



Commission for
Communications Regulation

Invitation to Tender

Non-ionising Radiation Site Surveys 2009 - 2010

Document No:	09/59
Date:	16 th July 2009

All tenders should be clearly marked:- **‘NIR Site Surveys Tender 2009’**

Tenders must be submitted the format described in Section 4 and the submission must include:-

- (1) Two printed copies of the tender
- (2) An electronic copy of the tender in MS Word or PDF format on CD-ROM, floppy disk or USB memory stick. (*Alternatively the electronic copy may be submitted separately from the printed copies by email to nirtender@comreg.ie prior to the deadline.*)

Tenders must be submitted by registered post or by hand to the following address:-

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

Ph: +353-1-8049613
Fax: +353-1-804 9671
Email: nirtender@comreg.ie

Applications must be received on or before 5.00 pm (Irish Time) on **Tuesday 11th August 2009**. Tenders which are delivered late will not be considered. No tender may be withdrawn after its acceptance.

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1 Invitation to Tender

1.1 Summary of Requirements

The Commission for Communications Regulation (the Commission) now invites tenders from suitably qualified companies for the provision of professional technical services which include the following:

- Conduct of site surveys in order to measure non-ionising radiation (NIR) emissions at the sites;
- Submission of written reports with the results of the site surveys to the Commission for Communications Regulation.

The successful tender(s) must be in a position to conduct at least 80 site surveys during the period September 2009 to end June 2010.

1.2 Awarding Authority

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

1.3 Background

The Commission is the licensing authority for the use of the radio frequency spectrum in Ireland, which is used for the transmission of a wide range of services, including radio and television broadcasting, mobile telephony and other telecommunications services such as internet connection. As the radiocommunications licensing authority, the Commission monitors compliance with a number of conditions attached to each licence, one of which relates to Non-Ionising Radiation (NIR). As such, ComReg's role in relation to NIR is to ensure that communications operators comply with the licence condition which stipulates that emissions from licensed radio installations must be within the limits specified in the guidelines¹ published by the International Commission on Non-Ionizing Radiation

¹ "Guidelines for Limiting Exposure to Time-Varying Electric, Magnetic, and Electromagnetic Fields (up to 300 GHz)", International Commission on Non-Ionizing Radiation Protection, Published in 'Health Physics', April 1998, Volume 74, Number 4.

Protection (ICNIRP). This is one of a number of conditions, mostly technical, which usually attach to a licence.

The Commission has established a Programme of Measurement of Non-Ionising Radiation Emissions to survey a sample number of sites around the country each year in order to determine compliance by the relevant operators with their licence conditions. Sites are selected by the Commission for inclusion in the programme on the basis of geographic / population distribution. Each survey involves measurement and recording of NIR emission levels at the point of highest emissions (in a public area) associated with the transmitter and a subsequent comparison of the levels with the ICNIRP Reference Levels for General Public Exposure. All measurements and analysis are then documented in a comprehensive technical report.

1.4 Overview of the Requirement

The successful tenderer(s) will be required, subject to contract, to assist the Commission in its Programme of Measurement of Non-Ionising Radiation Emissions by conducting NIR measurements at sites countrywide between September 2009 and the end of June 2010 and by providing individual written technical reports of the surveys conducted. The successful tenderer must be in a position to conduct at least 80 site surveys during that period.

Tenderers must clearly demonstrate their ability to conduct the surveys required and to provide written reports on the results of the surveys 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 publications by The International Commission on Non-Ionising radiation Protection (ICNIRP);

- A knowledge of and familiarity with CEPT ECC Recommendation ECC/REC/(02)04 – Measuring Non-Ionising Electromagnetic Radiation (9 kHz – 300 GHz);
- A knowledge of the methodology outlined in document ComReg 08/51R, which incorporates many of the measurement methods and procedures outlined in ECC/REC/(02)04.
- Costs for conducting the required number of NIR site surveys and submitting individual written reports on the findings;
- Samples of similar work completed to date.

A detailed specification of requirements is set out in Section 2, the Conditions of Tendering set out in Section 3 and all submitted tenders must comply with the Format of Tender as set out in Section 4.

1.5 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).

1.6 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 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 Council Directive 92/50/EEC of 18 June 1992 relating to co-ordination 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 to whom any of the circumstances listed in paragraph 1 of Article 29 of EU Council Directive 92/50/EEC (co-ordination procedures for the award of public service contracts) apply will be excluded from this competition. The said circumstances are outlined in 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 assist the Commission with its Programme of Measurement of Non-Ionising Radiation during the period September 2009 to end June 2010.

The minimum requirement for the successful tenderer is to:-

- (1) conduct individual NIR site surveys at locations determined by the Commission;
- (2) submit individual written reports on the results of the surveys;
- (3) have the capability to conduct at least 80 site surveys during the contract period.

2.2.1 Site Survey Locations

The locations of the sites to be surveyed will be determined by the Commission and conveyed in advance to the successful tenderer.

To prevent all the surveys scheduled for a particular geographic area being conducted in the same short time period, the Commission will only reveal the site locations for the forthcoming period after the surveys for the preceding period have been concluded – e.g. the first group of 15 surveys provisionally scheduled for 1st Sept – 9th Oct 2009 will be completed before ComReg conveys to the contractor the locations of the next 20 sites, provisionally scheduled for 10th Oct – 31st Dec 2009, and so on.

This process may require the successful tenderer to revisit some counties/cities/towns and the associated costs should be considered prior to submitting a tender.

The successful tenderer will be responsible for arranging permission to access sites where such permission is required.

2.2.2 Reporting Periods

For the purposes of this contract, it is proposed to divide the total number of sites to be surveyed and subsequent written reports to be submitted into four (4) segments as follows:-

(1) 1 st September – 9 th October 2009	15 sites
(2) 10 th October – 31 st December 2009	20 sites
(3) January, February, March 2010	20 sites
(4) April, May, June 2010	<u>25 sites</u>
TOTAL	80 sites

2.2.3 Survey Methodology

The successful tenderer will be required to conduct all surveys in accordance with the methodology outlined in document ComReg 08/51R², which incorporates many of the measurement methods and procedures outlined in ECC Recommendation (02)04³. Those intending to submit tenders are advised to familiarise themselves with that document.

2.2.4 Reports to Be Submitted

The successful tenderer will produce, in respect of each site surveyed, a report detailing the measurements made and any conclusions that may be drawn with reference to the ICNIRP Guidelines⁴ for limiting exposure to time-varying electric, magnetic and electromagnetic fields. The exact format of such a report will be communicated to the successful tenderer.

The successful tenderer will submit:

- a. An electronic report, in MS Word format, using the agreed template in respect of each completed site survey;
- b. An electronic copy of all the measurements taken during the programme on a per site basis on CDROM;
- c. A printed and bound copy of all the measurements taken during the programme on a per site basis.

2.2.5 Price Quoted

The price submitted in tenders must be inclusive of all costs associated with a project to conduct 80 site surveys and prepare written reports thereafter, including any travel and accommodation costs, which the tenderer estimates are necessary.

² <http://www.comreg.ie/fileupload/publications/ComReg0851R.pdf>

³ ECC/REC/(02)04 (Revised Bratislava 2003, Helsinki 2007), “Measuring Non-Ionising Electromagnetic Radiation (9 kHz – 300 GHz)”, www.ero.dk

⁴ International Commission on Non-Ionizing Radiation Protection (ICNIRP) – Guidelines for Exposure to Time-Varying Electric, Magnetic, and Electromagnetic Fields (up to 300 GHz)
<http://www.icnirp.de/documents/emfgdl.pdf>

In order to effect any interim payments during the contract period, there is also a requirement to state an average cost per site survey because of the unequal number of surveys required in each of the four reporting periods.

Note: The price submitted in tenders should not exceed the threshold (€206,000 ex VAT) above which advertising of contracts in the Official Journal of the EU is obligatory.

2.2.6 Equipment

The successful tenderer will be responsible for procuring the necessary equipment required for conducting the surveys. The successful tenderer will provide written evidence to demonstrate that all equipment used during the programme is within manufacturer recommended calibration.

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. 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 August 2009 or as soon as possible thereafter
- Target date for commencement of the project:
beginning of September 2009
- Target date for submission of first segment reports (15 site surveys):
9th October 2009
- Target date for submission of second segment reports (20 site surveys):
31st December 2009
- Target date for submission of third segment reports (20 site surveys):
31st March 2010
- Target date for submission of fourth segment reports (25 site surveys):
30th June 2010.

It is intended to put a contract in place for the period September 2009 to end June 2010.

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 (ITT), 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 contractor resident in Ireland 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.

A successful non-resident contractor or sub-contractor will be required to produce a 'Statement of Suitability for Tax Purposes' (in lieu of a Tax Clearance Certificate) from the Irish Revenue Commissioners confirming suitability on tax grounds to be awarded the contract.

Application for either of the above 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 or statement 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 2010. [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.

The submission must include:-

- (1) Two printed copies of the tender
- (2) An electronic copy of the tender in MS Word or pdf format on CD-ROM, floppy disk or USB memory stick.
(Alternatively the electronic copy may be submitted separately from the printed copies by email prior to the deadline to nirtender@comreg.ie)

Tenders must be submitted by registered post or by hand to the following address:-

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

Email: nirtender@comreg.ie

3.8 Deadline for Receipt of Tenders

Applications must be received on or before 5.00 pm (Irish Time) on **Tuesday 11th August 2009**. 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 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 Schedule of Costs

All costings for the project must be quoted in euro (€), **both inclusive and exclusive** of VAT. Any exchange rate risk will be borne by the tenderers.

Individual cost figures should be provided for each of the following:

- (a) The price inclusive of all costs associated with a project to conduct 80 site surveys in accordance with the schedule outlined in Section 2.4 and prepare written reports thereafter, including any travel and accommodation costs, which the tenderer estimates are necessary;
- (b) The average price per site survey.

Prices should distinguish between labour costs and associated overheads; and material costs.

In addition, tenderers should outline the payment terms which they consider to be appropriate to the proposed assignment.

4.2 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.

4.3 Details of the Tendering Firm

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

4.3.1 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 should be provided in response to this paragraph:-

- (a) An appropriate statement from banks evidencing the tenderer's financial standing or 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 excluding circumstances listed in Article 29 of Council Directive 92/50/EEC (co-ordinating procedures for the award of public service contracts) applies to him/her. The said circumstances are outlined in Appendix 2.

4.3.2 Personnel Capability

Evidence of the personnel capability of the tenderer will be assessed by reference to the following and the following 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 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 with measuring non-ionising radiation should also be provided;
- (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;

4.3.3 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) A list in tabular form of the measurement equipment⁵ available to the service provider for carrying out the services under the following headings:
- Equipment type
 - Frequency range

⁵ e.g. field strength meters, field probes, spectrum analysers, antennas

- Manufacturer
- Model
- Serial number
- Date of latest previous calibration
- Calibration interval recommended by manufacturer

Example

Equipment type	Frequency range	Manufacturer	Model	Serial no.	Date of latest calibration	Manufacturer rec'd calibration interval
Spectrum Analyser	10 MHz - 18 GHz	Rohde & Schwarz	FSH 18	10037x	10/06/09	Every 1 year
Broadband Field Meter	300 kHz – 40 GHz	Narda	NBM 550	A-123xx	02/07/09	Every 2 years
Horn Antenna	1 – 18 GHz	EMCO	3115	8906-3xxx	15/01/09	Every 1 year
					etc.

(b) A list in tabular form of the ancilliary equipment⁶ available to the service provider for carrying out the services under the following headings:

- Equipment type
- Manufacturer
- Model

Example

Equipment type	Manufacturer	Model
GPS Receiver	Garmin	GPS72
Wooden Tripod	Acme Tripods	TW-41
	etc.

⁶ e.g. tripod, GPS, laptop PC, thermometer

4.3.4 Quality Control

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

- A description of the service provider's measures for ensuring quality, which are relevant to this contract.

4.4 Resource Allocation

Describe the measures in place, including management and the nature and level of supervision which will be provided, for ensuring that a high quality service will be delivered.

4.5 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;

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

4.6 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. A sample report, if available, of a previous NIR survey carried out by the tenderer should be included in an appendix.

5 Points of Clarification regarding the Tender Process

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 “**ITT Questions: NIR Site Surveys 2009**” and should include full details i.e. name, contact person address, fax no, e-mail of the party posing the question. Questions may be addressed by post to:

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

Or email to:-

nirtender@comreg.ie

Questions addressed in any other way will not be answered.

The latest time for receipt of questions is **5.00 pm (Irish Time) on Tuesday 28th July 2009.**

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 from the qualifying tenders on the basis of the most economically advantageous tender, applying the following award criteria [*scored from 1000 marks weighted as indicated*]:-

Commitment to the provision of value for money quality services demonstrated through:-

- Qualifications and training on the proposed team [110 marks]
- Experience of the proposed team in carrying out similar type projects [150 marks]
- Quality of References [40 marks]
- Understanding of the requirements and scope of the project as outlined in this ITT [150 marks]
- Quality of Tender Documentation [40 marks]
- Proposed project management structures [80 marks]
- Ability to meet project schedule [120 marks]
- Equipment and supporting resources [150 marks]
- Cost [110 marks]
- Value for Money (quality /cost) [50 marks]

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

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 – Criteria for Exclusion from Tender Process

CIRCUMSTANCES WHICH MAY EXCLUDE A SERVICE PROVIDER FROM PARTICIPATION IN THE CONTRACT (ARTICLE 29, PARAGRAPH 1 OF EU COUNCIL DIRECTIVE 92/50/EEC OF 18 JUNE, 1992 CO-ORDINATING PROCEDURES FOR THE AWARD OF PUBLIC SERVICE CONTRACTS

“Any service provider 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 for an arrangement with creditors or of any other similar proceedings under national laws or regulations;
- (c) has been convicted of an offence concerning his professional conduct by a judgment which has the force of *res judicata*;
- (d) has been guilty of grave professional misconduct proven by any means which the contracting authorities can justify;
- (e) has not fulfilled obligations relating to the payment of social security contribution 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 provision of the country of the contracting authority;
- (g) is guilty of serious misrepresentation in supplying or failing to supply the information that may be required under this Chapter.”