



Request for Applications

Royalty Credit Program - 'Pilot' Pipeline Initiative
Ministry of Energy and Mines
Request for Applications (RFA) Number: 2005-01
Issue date: April 4, 2005

Closing date, time and location:

Applications must be received:
Prior to 2:00 PM Pacific Time on May 13, 2005
as follows:

COURIER or BY HAND delivery
Two (2) complete copies plus 1 electronic copy on diskette or CD to:
Ministry of Energy and Mines
Business Development Branch
5th floor – 1810 Blanshard Street
Victoria, BC V8T 4J1
Attention: Kathy Thomson

An Applicants' meeting will not be held.

Government Contact Person:

All enquiries related to this Request for Applications are to be directed, in writing, to the following person who will respond if time permits. Information obtained from any other source is not official and should not be relied upon. Enquiries and any responses will be recorded and may be distributed to all Applicants at the Province's option:

Kathy Thomson, Project Manager
e-mail: Kathy.Thomson@gems5.gov.bc.ca
Facsimile: (250) 952-0255

Applicant Section

A person authorized to sign on behalf of the Applicant, and to bind the Applicant to statements made in response to this Request for Applications, must complete and sign this Applicant Section, leaving the rest otherwise unaltered, and return one original with the first copy of the application.

The enclosed application is submitted in response to the above-referenced Request for Applications Addendum, including any amendments. We have carefully read and examined the Request for Applications Addendum including the Administrative Section, and have conducted such other investigations as were prudent and reasonable in preparing the application. We agree to be bound by statements and representations made in our application and further agree that any inconsistencies in our application will be as if not written and do not exist.

<i>Signature:</i>	<i>Legal Name of Applicant, and Doing Business As Name if applicable:</i>
<i>Printed Name:</i>	<i>Address:</i>
<i>Title:</i>	
<i>Date:</i>	

Table of Contents

A	Definitions and Administrative Requirements	3
B	Requirements and Response.....	5
1	Summary of the Requirement.....	5
2	Definitions	5
3	Background	6
4	Application Requirements	6
4.1	Project Details	6
4.1.1	Proposed Design and Construction	7
4.1.2	Estimated Project Cost and Schedule.....	7
4.1.3	Applicant’s Capability.....	7
4.1.4	Risks and Significant Issues	8
4.1.5	Potential Spin-off Benefits	8
4.2	Project Business Case.....	8
4.2.1	Incremental Royalty Payments.....	8
4.2.2	Benefits Attributable to the Project.....	9
5	Project Timing.....	9
6	Evaluation, Ranking and Selection	9
6.1	Mandatory Criteria	10
6.2	Desirable Criteria	10
6.3	Evaluation.....	10
6.4	Ranking and Selection.....	11
7	Application Format.....	11
8	Agreement Form.....	12
8.1	Reporting Requirements.....	12
Appendix A – Receipt Confirmation Form		
Appendix B – Sample Agreement		

Notes: Appendix A Receipt Confirmation Form and the RFA cover page are also available from Ministry of Energy and Mines internet sites for this RFA for completion by Applicants. Those internet sites are:

http://www.em.gov.bc.ca/Publicinfo/OilGasStrategySupport_Materials/oil_and_gas_strategy_default.htm

http://www.em.gov.bc.ca/Publicinfo/OilGasStrategySupport_Materials/proposal_index.htm

The internet links in this PDF document have been activated to the internet. If you are reading this document on your PC while it is on-line to the internet then select the ‘hand’ tool in your Adobe reader to use those links.

A Definitions and Administrative Requirements

1 Definitions

Throughout this Request for Applications, the following definitions apply:

- a) “Applicant” means a Producer that submits or intends to submit an application in response to this Request for Applications;
- b) “BDB” (or “Branch”) means the Business Development Branch in the Oil and Gas Division of the Ministry of Energy and Mines;
- c) “Agreement” means a written agreement resulting from this Request for Applications executed by the Province and a Successful Applicant;
- d) “Successful Applicant” means a Producer with whom the BDB intends to enter into negotiations for an Agreement;
- e) “Ministry” means the Ministry of Energy and Mines;
- f) “must”, or “mandatory” means a requirement that must be met in order for an application to receive consideration;
- g) “Producer” means “producer” as defined in the *Petroleum and Natural Gas Royalty and Freehold Production Tax Regulation*;
- h) “Province” means Her Majesty the Queen in Right of the Province of British Columbia and includes the BDB and the Ministry; and
- i) “should” or “desirable” means a requirement having a significant degree of importance to the objectives of the Request for Applications.

2. Application Requirements

The following application requirements will apply to this Request for Applications. Submission of an application in response to this Request for Applications indicates acceptance of all the terms that follow and that are included in any addenda issued by the Province. Provisions in applications that contradict any of the terms of this Request for Applications will be as if not written and do not exist.

3. Eligibility

Applications will only be accepted from Producers having the meaning “producer” as defined in the *Petroleum and Natural Gas Royalty and Freehold Production Tax Regulation*.

4. Receipt Confirmation Form

Applicants are advised to fill out and return the attached Receipt Confirmation Form immediately. All subsequent information regarding this Request for Applications, including changes made to this Request for Applications, will be directed only to those Applicants who return the form and will be distributed by the method authorized on the form.

5. Changes to Applications

By submission of a clear and detailed written notice, an Applicant may amend or withdraw its application prior to the closing date and time. Applicants will not change the wording of their applications after closing and no words or comments will be added to the application unless requested by the Province for purposes of clarification.

6. Late Applications

Late applications will not be accepted and will be returned to the Applicant un-read.

7. Ownership of Applications

All applications submitted to the Royalty Credit Program - Pipelines Initiative are under the custody and control of the Province and are subject to the provisions of the *Freedom of Information and Protection of Privacy Act*. The applications will be used to assess projects that are eligible under the Program. For more information regarding this Program, refer to the Government Contact Person on page one.

8. Acceptance of Applications

- a) This Request for Applications should not be construed as an agreement to purchase goods, services or construction. The Province is not bound to enter into an Agreement with any Applicant. Applications will be assessed in light of the stated review criteria. The Province will be under no obligation to receive further information, whether written or oral, from any Applicant.
- b) Neither acceptance of an application nor execution of an Agreement will constitute approval of any activity or development contemplated in any application that requires any approval, permit or license pursuant to any federal, provincial, regional district or municipal statute, regulation or by-law.

9. Evaluation of Applications

Evaluation of applications will be by a committee formed by the Province and may include employees and contractors of the Province. Applications will be checked against the mandatory criteria. Applications not meeting all the mandatory criteria will be rejected without further consideration. Applications that do meet the mandatory criteria will then be further evaluated against the stated desirable criteria and ranked. The Province’s intent is to enter into Agreement negotiations with Successful Applicants subject to their applications having, in the Province’s sole opinion, attained an acceptable ranking and subject to the approval of the Province’s Treasury Board.

10. Results Notification to Applicants

At the conclusion of the Request for Applications process, all Applicants will be notified of the results. Notice in writing to an Applicant that its application has, in the Province’s sole opinion, received an acceptable ranking will not constitute an Agreement.

11 Negotiation Delay

If an Agreement cannot be negotiated within thirty days of notification of a Successful Applicant, the Province may, at its sole discretion at any time thereafter, terminate negotiations with that Successful Applicant.

12. Applicants’ Expenses

Applicants are solely responsible for their own expenses in preparing an application and for subsequent negotiations with the Province, if any. If the Province elects to reject all applications, the Province will not be liable to any Applicant for any claims, whether for costs or damages incurred by the Proponent in preparing the application, loss of anticipated profit in connection with any final Agreement, or any other matter whatsoever.

13. Limitation of Damages

Further to the preceding paragraph, the Applicant, by submitting an application, agrees that it will not claim damages, for whatever reason, relating to an Agreement, if any, or in respect of the Request for Applications process, in excess of an amount equivalent to the reasonable costs incurred by the Applicant in preparing its application and the Applicant, by submitting an application, waives any claim for loss of profits if no Agreement is made with the Applicant.

14. Currency and Taxes

Prices are to be submitted:

- a) in Canadian dollars;
- b) inclusive of duty, where applicable; FOB destination, delivery charges included where applicable; and
- c) exclusive of Goods and Services Tax and inclusive of Provincial Sales Tax where applicable and any other applicable taxes, permits and fees.

15. Completeness of Applications

By submission of an application the Applicant warrants that all labour, materials and components necessary to design and construct the project described have been identified in its application or will be provided under an Agreement at no additional cost to the Province.

16. Joint Venture Applications

- a) Using a joint venture partner (who should be clearly identified in the application) is acceptable. This includes a joint submission by two Applicants having no formal corporate links. Joint venture partnerships between a Producer and non-producer are also warranted to enable non-producers to submit an application. However, in this case, one of these Applicants must be prepared to take overall responsibility for successful performance of the Agreement, if any, and this should be clearly defined in the application.
- b) Using a joint venture partner whose current or past corporate or other interests may, in the Province's opinion, give rise to a conflict of interest in connection with the project or program described in this Request for Application will not be permitted. If an Applicant is in doubt as to whether a proposed joint venture partner gives rise to a conflict of interest, the Applicant should consult with the Government Contact Person listed on page 1 prior to submitting an application.
- c) Where applicable, the names of approved joint venture partners listed in the application will be included in the Agreement, if any. No additional partners will be allowed to be added, nor other changes made, to this list without the written consent of the Province.

17. Agreement

Any Agreement will substantially similar to the terms and conditions of the sample agreement set out in Appendix B and may include reporting requirements as outline in the Request for Applications.

18. Liability for Errors

While the Province has used considerable efforts to ensure information in this Request for Applications is accurate, the information contained in this Request for Applications is supplied solely as a guideline for Applicants. The information is not guaranteed or warranted to be accurate by the Province, nor is it necessarily comprehensive or exhaustive. Nothing in this Request for Applications is intended to relieve Applicants from forming their own opinions and conclusions with respect to the matters addressed in this Request for Applications.

19. Modification of Request for Applications

The Province reserves the right to modify this Request for Applications at any time in its sole discretion. This includes the right to cancel this Request for Applications at any time prior to entering into any Agreement.

20. Use of Request for Applications

Any portion of this document, or any information supplied by the Province in relation to this Request for Applications may not be used or disclosed, for any purpose other than for the submission of applications.

B Requirements and Response

1 Summary of the Requirement

The Business Development Branch (BDB) of the [Ministry of Energy and Mines](#), Oil and Gas Division, invites Applicants within British Columbia's oil and gas industry to submit applications under its Royalty Credit Program – Pilot Pipeline Initiative (the “Program”) to construct pipelines that would target individual stranded wells or clusters of stranded wells so as to immediately deliver stranded volumes of oil and gas production to market.

The Province has committed up to \$6.5 Million in royalty credits under the Program for its fiscal year ending March 31, 2006. Applications may be submitted for any portion of the available \$6.5 Million in royalty credits, up to the full allocation.

The Applicant must be a Producer who has paid royalties to the Province, or a joint venture partnership between a Producer and a non-producer. In the case of a joint venture, the arrangement must clearly identify the Producer whom is eligible to claim and have royalty credits released.

The objective of the Program is to support, through a provincial royalty credit of up to 50 percent, eligible projects approved by the BDB that will construct pipelines to target stranded volumes of oil and gas production.

Applicants will be required to fund the entire cost of an approved eligible project and pay at least 50 percent of the entire project cost. For example, to receive \$1 Million in royalty credits, the actual cost of the completed approved eligible project funded by the Applicant must be at least \$2 Million.

Road projects are not to be submitted under this Request for Applications.

2 Definitions

- A) “Eligible Project” means the project(s) for which an application may be submitted in response to this Request for Applications:
- i. construction of a new pipeline, the construction of the pipeline must be authorized by the Oil and Gas Commission and,
- B) “Pipeline” means a continuous conduit between two geographical locations through which oil, gas, water, any combination of oil, gas or water, or solids is transported under pressure, that a company is or is eligible to be authorized to construct or operate, and includes:
- (a) all property, works and appurtenances used in connection with or incidental to the ownership, construction or operation of the pipeline but does not include;
 - i. a pipeline situated wholly within the property of a refinery, marketing plant or manufacturing plant
 - ii. a pipeline transporting oil for use as fuel from a tank that is situated wholly within the property of a consumer,
 - iii. a wellhead as defined by the *Petroleum and Natural Gas Act*
 - (b) flow lines and gathering lines,
 - (c) oil transmission lines,

- (d) gas transmission lines, including lines transmitting fuel gas to a well or production facility, and those lines in a distribution system of a public utility used to transmit gas at working pressures in excess of 700 kPa, gauge,
- (e) all lines used to transmit water or other substances produced from, injected into or used at oil or gas wells,
- (f) all lines used to transmit fresh water in connection with a scheme to recover oil or gas in oil and gas fields, and
- (g) all property, works and appurtenances connected with a pipeline including, but not limited to, production facilities, gas processing plants, storage facilities, pumps, compressors, pumping station, compressor station, treater, separator loading and unloading facilities, branches, extensions, tank, tank batteries, reservoirs and racks;
- h) for greater certainty a pipeline includes all pipe, piping and facilities that are required or incidental to the processing or transportation of oil, gas, water, any combination of oil, gas or water, or solids.

3 Background

In May 2003 the Ministry received approval from Treasury Board for its comprehensive [Oil and Gas Development Strategy for the Heartlands](#) (OGDS) which was developed to address road infrastructure, targeted royalties, regulatory reduction and British Columbia service-sector opportunities.

The road infrastructure Program of the OGDS was designed to increase exploration and development of oil and gas resources and thereby generate incremental royalty revenue to the Province. The Program provides royalty credits to support the construction and upgrade of oil and gas roads. Treasury Board has provided two separate \$30 Million allocations of royalty credits under the Program.

Concerning the second allocation of royalty credits, in March 2005, the Ministry was authorized to expand the scope of the Program to include a limited "pilot" pipeline initiative, to allow proponents to submit applications for pipeline projects that target stranded oil and gas production. These proposals are to be evaluated by the Ministry.

4 Application Requirements

4.1 Project Details

Applications need to include sufficient project detail to clearly demonstrate that the Applicant:

- has the necessary engineering and technical expertise to plan, design and construct the proposed project;
- is financially capable of carrying out its proposed project to successful completion; and,
- understands the potential risks involved in the proposed project and how it plans to mitigate them.

Applicants will therefore need to provide the details of the proposed project as outlined in the following sections.

4.1.1 Proposed Design and Construction

Nothing in this section authorizes or should be construed as the authorization to construct a new pipeline. The construction of all pipelines must be authorized by the Oil and Gas Commission.

Applications need to include the following:

- a) Description of route, including location plan and route plan;
- b) Design elements – Pipeline;
- c) Design Criteria – substance to be transported, pipe size and capacity;
- d) Pipeline must be designed, constructed, tested, operated, maintained as required by the Oil and Gas Commission.
- e) If applicable and required, description of approval requirements:
 - Technical;
 - Environmental/Impact Assessment;
 - Current Status.
- f) Description of the intended form and scope of community consultation:
 - First Nations;
 - Others;
 - Current Status/Issues.
- h) Commentary on pipeline safety features if substance to be transported is sour, as defined by the *Pipeline Act, Sour Pipeline Regulation*;
- i) Confirmation that the project will use the best available technology that is currently proven and economically feasible;
- n) Confirmation that the project will use construction best practices if appropriate;

4.1.2 Estimated Project Cost and Schedule

Applications need to include the following:

- a) An itemized cost breakdown for the proposed project, including all design, construction, financing, approvals and any other applicable costs;
- b) A project schedule for the design and construction in bar chart format;
- c) Input the above information into discounted cash flow statement;

4.1.3 Applicant's Capability

Applications need to include the following:

- a) Details of experience in undertaking similar projects as the one proposed; (e.g., past experience in constructing pipelines; kilometres of pipelines built, etc.)
- b) Financial capability to carry out the project; (e.g., corporate financial strength, project financing arrangements etc.);

4.1.4 Risks and Significant Issues

Applications need to include the following:

- a) Identification of project risks and steps that will be taken to mitigate them; (e.g., insurance, bonding);
- b) Identification of significant issues and how they will be resolved; (e.g., permit requirements; rights-of-way, access rights, negative effects on the Province's highways system etc.).

4.1.5 Potential Spin-off Benefits

Applications need to provide details of the potential spin-off benefits they expect would result from their proposed project. Examples of such benefits include:

- a) Potential benefits to other Oil and Gas Producers (i.e., nearby stranded wells of other producers that could use the pipeline, land sales, increased value of existing land tenures, increased exploration, increased production);
- b) Positive effects on the Province's pipelines system;
- c) Evaluation of improved safety due to proposed development;
- d) Other potential benefits.

4.2 Project Business Case

Applications need to include sufficient project detail to clearly demonstrate that the proposed project:

- will extract the stranded volumes of oil and gas production and potential new well production through the construction of pipeline infrastructure, and;
- will generate a significant return on investment to the Province based on estimates of new royalty revenue through the construction of a pipeline providing access to transportation for stranded volumes of oil and gas production, and potential for new wells to be drilled with additional new royalty revenues due to the project.

Applicants will therefore need to provide the details of the proposed project as outlined in the following sections.

4.2.1 Incremental Royalty Payments

Applications need to include the following:

- a) Location and description of all wells to be put onto production as a result of the project. Applications need to clearly distinguish between existing stranded volumes of oil and gas production, in-fill drilling activity in a proven play, and exploratory drilling in a field where success rates and well production characteristics are less well known;
- b) Projected annual production of each well as a result of the project;
- c) A detailed description of the risks of projected new annual royalty payments attributable to the project (stranded volumes of oil or gas production and new wells onto production); and;

- d) A schedule that indicates the incremental annual royalty payments to the Province attributable to stranded volumes of oil and gas production and new wells onto production as a result of the project. This schedule should indicate royalty payments to be paid to the Province for during each government fiscal year (which ends on March 31). Applicants need to be aware that this schedule will represent a commitment, on the part of the proponent, if the project is awarded an allocation of royalty credits.

4.2.2 Benefits Attributable to the Project

So as to demonstrate the benefits attributable to the Province’s investment in the project, the application needs to include the following:

- a) A statement from the Applicant indicating whether or not the project would be undertaken in absence of a royalty credit, and;
- b) A statement from the Applicant indicating, to the best of its knowledge, the likelihood that a pipeline in the immediate area will be constructed by another company in the near future. If another pipeline in the immediate area is being planned or constructed by another company, the Applicant needs to indicate why their proposed project is still required.
- c) A statement from the Applicant indicating the number of wells and characteristics of these wells.

5 Project Timing

It is expected that Request for Applications process will be completed according to the following schedule:

Anticipated Date	Milestone Event
April 4, 2005	Request for Applications issued.
May 13, 2005	Request for Applications closes.
June 30, 2005	Applications evaluated, ranked and applicants notified of recommended candidate project(s).
October 31, 2005	Project(s) approved or declined by Province of British Columbia.
March 31, 2006	Final date for projects’ completion.

6 Evaluation, Ranking and Selection

This section details all of the criteria against which applications will be evaluated and ranked. Applicants should ensure that they fully respond to all criteria in order to receive full consideration during evaluation.

6.1 Mandatory Criteria

Applications not clearly demonstrating that they meet the following mandatory criteria will be excluded from further consideration during the evaluation process.

Mandatory Criteria	
a)	Applications must be received at the closing location by the specified closing date and time.
b)	Applications must be in English and must not be sent by facsimile or e-mail.
c)	<p>Courier or By Hand delivery:</p> <ol style="list-style-type: none"> 1. Two (2) complete hard copies must be submitted; and, 2. One (1) electronic copy must be submitted on diskette or CD; and, 3. An unaltered, completed and <u>signed</u> Request for Application cover page including Applicant Section must be submitted with the application.

6.2 Desirable Criteria

Applications meeting all of the mandatory criteria (ref. section 6.1) will be further assessed against the following desirable criteria.

Desirable Criteria	Points	
	Total Available	Minimum Required
<p>1. Project Details</p> <ul style="list-style-type: none"> • Proposed Design and Construction. • Estimated Project Cost and Schedule. • Applicant's Capability. • Risks and Significant Issues. • Potential Spin-off Benefits. 	50	35
<p>2. Project Business Case</p> <ul style="list-style-type: none"> • Incremental Royalty Payments. • Benefits Attributable to the Project. 	50	35
TOTAL	100	70

6.3 Evaluation

The Ministry will evaluate applications as follows:

1. Applications will be checked for compliance with the Mandatory Criteria. Applications that do not meet the mandatory requirements will receive no further consideration.

2. The Ministry will check each Applicant's record of royalty payments through the Ministry of Provincial Revenue. The Ministry will reject applications from Applicants that have, in the Ministry's sole opinion, an unsatisfactory record of making royalty payments to the Province.
3. Applications will be evaluated and scored against Desirable Criteria 1 and 2. Applicants who have achieved the minimum scores for criteria 1 and 2 will then be considered.
4. Applicants who have achieved the minimum required Desirable Criteria scores will have their scores re-set to zero and will advance to the next stage: **6.4 Ranking and Selection.**

6.4 Ranking and Selection

The Ministry will use following process in ranking and selecting projects:

1. Calculate the benefit cost ratio to the province for each project based on a royalty credit of 50 percent of project costs. The benefit cost ratio for each project is to be calculated by dividing the estimated incremental royalty payments over a standardized time period (to be determined) by the estimated royalty credit (i.e. ½ of project cost) as shown below:

$$\text{Benefit cost ratio} = \frac{\text{Incremental royalty payments}}{\text{Estimated royalty credit}}$$

2. Rank projects according to their benefit cost ratio (highest to lowest).
3. In course of evaluating competing projects, the Ministry reserves the right to establish a minimum benefit cost ratio as the threshold "pass/fail" test for all projects. Projects which fail to meet the minimum benefit cost ratio will not be evaluated further.
4. For the projects that exceed the minimum benefit cost ratio, projects will be ranked based on the highest benefit cost ratio until the total credits of the royalty credit program up to \$6.5 Million have been fully allocated across competing projects.
5. The Province reserves the right to approve royalty credits to only one, more than one, or no applications.

7 Application Format

Applications are to be submitted in the following format and sequence to ensure that they receive full consideration during evaluations and that the evaluations themselves may be handled in an efficient and consistent manner. All pages should be consecutively numbered.

1. Follow the Mandatory Criteria section concerning the Applicant Section submission requirements.
2. Follow the Mandatory Criteria section for hard copy and/or electronic submission requirements.

3. A short (two or three pages) cover letter summarizing the key features of the application. The letter also needs to contain a corporate information overview of the Applicant company(s) and for the proposed project:
 - Project Title;
 - Project location/basin;
 - Project description/abstract; and,
 - Legal name of any joint venture company.
4. The body of the application addressing all the Application requirements shown in Section 4.

8 Agreement Form

The specific form of agreement to be entered into with the Ministry of Energy and Mines is yet to be finalized. The nature and content of submissions received in response to this Request for Applications will assist in developing the specific content of pipeline-based royalty credit agreements.

8.1 Reporting Requirements

1. Reporting and verification (if required) of actual project costs:
 - a. A statutory declaration and summary of actual project costs.
 - b. Details of actual project costs.
 - c. A report from an independent chartered accountant or CMA indicating actual project costs.
2. Reporting and verification (if required) of the actual incremental production of oil and gas products attributable to the completed project.
 - a. Annual reports for a certain period over all periods which approved royalty credits are claimed or released that provides the following information:
 - Location and description of all stranded oil and gas well(s) or new well(s) put into production as a result of the project;
 - Actual annual production of each stranded well(s) or new well(s) brought onto production as a result of the project; and,
 - Annual royalty payments to Province directly attributable to the stranded volumes of oil or gas production or new well production as a result of the project.

Appendix A - Receipt Confirmation Form

Royalty Credit Program - 'Pilot' Pipelines Initiative

Ministry of Energy and Mines

Request for Applications (RFA) Number: 2005-01

Closing date: May 13, 2005

To receive any further information about this Request for Applications please complete and return this form to:

Kathy Thomson, Project Manager
Ministry of Energy and Mines
Business Development Branch
E-mail: Kathy.Thomson@gems5.gov.bc.ca
Facsimile: (250) 952-0255

Company:	<input type="text"/>		
Street address:	<input type="text"/>		
City:	<input type="text"/>	Province/State:	<input type="text"/>
		Postal Code:	<input type="text"/>
Mailing address: (if different)	<input type="text"/>		Postal Code: <input type="text"/>
Phone number:	<input type="text"/>	Fax number:	<input type="text"/>
Contact person:	<input type="text"/>	Title:	<input type="text"/>
e-mail:	<input type="text"/>		

Unless it can be sent by facsimile, further correspondence about this Request for Applications should be sent by:

<input type="checkbox"/> Courier Collect	If 'ticked' provide Courier name and account number:	<input type="text"/>
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Mail

Note: If neither box above is ticked, further correspondence will be sent by mail.