

APPENDIX B – SPECIMEN TEMPLATE FOR BANK GUARANTEES

A bank guarantee should be issued by a bank authorised according to **Nedbank Corporate Investment Banking** with a place of business in South Africa in favour of the South African Government represented by the Independent Communications Authority of South Africa, 350 Witch-Hazel Ave, Eco-Park Estate, Centurion, 0144.

BANK GUARANTEE FOR 700MHz, 800MHz, 2600MHz and 3500MHz SPECTRUM AWARD PROCESS

..... (company) is a candidate for the award of radio frequency spectrum licences in the 700MHz, 800MHz, 2600MHz, and 3500MHz bands in South Africa by the Independent Communications Authority of South Africa (ICASA).

We, (bank), undertake herewith irrevocably to pay the South African Government represented by ICASA on first demand, irrespective of the validity and legal effects of the above- mentioned award process, and waiving any objections and please, all amounts up to a maximum of:

ZAR xxx

upon receipt of ICASA's written request for payment, including a declaration according to which

- a) (company) has been awarded a Licence and on the due date, ICASA has received no payment or incomplete payment for the amount demanded.

OR

- b) (company) has violated in another way the rules of the award process.

All payments made under this guarantee reduce our liability by an equivalent amount.

Our guarantee is valid until (date) and is automatically cancelled in full, if you do not avail yourselves of it by this date, irrespective of whether or not this is a bank working day.

South African Law must apply to this bank guarantee, legal domicile being South Africa.

Name of Bank:

Bank signatures:

Remarks:

The above bank guarantee is a specimen only. Exactly the same wording does not necessarily have to be used.

However, the following minimum content is mandatory for the bank guarantee which is submitted:

- Denomination and content of an irrevocably guarantee in case of default payment
- Name of the bank issuing the guarantee, which must be a bank authorised according to **Nedbank Corporate Investment Banking** with a place of business in South Africa;
- Name of the Independent Communications Authority of South Africa, 350 Witch-Hazel Ave, Eco-Park Estate, Centurion, 0144 as the beneficiary;
- Name of the company participating in the auction;
- Irrevocable obligation to pay as soon as the beneficiary makes the demand, irrespective of the validity and legal effects of the auction, and waiving any objections and pleas, upon receipt of a written request for payment, including a declaration according to

which:

a)(company) has been awarded a Licence and on the due date, the beneficiary has received no payment for the amount demanded;

or

b)(company) has violated in another way the rules of the award process;

- Indication of the amount guaranteed, which must comply with the amounts stated.

- Period of validity of the guarantee. For the guarantee for the Application Stage this should be at least 90 (ninety) days after the Application Date. For the guarantee for the Auction Stage this should be at least one year after the Initial Bid Date;

- South African Law designated as the applicable law;
- Legal domicile in South Africa.