

3. LEGAL FRAMEWORK

Law 16/1972 - American Convention on Human Rights

The American Convention on Human Rights - Article 13 - emphasizes the obligation of the States to provide citizens with access to the information in their possession. It also establishes the right for all citizens to seek, request, receive and disseminate public information held by public entities, agencies, institutions, and officials of the state.

Colombian Political Constitution

The right of access to information is protected and recognized in the 1991 Political Constitution - article 74; it establishes the general guarantee for all citizens to access public documents, except in cases established by law.

Law 23/1982 amended by Law 1915/2018

This law regulates aspects related to copyright, defining in its article 2 that they will fall on scientific, literary and artistic works, which include all creations of the spirit in the scientific, literary and artistic field, whichever the mode or form of expression and whatever its intended use, such as: books, brochures and other writings; lectures, addresses, sermons and other works of the same nature; dramatic or dramatic-musical works; choreographic works and pantomimes; musical compositions with or without lyrics; cinematographic works, including works expressed by a procedure

analogous to cinematography, including videograms; works of drawing, painting, architecture sculpture, engraving, lithography; photographic works including those expressed by a procedure analogous to photography; applied works of art; illustrations, maps, plans, sketches and plastic works related to geography, topography, architecture or science, and, finally, any production of the scientific, literary or artistic domain that can be reproduced, or defined by any form of printing or reproduction, by phonography, radiotelephony or any other known or unknown means.

Decision 351/1993 of the Andean Community Nations

This decision establishes the Common Regime on Copyright and related Rights which purpose is to recognize adequate and effective protection for authors and other holders of rights, over creative works, in the literary, artistic, or scientific field, whichever the genre or form of expression and regardless of literary or artistic merit or destiny.

Law 44 / 1993

This regulation amends and complements Law 23/1982, and amends Law 29/1944, as amended in turn by Law 1915/2018. Article 1 provides those public employees and officials who are authors of works protected by copyright may provide them contruallly to any public law agency.

The Mining Code (Law 685/2001)

Special law applicable to regulate the legal relations between the State, individuals, and those between them, on occasion of works of the mining industry in all its phases (Article 2).

Decree Law 4134/2011

The National Government created the National Mining Agency – ANM (from its original Spanish language initials: Agencia Nacional de Minería) as a special state agency in the decentralized sector under the Executive Branch of the National Order, with legal personality, own assets and with administrative, technical, and financial autonomy, attached to the Ministry of Mines and Energy. The object of the ANM is to *“comprehensively manage mineral resources owned by the State, promote the optimal and sustainable use of the mining resources in accordance with the relevant rules and in coordination with environmental authorities on issues that require it, and monitoring private subsoil property titles when this function is delegated to it by the Ministry of Mines and Energy in accordance with the law”*.

Decree Law 4131/2011

Whereby the Legal Nature of the Colombian Institute of Geology and Mining (Ingeominas) is changed. Article 3 states that its purpose is *“To conduct basic and*

applied scientific research on the resource potential of the subsoil; follow-up on, and monitor, threats of geological origin; manage the information of the subsurface; ensure the safe management of nuclear and radioactive materials in the country; coordinate nuclear research projects, with the limitations of article 81 of the Political Constitution, and the management and use of the Nation's nuclear reactor”.

The mission of the Colombian Institute of Geology and Mining (Ingeominas) is aligned with the provisions in paragraphs 2.3 and 5 of the Article 4 of the same regulation.

Law 1714/2011

Whereby rules are enacted aiming to strengthen the mechanisms of prevention, investigation, and punishment of acts of corruption and the public administration's effective control.

Law 1712/2014

Law 1712 creates the Law of Transparency and the Right of Access to National Public Information. Paragraph 3 - Article 9 provides that the obligated subjects must abide by the Online Government Strategy regarding the publication and disclosure of information: similarly, the obligated subjects shall ensure that electronic information systems are an effective tool to promote access to public information, and shall ensure that these are aligned with the Online Government Strategy (Article 7).

Agreement Number 008 of December the 12th , 2014 of the Board of Directors of the Colombian Geological Survey..

“Whereby the geoscientific information management policy of the Colombian Geological Service is defined”

4. DEFINITIONS

The terms defined in clause 1.4 Definitions of the Terms of Reference shall be applicable to this Access Guide.

5. DATA ROOM ACCESS REQUIREMENTS

- a. Obtaining an Access Notice to the Data Room from the ANM.
- b. Notification submitted by the ANM of interested parties that have access to the Data Room.
- c. Payment of the data room access fee, in accordance with the specifications contained in point 10 of this guide.
- d. Definition and registration of the person (s) authorized by the Participants or interested parties who will have access to the Data Room. In any case, there shall not be more than 2 authorized individuals.

- e. Registry of time required for access, and selection of access times for 8 continuous hours – or in 4-hour blocks.
- f. Manifestation of acceptance of the conditions of use of information, data and documents contained in the Data Room.
- g. Establishing and maintaining the relevant internet channel (access and connectivity) for access to the Data Room.

6. GENERAL AND SECURITY CONDITIONS

1. Participants or individuals interested in accessing the Data Room may obtain documents and information that may be related to the contract and the Strategic Mining Reserve Areas - SMAs. Access to this Data Room will be granted for a specific time and will be governed by the terms set herein.
2. Participants and any other interested party submitting a Statement of Interest to the ANM may access the Data Room.
3. Each of the documents available in the Data Room has an upload or generation date.
4. The documents and information related with the Contract and SMA contained in the Data Room will be used by the Participants and interested parties exclusively to analyze the Objective Selection Processes and submit their Offer, if applicable. Therefore, the Participants and interested parties shall refrain from reproducing or disclose the information known through the Data Room to third parties by any means
5. In addition to the above, the following shall be stated:
 - a. Acceptance of institutional conditions in relation to means and forms of access to information.
 - b. Acceptance of institutional conditions in relation to “copyright” of provided information.
 - c. Acceptance of institutional conditions in relation to use of provided information.
 - d. Acceptance of institutional conditions in relation to “copyright” in the products and results obtained with provided information.
 - e. Acceptance of personal data treatment

7. DEVELOPMENT

No.	Activity	Official Responsible	Description
1	Obtaining a Notice of Access to the Data Room from the ANM	ANM Participant / Stakeholder	Notification of access to the Data Room is obtained from the ANM. This must include at least the following: Company: TIN or equivalent: Name of the person authorized: I.D.:

			Phone: Nationality: Address: E- mail:
2	Notifying the Participants and interested parties that They have access to the Data Room	ANM	The ANM notifies the SGC via e-mail dataroomanm@sgc.gov.co the Participants and interested parties that have access to the Data Room.
3	Paying the Access fee for the Data Room.	Participant / Stakeholder	Payment of the access fee to the Data Room is made by sending the payment support and the necessary data for the preparation of the receipt (updated RUT and invoice receipt mail) to the following e-mail addresses promocion@anm.gov.co and dataroomanm@sgc.gov.co and mvillarraga@sgc.gov.co
4	Define and register the person (s) authorized by the Participants and interested parties, who will have access to the Data Room.	Participant / Stakeholder	The Participant or interested party informs the person (s) who has/have access to the Data Room. In any case, there shall not be more than 2 authorized people. Information must be sent to email: dataroomanm@sgc.gov.co
5	Assign username and password to authorized people	SGC	Once the interested parties submit the consignment receipt or proof of the electronic transfer, and the authorized people, the SGC will assign the username and password.
6	Registration of time required for access and selected times for access to the Data Room.	Participant / Stakeholder	The interested party records the time required for access to the Data Room and times selected for the access for 8 continuous hours, or 4-hour blocks.
7	Acceptance of information use conditions, data and		Express acceptance of information use conditions, data and documents contained in the Data Room

	documents contained in the Data Room	Participant / Stakeholder	
8	Establishing and maintaining the internet channel (access and connectivity) for access to the Data Room	Participant / Stakeholder	The interested party establishes and maintains the internet channel (access and connectivity) for access to the Data Room
9	End of Access registry	SGC	The SGC ends and registers the end of access to the Data Room.

8. SERVICE CONDITIONS

- Previously established continuous access hours, from 8:00 am to 5:00 pm Bogotá, Colombia time, on business days from Monday to Friday.
- To obtain the right to access the data room, you must purchase at least three (03) sessions, each lasting eight (08) hours, for a total of twenty-four (24) hours.
- You can purchase additional sessions, each for the value of one session.
- The sessions may be continuous for eight (8) hours or in fractions of four (4) hours.
- Internet channel and other components required to make the connection (access and connectivity) are the responsibility of the interested party notified by the ANM.
- Technical support by the SGC and ANM must be requested to the email DataRoomanm@sgc.gov.co
- Functional support regarding the process of "Objective Selection, in Strategic Mining Reserve Areas", is ANM's responsibility
- It is an audited service (IP data and computer name are read)
- Upload, download, copy, duplication, photos, or other features that involve the transfer of information and data to devices owned by the Participants or interested users of the Data Room or external to the SGC will not be available.

9. PROCEDURE FOR PAYMENT AND BILLING

Payment of the service is an essential requirement to request authorization of the Participants and interested parties Usernames and passwords for Data Room access.

Access to the Data Room has a cost of USD 923.44 dollars of the United States of America per 8-hour session; VAT included.

Considering that the right to access the data room is obtained with the acquisition of three (03) sessions of eight (08) hours each, the initial value for access to the data room corresponds to USD 2770.32 dollars of the United States of America.

However, if the participant is interested in adding sessions, they can make the payment for an additional individual session for a value of USD 923.44 dollars of the United States of America.

The aforesaid amounts are NOT refundable under any circumstances; therefore, once the payment is completed to request access – whether it be individually or collectively – no refunds will be made for the amount paid for access to the Data Room.

The price can be paid in Colombian pesos, at the USD: COP exchange rate published by the Central Bank and in effect on the day the corresponding payment takes place. USD: COP exchange rate can be consulted on the website of the Central Bank, <http://www.banrep.gov.co>.

Payments can also be completed from abroad, in United States Dollars or its equivalent in Euros or Pounds Sterling, on the date the corresponding payment is made. The applicable Exchange Rate can also be consulted on the website of the Central Bank: <http://www.banrep.gov.co>.

The access passwords will be delivered to stakeholders via email, within three (3) Business Days following confirmation of the corresponding payment.

To acquire access to the Data Room, interested parties should follow the procedure below:

- Send a communication to email designated for that purpose by the National Mining Agency - ANM, with a copy at the SGC email: dataroomanm@sgc.gov.co stating interest in accessing the Data Room of the process OBJECTIVE SELECTION PROCESS IN STRATEGIC MINING RESERVE AREAS for Coal.

For purposes of generating the receipt, the email shall include the following information:

- Subject: Access to the Data Room of the process OBJECTIVE SELECTION PROCESS IN STRATEGIC MINING RESERVE AREA for Coal.
- Applying legal person full name

- Name of the Legal Representative, Representative or person empowered for the purpose.
- Single Tax Registry - RUT for residents in Colombia or the equivalent for foreigners.
- Tax Identification Number – TIN if the applicant is subject to tax in Colombia. or its equivalent if the company or person are not domiciled in Colombia.
- Country and city of the applicant’s main domicile
- Address
- Telephone (s) with prefix
- Contact Email
- Email for submittal of receipt
- Copy of the payment slip for the amount for access to the Data Room (to be sent as a file attached to the email).

Payments are made considering the following:

In Colombia – Colombian peso (COP)

- Bank Deposit or electronic transfer to Checking Account No. 000-29669-9 at Banco de Bogota, in name of Banco de Información Petrolera – SGC, Accountholder: Servicio Geológico Colombiano, Tax Identification Number NIT 899.999.294-8

Abroad:

- In Dollars of the United States of America (USD) in name of Banco de Información Petrolera – SGC

Beneficiary Bank

Beneficiary Bank	City	Country	Swift Code	CHIP
Banco de Bogotá	Bogota	Colombia	BBOGCOBB	001959

Correspondent Bank or Intermediary Bank
(Choose one of the following intermediaries):

Correspondent Bank	City	Country	Swift Code	BB Account	ABA
Citibank	New York	United States	CITIUS33	10922754	021000089

Correspondent Bank	City	Country	Swift Code	BB Account	ABA
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Jp Morgan Chase N.Y.	New York	United States	CHASUS33	001-1- 171329	021000021
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- In Euros (EUR) in name of Banco de Información Petrolera – SGC

Beneficiary Bank	City	Country	Swift Code	CHIP
Banco de Bogotá	Bogota	Colombia	BBOGCOBB	001959

Correspondent Bank or Intermediary Bank

Correspondent Bank	City	Country	Swift Code	BB Account
Deutsche bank ag	Frankfurt	Germany	DEUTDEFF	10095129220000

- In British Pounds (GBP) in name of Banco de Información Petrolera – SGC

Beneficiary Bank	City	Country	Swift Code
Banco de Bogotá	Bogota	Colombia	BBOGCOBB

Correspondent Bank	City	Country	Swift Code	BB Account
HSBC Bank PLC	London	UK	MIDLGB22	00162958

- The stakeholders should take into consideration the following warnings:
 - Payments deposited in accounts other than those indicated will be considered not made.
 - The Colombian Geological Service (SGC) will verify that the resources have been paid in any bank accounts as above – of which the SGC is the Accountholder – and that the amount paid in currencies other than Dollars of the United States be equals or effectively corresponds to the price established in these Terms of Reference to acquire the Information Package.
 - Any cost or expense incurred by the interest parties to pay for access to the Data Room shall be at their exclusive expense.
 - The interested parties shall submit the deposit slip or proof of wire transfer scanned and attached to an email for the SGC to deliver the access username and password. The above mentioned email shall be sent to promocion@anm.gov.co, copying dataroomanm@sgc.gov.co.

- The Colombian Geological Service (SGC) shall issue the corresponding receipt according to the data submitted.
- The receipt will be sent to the interested parties who have purchased it and sent proof of payment, to the business contact email registered by the ANM.

10. PROCEDURE FOR DELIVERY OF THE ACCESS PASWORDS

The access username and password shall be delivered via email sent to the electronic address registered by the interested party. Username and password codes shall be activated upon acknowledgement of receipt.

11. SUPPLEMENTARY DOCUMENTATION

Communication and/or request submitted by the National Mining Agency.

12. LEGAL DISCLAIMER

Information that is exposed and enabled for the knowledge and analysis of the users, does not replace or exempt the responsibility of users in terms of the due diligence that they must carry out with respect to the information that rests in the data room, which, as such, it is merely interpretative and is not definitive or conclusive. For this reason, neither the Colombian Geological Service SGC nor the National Mining Agency ANM will bear any responsibility derived from the consultation and analysis of the same.

The ANM may update the information contained in the data room up to one (1) week before opening the bidding process and will inform the interested parties when updates are made so that if they deem it appropriate they can access the data room again.