



Commission for
Communications Regulation

Pre-Qualification Questionnaire

Spectrum Liberalisation in the 900 MHz and 1800 MHz bands – 900 MHz Auction Rules and Implementation

Document No:	10/17
Date:	04 March 2010

Completed PQQs must be submitted as part of the Submissions required of Tenderers in the Commission's current competition to procure consultancy services in relation to the Tender Competition entitled:

'Spectrum Liberalisation in the 900 MHz and 1800 MHz bands – 900 MHz Auction Rules and Implementation'.

The rules set out in the Commission's ITT concerning Submissions by Tenderers in this competition apply in relation to completed PQQs.

An Coimisiún um Rialáil Cumarsáide

Commission for Communications Regulation

Abbey Court Irish Life Centre Lower Abbey Street Dublin 1 Ireland

Telephone +353 1 804 9600 Fax +353 1 804 9680 Email info@comreg.ie Web www.comreg.ie

Contents

Introduction to the Pre-Qualification Questionnaire	3
0.1 INTRODUCTION	3
0.2 INSTRUCTIONS FOR COMPLETION	3
0.3 ADDITIONAL INFORMATION	4
0.4 CONSORTIA / SUB-CONTRACTING / THIRD PARTY RESOURCES	4
0.5 MINIMUM REQUIREMENTS AND PRE-QUALIFICATION ASSESSMENT	5
Pre-Qualification Questionnaire	6
1. TENDERER DETAILS	6
2. CONSORTIA AND SUBCONTRACTING.....	8
3. ORGANISATION DETAILS	9
4. CAPABILITY	13
5. FINANCIAL	16
6. INSURANCE	18
Article 45 Statement Relating to Good Standing	19

Introduction to the Pre-Qualification Questionnaire

0.1 Introduction

The Commission for Communications Regulation (the “Commission”) is issuing an Invitation to Tender dated Thursday 04 March 2010 (“**ITT**”) together with this Pre-Qualification Questionnaire (“**PQQ**”). Tenderers are invited, pursuant to the ITT, to submit a completed PQQ and, at the same time, a Tender.

The Commission will first consider the completed PQQs in order to determine whether a Tenderer is suitably qualified. The Commission will then, based on the PQQs, select certain Tenderers whose Tenders will be evaluated. This selection process will be undertaken in accordance with the process set out in section 9.3 of the ITT.

The PQQ sets out, in this regard, the information which is required by the Commission in order to assess the suitability of Tenderers in terms of their technical knowledge and experience, capability/capacity, organisational and financial standing to meet the requirement set out in the ITT.

The Tenderers selected in accordance with section 9.3 of the ITT will then be evaluated. This evaluation will be undertaken in accordance with the process set out in section 9.4 of the ITT.

In light of the different purpose served by the PQQ (i.e. pre-qualification) compared to that principally served by the Tender (i.e. evaluation of Tenderer’s commercial offering), while each document should be submitted at the same time, they should be separate documents which do not cross-refer to each other.

The process and rules governing competition are described in more detail in the ITT. The PQQ and ITT should be read together.

0.2 Instructions for Completion

Tenderers should follow the instructions below in completing the PQQ:

- The PQQ should be submitted to Commission in conjunction with, and at the same time as, the Tender;
- The PQQ and Tender should each be separate documents and should not cross-refer to the other;
- A separate PQQ should be submitted in respect of each member of the Tenderer, and relevant sub-contractor in accordance with the instructions in section 0.4 below. Similarly, a separate PQQ should be submitted in respect of any other organisation upon whose resources or capacities the Tenderer, in accordance with section 5 of the ITT, proposes to rely;

- Tenderers should answer all questions in the PQQ as accurately and concisely as possible in the same order as the questions are presented. Where a question is not relevant to the Tenderer's organisation, this should be indicated, with an explanation;
- Questions should be answered in English;
- Tenderers must be explicit and comprehensive in their responses to this PQQ as this will be the single source of information on which PQQs will be evaluated. Tenderers are advised neither to make any assumptions about their past or current supplier relationships with the Commission nor to assume that such prior business relationships will be taken into account in the evaluation procedure;
- Supporting documentation must be concise and relevant to the question asked and be placed in labelled subsections within the response to the PQQ. Documentation submitted should, if applicable, refer on its cover sheet to the question number in the PQQ requesting such documentation;
- Where information is required by more than one part in the PQQ, it need only be provided once and its location within the PQQ should be referenced clearly in all other parts to which it relates; and
- Please note that all financial information should be denominated in euro except where financial information is being provided in a certified supporting document such as a set of financial statements where it is sufficient for the information to remain in its original currency. If financial information is being converted from one currency to euro, the exchange rate used for this purpose should be clearly identified.

0.3 Additional Information

The Commission expressly reserves the right to require a Tenderer to provide additional information supplementing or clarifying any of the information provided in response to the requests set out in this PQQ. The Commission may seek independent financial and market advice to validate information declared, or to assist in the evaluation.

Reference site visits or demonstrations and/or presentations are unlikely to be requested at this stage but the Commission reserves the right to request the same as a part of the PQQ process.

Where a Tenderer has a valid reason for being unable to provide the information requested in relation to economic, financial and insurance matters, the other information considered appropriate by the Commission will be accepted.

0.4 Consortia / Sub-contracting / Third Party Resources

Where a consortium or sub-contracting approach is proposed, all information requested should be given in respect of the proposed prime contractor or consortium leader.

Relevant information should also be provided in respect of (a) consortium members and (b) sub-contractors who will play a significant role in the delivery of services or products under any ensuing contract.

Similarly, information should also be provided in respect of any other organisation upon whose resources or capacities the Tenderer, in accordance with section 5 of the ITT, proposes to rely.

The PQQ should be completed separately by, and in respect of, each such organisation.

Responses must enable the Commission to assess the overall service proposed.

Where the proposed prime contractor is a special purpose vehicle or holding company, information should be provided about the extent to which the SPV/holding company will call upon the resources and expertise of its members to fulfil the requirement set out in the ITT.

The Commission recognises that arrangements in relation to consortia and sub-contracting may be subject to future change. Tenderers should therefore respond in the light of such arrangements as are currently envisaged. Tenderers are reminded that any future change in relation to consortia and sub-contracting must be notified to the Commission so that it can make a further assessment by applying the selection criteria to the new information provided.

Details should also be provided in relation to the proportion of any contract awarded that the Tenderer proposes to subcontract.

0.5 Minimum Requirements and Pre-Qualification Assessment

The ITT sets out the minimum requirements which must be satisfied and the basis on which the pre-qualification assessment will be undertaken.

Pre-Qualification Questionnaire

1. Tenderer Details

1.1. Lead Firm Name:

1.2. Please tick the box below which applies

a) Your organisation is bidding to provide the services required itself	
b) Your organisation is bidding in the role of prime contractor and intends to use third parties to provide some services	
c) The Tenderer is a consortium	

1.3. If the Tenderer is a consortium joint venture or other arrangement, please complete the table below.

Please explain current legal form of consortium (i.e. incorporated / unincorporated joint venture / other).	
If the consortium is not currently incorporated, is it proposed to do so for the purposes of the Contract if successful?	YES / NO (please delete)
Are there any legal agreements between the consortium members?	YES / NO (please delete) If yes, please give details of the agreements:
<i>If the Tenderer is a consortium, please complete the table below</i>	

Organisation	Percentage shareholding

1.4. Are the (i) executed Acceptance Certificate(s) and (ii) Confidentiality Statement(s) enclosed? YES / NO (please delete)

1.5. Member Authorisation

The following table is to be signed and completed by the Lead Firm of the Tenderer or if the Tenderer is a consortium or grouping of members, by each member of the Tenderer.

I/we confirm that the Lead Firm identified in response to question 1.1 is authorised to act as agent for and on behalf of all members of the Tenderer and is the principal contact for the Tenderer in dealings with the Commission for the purpose of this procurement competition and, if applicable, the Contract. In addition, I/we confirm that, in principle, I/we will place at the disposal of the Tenderer our resources / capacities identified in this PQQ and the Tender for execution of the Contract.

Signature	Name	Title	For and on behalf of (organisation's name to be stated in full)

1.6. Sub-contractor / other organisation Authorisation

The following table is to be signed and completed by any sub-contractor or other organisation upon whose resources / capacities the Tenderer proposes to rely upon for execution of the Contract. These are the organisations identified in section 2 of this PQQ.

I/we confirm that, in principle, I/we will place at the disposal of the Tenderer our resources / capacities identified in this PQQ and the Tender for execution of the Contract.

Signature	Name	Title	For and on behalf of (organisation's name to be stated in full)

2. Consortia and Subcontracting

2.1. Please indicate in the table below (by inserting the relevant company/organisation name) the roles of each member (including the Lead Firm) and sub-contractor of the Tenderer.

Requirement	Organisation	Lead Firm / Member / Sub-contractor of Tenderer	How much of the requirement and what will they directly deliver (%)

2.2. If your answer to 1.2 is (b) and you are unable to confirm all sub-contractors (complete supply chain) at this stage, you will need to demonstrate a satisfactory methodology and track record of delivering a supply chain. Please give a brief outline on policy regarding the use of sub-contractors and, if applicable, the extent to which it is envisaged they may be used in any contract.

Methodology for procuring supply chain (300 words or fewer)

It should be noted that where a Tenderer becomes aware of the intention to subcontract at later stages in the procurement they are required to notify the Commission of this and provide a completed PQQ in respect of the relevant organisation at that time.

2.3. Identify any organisation other than members or sub-contractors of the Tenderer upon whose resources or capacities the Tenderer proposes to rely, in accordance with section 5 of the ITT, together with the resources / capacities to be relied upon and the relationship with such organisation.

Organisation	Resources / Capacities	Relationship

3. Organisation Details

This section should be completed in respect of the Lead Firm of the Tenderer, as well in respect of each member or sub-contractor of the Tenderer or any other entity upon whose resources or capacities the Tenderer proposes to rely.

- 3.1. Full legal name, address and website of the organisation, together with its role and status.

Lead Firm	YES / NO <i>(please delete)</i>
Member of Tenderer	YES / NO <i>(please delete)</i>
Sub-contractor	YES / NO <i>(please delete)</i>
Other entity upon whose resources the Tenderer proposes to rely	YES / NO <i>(please delete)</i>
Company Name	
Address	
Town/City	
Postcode	
Country	
Website (if any)	

- 3.2. Name, position, telephone number and e-mail address of main contact for this project.

Name	
Position	
Telephone Number	
Fax Number (if available)	
E-mail (if available)	

Please note that Commission will generally only communicate with the contact of the Lead Firm.

- 3.3. Current legal status of the organisation (e.g. partnership, private limited company, etc.)

	Please (tick one box)
Sole Trader	
Partnership	
Public Limited Company	
Private Limited Company	
Other (<i>please state</i>)	

- 3.4. Date and place of formation of the organisation and, if applicable, registration under the Companies Acts 1963.¹

Date of formation	
Place of formation	
Date of registration	
Company registration number	
Registered Office	
Principal place of business	

- 3.5. Ownership structure

- a) Full legal name and address of parent company if applicable:

Company Name	
Address	
Town/City	
Postcode	
Country	
Company registration number ²	

¹ Tenderers established outside Ireland may provide equivalent information.

² Or, for parent companies established outside Ireland, equivalent information.

b) Full legal name and address of (ultimate) parent company if applicable:

Company Name	
Address	
Town/City	
Postcode	
Country	
Company registration number ³	

c) If the organisation is a division or subsidiary, what is its relationship with the parent company (ownership, directorship, authority, etc)

Relationship	
--------------	--

d) Please provide a one-page chart illustrating the ownership structure of the organisation including relations to any parent or other group or holding companies.

Ownership structure enclosed (please tick <input type="checkbox"/>)	
--	--

3.6. Please provide a brief history of the organisation.

<p>Brief history of the Tenderer's organisation, no more than 400 words, including details of any parent and associated companies and any changes of ownership over the last 5 years including details of significant pending developments, changes in financial structure or ownership, prospective take-over bids, buy-outs and closures, etc which are currently in the public domain.</p>	
---	--

3.7. VAT registration number

VAT Registration number	
-------------------------	--

³ Or, for parent companies established outside Ireland, equivalent information.

- 3.8. Is the organisation involved in another Tenderer's Submission or does it have any economic, legal, commercial or financial relationship with another Tenderer or member or sub-contractor of another Tenderer submitting a separate Submission? Please note section 5.6 of the ITT in this regard.

YES / NO (<i>please delete</i>)	
If Yes, please give details:	
If Yes, has this been brought to the attention of all other organisations involved in the Tender?	YES / NO (<i>please delete</i>)

4. Capability

This section should be completed in respect of the Lead Firm of the Tenderer, as well in respect of each member or sub-contractor of the Tenderer or any other entity upon whose resources or capacities the Tenderer proposes to rely.

- 4.1. Please provide details of the organisation's principal areas of business activity, main products and services.

Brief Description of the organisation's primary business and main products and services.	
--	--

- 4.2. Please provide details of the organisation's staff numbers. Please provide details of the average annual numbers of both staff and managerial staff over the previous 3 years.

	2009	2008	2007
Staff numbers			
Managerial Staff			

- 4.3. Please provide information relating to the organisation's experience of contracts and projects involving services similar the Consultancy Services described in the ITT? In particular, please set out your experience in providing expert independent advice in relation to the granting/acquisition of spectrum rights of use, particularly through the use of auctions (including combinatorial auctions) in a context relevant to Ireland.

Where the Tenderer is a special purpose vehicle and not intending to be the main provider of the services, the information requested should be provided in respect of the principal intended provider of the services.

Customer name and address	Contact name, telephone number and email address	Date contract awarded plus, start and finish dates	Contract reference and brief description of requirements undertaken (and value of contract)	Key personnel involved	Names of supply chain members (sub contractors) and/ or consortium members and their role

- 4.4 Please provide details of the educational, professional qualifications, position in organisation, years of experience with Tenderer, relevant experience and proposed role and responsibility in the provision of the Consultancy Services of the proposed project personnel (“Key Personnel”) who would be responsible for providing the Consultancy Services. Current curriculum vitae⁴ should also be provided in respect of Key Personnel (and which should include details of similar projects on which they have worked and their specific responsibilities together with details of formal qualifications or expertise suited to the conduct of the work under tender). Key Personnel includes:

Tenderer (if it is an individual)	
The Tenderer’s managerial staff, if any	
The one or more persons who would be responsible for providing the Consultancy Services including dedicated support staff.	

- 4.5 In order to evaluate the experience of Tenderers in providing the services similar to Consultancy Services, tenders must include the names, addresses and telephone numbers of not less than three existing clients/customers who may be contacted by the Commission to provide references in connection with the Consultancy Services.

Tenderers should provide details of up to three significant private or public sector contracts for the supply of services which it has performed. Contracts for the supply of services should have been performed during the past three years.

Tenderers should ensure that the organisation listed would be willing to provide a reference for them and be willing to discuss the organisation’s performance with the Commission. The Commission reserves the right to contact any or all of these organisations for a reference and may wish to visit their premises.

Tenderers must also provide details of all contracts for the supply of services which have been terminated by the client/customer for poor/inadequate performance and/or where damages have been claimed by the by the client/customer during the past three years.

⁴ Anonymous or sample curriculum vitae will not satisfy this requirement.

4.6 Please provide details of the organisation's technical ability to perform the Contract, including details of skills, efficiency, experience and reliability relevant to the Contract.

Details of the organisation's technical ability	
---	--

4.7 Please provide details of the organisation's measures for ensuring quality in relation to the goods to be used and the services provided under the Contract. This statement should include a full description of the measures currently or proposed to be put in place in relation to:

- staff absences;
- equipment or software failure; and
- the nature and level of supervision which will be provided to ensure that a high quality service will be delivered.

Details of the organisation's measures to ensure quality such as Quality Management systems	
---	--

5. Financial

This section should be completed in respect of the Lead Firm of the Tenderer, as well in respect of each member or sub-contractor of the Tenderer or any other entity upon whose resources or capacities the Tenderer proposes to rely.

Financial Information			
5.1	What was your turnover in the last three years (if this applies)?	€..... for year ended --/--/--	€..... for year ended --/--/--
5.2	If requested, could you provide accounts to support these figures?	Yes / No	
5.3	Has your organisation met the terms of its banking facilities and loan agreements (if any) during the past year?	Yes / No	
5.4	If “No” what were the reasons, and what has been done to put things right?		
5.5	Has your organisation met all its obligations to pay its creditors and staff during the past year?	Yes / No	
5.5	If “No” please explain why not:		
5.6	If asked would you be able to obtain a guarantee or performance bond?	Yes / No	
5.7	What is the name and branch of your bankers (who could provide a reference)?	Name:	
		Branch:	
		Contact details:	
5.8	If asked, would you be able to provide at least one of the following?		
	A copy of your most recent audited accounts (for the last three years if this applies)	Yes / No	
	A statement of your turnover, profit & loss account and cash flow for the most recent year of trading	Yes / No	
	A statement of your cash flow forecast for the current year and a bank letter outlining the current cash and credit position	Yes / No	

Lead Firms must also provide an appropriate statement from an appropriate financial institution providing evidence of the Lead Firm’s financial standing;

Each member of the Tenderer must present their most recent audited accounts or balance sheets, where publication of these is required under company law in the country in which such service provider is established.

6. Insurance

This section should be completed in respect of the Lead Firm of the Tenderer

Please provide evidence of the employers' liability and professional indemnity insurance held by the Tenderer. The evidence should include the name of the insurers, policy numbers, expiry dates and limits for any one incident and annual aggregate caps and the excesses under the policies.

6.1. Employers' liability insurance

Name of insurer	
Address	
Type of insurance	
Policy numbers	
Expiry date	
Limits of indemnity <i>(per occurrence and aggregate)</i>	
Excess <i>(if any)</i>	

6.2. Professional Indemnity insurance

Name of insurer	
Address	
Type of insurance	
Policy numbers	
Expiry date	
Limits of indemnity <i>(per occurrence and aggregate)</i>	
Excess <i>(if any)</i>	

6.3. Please attach evidence of an ability to take out and maintain the Minimum Insurance Levels set out in 4.2 of the ITT. This must be in the form of a letter/statement from the organisation's insurance company or broker as evidence of its ability.

YES / NO *(please delete)*

Article 45 Statement Relating to Good Standing

THIS DECLARATION MUST BE COMPLETED AND SIGNED BY A DULY AUTHORISED OFFICER OF THE TENDERER'S ORGANISATION

Name of Tenderer:	
Address:	

Please tick Yes or No as appropriate to the following statements relating to the current status of your organisation.

No.	QUESTION	YES	NO
1.	The Tenderer is bankrupt or is being wound up or its affairs are being administered by the court or has entered into an arrangement with creditors or has suspended business activities or is in any analogous situation arising from a similar procedure under national laws and regulations.		
2.	The Tenderer 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 and regulations.		
3.	The Tenderer, a Director or Partner, has been convicted of an offence concerning his professional conduct by a judgment which has the force of <i>res judicata</i> or been guilty of grave professional misconduct in the course of their business.		
4.	The Tenderer has not fulfilled its obligations relating to the payment of taxes or social security contributions in Ireland or any other State in which the tenderer is located.		
5.	The Tenderer, a Director or Partner has been found guilty of fraud.		
6.	The Tenderer, a Director or Partner has been found guilty of money laundering.		
7.	The Tenderer, a Director or Partner has been found guilty of corruption.		
8.	The Tenderer, a Director or Partner has been convicted of being a member of a criminal organisation.		
9.	The Tenderer has been guilty of serious misrepresentation in providing information to a public buying agency.		
10.	The Tenderer has contrived to misrepresent any information relevant to this application.		

I certify that the information provided above is accurate and complete to the best of my knowledge and belief and that no members of my Tenderer organisation falls into any of the categories above. I understand that the provision of inaccurate or misleading information in this declaration may lead to my organisation being excluded from participation in this and/or future competitions.

Signature		Date	
Name		Position	
Phone		Email	