



Commission for
Communications Regulation

Invitation to Tender

Bi-Annual 3G and GSM Drive Tests 2008

Document No:	07/68
Date:	13 September 2007

All tenders should be clearly marked:-

'Bi-Annual 3G and GSM Drive Tests 2008' Tenders must be submitted by registered post or by hand. Tenders must be submitted in three copies in the format described in section 4, to the following address:-

David Thom
Commission for Communications Regulation
Blocks D,E,F Abbey Court
Irish Life Centre
Lower Abbey Street
Dublin 1
Ireland

Ph: +353-1-8049602 Fax: +353-1-804 9665 Email:
david.thom@comreg.ie

Applications must be received on or before 12.30Hrs (Irish Time) on 17 October 2007.

Tenders which are delivered late regardless of circumstance will not be considered.

The withdrawal of tenders will not be permitted after their acceptance.

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1 Invitation to Tender

1.1 Requirement

Provision of professional technical services:-

- To conduct the Bi-Annual 2G (GSM) and 3G (IMT 2000) Quality of Service (QoS) drive test surveys on behalf of the Commission for Communications Regulation ('The Commission').
- To submit two written reports (one per service) containing the results of the drive tests on a six monthly basis to the Commission for Communications Regulation (The Commission).

1.2 Awarding Authority

The Commission for Communications Regulation
Block DEF
Abbey Court
Irish Life Centre
Lower Abbey Street
Dublin 1
Ireland

1.3 Overview of the Requirement

The Commission has responsibility under the Communications Regulation Act, 2002 for the issue of licences and General Authorisations for wireless telegraphy, electronic communications services and infrastructure. These include licences issued to mobile telephony networks using both the 2G (GSM) and 3G (IMT 2000) standards. Each operator's licence contains a standard provision obliging the licensee to offer a guaranteed minimum (QoS) and to meet certain specified minimum roll-out requirements.

As such in 2003, the Commission established a drive testing programme to measure licence compliance with both the QoS and roll-out requirements of the respective licences. . The Commission now invites tenders from suitably qualified companies to carry out these measurements on the Commission's behalf.

The successful tenderer(s) will be required, subject to contract, to carry out these measurements on the Commission's behalf. The drive test routes will be selected by The Commission on the basis of the distribution of the number of received complaints.

Tenderers must clearly demonstrate their ability to conduct the drive tests, as required and provide written reports on the results by documenting, as relevant, the following:-

- An understanding of the Requirement;
- The professional qualifications and relevant training of the proposed project personnel and support personnel;

- The details of the equipment to be used on the project;
- A knowledge of the relevant conditions of all 3G and GSM licences held by operators operating within the State;
- Costs for each six monthly survey and the submission of the reports on a per service (GSM and 3G) basis including all relevant GPS logs agreed with the Commission;
- Samples of similar work completed to date.

1.4 Provision of Information

The Commission proposes to release the following information relating to this tender, on request:

- The name and address of the successful tenderer, and
- Overall contract value of the successful tender

Note that under the Freedom of Information Act, 1997 (as amended) information provided in this tender may be liable to be disclosed where a request is made for access to records and the public interest value of releasing such information is deemed to outweigh the right to confidentiality. Tenderers must specify to the Commission any information which they do not wish to be disclosed. The Commission will consult with the tenderer supplying confidential information before making any decision on releasing such information in response to a request under the Freedom of Information Act 1997 (as amended).

The Commission undertakes to hold confidential any information provided by tenderers subject to:-

- Disclosure of the information specified above as being information that will be released on request, and
- The Commission's obligations under law, including the Freedom of Information Act, 1997 (as amended).

1.5 Tender and Contractual Arrangements

Tenders must adhere to the format set out in Section 4 and must be completed in the English language.

The solution offered may involve the provision of services from either a single party or a group/consortium of bidders. Where a bid is based on a group/consortium of business interests, the tender response document must identify:-

- The prime partner in the group/consortium;
- The number of parties involved and names of each party; and

- The proposed arrangements for its operation e.g. the area of participation of each party in the context of the contract in question.

Where a bid from a group or consortium of bidders is selected as the preferred bid, the Commission will enter into negotiations with a view to concluding a contract with a prime contractor within that group or consortium, who will then take responsibility for all matters arising under the contract.

The Commission reserves the right to select individual components from tender(s) and upon agreement with the tenderer to comprise a total solution as relevant.

The response document must contain the tenderer's best and final offer for the award of contract. All prices must be quoted in Euro and be provided inclusive and exclusive of VAT.

2 Requirements of Contract

2.1 General Requirements

This specification contains details of the minimum requirements. Tenders must clearly demonstrate that these requirements can be met. Proposals above the minimum, should be detailed in the response and any associated costs detailed separately.

Service providers must have a proven track record and capability for providing a professional, high quality, accurate and compliant service similar to the services required in this Invitation to Tender (ITT).

Award of the contract will be dependent upon compliance by the successful tenderer with the tax clearance requirement of Irish public sector contracts procedures (which are subject to Article 45 of EU Directive 2004/18/EC relating to procedures for the award of public service contracts) and relevant statutory taxation requirements in relation to taxation of professional services provided to the public sector.

Tenderers are required to provide a statement that none of the circumstances listed in paragraphs 1 and 2 of Article 45 of EU Directive 2004/18/EC apply to them (copy of Article 45 attached at Appendix 2).

It should be noted that the Commission reserves the right to cancel the competition should it see fit to do so.

The Commission will retain all intellectual property rights over all documents, records and reports produced (electronic and hard copy) and all such material shall be returned to The Commission upon the completion of the contract.

2.2 Specific Requirements

The purpose of this tender is to engage the services of an experienced and suitably qualified professional contractor to conduct a six monthly nationwide QoS drive testing programme for all GSM and 3G networks operating within the State on behalf of the Commission..

Drive test Location

The route is national and will be specified in detail prior to the performance of the survey by the contractor. However for illustrative purposes a sample route is given in Appendix 3.

2.2.1 Survey Hours

For the purposes of this contract the drive tests must take place during the hours 09.00 to 21.00Hrs

2.2.2 Survey Methodology

All tenderers must outline the equipment they propose to use and all relevant settings of such equipment including the measurement units used. The description

of the methodology should show how they intend to assess as a minimum the QoS conditions detailed in each licence.

Which are for 2G;

- Service Quality and Performance standards comprising of:
 - Service Unavailability
 - Coverage
 - Dropped Call rate
 - Blocked Rate
 - Transmission Quality;

And similarly for 3G;

- Coverage
- Data rate. (uplink and downlink)

2.2.3 Reports to Be Submitted

The successful tenderer will produce, in respect of each service, (GSM, 3G), a report detailing the measurements made. The exact format of such a report will be detailed in the contract and as such communicated to the successful tenderer.

The tenderer will submit;

- a. An electronic report, in MS Word format, using the agreed template in respect of each service.
- b. An electronic copy of all the measurements taken referenced to GPS during the drive testing programme on a CDROM.
- c. A printed and bound copy of each complete report.

2.2.4 Price Quoted

The price submitted in tenders must be inclusive of all costs associated with the project to conduct the Bi-Annual drive test program on both the GSM and 3G networks, the preparation of written reports thereafter and must include any travel and accommodation costs the tenderer estimates are necessary.

Note: The total price submitted in tenders must not exceed the threshold (€120,000 Inc VAT)

2.2.5 Equipment

The successful tenderer will be responsible for procuring all of the necessary equipment required for the drive test programme. The successful tenderer will provide written evidence to demonstrate that all equipment used is calibrated within the preceding 12 months.

2.3 Location and Confidentiality

The successful tenderer will be required to work alongside Commission staff and advisers from time to time. Where face to face meetings are required these will be held at the Commission's premises in Dublin unless otherwise agreed by the Commission. The confidentiality of the work will be protected at all times.

2.4 Duration of the Assignment

The following timescale indicates key deadlines in the project:

Results of Tendering Process to be communicated to all parties by the end of November 2007 or as soon as possible thereafter; and

- Target date for commencement of the project: Beginning of January 2008;
- Target date for the submission of the first tranche of reports, two weeks after completion of first drive test
- Second drive test to be carried out beginning June 2008
- Target date for the submission of the second tranche of reports two weeks after completion of drive test.

It is intended to put the contract in place for the period November 2007 to June 2008

2.5 Other Information

In general the successful tenderer:

- Will be required to comply with the requirements for the awards of Irish public sector contracts;
- Must agree to a confidentiality agreement covering the organisation and the individuals assigned to the project (see Appendix 1); and
- Must enter into a formal and binding contract for the work specifications required.

3 Conditions of Tendering

Detailed contractual arrangements are not within the scope of this document. However, the following conditions of tendering apply and should be noted in tenderers' responses. By responding to this invitation to tender, tenderers agree to be bound in all respects by all of the terms and conditions contained herein. Prior to the deadline for the receipt of tenders the Commission may delete, vary, amend or extend any item or requirement in this ITT:

3.1 Financial Status of Successful Contractors

Before contracts are awarded, the successful contractor (and agent, where appropriate) will be required to comply with the prevailing tax clearance procedures viz.:

A successful tenderer will be required to promptly produce a Tax Clearance Certificate from the Irish Revenue Commissioners. In addition, such contractors must retain records of tax reference numbers for any sub-contractors, whose payments exceed €635 including VAT.

Application for the above Certificate may be made to the Irish Revenue Commissioners by way of a standard form which will be provided to the successful tenderer by the Commission in due course.

Where a certificate expires during the course of the contract, the Commission will require a renewed certificate or statement. All payments under the contract will be conditional on contractors being in possession of valid certificates at all times. In addition, all payments will be subject to Withholding Tax as laid down by the Revenue Commissioners.

3.2 Conflict of Interest

Any conflicts of interest involving a contractor (or contractors in the event of a group or consortium bid) must be fully disclosed. Any registerable interest involving the contractor and the Commission or their relatives must be fully disclosed in the response to this Invitation to Tender, or should be communicated to the persons specified at Section 3.7 immediately upon such information becoming known to the tenderer in the event of this information only coming to their notice after the submission of the tender and prior to the award of the contract. The terms "registerable interest" and "relative" shall be interpreted as per section 2 of the Ethics in Public Office Act 1995.

3.3 Duration of Contract

It is intended that this Invitation to Tender will give rise to a contract for the provision of the services in question, to The Commission from the date of commencement of the contract for a period ending on 30th June 2008. [The contract will include the usual clauses relating to early termination, e.g. liquidation of the contractor, failure to provide agreed services, and so on.]

3.4 Information Supplied by Tenderer(s) to be Contractually Binding

Information supplied by tenderer(s) will be treated as contractually binding. However, The Commission, reserves the right to seek clarification or verification of any such information.

3.5 Costs incurred in Preparing Tenders

The Commission will not be liable in respect of any cost incurred by service providers in the preparation of tenders or any associated work effort.

3.6 Time Available for The Commission to Accept Tenders

All tenders must be kept open for at least 4 calendar months from the closing date for receipt of tenders.

3.7 Submission of Tenders

Tenders must be completed in accordance with the format outlined in Section 4 of this document. Tenders which are incomplete may be rejected.

Tenders should be submitted by registered post or by hand. Tenders must be submitted in two in the format described in section 4, to:-

David Thom
Commission for Communications Regulation
Block DEF
Abbey Court
Irish Life Centre
Lower Abbey Street
Dublin 1
Ireland

3.8 Deadline for Receipt of Tenders

Applications must be received on or before **12.30Hrs (Irish Time) on 17 October 2007.** Tenders which are delivered late (whether such lateness is occasioned through the use of tenderers' agents or otherwise) will not be considered.

3.9 Acceptance of Tenders

- 3.9.1 The Commission reserves the right at its sole discretion, to accept or reject any tender (in whole or in part) and to waive any informality or irregularity. The Commission is not bound to accept the lowest priced tender or any tender.
- 3.9.2 The contract if awarded shall be awarded to the tenderer that has submitted:-
- A tender in compliance with this Invitation to Tender and the conditions of tendering herein; and
 - A tender which has been assessed to be the most economically advantageous proposal by reference to the award criteria as outlined in Section 6 herein.

- 3.9.3 If a tender is accepted, written notification of acceptance of a tender will be given to the successful tenderer and no tender shall be deemed to be accepted until such notification has been given.
- 3.9.4 The Commission may make acceptance of any tender conditional upon the tenderer providing (at the tenderer's expense) such security for the due performance of the contract The Commission may require.

This procedure is then concluded by a contract signed by the parties involved.

4 Format of Tender

All costings for the project must be quoted in euro. Any exchange rate risk will be borne by the tenderers.

Tenderers should outline the payment terms which they consider to be appropriate to the proposed assignment.

Separate prices must be provided for the minimum requirements specified. Prices should distinguish between labour costs and associated overheads such as travel and subsistence.

All information arising from the tender process will be and shall remain the property of the Commission. Your agreement to this should be included in your detailed tender. The successful tenderer will be required to sign a confidentiality agreement.

Tenders must take the following format:-

4.1 General Information

1. Name, address, telephone and fax number of tenderer. Name of person within the tendering business dealing with the matter;
2. Name, address, telephone and fax number of any third-parties involved in the tender. Name of person within third-party business dealing with the matter;
3. Where applicable, a description of role or element of contract to be fulfilled by any third-party;
4. Where applicable, identification of party who will carry overall responsibility for the contract and his/her position within the contracting company/business;
5. Please state if your organisation is accredited with ISO, or other recognised quality standard equivalent;
6. Confirmation of acceptance by the tenderer and any third parties of the conditions of tender described in Section 3 of this document.

4.2 Details of the Tendering Firm

During the evaluation, the suitability of tenderers will be checked by reference to their financial and economic standing and technical capability.

4.2.1 Economic and Financial Standing

Tenderers must provide evidence that they have a sufficiently sound economic and financial standing to undertake the project. The following information must be provided in response to this paragraph:-

- (a) An appropriate statement from banks evidencing the tenderer's financial standing and evidence of relevant professional risk indemnity insurance;

- (b) Presentation of the tenderer's balance sheets or extracts therefrom, where publication of the balance sheets is required under company law in the country in which the service provider is established;
- (c) A statement of the undertaking's overall turnover and its turnover in respect of the services to which this contract relates for the three previous financial years;
- (d) Details of any Professional Indemnity Insurance policy the tenderer may have;
- (e) A statement from the tenderer that none of the circumstances listed in paragraphs 1 and 2 of Article 45 of EU Directive 2004/18/EC apply to them (copy of Article 45 attached at Appendix 2).

4.2.2 Technical Capability

Evidence of the technical capability of the tenderer will be assessed by reference to the following and the required information should be provided in response to this paragraph:-

- (a) The relevant professional qualifications of the personnel, including managerial personnel, who would be responsible for providing the services under the contract. Up to date CV's (sample CVs are not permissible) outlining details of similar projects on which they have worked, their specific responsibilities in relation to such projects together with details of knowledge and experience in the conduct of GSM and 3G network drive testing;
- (b) An indication of the technical staff who would be involved in the contract, whether or not belonging directly to the service provider, especially those responsible for quality control;
- (c) A statement of the service provider's average annual manpower, and the number of managerial staff, for the last three years;
- (d) A statement of the service provider's proposed technical equipment including its full capabilities in terms of assessing the relevant licence conditions to carry out the services under tender; and
- (e) A description of the service provider's measures for ensuring quality, which are relevant to this contract.

4.3 Resource Allocation

Describe the measures in place, including; those to deal with equipment failure, management, the nature and level of supervision which will be provided to ensure that a high quality service will be delivered.

4.4 Detailed Proposal

The proposal must include the following:-

- (a) A detailed statement of the tenderer's understanding of the assignment and the work to be performed;

- (b) A detailed description of the individuals proposed for the assignment, in particular, position within the firm, number of years with the firm, proposed role/responsibility in the assignment, description of previous relevant projects and experience;
- (c) A statement on conflict of interest: The proposal must contain a clear statement that there is no existing or potential conflict of interest in relation to the proposed assignment.
- (d) A statement regarding the property of information arising from the assignment contract: The tenderer must clearly state in the proposal document that he/she agrees that all information arising from any contract that might be awarded will be and shall remain the property of the Commission. In particular, tenderers should include a statement to the effect that copies of all working papers and supporting material arising from the project will be made available to the Commission on request;
- (e) A sample report of similar work.

The work will be conducted in English and all deliverables will be submitted in English.

4.5 Relevant Experience and References

Comprehensive details of experience of providing the required services are required. Tenderers must provide a list of names, addresses and telephone numbers of at least 3 existing customers who may be contacted for references in connection with the proposed services.

5 Points of Clarification regarding the Tender Process

Companies interested in tendering must signal such an interest on or before **12.30Hrs on Thursday XX October 2007**, together with their contact details by post to:-

David Thom
Commission for Communications Regulation
Block DEF
Abbey Court
Irish Life Centre
Lower Abbey Street
Dublin 1
Ireland

Or email to:-
david.thom@comreg.ie

There will be a period during which prospective tenderers may request clarification on issues specific to the submission of a competitive tender based on the terms of reference or any other points of clarification which are deemed relevant to this project. In particular, tenderers shall immediately notify The Commission should they become aware of any ambiguity, discrepancy, error or omission in this Invitation to Tender.

All points of clarification must be submitted in writing and should be labelled “Questions: Bi-annual 3G and GSM Drive tests 2007” and should include full details i.e. name, contact person address, fax no, e-mail of the party posing the question. E-mails may be sent to the following address: david.thom@comreg.ie.

Questions addressed in any other way will not be answered. The latest time, without exception, for receipt of questions is 12.30 Hrs **09 October 2007**.

All questions and answers will be circulated to companies who have signalled interest in tendering as soon as possible after this date. The Commission will not however disclose the identity of any party posing a question, except where it is legally obliged to do so.

Whilst every endeavour is made to provide accurate information to potential respondents regarding the requirements for this contract, tenderers should form their own conclusions about the methods and resources needed to meet those requirements. The Commission cannot accept responsibility for the tenderers assessment of this assignment.

6 Evaluation of Tenders and Award Criteria

The contract will be awarded on the basis of the most economically advantageous tender (MEAT) applying the following criteria, with the individual weighting of each criterion being indicated in parentheses:

- (i) demonstrated understanding and analysis of the requirements (20 points);
- (ii) comprehensiveness and quality of the approach proposed (20 points);
- (iii) the experience, expertise and qualifications of the team Regard will be had as to the participation of team members with previous experience of similar initiatives (20 points);
- (iv) stated ability of the tenderer to manage the project effectively and to complete it within the required time-scale (20 points).
- (v) Ultimate Cost (20 points);

It should be noted that all responses to this tender will be opened at the same time, and not before the closing time for receipt of tenders has elapsed. The evaluation criteria will not be changed without prior notification to all applicants.

Tenderer(s) should note also that a further selection stage involving presentations and interviews may be necessary at short notice in order to select the successful candidate.

NB: - The Commission reserves the right not to select the lowest price tender or any tender.

APPENDIX 1

CONFIDENTIALITY AGREEMENT COVERING TENDER TO COMMISSION FOR COMMUNICATIONS REGULATION

The Chairperson
Commission for Communications Regulation
Abbey Court
Irish Life Centre
Lower Abbey Street
Dublin 1
Ireland

We hereby agree not to divulge any of the confidential information, written or oral, acquired during the course of our tender to the Commission for Communications Regulation (ComReg) to any company, person or persons.

We shall not at anytime after submitting the tender, use or attempt to use any such information concerning the business secrets or operational secrets of ComReg which we acquire in the course of our tender for our own, or other firm or person's benefit.

Signed

For

APPENDIX 2

ARTICLE 45 OF EU DIRECTIVE 2004/18/EC¹

Personal situation of the candidate or tenderer

1. Any candidate or tenderer who has been the subject of a conviction by definitive judgment of which the contracting authority is aware for one or more of the reasons listed below shall be excluded from participation in a public contract:

- (a) participation in a criminal organisation, as defined in Article 2(1) of Council Joint Action 98/733/JHA ²;
- (b) corruption, as defined in Article 3 of the Council Act of 26 May 1997 ³ and Article 3(1) of Council Joint Action 98/742/JHA ⁴ respectively;
- (c) fraud within the meaning of Article 1 of the Convention relating to the protection of the financial interests of the European Communities ⁵;
- (d) money laundering, as defined in Article 1 of Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering ⁶.

Member States shall specify, in accordance with their national law and having regard for Community law, the implementing conditions for this paragraph.

They may provide for a derogation from the requirement referred to in the first subparagraph for overriding requirements in the general interest.

For the purposes of this paragraph, the contracting authorities shall, where appropriate, ask candidates or tenderers to supply the documents referred to in paragraph 3 and may, where they have doubts concerning the personal situation of such candidates or tenderers, also apply to the competent authorities to obtain any information they consider necessary on the personal situation of the candidates or tenderers concerned. Where the information concerns a candidate or tenderer established in a State other than that of the contracting authority, the contracting authority may seek the cooperation of

¹ As transposed into Irish law by the European Communities (Award of Public Authorities' Contracts) regulations 2006, Statutory Instrument 329 of 2006

² OJ L 351, 29.12.1998, p. 1.

³ OJ C 195, 25.6.1997, p. 1.

⁴ OJ L 358, 31.12.1998, p.2.

⁵ OJ C 316, 27.11.1995, p. 48.

⁶ OJ L 166, 28.6.1991, p. 77. Directive as amended by Directive 2001/97/EC of the European Parliament and of the Council of 4 December 2001 (OJ L 344, 28.12.2001, p. 76).

the competent authorities. Having regard for the national laws of the Member State where the candidates or tenderers are established, such requests shall relate to legal and/or natural persons, including, if appropriate, company directors and any person having powers of representation, decision or control in respect of the candidate or tenderer.

2. Any economic operator may be excluded from participation in a contract who:

- (a) is bankrupt or is being wound up, whose affairs are being administered by the court, who has entered into an arrangement with creditors, who has suspended business activities or who is in any analogous situation arising from a similar procedure under national laws and regulations;
- (b) is the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding up or administration by the court or of an arrangement with creditors or of any other similar proceedings under national laws and regulations;
- (c) has been convicted by a judgment which has the force of *res judicata* in accordance with the legal provisions of the country of any offence concerning his professional conduct;
- (d) has been guilty of grave professional misconduct proven by any means which the contracting authorities can demonstrate;
- (e) has not fulfilled obligations relating to the payment of social security contributions in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority;
- (f) has not fulfilled obligations relating to the payment of taxes in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority;
- (g) is guilty of serious misrepresentation in supplying the information required under this Section or has not supplied such information.

Member States shall specify, in accordance with their national law and having regard for Community law, the implementing conditions for this paragraph.

3. Contracting authorities shall accept the following as sufficient evidence that none of the cases specified in paragraphs 1 or 2(a), (b), (c), (e) or (f) applies to the economic operator:

- (a) as regards paragraphs 1 and 2(a), (b) and (c), the production of an extract from the "judicial record" or, failing that, of an equivalent document issued by a competent judicial or administrative authority in the country of origin or the country whence that person comes showing that these requirements have been met;
- (b) as regards paragraph 2(e) and (f), a certificate issued by the competent authority in the Member State concerned.

Where the country in question does not issue such documents or certificates, or where these do not cover all the cases specified in paragraphs 1 and 2(a), (b) and (c), they may

be replaced by a declaration on oath or, in Member States where there is no provision for declarations on oath, by a solemn declaration made by the person concerned before a competent judicial or administrative authority, a notary or a competent professional or trade body, in the country of origin or in the country whence that person comes.

4. Member States shall designate the authorities and bodies competent to issue the documents, certificates or declarations referred to in paragraph 3 and shall inform the Commission thereof. Such notification shall be without prejudice to data protection law

APPENDIX 3

Provisional Minimum Drive Route to be Covered⁷

The minimum areas and routes to be covered in the test are:

Dublin City, Including:

- M50 Ring Road
- North Circular Road
- South Circular Road
- R114 from Portobello Bridge to Dame St.
- O'Connell Street from Eden Quay to Parnell Square
East along North Frederick St. to Dorset Street.

Waterford City

Cork City

Limerick City

Galway City

National Routes to be covered in full including all towns along these routes;

N1, N2, N3, N4, N6, N7, N8, N15, N11, N17, N18, N21, N22, N25

⁷ Note; this is an indication of the minimum routes to be surveyed, the Commission reserves the right to vary these routes according to operational requirements at no additional cost.