surveyor in the target country or other documentation deemed acceptable by
the GSM showing:
(i) That the eligible commodity entered the eligible country;
(ii) The identification of the export carrier;
(iii) The quantity of the eligible commodity unloaded;
(iv) The kind, type, grade and/or class of the eligible commodity; and
(v) The date(s) and place(s) of unloading of the eligible commodity in the eligi-
bale country.
(3) If the exporter makes multiple shipments against a sales contract
with an eligible buyer, CCC may agree to a proportional reduction in the
amount of the required performance security when the exporter has furnished
evidence that the exporter has performed under the Agreement with re-
spect to a particular shipment.
(4) Upon the payment of liquidated damages by an exporter to CCC under a
specific Agreement or the determina-
tion by CCC, pursuant to §1494.801(d),
to hold the exporter harmless for the
payment of liquidated damages owed to
CCC under a specific Agreement, CCC
will allow the exporter to cancel or re-
assign that portion of the performance
security opened for such specific
Agreement that would relate to the
value of the liquidated damages.

§ 1494.501 Submission of offers to CCC.
(a) Consideration of offers. Unless oth-
erwise specified in the Invitation, CCC
will consider offers on a daily basis
from the date of issuance of the Invita-
tion until such time that CCC an-
nounces that offers will no longer be
accepted under the Invitation, the
total quantity of the eligible com-
modity announced in the Invitation has been awarded, or the Invitation has
expired as indicated by the expiration
date shown in the Invitation.
(1) Prior to the submission of an offer
to CCC, the eligible exporter must have
entered into a sales contract, as de-
defined in §1494.201(bb), with an eligible
buyer for the export sale and the deliv-
er of the eligible commodity to the eligi-
bale country.
(2) The date of sale of the eligible ex-
porter's sales contract with an eligible
buyer must be after the issuance date
of the applicable Invitation.
(3) The sales contract between the el-
igible exporter and an eligible buyer
may be conditioned upon the eligible exporter's entering into an Agreement
with CCC under the EEP for the pay-
ment of a bonus.
(4) CCC will not be responsible to any
person for any loss caused by the fail-
ure of the eligible exporter to obtain a
CCC bonus.
(5) The eligible exporter must
promptly notify CCC in writing of any
amendment to the sales contract with
an eligible buyer.
(b) Submission of offers. Eligible ex-
porters must submit offers, or modi-
fications or withdrawals thereof, to the
address, telephone, telex or facsimile
numbers specified in the Notice to Ex-
porters—Contacts for EEP. Telephonic
offers must be confirmed in writing im-
mediately thereafter by telex or fac-
simile. If a telephonic offer is not con-
firmed in writing by 9 a.m. on the next
business day, the offer will not be con-
sidered. The date and time affixed to
submissions will be as determined by
CCC.
(c) Content of offers. Offers to CCC for
a CCC bonus under the EEP must con-
tain the information shown below in
the same numerical order as shown
below. CCC reserves the right to reject
any offer that so materially departs
from the prescribed format that its
consideration would hinder the offer
review process. The applicable Invita-
tion may require the submission of fur-
ther information necessary for the con-
sideration of an offer.
(1) The use of the numerical designa-
tion assigned to the applicable Invita-
tion, which shall signify that the offer
is submitted subject to all the terms
and conditions of this subpart and the
Invitation in response to which the
offer is being submitted for consider-
ation by CCC.
(2) The date and time for which the
offer is submitted for consideration.
The time shall be stated as “after 3
p.m.” For example, the information re-
quired by paragraphs (c)(1) and (c)(2) of
this section could be stated as follows:
“Invitation No. GSM–500–1, Revision
No. X. For Consideration After 3 p.m.
on August 1, 1991.”
(3) The full business name and address of the eligible exporter making the offer.

(4) The name and title of the individual signing the offer.

(5) The telephone number and telex or facsimile number of the eligible exporter submitting the offer.

(6) The CCC bonus in dollar and cents requested by the eligible exporter for each unit of measure of the eligible commodity to be exported to the eligible country. The offer shall contain only one CCC bonus. In offers submitted in response to an Invitation in which CCC has announced the bonus amount, the eligible exporter shall state the dollar and cents amount of the Announced CCC Bonus.

(7) The quantity, on a net weight basis, (less any dockage, if applicable) of the eligible commodity for which the eligible exporter wishes to receive a CCC bonus pursuant to an EEP Agreement. This quantity shall be exclusive of tolerances and expressed in the unit of measure specified in the applicable Invitation. This quantity may be less than the sales contract quantity.

(8) The U.S. coast of export. The Invitation may require the eligible exporter to indicate: The coasts of export if more than one coast of export is allowed for an offer; the Canadian port if the eligible commodity is to be transshipped through a Canadian port on the St. Lawrence River; or the U.S. city and state from which the shipments will cross the border into the eligible country if the eligible commodity is to be shipped by rail or truck.

(9) The quality of the eligible commodity to be exported to the eligible buyer, if required by the applicable Invitation, including any additional quality specifications not found in the Invitation but included in the tender specifications by the eligible buyer or the sales contract with the eligible buyer. The Invitation may limit an offer to one or more quality designations for the eligible commodity.

(10) The names of the eligible buyer and the eligible country. Unless otherwise provided for in the applicable Invitation, an offer shall contain only one eligible buyer and one eligible country. The Invitation may also provide that the eligible buyer need not necessarily be located in the eligible country.

(11) The date of sale of the sales contract with the eligible buyer.

(12) The number assigned by the eligible exporter to the sales contract.

(13) The quantity of the eligible commodity specified in the sales contract, expressed in the unit of measure specified in the applicable Invitation.

(14) The sales contract loading tolerance, if any, expressed in a percentage.

(15) The sales contract unit price, delivery terms (e.g., FOB, C&F, etc.); the nature of any arrangements or understandings of the eligible exporter and any other person that would affect the sales contract, including but not limited to arrangements or understandings concerning commissions, rebates, and other payments if applicable; credit payment terms (e.g., GSM-102, GSM-103, or other credit arrangements); and, if required by the applicable Invitation, the discharge port. The possible credit payment terms referenced in an offer are for CCC’s information only and are not to be construed as a contingency for consideration or acceptance. The eligible exporter is fully responsible for the arrangement of such payment terms independently from the EEP offer and CCC bears no responsibility if such credit payment terms cannot be secured.

(16) The delivery period specified in the sales contract expressed on the basis of either shipment from the United States or the Canadian transshipment port or arrival in the eligible country. If an arrival period is shown, the offer must also indicate an anticipated shipment period. If a multiple month delivery schedule is agreed upon in the sales contract the offer must specify the quantity of the eligible commodity to be delivered each month or at other specified intervals.

(17) Any options which may be exercised by the eligible buyer under the sales contract. If the offer is accepted by CCC, the exporter must immediately inform CCC if any such options are exercised by the buyer.

(18) The name and address of the sales agent, if any, for the sales contract.
(19) The designation of bonus payment under "Option A" or "Option B," as described in §1494.401(c).

(20) The words "ALL ITEM 20 CERTIFICATIONS ARE BEING MADE IN THIS OFFER" which, when included in the offer by the eligible exporter, will indicate that the eligible exporter is certifying that:

(i) The information furnished to CCC with respect to the sales contract is correct;

(ii) The date of sale with an eligible buyer was after the issuance date of the applicable Invitation;

(iii) The sale does not replace any sale made to the eligible buyer by the eligible exporter, or any affiliate or subsidiary of the eligible exporter, prior to the issuance date of the applicable Invitation;

(iv) There are no other arrangements or understandings between the eligible exporter and any other person that would alter the information provided under paragraph (c) of this section;

(v) There were and will be no corrupt payments or extra sales services, or other items extraneous to the export sale provided in connection with the export sale, and the transaction complied with applicable U.S. law;

(vi) The CCC bonus requested in the offer has been arrived at independently, without any consultation, communication, or agreement with any other eligible exporter or competitor relating to:

(A) The amount of the CCC bonus;

(B) The intention to submit an offer; or

(C) The methods or factors used to calculate the CCC bonus requested;

(vii) The CCC bonus requested in the offer has not been and will not knowingly be disclosed by the eligible exporter, directly or indirectly, to any other eligible exporter or competitor before the time the offer is to be considered by CCC, unless otherwise required by law;

(viii) No attempt has been made, or will be made, by the eligible exporter to induce any other concern to submit, or not to submit, an offer for the purpose of restricting competition;

(ix) The signatory of the offer:

(A) Is the person in the eligible exporter's organization responsible for determining the CCC bonus being requested and has not participated and will not participate in any action contrary to subparagraphs (c)(20) (vi), (vii), and (viii) of this section; or

(B) Has been authorized in writing to act as agent for the eligible exporter for the purposes of paragraphs (b) and (c) of this section and certifies that the eligible exporter named in the offer and the signatory have not participated and will not participate in any action contrary to subparagraphs (c)(20) (vi), (vii), and (viii) of this section;

(x) If the eligible commodity is vegetable oil or a vegetable oil product, that none of the eligible commodity has been or will be used as the basis of a claim of a refund, as drawback, pursuant to Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) of any duty, tax or fee imposed under Federal law on an imported commodity or product;

(xi) The agricultural commodity or product to be exported under an EEP Agreement is a U.S. agricultural commodity as defined by §1494.201(gg).

(xii) The eligible exporter is providing the assurances required by §§15.4 and 15b.5 of this title (7 CFR part 15 relates to various non-discrimination provisions);

(xiii) The eligible exporter still meets all of the qualification and program eligibility requirements of §1494.301 and will immediately notify CCC if there is a change of circumstances which should cause it to fail to meet such requirements; and

(xiv) The eligible exporter is providing any other certification required by the applicable Invitation.

Any eligible exporter which is unable to make the certifications specified in this subparagraph (c)(20) must provide a written statement to that effect to CCC and may include any explanation or any additional information for the consideration of CCC. CCC will reject an offer if the eligible exporter states that it is unable to provide the required certifications, unless CCC determines that acceptance of the offer would be in the best interests of the EEP.

(d) Conditional offers. Any qualification or condition in, or added to, the offer and not expressly authorized by
this subpart or the applicable Invitation may make such offer ineligible for consideration by CCC.

(e) CCC’s right to additional information. CCC may require the individual who signed the offer to provide documentary evidence of such individual’s authority to execute an Agreement with CCC on behalf of the eligible exporter making the offer. CCC may require the eligible exporter to submit any other information which CCC deems necessary for consideration of the eligible exporter’s offer. The exporter must furnish a copy of the sales contract to CCC upon request.

(f) Considerations in making an offer. In making an offer, the eligible exporter should take into consideration that the exchange of CCC Certificates which may be issued as a bonus will be governed by the terms and conditions stated on the certificates and by any applicable regulations or procedures issued by or on behalf of CCC.

§ 1494.601 Acceptance of offers by CCC.

(a) Establishment of acceptable sales prices and CCC bonuses. For each Invitation, CCC will establish sales prices for the eligible commodity and CCC bonus amounts which would be acceptable to CCC in terms of furthering the objectives of the EEP.

(1) In establishing acceptable sales prices for the eligible commodity, CCC will consider available relevant market data.

(2) In determining acceptable CCC bonus amounts, CCC may take into consideration factors such as, but not limited to, the following: The prevailing domestic market price of the eligible commodity; the price of the same agricultural commodity exported by other exporting countries to the eligible country; ocean freight rates for the export of the eligible commodity from the U.S. and other exporting countries to the eligible country; the particular preferences or purchasing practices of buyers in the eligible country which would customarily affect the acceptability of the eligible commodity relative to that of competing exports of the same agricultural commodity to the eligible country from other exporting countries; and the cost effectiveness of the payment of a CCC bonus amount in view of CCC’s obligation to maximize the use of resources available for the operation of the EEP.

(b) Acceptance of offers for a CCC bonus on a competitive basis. An offer from an eligible exporter for a CCC bonus on a competitive bonus that meets all of the requirements of this subpart will first be reviewed to determine if the offer contains an acceptable sales price. If the sales price contained in the offer is found to be acceptable, then the CCC bonus contained in the offer will be reviewed to determine if the CCC bonus requested is found to be acceptable. Offers with acceptable sales prices and acceptable CCC bonuses will be accepted under each Invitation beginning with the offer having the lowest CCC bonus amount, subject to the limitations in paragraphs (f) and (h) of this section.

(c) Acceptance of offers for an announced CCC bonus. Offers from eligible exporters for an Announced CCC Bonus that meet all of the requirements of this subpart and which contain an acceptable sales price will be accepted under each Invitation on a first-come, first-served basis according to the time of receipt of the offer, as determined by CCC, subject to the limitations in paragraphs (f) and (h) of this section.

(d) Notification of acceptance of offers. CCC will notify an eligible exporter by telephone of the acceptance or rejection of its offer as soon as possible after review of the exporter’s offer by CCC but not later than 10 a.m. of the next business day after the date the offer was submitted for consideration. If an offer is rejected, CCC will notify the eligible exporter of the basis for the rejection. Acceptance of offers will be confirmed in writing. The date of the telephonic notification of acceptance by CCC of the eligible exporter’s offer will be the effective date of the exporter’s Agreement with CCC.

(e) Announcement of acceptance of offers. CCC will generally announce the