

H-3102-1 - QUALIFICATIONS OF LESSEES

II. SignaturesKeywordsA. General

The original of a lease offer or competitive bid form must be manually signed in ink by the present or potential lessee or person authorized to sign on behalf of the present or potential lessee. For noncompetitive offers, only the original of the offer must be manually signed. The original and two copies of each offer to lease, with each copy showing that the original has been signed, must be filed in the proper BLM office. Copies of the offer must be exact reproductions on one page of both sides of the official Bureau-approved form, without additions, omissions, or other changes, or advertising.

SIGNATURE
IN INK
MANUALLY

As required by the MLA (30 U.S.C. 187a), an assignment of record title or transfer of operating rights (sublease), must be manually signed in triplicate by the assignor/transferor, or person authorized to sign on behalf of the assignor/transferor. However, an assignee/transferee is required to manually sign only one original request for approval of the assignment or transfer.

Machine or rubber-stamped signatures on an offer or bid will result in rejection on that offer or bid. If an assignment or transfer is submitted with a machine or rubber-stamped signature by the assignor/transferor on any of the triplicate originals, or by the assignee/transferee on the one request for approval, the assignment or transfer must be returned unapproved requesting that the defect be corrected.

STAMPED
SIGNATURES

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B. Relationship to SignatoryKeywords

1. Documents signed by any party on behalf of the present or potential lessee (i.e., is not a member of the corporation or association) shall be rendered in a manner to reveal the name of the present or potential lessee, the name of the signatory and their relationship. See Section IID, below, concerning power of attorney provisions.

RELATIONSHIP
TO SIGNATORY

2. A signatory who is a member of the organization that constitutes the present or potential lessee (e.g., officer of a corporation, partner of a partnership, etc.) is not required to indicate a relationship to the bidder/offeror, assignor/transferor, or assignee/transferee. However, if the relationship is not clear, the authorized officer may request the entity to clarify his/her membership.

3. In processing any leasing actions, whenever the relationship of the signatory to the present or potential lessee needs further clarification, additional information or evidence in accordance with 43 CFR 3102.5-3 should be obtained by the authorized officer before further processing of the action.

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C. Dating of Signature

1. An oil and gas lease offer, assignment or transfer, or request for approval of an assignment or transfer should reflect the date it was actually signed. The competitive bid Form 3000-2 does not have to reflect the date it was actually signed. The 10-day time limit provided in 43 CFR 1821.2-2(a) and (c) is not applicable to oil and gas lease actions.

2. A noncompetitive offer filed under 43 CFR 3110 should be dated. However, failure to date the offer is not per se disqualification of the offeror, since the critical date is that date when the offer is filed in the proper BLM office. See Henry W. Odlozil, Sr., 96 IBLA 286 (1987).

KeywordsDATING OF
SIGNATURESFAILURE
TO DATE
NONCOMPETITIVE
OFFER

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D. Power of AttorneyKeywords

When a power of attorney (POA) unrelated to case processing is submitted with a request for review, its receipt should simply be acknowledged with an indication that no review and approval will be given until submission of a lease offer, competitive bid, assignment, transfer, etc., which will cause the POA to be reviewed in conjunction with the pending action (see Illustration 3).

POWER OF
ATTORNEY

When a specific action such as a competitive bid, noncompetitive offer, assignment or transfer, or request for approval of an assignment or transfer is submitted under the signature of an attorney-in-fact, examine the POA or other documents showing that the person signing has the authority to do so on the date the document was executed. Normally, the POA document will specify that the attorney-in-fact was appointed on a certain date. This date must be the same as or earlier than the date the bid, offer, assignment or transfer, or request for approval of the assignment or transfer was signed.

NOTE: At the end of the POA, there should be a completed certificate indicating that the POA is still valid on a certain date. Also check the POA to determine if it is limited to certain conditions. If the POA is no longer valid on the date the document was signed, or excludes the type of action being submitted, the bid or offer must be rejected, or disapproval of the assignment or transfer, or request for approval of the assignment or transfer must be made by the authorized officer.

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