



Commission for
Communications Regulation

Request for Tenders dated 15/06/2018
for the provision of
Bi-Annual Drive Testing Services on Mobile
Networks in Ireland

Tender procedure: Open procedure

e-Tender Deadline, 14.00 hours on 16 07 2018

e-tender application to post box on
<http://www.etenders.gov.ie/> RFT 135426

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Part 1: Introduction

1.1 The Commission for Communications Regulation (“ComReg”) invites tenders (“Tenders”) from economic operators (“Tenderers”) for the provision of the services as described in Appendix 1 to this Request for Tenders (“RFT”) (the “Services”).

1.2 In summary, the Services comprise of the provision of assistance to ComReg, if required, in relation to Bi-Annual Drive Testing Services on Mobile Networks in Ireland; in general terms, the main elements of the Services required are to conduct a bi-annual (six monthly) Drive Testing Programme, for the years 2018-2020¹(inclusive).

This will encompass measurements, on behalf of the Commission, on mobile telephony networks operating on all of the relevant licensed frequency bands² within the State using all of the following technologies³:

- Global System for Mobile Communication (GSM)⁴;
- 3G including the Wideband Code Division Multiple Access (WCDMA) and High Speed Packet Access) (HSPA) releases⁵;
- Long Term Evolution (LTE)⁶; and
- Long Term Evolution Advanced (LTE-A) networks.

For Full Terms of Reference Specifications, please see Appendix 1.

1.3 This public procurement competition (“Competition”) is for a single Lot (a “Lot”) as described below. The Draft Services Contract is shown in appendix 6. The services required in this Lot are:

- Bi-Annual Drive Testing Services on Mobile Networks in Ireland

The description of the Lot are contained in the above referenced appendix 1 and in Section 3 of this document.

1.4 Any contract that may result from this Competition (“the Services Contract”) will be for a term of Three years (“the Term”).

¹ It is expected that the contract will run for the full 36 Months, for example from July 2018 to June 2021. ² The 800MHz, 900MHz, 1800MHz and 2100MHz bands, see Table 1 below.

² The 800MHz, 900MHz, 1800MHz and 2100MHz bands, see Table 1 below.

³ The Commission will notify the service provider of any change or prospective change in technology to be assessed as soon as is as reasonably possible.

⁴ As detailed in the Third Generation Partnership Project (3GPP) 45 Series standards, <http://www.3gpp.org/ftp/Specs/html-info/45-series.htm>

⁵ As detailed in the 3GPP 25 Series standards, <http://www.3gpp.org/ftp/Specs/html-info/25-series.htm>

⁶ As Detailed in the 3GPP 36 Series standards, <http://www.3gpp.org/ftp/Specs/html-info/36-series.htm>

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- 1.5 ComReg reserves the right to extend the Term for a period or periods of up to One year with a maximum of two cumulatively on the same terms and conditions, subject to ComReg's obligations at law.
- 1.6 ComReg estimates that the expenditure on the Services to be covered by the proposed Services Contract may amount to €360,000, (three hundred and sixty thousand euros only (excl. VAT) over the Term. Tenderers must understand that this figure is an estimate only based on current and future expected usage.
- 1.7 ComReg's policy seeks to encourage participation on a fair and equal basis by Small and Medium Enterprises ("SME"s) in this Competition. SMEs that believe the scope of this Competition is beyond their technical or business capacity are encouraged, subject to paragraph 2.5, to explore the possibilities of forming relationships with other SMEs or with larger enterprises. Through such relationships they can participate and contribute to the successful implementation of any Services Contract that may result from this Competition and therefore increase their social and economic benefits.

Larger enterprises are also encouraged, subject to paragraph 2.5, to consider the practical ways that SMEs can be included in their proposals to maximise the social and economic benefits of any Services Contracts that may result from this Competition.

- 1.8 ComReg is conducting this Competition by way of open procedure. This competition is being advertised on www.etenders.gov.ie and in the Official Journal of the European Union (OJEU).

The estimated value of the expenditure on the Services is above the threshold for application of Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement (the "Procurement Directive"), as transposed into Irish law by the European Union (Award of Public Authority Contracts) Regulations 2016 (S.I. 284 of 2016). As a result, it is subject to this legislation.

Part 2: Instructions to Tenderers

2.1 Important Notices

2.1.1 While every effort has been made to provide comprehensive and accurate information in all notices and documents prepared for the purposes of this Competition, ComReg does not accept any liability or provide any express or implied warranty in respect of any such information. Tenderers must form their own conclusions about the solution needed to meet the requirements set out in this RFT and may wish to consult their legal advisers.

2.1.2 ComReg does not bind itself to accept the lowest priced or any Tender.

This RFT does not constitute an offer or commitment to enter into a Services Contract.

No contractual rights in relation to ComReg will exist unless and until a formal written Services Contract has been executed by ComReg.

Any notification of preferred bidder status by ComReg shall not give rise to any enforceable rights by the Tenderer.

ComReg may cancel this Competition at any time prior to a formal written Services Contract being executed by ComReg.

The award of a Services Contract does not confer exclusivity on the successful Tenderer.

2.1.3 This RFT supersedes and replaces any and all previous documentation, communications and correspondence between ComReg and Tenderers, and Tenderers should place no reliance on such previous documentation and correspondence.

2.2 Compliant Tenders

2.2.1 If a Tenderer fails to comply in any respect with the requirements of this paragraph 2.2.1, ComReg reserves the right to reject the Tenderer's Tender as non-compliant or, without prejudice to this right and subject to its obligations at law, to take any other action it considers appropriate including but not limited to:

- seeking written clarification from the Tenderer;
- seeking further information from the Tenderer;
- waiving a requirement, which in ComReg's view, is non-material or procedural.

Tenderers are required:

- a. To complete and submit with their Tender the European Single Procurement Document ("ESPD") attached at Appendix 4 - for Tenderers' convenience, the form of ESPD at Appendix 4 is also provided with this RFT as a separate document in Word format, which may be downloaded for completion by Tenderers. Alternatively, Tenderers may submit an ESPD which has already been used in a previous procurement procedure PROVIDED THAT they confirm that (i) the information contained in it continues to be

correct and (ii) that they satisfy the Selection Criteria for this Competition as set out at part 3.2 below;

- b. To submit all documentation which this RFT requires to be submitted with their Tender;
- c. To send their response as one single complete document which must include all of the requirements as set out in this RFT. This document must follow the format of this RFT and respond to each element in the order as set out in this RFT;
- d. To conform and comply with all instructions and requirements set out in this RFT;
- e. To submit the statement required under paragraph 2.4 below; and
- f. Not to alter or edit this RFT in any way.

2.2.2 Without prejudice to the generality of paragraphs 2.2.1, failure to comply with paragraph 2.6.1, 2.6.2 or 2.6.3 below will render the Tender non-compliant and it will be rejected. Late applications may exceptionally be accepted by ComReg at its absolute discretion where it considers that there are exceptional circumstances.

2.3 Services Contract

- 2.3.1** Tenderers should note the terms and conditions of the Draft Services Contract at Appendix 6 to this RFT.
- 2.3.2** Tenderers are required to confirm their acceptance of the terms and conditions of the Draft Services Contract by signing the Tenderer's Statement at Appendix 3⁷. Tenderers may not amend the Draft Services Contract⁸.

2.4 Acceptance of RFT Requirements

Each Tenderer is required to accept the provisions of this RFT. All Tenderers must return, with their Tender, a scanned signed copy of the Tenderer's Statement, as set out in Appendix 3, printed on the Tenderer's letterhead. ComReg must be able to read the scanned signature of the Tenderer. If possible, please sign documents using blue ink. If ComReg cannot read the scanned signature, Tenderers may be requested to re-submit. Tenderers may not amend the Tenderer's Statement.

2.5 Consortia and Prime / Subcontractors

Where a group of undertakings (in whatever form and regardless of the legal relationship between them) come together to submit a Tender in response to this RFT, ComReg will deal with all matters relating to this public procurement competition through the entity who will carry overall responsibility for the performance of the Services Contract only (the "Prime Contractor"), irrespective of whether or not tasks are to be performed by a subcontractor or other consortium members (the "Subcontractor"). The

⁷ Failure to do so will result in the Tenderer's disqualification.

⁸ Amendment of the Draft Services Contract will result in the Tenderer's disqualification.

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Tenderer must clearly set out the name, title, telephone number, postal address, and e-mail address of the nominated contact personnel of the Prime Contractor authorised to represent the Tenderer and to whom all communications shall be directed and accepted until this Competition has been completed or terminated. Correspondence from any other person (including from any Subcontractor) will NOT be accepted, acknowledged or responded to.

ComReg may require subcontractors to sign confidentiality agreements and where it considers it necessary share the existence and terms of any such signed confidentiality agreement with any third party to demonstrate to that third party that their confidential information is protected.

2.6 Tender Submission Requirements

- 2.6.1** Tenders must be submitted via the electronic postbox available on www.etenders.gov.ie. Only Tenders submitted to the electronic postbox will be accepted. Electronic Master version of Tender Application submitted by any other means (including but not limited to by email or fax) will NOT be accepted.

Tenderers must ensure that they give themselves sufficient time to upload and submit all required tender documentation before the Tender Deadline (as defined in paragraph 2.6.2). Tenderers should take into account the fact that upload speeds vary. There is a maximum of 4GB for the total (combined) documents sent to the electronic postbox. In order to submit a document to the electronic postbox, please note that you must click "Submit Response". After submitting you can still modify and re-send your response up until response deadline. Tenderers should be aware that the 'Submit Response' button will be disabled automatically upon the expiration of the response deadline.

- 2.6.2** All E-Master Tenders must be received not later than 14.00 on 16/07/2018 (the "Tender Deadline"). Tenders that are received late will not be considered in this Competition.

- 2.6.3** Tenders must be submitted in English.

- 2.6.4** Each Tenderer is limited to submitting one Tender in his own capacity and one Tender as part of a consortium/group of undertakings under this RFT.

- 2.6.5** All Tenders submitted in soft copy must be compiled such that they can be read immediately using Microsoft Word or PDF readers. Tenderers must ensure that the document submitted is text searchable using non-OCR software i.e. it must not be a document that has been scanned as an image or protected against search. ComReg is not responsible for corruption in electronic documents. Tenderers must ensure that electronic documents submitted are not corrupt.

ONE Hard copy of Tender Application is also required, the hard copy MUST be an exact copy of the E-Master Tender and MUST be received into ComReg Reception, by 18th July 2018 17:00 hours, Irish Time

Please submit one (1) hard copy of Tender application in a sealed envelope marked and addressed:

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“RFT – The Provision of Bi-Annual Drive Testing Services on Mobile Networks in Ireland 2018-2020”

For the Attention of: Karen Cumiskey

c/o ComReg Reception, Ground Floor

One Dockland Central

Guild Street

IFSC

Dublin 1 (D01 E4X0)

In the event that there is a discrepancy or conflict between the contents of the hard and electronic copies of the Tender, the e- copy shall be the master copy and given precedence over the hard copy.

- 2.6.6** Tenderers must send their e-response as one single complete document split into the four sections described below. Each of the four sections must be clearly identified.

Section 1: Compliance

Tenderer's Statement (Appendix 3 of this RFT)

ESPD (Appendix 4 of this RFT)

Details of Registerable Interest (if applicable) (see Part 2, 2.13 of this RFT)

Details of any Conflicts of Interest (if applicable) (see Part 2, 2.18 of this RFT)

Section 2: Selection Criteria

Bankers Letter (see Part 3 of this RFT);

Details of Previous Experience (see Part 3 of this RFT), including three references; and

Organisational Structure (see Part 3 of this RFT)

N.B. These details are required in respect of each lot. Tenderers must clearly cross reference the information required to the specific Lot

Section 3: Award Criteria

Response to award criteria – The award criteria are listed in Section 3 of this tender below:

Where CV's are supplied:

To facilitate an effective evaluation of tenders and to ensure concise and relevant answers, responses must be provided in sequence and must adhere to a limit of no more than two A4 pages per person for Criterion A – Key personnel.

Section 4: Cost Proposal

Pricing Schedule (See part 3 and Appendix 2 of this RFT)

2.7 Queries and Clarifications

- 2.7.1 All queries relating to any aspect of this Competition or of this RFT must be directed to the messaging facility on www.etenders.gov.ie. Queries will be accepted no later than 14.00 on Thursday 28th June 2018 unless otherwise published by ComReg. For the avoidance of doubt, Tenderers may not contact ComReg directly regarding any aspect of this Competition.
- 2.7.2 The publication of all responses to queries will be advised by ComReg via the messaging facility on www.etenders.gov.ie. Where appropriate, queries may be amalgamated. Tenderers should note that ComReg will not respond to individual Tenderers privately.
- 2.7.3 ComReg reserves the right to issue or seek written clarifications.
- 2.7.4 ComReg reserves the right at any time before the Tender Deadline, to update or amend the information contained in this document and/or to extend the Tender Deadline. Participating Tenderers will be informed of any such amendment or extension through the etenders website.
- 2.7.5 Tenderers should ensure that they register their interest in this Competition, by clicking on the “Accept” button on www.etenders.gov.ie, in order to receive all responses to queries and other updates in relation to this Competition.

2.8 Tendering Costs

All costs and expenses incurred by Tenderers relating to their participation in this Competition including, but not being limited to, site visits, field trials, demonstrations and/or presentations shall be borne by and are a matter for discharge by the Tenderers exclusively.

2.9 Confidentiality

- 2.9.1 All documentation, data, statistics, drawings, information, patterns, samples or material disclosed or furnished by ComReg to Tenderers during the course of this Competition:
 - a. are furnished for the sole purpose of replying to this RFT only;
 - b. may not be used, communicated, reproduced or published for any other purpose without the prior written permission of ComReg;
 - c. shall be treated as confidential by the Tenderer and by any third parties (including subcontractors) engaged or consulted by the Tenderer; and
 - d. must be returned immediately to ComReg upon cancellation or completion of this public procurement competition if so requested by ComReg.

Failure to comply with the confidentiality of this process may disqualify a Tenderer.

2.10 Pricing

- 2.10.1 All Tenderers must complete the Pricing Schedule at Appendix 2 to this RFT.
- 2.10.2 All prices quoted must be all-inclusive (i.e. including but not being limited to shipping, packaging, delivery, ancillary costs, travel costs and all other costs/expenses), be expressed in Euro only and exclusive of VAT. The VAT rate(s) where applicable may be indicated separately.
- 2.10.3 Tenderers must confirm that all prices quoted in the Tender will remain valid for Six months, commencing from the Tender Deadline.
- 2.10.4 Any currency variations, occurring over the term of the Services Contract, shall be borne by the Tenderer.
- 2.10.5 Payments for Services provided, pursuant to this RFT, shall be subject to and made in accordance with the Services Contract at Appendix 6 to this RFT.
- 2.10.6 The maximum daily rate and any Fixed Price proposed will remain in force for the duration of the Services Contract and will not be subject to increases, inflationary or otherwise. Should an employee move between grades, this must not affect the Fixed Price Contract. Any proposed change in project key personnel must be requested in writing, by the service provider's nominated contact, sent to ComReg's nominated contact and ComReg may seek an equivalent employee to replace the member who has moved between grades at the original daily rate.
- 2.10.7 In the event of any legal proceedings, the Tenderer providing (or who has provided) services, shall assist ComReg in defending the provided services and provide ComReg with all necessary assistance and support in this regard. The fees applicable in respect of any legal proceedings shall also be calculated in accordance with the maximum daily rates in the Pricing Schedule.

2.11 Environmental, Social and Labour Law

- 2.11.1 In the performance of any Services Contract awarded, the successful Tenderers and their Subcontractors (if any), shall be required to comply with all applicable obligations in the field of environmental, social and labour law that apply at the place where the services are provided, that have been established by EU law, national law, collective agreements or by international, environmental, social and labour law listed in Annex X of the Procurement Directive.
- 2.11.2 Tenderers shall be required to include an undertaking to comply fully with the provisions of Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the

Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, business or parts of undertakings or business and as implemented in Irish law by Statutory Instrument S.I. No. 131 of 2003, the European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003 and to indemnify ComReg for any claim arising or loss or costs incurred as a result of its failure or incapacity to fulfil its obligations under the said Directive and Statutory Instrument.

- 2.11.3** The Protection of Employees (Temporary Agency Work) Act 2012 (the "2012 Act") provides that an Agency Worker (as defined in the 2012 Act) is entitled to the same basic working and employment conditions as those which apply to employees recruited directly by the Hirer (as defined in the 2012 Act) to do the same or a similar job. Where the provision of the Services will involve the provision to ComReg of Agency Workers (within the meaning of the 2012 Act), Tenderers should ensure that they consider their obligations under the 2012 Act when pricing their Tender. ComReg shall have no liability for any increase in salaries that may be payable as a result of the application of the 2012 Act to the provision of the Services.

2.12 Publicity

No publicity regarding this Competition or any Services Contract pursuant to this Competition is permitted unless and until ComReg has given its prior written consent to the relevant communication.

2.13 Registrable Interest

Any Registrable Interest involving any Tenderer or Subcontractor and ComReg, members of the Government, members of the Oireachtas, or employees and officers of ComReg and their relatives must be fully disclosed in the Tender or, in the event of this information only coming to the notice of the Tenderer or Subcontractor after the submission of a Tender, must be communicated to ComReg immediately upon such information becoming known to the Tenderer or Subcontractor.

The terms "Registrable Interest" and "Relative" shall be interpreted as per Section 2 of the Ethics in Public Office Acts 1995 and 2001, copies of which are available at www.irishstatutebook.gov.ie. ComReg will, at its absolute discretion, decide on the appropriate course of action, which may in appropriate circumstances include eliminating a Tenderer from this Competition or terminating any Services Contract entered into by a Tenderer.

2.14 Anti-Competitive Conduct

Tenderers' attention is drawn to the Competition Act 2002 (as amended, the "2002 Act"). The 2002 Act makes it a criminal offence for Tenderers to collude on prices or terms in a public procurement competition.

2.15 Industry Terms Used in this RFT

Where reference is made to a particular item, source, process, trademark, or type in this RFT then all such references are to be given the meaning generally understood in the relevant industry and operational environment.

2.16 Freedom of Information

- 2.16.1** Tenderers should be aware that, under the Freedom of Information Act 2014, information provided by them during this Competition may be liable to be disclosed.
- 2.16.2** Tenderers are asked to consider if any of the information supplied by them in their Tender should not be disclosed because of its confidentiality or commercial sensitivity. If Tenderers consider that certain information is not to be disclosed because of its confidentiality or commercial sensitivity, Tenderers must, when providing such information, clearly identify such information and specify the reasons for its confidentiality or commercial sensitivity. If Tenderers do not identify information as confidential or commercially sensitive, it is liable to be released in response to a Freedom of Information request without further notice to or consultation with the Tenderer. ComReg will, where possible, consult with Tenderers about confidentiality or commercially sensitive information so identified before making a decision on a request received under the Freedom of Information Act 2014.

2.17 Irish Tax Clearance

- 2.17.1** It will be a condition of any Services Contract pursuant to this Competition that the successful Tenderer(s) shall, for the term of such contract(s), comply with all EU and domestic tax laws. Tenderers are referred to www.revenue.ie for further information. Prior to the appointment to a Contract Agreement arising out of this Competition the Tenderer is required to supply its Tax Clearance Access Number and Irish Tax Reference Number in Section B of the ESPD to facilitate online verification of their tax status by ComReg, or a copy of their current Irish Tax Clearance Certificate. By supplying these numbers the successful Tenderer acknowledges and agrees that ComReg has the permission of the successful Tenderer to verify its tax cleared position online.

If you do not have Irish Tax Clearance details available at time of application, please complete ESPD without these details. The Preferred applicant / winning tender must supply Irish Tax Clearance details on request to ComReg, prior to signing of the contract and shall be obliged to maintain Irish Tax Clearance for the duration of the contract.

2.18 Conflicts of Interest

Any conflict of interest or potential conflict of interest or bias⁹ (subjective or objective) on the part of a Tenderer, Subcontractor or individual employee(s) or agent(s) of a Tenderer or Subcontractor(s) must be fully disclosed to ComReg as soon as the conflict or potential conflict is or becomes apparent. In the event of any actual or potential conflict of interest, ComReg may invite Tenderers to propose means by which the conflict of interest might be removed. ComReg will, at its absolute discretion, decide on the

⁹ Bias, for these purposes, includes an inclination, leaning, tendency, bent, a preponderating disposition or propensity, predisposition, predilection and/or prejudice. Bias can include subjective or objective bias. Objective bias, for these purposes, includes where there is a reasonable apprehension or suspicion that the entity in question might have been biased (i.e. where, although there was no actual bias, there is an appearance of bias).

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appropriate course of action, which may in appropriate circumstances include eliminating a Tenderer from this Competition or terminating any Services Contract entered into by a Tenderer.

For the purpose of this procurement process, the following is a non-exhaustive list of situations which could give rise to a conflict of interest and which must be disclosed to ComReg:

- (i) having an interest which would or could compromise the independence of the Tenderer in its performance of the Services;
- (ii) having an interest which could create the perception that the independence of the Tenderer in its performance of the Services might be compromised;
- (iii) having a substantial pecuniary interest (whether by way of shareholding or otherwise) in an 'authorised undertaking' within the meaning of Regulation 2(1) of the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations 2011 or in a postal service provider as defined in section 6(1) of the Communications Regulation (Postal Services) Act 2011;
- (iv) having a contract (whether oral or written) with any person regulated by ComReg or potentially affected by any decisions of ComReg or any person which represent any persons regulated or potentially affected by decisions of ComReg;
- (v) Having a position of employment, directorship (executive or non-executive) or any position of emolument with any person regulated by ComReg or potentially affected by any decisions of ComReg or which represent persons regulated or potentially affected by decisions of ComReg; and
- (vi) Where the Tenderer has in the past undertaken work for an organisation (or a subsidiary or an associated company of an organisation) that might be affected by decisions to be taken by ComReg and which are in any way connected with the Services.

2.19 Withdrawal from this Competition

Tenderers are required to notify ComReg immediately via the e-tenders website if, at any stage, they decide to withdraw from this Competition.

2.20 Site Visit

2.20.1 *Not Used*

2.21 Insurance

2.21.1 The successful Tenderer(s) shall be required to hold for the term of any Services Contract awarded the following minimum levels and types of insurances:

Type of Insurance	Indemnity Limit
Employer's Liability*	€[12.7M]
Public Liability*	€ 6.5M]
Professional Indemnity	€ 5M

*Note sole traders or self employed people who have no employees who submit tenders may not need to put any employer's liability or public liability insurance in place.

By signing the Tenderer's Statement at Appendix 3, Tenderers confirm, that if awarded a Services Contract under this Competition they will, from the Effective Date of the Services Contract (as defined in the Services Contract), obtain and hold the types and levels of insurance as specified at paragraph 2.21.1. A formal confirmation from the Tenderer's insurance company or broker to this effect will be requested from the successful Tenderer(s) prior to the award of (and shall be a condition of) any Services Contract

2.21.2 The successful Tenderer will, during the term of the Services Contract, be required to:

- a. immediately advise ComReg of any material change to its insured status;
- b. produce proof of current premiums paid upon request;
- c. produce valid certificates of insurance upon request/ supply letter from Insurance Company/ Broker confirming required insurance is in place.

Part 3: Selection and Award Criteria

3.1 Compliant Tenders

3.1 Only those Tenderers who have:-

- (a) Submitted compliant Tenders compliant with part 2.2 above; and
- (b) Declared by way of ESPD that no grounds for exclusion of the Tenderer pursuant to Article 57 of the Procurement Directive (the “Exclusion Grounds”) apply to them or that, where any such Exclusion Grounds apply, and where the Tenderer is not precluded from doing so under Article 57(6) (final paragraph) of the Procurement Directive, it can provide evidence to the effect that measures taken by the Tenderer are sufficient to demonstrate its reliability despite the existence of any relevant Exclusion Ground; and
- (c) Declared by way of ESPD that they satisfy the selection criteria for this Competition as set out in part 3.2 below (the “Selection Criteria”); and
- (d) Selection Criteria in 3.2A is included in the application to demonstrate that the applicant candidate company has demonstrated its ability to provide the service requirements, set out in appendix 1 and achieved the minimum score, will be evaluated in accordance with the Award Criteria at part 3.3 below.

Tenderers should note that where a Tenderer (Prime Contractor) is relying on the capacity of other entities (Subcontractors) for the purposes of fulfilling any of the Selection Criteria in part 3.2 below it must:

- (a) Complete and submit a separate ESPD in respect of each such Subcontractor; and
- (b) when requested by ComReg, submit proof, to the satisfaction of ComReg, that each such Subcontractor will place the necessary resources at the disposal of the Prime Contractor.

Where a Tenderer (Prime Contractor) intends to subcontract any share of any Services Contract to a Subcontractor, but is not relying on the capacity of such Subcontractor for the purposes of fulfilling any of the Selection Criteria in part 3.2 below, it must submit a separate ESPD in respect of such Subcontractor completing those sections of the ESPD which are specified in section D of the ESPD for this Competition.

ComReg may decide to examine Tenders before verifying the absence of Exclusion Grounds and the fulfilment of the Selection Criteria.

However, notwithstanding anything to the contrary in this part 3.1, ComReg reserves the right to ask Tenderers at any moment during the Competition to submit

any or all of the following for the purposes of verification of the status of the Tenderer (including the Prime Contractor and any Subcontractor):

- (a) a Declaration in the form attached at Appendix 5;
- (b) Evidence to the effect that measures taken by the entity concerned are sufficient to demonstrate its reliability despite the existence of a relevant Exclusion Ground; and
- (c) in the case of the Prime Contractor and any Subcontractor on whose capacity the Prime Contractor relies, all or any of the supporting documents specified at paragraph 3.2 below.

If a Tenderer does not, upon request by ComReg, provide evidence which is considered by ComReg as sufficient to demonstrate (i) its fulfilment of the Selection Criteria (or any one of them) in accordance with this RFT and (ii) the absence of Exclusion Grounds, or its reliability despite the existence of a relevant Exclusion Ground, it shall be excluded from further participation in this Competition.

If a Tenderer does not, upon request by ComReg, provide evidence which is considered by ComReg as sufficient to demonstrate (i) the fulfilment by any Subcontractor on whose capacity the Prime Contractor relies of the Selection Criteria (or any one of them) in accordance with this RFT and (ii) the absence of Exclusion Grounds in respect of any Subcontractor, or the reliability of any Subcontractor despite the existence of a relevant Exclusion Ground, it shall be excluded from further participation in this Competition *unless* it replaces the Subcontractor with one which meets all relevant requirements of this RFT.

3.2 Selection Criteria

- 3.2.1** Tenderers will either pass OR fail each of the Selection Criteria in this part 3.2. In the event of one or more of the Selection Criteria achieving a fail, the Tenderer will be excluded from participating in this Competition.

Tenderers must provide details which prove that they satisfy the (i) Financial and Economic standing requirements and (ii) the Professional and Technical Ability set out below in respect of for the Service Requirement.

3.2.2 Economic and Financial Standing – Minimum Requirements

Tenderers must provide a letter from the Tenderer's current principal banker stating, that to the best of its knowledge, this is the Tenderer's principal account and it is currently in good standing. This letter must be dated within three (3) months of the date of the Tender.(PASS/FAIL)

Where the Tenderer is unable, for a valid reason, to provide the specified documentation, the Tenderer must inform ComReg of the reason as to why the documentation cannot be supplied and, if ComReg considers the reason given to be valid, provide such other suitable alternative documentation to prove, to the satisfaction of ComReg, their economic and financial capacity.

3.2.A Selection Criteria – Pass/Fail

3.2.A Technical and Professional Ability: Must be included in the tender application

(1) Previous Experience – This Must be included in the tender application

Tenderers must demonstrate that they have previously satisfactorily delivered services of a similar nature, size and complexity to the Services required, by providing details of 3 relevant contracts, where possible, within the last three (3) years from the date of this RFT (or within the period the Tenderer has been trading if shorter than 3 years). Max score available 70, minimum requirement 71%.

Tenderers must provide, for each reference project:

Detail of the services provided and how they are similar in nature, size and complexity to the Services required;

detail of the fees paid to the Tenderer for the services; and

the dates on which, or the periods over which, the services were performed

the persons to whom the services were delivered

the persons who provided the services concerned

confirmation that the client was satisfied with the services delivered or, if applicable, details of any areas where the client was not satisfied with the services delivered

ComReg may contact any or all of the referees identified above for verification purposes without prior notice to Tenderers.

(2) Organisational structure – This must be included in the Tender Application

Tenderers must demonstrate that their organisational structure is capable of delivering the services required by ComReg. Max score available 30, minimum requirement 71%.

Tenderers should include with specific reference to the Services described in Appendix 1:

- an organisational chart relevant to the Services;
- overall staffing numbers relevant to the Services; and
- staff categories by discipline/specialism.

General marketing information will not be assessed unless it can be demonstrated it is directly relevant to the Services. Individual curriculum vitae are not required at this stage.

Where the Tenderer is unable, for a valid reason, to provide the specified documentation, the Tenderer must inform ComReg of the reason why the documentation cannot be supplied and, if ComReg considers the reason to be valid, ComReg may at its discretion agree to accept other alternative documentation.

3.3 Award Criteria

- 3.3.1 The Services Contract will be awarded on the basis of the most economically advantageous tender(s) as identified in accordance with the criteria set out below, against the service requirements, as detailed in appendix 1.

Applicants must submit a Tender that separately addresses each of the Award Criteria set out below.

Award Criteria		Maximum score available	Minimum % score required to proceed to next criteria
A	Demonstration of understanding of the subject matter of the service requirements	20	71%
B	<p>Proposal theory; this criterion will holistically assess the robustness and quality of the reasoning behind the choices made in the Tenderer's proposal, amongst other things but not limited to:</p> <ul style="list-style-type: none"> • Call termination; • Duration; • Data file sizes; • Data file types; • Data file transfer methods; and • Proposed methodology for dealing with and quantifying uncertainties. 	30	71%
C	Quality of the Tenderer's proposed approach to meet the service requirement. In particular: the project plan; proposed project timing; robustness of resource allocation; and guaranteed contingency plans for equipment failure or staff absence.	20	71%
D	Proposed Methodology for the delivery of the service requirement.	30	71%

	<p>This criteria will holistically assess how the Tenderer proposes to implement the service requirement in practice. This will include an assessment of the approach amongst other things but not limited to:</p> <ul style="list-style-type: none"> • Adequacy of calibration and procedures for same; • Log files generated and information contained therein; • Estimated duration of proposed drive test; • How the tenderer proposes to deal with unforeseen circumstances, such as: accidents and inclement weather (including, but not limited to, the time to address such issues, consistency of measurements and work carried out). 		
E	<p>Approach to report delivery</p> <p>This criterion will holistically assess the quality of the proposed approach to report delivery;</p> <p>This will include an assessment of a proposed report (an example must be given) by reference in particular to the following:</p> <ul style="list-style-type: none"> • Layout; • Presentation; • Detail; and • Accuracy. <p>It will also include an assessment of the oversight involved in its preparation, presentation and if necessary correction of the report.</p>	20	71%

F	Value Added Proposal This criterion will assess any value added work or offering out of scope but related to the service requirement set out in appendix 1 and that it will be carried out or provided at no additional charge that is within the Tenderer's proposed fixed fee for the service requirement.	10	71%
G	Cost - Total Evaluation Price € (Excludes Vat, Includes all expenses)	20	n/a
	Total	150	n/a

Award Criterion G:

Cost

The evaluation of Award Criterion Cost will be undertaken in accordance with the following price evaluation methodology and on the basis of the Pricing set out below.

Price Evaluation Methodology:

The applicant with the lowest "Total Evaluation Price" will be awarded 100% of the marks available under Award Criterion Cost

The evaluation of Award Criterion C (Cost) will be undertaken in accordance with the price evaluation methodology set out below.

$$\text{Score for tender price N} = \left[\left(\frac{\text{Maximum points X Lowest Tender Fee}}{\text{Fee of Tender N}} \right) \right]$$

Where N = the "Total Evaluation Price" of the applicant concerned

The "Total Evaluation Price" is the sum of The applicant's maximum unconditional fixed Cost (excluding VAT) for the delivery of the Services and must include the applicant's maximum envisaged expenses to be incurred by it in the delivery of the Services.

The Total Evaluation Price is then used in the Price Evaluation Methodology calculation.

The specific daily rates for each key personnel and number of days should be set out in the breakdown showing how the Overall total is calculated. Sample table is included below.

Please complete appendix 2 Pricing Schedule

References to Part 3 of the RFT shall include reference to the criteria set out in the aforementioned appendices.

3.3.2 Subject to parts 2.1 (Important Notices) and 3.5 (Standstill Period) of this RFT, award of the Services Contract (as determined by paragraph 3.3.1) will be conditional upon:

(a) The Tenderer submitting the following evidence in respect of the Tenderer (including the Prime Contractor and any Subcontractors, as applicable in accordance with part 3.1 above) to the extent not already provided, within seven (7) days of request by ComReg: (i) evidence to the effect that measures taken by the entity concerned are sufficient to demonstrate its reliability despite the existence of a relevant ground for exclusion; and (ii) all or any of the supporting documents specified at part 3.2; and

(b) The evidence specified at 3.3.2(a) above demonstrating that each entity concerned meets the Selection Criteria and that no Exclusion Grounds apply.

3.4 Presentation of Proposals

Tenderers may be required to make a presentation of the proposal contained in their Tender. ComReg will not be responsible for the cost of such presentations (in accordance with paragraph 2.8). Performance at presentations will NOT be evaluated.

3.5 Standstill Period

3.5.1 In circumstances where Directive 89/665/EEC as amended by Directive 2007/66/EC (the “Remedies Directive”) applies, no contract can or will be executed or take effect until at least fourteen (14) calendar days after the day on which the Tenderers have been sent a notice informing them of the result of this Competition (the “Standstill Period”) if such notice is sent by electronic means. The Standstill Period shall be sixteen (16) calendar days if such notice is sent by other means. The preferred bidder will be notified of the decision of ComReg and of the expiry date of the Standstill Period.

3.5.2 Tenderers should note that ComReg may, when notifying Tenderers of the results of this Competition, include the scores obtained by the Tenderer concerned and the scores obtained by the preferred bidder in respect of each award criterion assessed by ComReg.

3.6 Return of Signed Contracts

- 3.6.1 The successful Tenderer(s) must sign and return the Services Contract in duplicate, to ComReg no later than fourteen (14) calendar days from the date of expiry of the Standstill Period unless notified otherwise in writing by ComReg. A signed Services Contract returned by the successful Tenderer(s) is not binding on ComReg until ComReg has signed the Services Contract in accordance with paragraph 2.1.2 above.
- 3.6.2 Where the signed Services Contract has not been received by ComReg within the period as specified at clause 3.6.1 then ComReg may proceed to award the Services Contract to the next highest-ranked Tenderer in accordance with paragraph 3.6.1 above.

Appendix 1: Service requirements and specifications

Tenderers must address each of the issues and requirements in this part of the RFT and submit a detailed description in each case which demonstrates how these issues and requirements will be dealt with/met and their approach to the proposed delivery of the Services. A mere affirmative statement by the Tenderer that it can/will do so or a reiteration of the tender requirements is NOT sufficient in this regard¹⁰.

1. Background

In general terms, the main elements of the Services required are to conduct a bi-annual (six monthly) Drive Testing Programme, for the years 2018-2020¹¹(inclusive).

This will encompass measurements, on behalf of the Commission, on mobile telephony networks operating on all of the relevant licensed frequency bands¹² within the State using all of the following technologies¹³:

- Global System for Mobile Communication (GSM)¹⁴;
- 3G including the Wideband Code Division Multiple Access (WCDMA) and High Speed Packet Access) (HSPA) releases¹⁵;
- Long Term Evolution (LTE)¹⁶; and
- Long Term Evolution Advanced (LTE-A) networks.

¹⁰ This will lead to disqualification of the tenderers response.

¹¹ It is expected that the contract will run for the full 36 Months, for example from July 2014 to July 2017.

¹² The 800MHz, 900MHz, 1800MHz and 2100MHz bands, see Table 1 below.

¹³ The Commission will notify the service provider of any change or prospective change in technology to be assessed as soon as is as reasonably possible.

¹⁴ As detailed in the Third Generation Partnership Project (3GPP) 45 Series standards, <http://www.3gpp.org/ftp/Specs/html-info/45-series.htm>

¹⁵ As detailed in the 3GPP 25 Series standards, <http://www.3gpp.org/ftp/Specs/html-info/25-series.htm>

¹⁶ As Detailed in the 3GPP 36 Series standards, <http://www.3gpp.org/ftp/Specs/html-info/36-series.htm>

1.1 Licensees and Licence Types

Following the conclusion of the Multi-Band Spectrum Award (“MBSA”) in 2012, the 800, 900 and 1800MHz bands have been organised around a standard spectrum unit of duplex 5MHz blocks¹⁷.

The Licensees are Meteor Mobile Communications Limited (now trading as “eir”), 3 Ireland Hutchinson Limited (“3IHL”) and Vodafone Ireland Limited (Vodafone).

The Licence types are Third Generation¹⁸ and Liberalised Use¹⁹.

It should be noted that the Third Generation Licences are confined to the 2100MHz band, while the Liberalised Use Licences issued following the MBSA are technology neutral²⁰ and cover the 800, 900 and 1800MHz bands.

As the Liberalised Use Licences are ‘technology neutral’ an indication of the technology platforms that may be used is set out in the table below:

Table 1: Mobile Networks; Frequencies, Licence Types and Expected Technologies

Band	Frequencies (MHz)	Block Size (MHz)	License Types	Technology Platforms
800	832-862 paired with 791-821	5	Liberalised Use	LTE
900	925-960 paired with 880-915	5	Liberalised Use	GSM, UMTS (Rel. 99), HSPA, LTE
1800	1805-1880 paired with 1710-1785	5	Liberalised Use	GSM, LTE, LTE-A
2100	2110-2170 paired with 1900-1980	5	Third Generation	UMTS (Rel. 99), HSPA, HSDPA DC

¹⁷ See ComReg document 12/123, <http://www.comreg.ie/fileupload/publications/ComReg12123.pdf>

¹⁸ Issued pursuant to the Wireless Telegraphy (Third Generation and GSM Mobile Telephony Licence) Regulations, 2002 (S.I. No. 245 of 2002) and the Wireless Telegraphy (Third Generation and GSM Mobile Telephony Licence) (Amendment) Regulations 2003 (S.I. No. 340 of 2003).

¹⁹ Issued pursuant to the Wireless Telegraphy (Liberalised and Preparatory Use in the 800MHz, 900MHz and 1800MHz bands) Regulations, 2012 (S.I. No. 251 of 2012).

²⁰ This means that all of the technologies listed in Table 1 may be used in these bands at the Licensee’s discretion.

1.2 Drive Test Route and Locations

The route to be used for the Drive Testing Programme is: the full length of **all** of the Irish primary and secondary National roads²¹, including the towns thereon and all motorway sections.

For the cities of Dublin, Cork, Galway, Limerick and Waterford, the route to be taken must include all National Primary and Secondary Roads emanating from the city centre, any orbital roads²² and such interlinking roads as are necessary and agreed in advance with the Commission.

The route is subject to the Commission's prior approval. The approved route will be confirmed in detail, including any required modifications, by the Commission prior to the performance of each Drive Test by the Service Provider.

1.3 Drive Test Hours

In general, the Drive Test must take place during the hours 09.00 to 21.00Hrs. However, for the areas of Dublin, Cork, Galway, Limerick and Waterford, the test routes must be driven during the Time Consistent Busy Hour (which will be notified by the Commission to the Service Provider in advance, but typically lies between 17.00 to 19.00Hrs).

²¹ As classified by the Roads Act 1993 (Classification of National Roads) Order 2012 (S.I. No. 53 of 2012), see <http://www.irishstatutebook.ie/2012/en/si/0053.html>

²² As an example; this has included the North and South Circular Roads in Dublin and M50.

2. Measurement Methodology

Applicants must as a minimum measure the Quality of Service (QoS) conditions detailed in each relevant Licence identified above and the other performance standards summarised in relation to technology type below. Specifically it should be noted that for all technologies, coverage **must** be assessed as a field strength measured in **dBμV/m**.

For GSM (900 MHz and 1800 MHz bands), QoS and performance standards comprising:

- Service/network unavailability;
- Coverage;
- Carrier to Noise Ratio;
- Voice call - dropped call rate;
- Voice call - blocked rate;
- Voice Call - Transmission Quality²³; and
- The amount of occupancy in spectrum assignment.

For 3G/WCDMA (900 MHz and 2100 MHz bands), QoS and performance standards comprising:

- Coverage;
- Static data rate (uplink and downlink throughput using http and ftp);
- Mobile data rate (uplink and downlink throughput using http and ftp);
- Latency;
- Ec/Io;
- RSCP Channel power;
- Breakdown of carrier speeds;
- Network unavailability;
- RRC Drop;
- Voice call - blocked rate;
- Voice call - transmission quality²⁴; and
- the amount of occupancy in spectrum assignment.

²³ PESQ, ITU-T P. 862 as amended and corrected.

²⁴ PESQ, ITU-T P. 862 as amended and corrected.

For 3G/HSPA (900 MHz and 2100 MHz bands)²⁵, i.e. Mobile Broadband QoS and performance standards comprising:

- Static data rate (uplink and downlink throughput using http and ftp) ;
- Mobile data rate (uplink and downlink throughput using http and ftp);
- Latency;
- Ec/Io;
- RSCP Channel power;
- Network unavailability; and
- the amount of occupancy in spectrum assignment.

For LTE (800 MHz and 1800 MHz bands)²⁶, QoS and performance standards comprising:

- Coverage;
- BLER;
- RRC Drop;
- Static data rate (uplink and downlink throughput using http and ftp);
- Mobile data rate (uplink and downlink throughput using http and ftp);
- Latency;
- Network unavailability;
- Voice call - blocked rate;
- Voice call - transmission quality²⁷; and
- The amount of occupancy in spectrum assignment.

²⁵ For 3G HSDPA data services, a **static measurement** (from a fixed location) **must** be performed at a minimum in an urban and a sub urban area of each town on the drive test route having a population greater than 9000. For guidance, the amount of proposed data collection points should be proportionate to the population of the town concerned and must be agreed in advance with the Commission.

²⁶ Similarly for LTE data services, a **static measurement** (from a fixed location) **must** be performed at a minimum in an urban and a sub urban area of each town on the drive test route having a population greater than 9000. For guidance, the amount of proposed data collection points should be proportionate to the population of the town concerned and must be agreed in advance with the Commission.

²⁷ POLQA, ITU-T P.863 as amended.

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As part of each Bi-Annual report Applicants must also clearly and comprehensively describe the following aspects proposed to be used in the provision of the Services:

- the equipment type, number of units and capabilities;
- the calibration period;
- all of the relevant settings proposed for such equipment, including but not limited to:
- the duration of the proposed test calls;
- the location and type of termination used;
- methodology used to turn a POLQA measurement into a PESQ Equivalent score;
- the appropriate file sizes and types, including any proposal regarding multi-threading;
- the location of the proposed servers including the bandwidth of its connectivity to the internet, the latency of the connection, any 'equalisation' or 'compensation' used and the reasoning underlying same; and
- the measurement units used all of the uncertainties involved in each measurement; and any methodology used in lessening or preventing these.

3. Equipment

The Service Provider will be responsible for procuring all of the necessary equipment required for the provision of the Services.

The Service Provider will, upon request by the Commission, provide written evidence to the Commission demonstrating that all equipment used for the provision of the Services has been calibrated within the preceding 12 month period and how the calibration will be checked and fully maintained for the entire duration of the Drive Testing programme.

4. Reliability

The Service Provider is responsible for the reliability of equipment and ensuring that the equipment operates properly. The Service Provider is required to take appropriate means and measures to avoid equipment failure, and to ensure consistency with measurements taken to date, and any redundant capability. The means taken to avoid failure including any guaranteed repair times for equipment should be detailed.

The Commission will, at its sole discretion, decide whether any re-test of the route is required (in whole or in part) as a result of any possible equipment failure (including when it cannot be confirmed that the equipment did not perform properly) and the timing of same. Priority must be given to this over any scheduled work for any other third party.

Any re-test reasonably required by the Commission will be fully at the Service Provider's expense.

5. Personnel

As agreed with the Commission, a senior suitably qualified member of the Service Provider's staff must supervise and take responsibility for the conduct of the drive tests, including the presentation of the results of same. Should a dispute arise between the Commission and any Licensee in relation to the results, this person may be required to present evidence in relation to the testing as undertaken on the Commission's behalf.

6. Reports to be Submitted

The Service Provider will produce, in respect of each technology and the bands identified above, a report for each Licensee, detailing all of the measurements made and presenting the on route coverage for each technology platform and each band, in a map and tabular format, correctly referenced to GPS.

While the exact format of such a report will be agreed with the Service Provider and will be incorporated into the final contract, as a bare minimum, along with the information sought in paragraphs 2 and 3 above, updated as required, the measurements will be presented in total and then broken down half hourly on a daily basis based on the route driven that day.

The Service Provider will be required to provide:

- an electronic copy of each report, in both Adobe PDF and MS Word format, using the agreed template in respect of each service; and
- an electronic copy of all of the measurements taken, referenced to GPS, during the drive testing programme on either a CDROM, DVD, USB data key or transferred to ComReg in such form as required and via an agreed electronic means.

Appendix 2: Pricing Schedule

This is a sample Pricing Table, the applicant may edit so that the breakdown of all elements are clear and that the Over All Fixed price shall be used as the Total Evaluation Price.

Please complete and include a Price Table in your application

<u>Pricing Table : Euro €</u>	Daily Rate	Number	Total,
Name of Key Team Personnel	€	of days	excluding VAT
			€
Name a			
Name b			
(... list as appropriate)			
Unconditional Fixed Cost (excluding VAT)	–	–	
Maximum envisaged Expenses	–	–	
Any other charge			
Total Evalutation Price(for 3 Years). applicants maximum unconditional fixed cost (excluding VAT) and including expenses.	–	–	€ _____
Note, From applicants price table, the following should be clear <ul style="list-style-type: none"> the applicants maximum unconditional fixed cost (excluding VAT) for the provision of the Services required and the applicants maximum envisaged expenses to be incurred by it in the delivery of the Services Name(s) of key team member(s) and number of Day(s) / hours (s) 			

The applicant must complete the following table for inclusion in the tender application

Stage	%
Completion Phase 1	16.67%

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Completion Phase 2	16.67%
Completion Phase 3	16.67%
Completion Phase 4	16.67%
Completion Phase 5	16.67%
Completion Phase 6	16.67%
Total	100%

Fixed Fee:

Applicants must provide a single fixed price quotation based on the provision of all aspects of the Service Requirement for the six expected Drive Tests over the contract period Inclusive. This Fixed Fee will apply under the Contract.

Payment of up to one sixth of the Fixed Fee will be made to the successful Applicant upon the delivery of each six monthly report, following any corrections and re-tests, as required by ComReg and on presentation of a valid invoice.

ComReg, may at its discretion and, if prior notice of this is given in the Applicant's response to this RFT, allow for Initial Set up Costs, as per RFT, to a maximum of one sixth of the Fixed Fee following execution of the Contract. The remainder of the Fixed Fee will be divided equally and payment made following invoicing on the basis of this RFT.

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Daily Rates for Additional Services

Applicants must tender a notional fixed daily rate for any additional Services required under the Contract. This must be done using the Applicant's tendered daily rates. These daily rates will apply as the maximum daily rates for the purposes of any additional Services required under the contract beyond those covered within the Fixed Fee

Applicants must populate the following table:

Grade	Description	Tendered Daily Rate (8 hour day) (excluding VAT)
Junior	1 – 3 years post qualification experience	
Intermediate	4 – 7 years post qualification experience	
Senior	8 + years post qualification experience	
Total		

Appendix 3: Tenderers' Statement

[Tenderers shall complete and return the following form of Tenderers' Statement printed on the Tenderers' headed notepaper and signed by the Tenderer.]

TENDERERS' STATEMENT

TO: The Commission for Communications Regulation

RE: Request for Tenders for the Provision of Bi-Annual Drive Testing Services on Mobile Networks in Ireland

Having examined your Request for Tenders (the "RFT") including the Instructions to Tenderers, the Selection and Award Criteria, the Requirements and Specifications, [Appendices [7 to 11]] and the Terms and Conditions of the Services Contract, we hereby agree and declare the following:

1. We understand the nature and extent of the Services required to be delivered as described in Requirements and Specifications and Appendices [7 to 11] to the RFT.
2. We accept all of the Terms and Conditions of the RFT and the Services Contract and agree if awarded a Services Contract to execute the Services Contract at Appendix 6 to the RFT.
3. We accept all the Selection and Award Criteria as set out in Part 3 of the RFT.
4. We agree to provide ComReg with the Services in accordance with the RFT and our Tender.
5. We agree that, if awarded any Services Contract, we shall, in the performance of such contract, comply with all applicable obligations in the field of environmental, social and labour law.
6. We confirm that we have complied with all requirements as set out at Part 2 of the RFT.
7. We confirm that all prices quoted in our Tender will remain valid for the period of time commencing from the Tender Deadline, as specified at paragraph 2.10.3 of the RFT.
8. We shall, if awarded any Services Contract under the RFT, have in place on the Effective Date of the Services Contract all insurances (if any) as required by paragraph 2.21.1 of the RFT.

SIGNED

Company

(Authorised Signatory)

Print name

Address

Date

Appendix 4: European Single Procurement Document (ESPD)

Part I: Information concerning the procurement procedure and the contracting authority or contracting entity

Reference of the relevant notice ⁽²⁸⁾ published in the *Official Journal of the European Union*:

OJEU S number Insert OJEU ref OR indicate n/a, date Insert OJEU date OR indicate n/a, page Click here and insert page

Notice number in the OJ S: Insert OJEU ref OR indicate n/a

INFORMATION ABOUT THE PROCUREMENT PROCEDURE

--

Identity of the procurer ⁽²⁹⁾	Answer::
Name:	Commission for Communications Regulation (ComReg). 1 Dockland Central Guild Street Dublin D01 E4X0
Which procurement is concerned?	Answer:
Title or short description of the procurement ⁽³⁰⁾ :	The Provision of Bi-Annual Drive Testing Services on Mobile Networks in Ireland 2018-2020
File reference number attributed by the contracting authority or contracting entity (if applicable) ⁽³¹⁾ :	Click here and insert details e.g. ComReg T0xxxx / RFT xxxxxx

All other information (BELOW) in all sections of the ESPD to be filled in by the Economic Operator

²⁸ For contracting authorities: either a prior Information Notice used as a means for calling competition or a Contract Notice

²⁹ Information to be copied from Section 1, point I.1, of the relevant notice. In case of joint procurement, please indicate the names of all involved procurers.

³⁰ See points II.1.1 and II.1.3 of the relevant notice

³¹ See point II.1.1 of the relevant notice

Part II: Information concerning the economic operator

A: INFORMATION ABOUT THE ECONOMIC OPERATOR

Identification:	Answer
Name:	Click here and insert details
Irish VAT-number and Access number, provided by Revenue.ie (ROS), if applicable : If no VAT-number is applicable, please indicate another national identification number, if required and applicable	Click here and insert details
Postal Address:	Click here and insert details
Contact person or persons ⁽³²⁾ :	Click here and insert details
Telephone:	Click here and insert details
E-mail:	Click here and insert details
Internet address (web address) (if applicable)	Click here and insert details
General Information:	Answer:
Is the economic operator a Micro, a Small or a Medium-Sized Enterprise ⁽³³⁾ ?	Yes <input type="checkbox"/> No <input type="checkbox"/> <hr/>
Only in case the procurement is reserved ⁽³⁴⁾: is the economic operator a sheltered workshop, a 'social business' ⁽³⁵⁾ or will it provide for the performance of the contract in the context of sheltered employment programmes?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, What is the corresponding percentage of disabled or disadvantaged workers? If required, please specify which category or categories of disabled or disadvantaged workers the employees concerned belong to?	Click here and insert details
If applicable, is the economic operator registered on an official list of approved economic operators	Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input type="checkbox"/>

³² Please repeat the information concerning contact persons as many times as needed.

³³ Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium sized enterprises, (OJ L 124, 20.5.2003, p36)
This information is required for statistical purposes only

Micro enterprises: enterprise which **employs fewer than 10 persons** and whose annual turnover and/or annual balance sheet total does **not exceed EUR 2 million**.

Small enterprises: an enterprise which **employs fewer than 50 persons** and whose annual turnover and/or annual balance sheet total does not exceed EUR10 million

Medium enterprises: enterprises **which are neither micro nor small and which employ fewer than 250 persons** and which have an **annual turnover not exceeding EUR 50million, and/or an annual balance sheet total not exceeding EUR 43 million**.

³⁴ See contract notice point III.1.5

³⁵ i.e. its main aim is the social and professional integration of disabled or disadvantaged persons.

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or does it have an equivalent certificate (e.g. under a national (pre)qualification system)?	
If yes: Please answer the remaining parts of this Section, Section B and, where relevant, C of this part, complete Part V, where applicable, and, in any case, fill in and sign Part VI.	
(a) Please provide the name of the list or certification and the relevant registration or certification number, if applicable:	Click here and insert details
(b) If the certificate of registration or certification is available electronically, please state:	(web address, issuing authority or body, precise reference of the documentation)
(c) Please state the references on which the registration or certification is based, and, where applicable, the classification obtained in the official list ⁽³⁶⁾ :	Click here and insert details
(d) Does the registration or certification cover all of the required selection criteria?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If no: (e) In addition, please complete the missing information in Part IV Will the economic operator be able to provide a certificate with regard to the payment of social security contributions and taxes or provide information enabling the contacting authority or contracting entity to obtain it directly by accessing a national database in any Member State that is available free of charge?	Click here and insert details
If the relevant documentation is available electronically, please indicate:	(web address, issuing authority or body, precise reference of the documentation)

Form of Participation:	Answer:
Is the economic operator participating in the procurement procedure together with others ⁽³⁷⁾ ?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please ensure that the others concerned provide a separate ESPD form.	
If yes: (a) Please indicate the role of the economic operator in the group (leader, responsible for specific tasks.):	Click here and insert details
(b) Please identify the other economic operators participating in the procurement procedure together:	Click here and insert details
(c) Where applicable, name of the participating group:	Click here and insert details

³⁶ The references and the classification, if any, are set out on the certification.

³⁷ Notably as part of a group, consortium, joint venture or similar.

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Lots:	Answer:
Where applicable, indication of the lot(s) for which the economic operator wishes to tender:	Click here and insert details

B: INFORMATION ABOUT REPRESENTATIVES OF THE ECONOMIC OPERATOR

Where applicable, please indicate the name(s) and address(es) of the person(s) empowered to represent the economic operator for the purposes of this procurement procedure:

Representation, if any:	Answer:
Full Name:	Click here and insert details
Accompanied by the date and place of birth, if required	
Position/Acting in the capacity of:	Click here and insert details
Postal Address:	Click here and insert details
Telephone:	Click here and insert details
E-mail:	Click here and insert details
If needed, please provide detailed information on the representation (its forms, extent, purpose...):	Click here and insert details

C: INFORMATION ABOUT RELIANCE ON THE CAPACITIES OF OTHER ENTITIES

Reliance:	Answer:
Does the economic operator rely on the capacities of other entities in order to meet the selection criteria for this Competition as set out in part 3.2 of the RFT and the criteria and rules (if any) set out under Part V below?	Yes <input type="checkbox"/> No <input type="checkbox"/>

If yes, please provide a separate ESPD form setting out the information required under **Sections A and B of this Part and Part III for each** of the entities concerned, duly filled in and signed by the entities concerned.

Please note that this should also include any technicians or technical bodies, not belonging directly to the economic operator's undertaking, especially those responsible for quality control and, in the case of public works contracts, the technicians or technical bodies upon whom the economic operator can call in order to carry out the work.

Insofar as it is relevant for the specific capacity or capacities on which the economic operator relies, please include the information under Part IV for each of the entities concerned ⁽³⁸⁾.

³⁸ E.g. for technical bodies involved in quality control: Part IV, Section C, point 3.

D. INFORMATION CONCERNING SUBCONTRACTORS ON WHOSE CAPACITY THE ECONOMIC OPERATOR DOES NOT RELY

Subcontracting:	Answer:
Does the economic operator intend to subcontract any share of the contract to third parties?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes and in so far as known , please list the proposed subcontractors Click here and insert details

Please provide the information required under Section A and B of this part *[Delete if not applicable: and Part III]* for each of the subcontractors concerned.

Part III: Exclusion grounds

A: GROUNDS RELATING TO CRIMINAL CONVICTIONS

Article 57 (1) of Directive 2014/24/EU sets out the following reasons for exclusions:

1. Participation in a criminal organisation ⁽³⁹⁾;
2. Corruption ⁽⁴⁰⁾;
3. Fraud⁽⁴¹⁾;
4. Terrorist offences or offences linked to terrorist activities ⁽⁴²⁾;
5. Money laundering or terrorist financing ⁽⁴³⁾;
6. Child labour and other forms of trafficking in human beings ⁽⁴⁴⁾.

Grounds relating to criminal convictions under national provisions implementing the grounds set out in Article 57(1) of the Directive:

Answer:

³⁹ As defined in Article 2 of Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (OJ L 300, 11.11.2008, p. 42).

⁴⁰ As defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, OJ C 195, 25.6.1997, p. 1, and in Article 2(1) of Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (OJ L 192, 31.7.2003, p. 54). This exclusion ground also includes corruption as defined in the national law of the contracting authority (contracting entity) or the economic operator.

⁴¹ Within the meaning of Article 1 of the Convention of the protection of the European Communities' financial interests (OJ C 316, 27.11. 1995, p. 48).

⁴² As defined in Articles 1 and 3 of Council Framework Decision of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p.3). this exclusion ground also includes inciting or aiding or abetting or attempting to commit an offence, as referred to in Article 3 of that Framework Decision.

⁴³ As defined in Article 1 of the Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (OJ L 309, 25.11.2005, p. 15).

⁴⁴ As defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15. 4.2011 p. 1).

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Has the economic operator itself or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein been the subject of a conviction for one of the reasons listed above, by a conviction rendered at the most five years ago or in which an exclusion period set out directly in the conviction continues to be applicable?	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If the relevant documentation is available electronically, please indicate: (web address, issuing authority or body, precise reference of the documentation)⁽⁴⁵⁾:</p>
If yes, please indicate⁽⁴⁶⁾:	
(a) Date of conviction, specify which of points 1 to 6 is concerned and the reason(s) for the conviction,	date, point(s), reason(s)
(a) Identify who has been convicted:	Click here and insert details
(b) Insofar as established directly in the conviction:	<p>Click here and insert length of the period of exclusion and the point(s) concerned</p> <p>If the relevant documentation is available electronically, please indicate: (web address, issuing authority or body, precise reference of the documentation)⁽⁴⁷⁾:</p>
In case of convictions, has the economic operator taken measures to demonstrate its reliability despite the existence of a relevant ground for exclusion ⁽⁴⁸⁾ ('Self Cleaning')	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
If yes, please describe the measures taken ⁽⁴⁹⁾	Click here and insert details

B: GROUNDS RELATING TO THE PAYMENT OF TAXES OR SOCIAL SECURITY CONTRIBUTIONS

Payments of taxes or social security contributions:	Answer:
Has the economic operator met all its obligations relating to the payment of taxes or social security contributions , both in the country in which it is established and in the Member State of the contracting authority if other than the country of establishment?	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
If the relevant documentation concerning payment of taxes or social contributions is available electronically, please indicate:	Click here and insert details (web address, issuing authority or body, precise reference of the documentation) ⁽⁵⁰⁾ :

⁴⁵ Please repeat as many times as needed.

⁴⁶ Please repeat as many times as needed.

⁴⁷ Please repeat as many times as needed.

⁴⁸ In accordance with national provisions implementing Article 57(6) of Directive 2014/24/EU.

⁴⁹ Taking into account the character of the crimes committed (punctual, repeated, systematic....) the explanation should show the adequacy of the measures to taken.

⁵⁰ Please repeat as many times as needed

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If not, please indicate:	Taxes:	Social Contributions:
(a) Country or Member State concerned	Click here and insert details	Click here and insert details
(b) What is the amount concerned?	Click here and insert details	Click here and insert details
(c) How has this breach of obligations been established:	Click here and insert details	Click here and insert details
(1) Through a judicial or administrative decision		
• Is this decision final and binding?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
• Please indicate the date of conviction or decision.		
• In case of a conviction, insofar as established directly therein , the length of the period of exclusion:	Click here and insert details	Click here and insert details
(2) By other means? Please specify:	If Yes, click here and insert details	If Yes, click here and insert details
(d) Has the economic operator fulfilled its obligations by paying or entering into a binding arrangement with a view to paying the taxes or social security contributions due, including, where applicable, any interest accrued or fines?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
If the relevant documentation concerning payment of taxes or social contributions is available electronically, please indicate:	Click here and insert details (web address, issuing authority or body, precise reference of the documentation) ⁽⁵¹⁾ :	

C: GROUNDS RELATING TO INSOLVENCY, CONFLICTS OF INTEREST OR PROFESSIONAL MISCONDUCT ⁽⁵²⁾

Please note that, for the purpose of this procurement, some of the following exclusion grounds may have been defined more precisely, in national law, in the relevant notice or the procurement documents. Thus, national law may for instance provide that the notion of 'grave' professional misconduct' may cover several different forms of conduct.

Information concerning possible insolvency, conflict of interest or professional misconduct	Answer:
	Yes <input type="checkbox"/> No <input type="checkbox"/>

⁵¹ Please repeat as many times as needed

⁵² See Article 57(4) of Directive 2014/24/EU

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<p>Has the economic operator, to its knowledge, breached its obligations in the fields of environmental, social and labour law ⁽⁵³⁾?</p>	<p>If yes, has the economic operator taken measures to demonstrate its reliability despite the existence of these grounds for exclusion ('Self Cleaning')?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If it has, please describe the measures taken:</p> <p>Click here and insert details</p>
<p>Is the economic operator in any of the following situations:</p>	
<p>(a) Bankrupt, or</p> <p>(b) The subject of insolvency or winding-up proceedings, or</p> <p>(c) In an arrangement with creditors, or</p> <p>(d) In any analogous situation arising from a similar procedure under national laws and regulations ⁽⁵⁴⁾, or</p> <p>(e) That its assets are being administered by a liquidator or by the court, or</p> <p>(f) That its business activities are suspended?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>If yes: Please provide details:</p>	<p>Click here and insert details</p>
<p>Please provide the reasons for being able nevertheless to perform the contract, taking into account the applicable national rules and measures on the continuation of business in those circumstances ⁽⁵⁵⁾</p>	<p>Click here and insert details</p>
<p>If the relevant documentation is available electronically, please indicate:</p>	<p>Click here and insert details (web address, issuing authority or body, precise reference of the documentation):</p>
<p>Is the economic operator guilty of grave professional misconduct ⁽⁵⁶⁾?</p> <p>If yes, please provide details</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
	<p>Click here and insert details</p>
	<p>If yes has the economic operator taken self-cleaning measures?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
	<p>If it has, please describe the measures taken:</p> <p>Click here and insert details</p>

⁵³ As referred to for the purposes of this procurement in national law, in the relevant notice or the procurement documents or in Article 18(2) of Directive 2014/24/EU.

⁵⁴ See national law, the relevant notice or the procurement documents

⁵⁵ This information need not be given if exclusion of economic operators in one of the cases listed under letter a to f has been made mandatory under the applicable national law without any possibility of derogation where the economic operator is nevertheless able to perform the contract.

⁵⁶ Where applicable, see definitions in national law, the relevant notice or the procurement documents.

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Has the economic operator entered into agreements with other economic operators aimed at distorting competition? If yes, please provide details:	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Click here and insert details
	If yes has the economic operator taken self-cleaning measures? Yes <input type="checkbox"/> No <input type="checkbox"/>
	If it has, please describe the measures taken: Click here and insert details
Is the economic operator aware of any conflict of interest ⁽⁵⁷⁾ due to its participation in the procurement procedure? If yes, please provide details	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Click here and insert details
Has the economic operator or an undertaking related to it advised the contracting authority or contracting entity or otherwise been involved in the preparation of the procurement procedure? If yes, please provide details	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Click here and insert details
Has the economic operator experienced that a prior public contract or a prior concession contract was terminated early, or that damages or other comparable sanctions were imposed in connection with that prior contract? If yes, please provide details:	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Click here and insert details
	If yes has the economic operator taken self-cleaning measures? Yes <input type="checkbox"/> No <input type="checkbox"/>
	If it has, please describe the measures taken: Click here and insert details
Can the economic operator confirm that: (a) It has not been guilty of serious misinterpretation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria, (b) It has not withheld such information,	Yes <input type="checkbox"/> No <input type="checkbox"/>

⁵⁷ As indicated in national law, the relevant notice or the procurement documents.

<p>(c) It has been able, without delay, to submit the supporting documents required by a contracting authority or contracting entity, and</p> <p>(d) It has not undertaken to unduly influence the decision making process of the contracting authority or contracting entity, to obtain confidential information that may confer upon it undue advantages in the procurements procedure or to negligently provide misleading information that may have a material influence on decisions concerning exclusion, selection or award?</p>	
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Part IV: Selection Criteria

Concerning the selection criteria (Section α of this part), the economic operator declares that:

α: GLOBAL INDICATION FOR ALL SELECTION CRITERIA

Meeting all required selection criteria	Answer
<p>It satisfies the required selection criteria for this Competition as set out in part 3.2 of the RFT:</p> <p>That the candidate has demonstrated the requirements set out in 3.2A of the RFT, in its tender application</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>

Part V: Reduction of the number of qualified candidates

Not applicable

Part VI: Concluding statements

The undersigned formally declare that the information stated under Parts II – III above is accurate and that it has been set out in full awareness of the consequences of serious misrepresentation.

The undersigned formally declare to be able, upon request and without delay, to provide the certificates and other forms of documentary evidence referred to, except where:

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- (a) *The contracting authority has the possibility of obtaining the supporting documentation concerned directly by accessing a national database in any Member State that is available free of charge⁵⁸, or*
- (b) *As of 18 October 2018 at the latest (⁵⁹), the contracting authority or contracting entity already possesses the documentation concerned.*

*The undersigned formally consent to the Commission for Communications Regulation, gaining access to documents supporting the information, which has been provided in **[identify the Part/Section/Point(s) concerned]** of this European Single Procurement Document for the purposes of **[identify the procurement procedure: (summary description, reference of publication in the Official Journal of the European Union, reference number)]**.*

Date, place and signature(s):

Signed: (Authorised Signatory)	
Block Capitals:	Click here and insert name
Position:	Click here and insert details
Company:	Click here and insert details
Registered Office:	Click here and insert address
	Click here and insert address
Date:	Click here and insert date

⁵⁸ On condition that the economic operator has provided the necessary information (web address, issuing authority or body, precise reference of the documentation) allowing the contracting authority or contracting entity to do so. Where required, this must be accompanied by the relevant consent to such access.

⁵⁹ Depending on the national implementation of the second subparagraph of Article 59(5) of Directive 2014/24/EU

Appendix 5: Declaration as to Personal Circumstances of Tenderer

Note, this declaration is NOT required at application stage. When provision is required it will be requested by ComReg. The Preferred Applicant shall be obliged to provide to ComReg, on request.

Request for Tenders for the Provision of Bi-Annual Drive Testing Services on Mobile Networks in Ireland

NAME: _____

ADDRESS: _____

I, _____, *[insert name of Declarant]* having been duly authorised by _____ *[insert name of entity]*, sincerely declare that _____ *[insert name of entity]* itself or any person who has is a member of the administrative, management or supervisory body of _____ *[insert name of entity]* or has powers of representation, decision or control in _____ *[insert name of entity]*:

- (a) Has never been the subject of a conviction for participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA.
- (b) Has never been the subject of a conviction for corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union and Article 2(1) of Council Framework Decision 2003/568/JHA as well as corruption as defined in the law of Ireland or _____ *[insert country in which entity is registered if different from Ireland]*.
- (c) Has never been the subject of a conviction for fraud within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests.
- (d) Has never been the subject of a conviction for terrorist offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA respectively, or for inciting or aiding or abetting or attempting to commit an offence, as referred to in Article 4 of that Framework Decision.
- (e) Has never been the subject of a conviction for money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council.
- (f) Has never been the subject of a conviction for child labour and other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council.
- (g) Is not in breach of its obligations relating to the payment of taxes or social security contributions.

- (h) Has, in the performance of all public contracts, complied with applicable obligations in the field of environmental, social and labour law that apply at the place where the works are carried out or the services provided, that have been established by EU law, national law, collective agreements or by international, environmental, social and labour law listed in Annex X of Directive 2014/24/EU.
- (i) Is not bankrupt or the subject of insolvency or winding-up proceedings, its assets are not being administered by a liquidator or by the court, it is not in an arrangement with creditors, its business activities are not suspended nor is it in any analogous situation arising from a similar procedure under national laws and regulations.
- (j) Is not guilty of grave professional misconduct.
- (k) Has not entered into agreements with other economic operators aimed at distorting competition.
- (l) Is not aware of any conflict of interest due to its participation in the Competition.
- (m) Has not had any prior involvement in the preparation of the Competition.
- (n) Is not guilty of significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions.
- (o) Is not guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the Selection Criteria for this Competition and did not withhold such information and did not fail or is not able to submit supporting documents in respect of this Competition as required under Article 59 of Directive 2014/24/EU.
- (p) Has not undertaken to unduly influence the decision-making process of the Commission for Communications Regulation ("ComReg") in respect of the Competition, or obtain confidential information that may confer upon it undue advantages in respect of the Competition; or negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.

We understand the nature and extent of the services required to be delivered as described in the requirements and specifications contained in the Request for Tenders. I understand and acknowledge that the provision of inaccurate or misleading information in this declaration may lead to my business/firm/company/partnership being excluded from participation in this or future tenders, and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act, 1938. This declaration is made for the benefit of ComReg.

The Provision of Bi-Annual Drive Testing Services on Mobile Networks in Ireland 2018-2020

Signature of Declarant

Name of Declarant in print or block capitals

Declared before me by _____ who is personally
known to me (or who is identified to me by _____ who
is personally known to me) at _____ this _____ day of
_____ 20__

Practising Solicitor/Commissioner for Oaths

Appendix 6: Draft Services Contract

See attached separately

