



EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

Electronic Communications Networks & Services
Spectrum

Annex I

CALL FOR TENDERS
SMART 2019/0006

**STUDY ON THE CURRENT AND PROSPECTIVE USE
OF THE 900 MHZ BAND BY GSM
AS A TECHNOLOGY OF REFERENCE,
CONSIDERING PRESENT AND FUTURE UNION
POLICIES**

TENDER SPECIFICATIONS

Negotiated procedure

TABLE OF CONTENTS

| | |
|---|----|
| TABLE OF CONTENTS | 2 |
| 1. INFORMATION ON TENDERING | 4 |
| 1.1. Participation | 4 |
| 1.2. Contractual conditions..... | 4 |
| 1.3. Compliance with applicable law | 4 |
| 1.4. Joint tenders..... | 4 |
| 1.5. Subcontracting..... | 5 |
| 1.6. Structure and content of the tender | 5 |
| 1.7. Identification of the tenderer | 6 |
| 2. TECHNICAL SPECIFICATIONS | 7 |
| 2.1. Context | 7 |
| 2.2. Objectives, tasks, methodology..... | 11 |
| 2.3. Duration..... | 12 |
| 2.4. Timetable, Deliverables and Meetings..... | 13 |
| 2.5. Terms of approval of reports and deliverables..... | 15 |
| 2.6. Layout/content of the workplan | 16 |
| 2.7. Intellectual Property rights | 16 |
| 3. CONTENT, STRUCTURE AND GRAPHIC REQUIREMENTS OF THE DELIVERABLES | 16 |
| 3.1. Data formats | 16 |
| 3.2. Report format | 17 |
| 3.3. Content | 17 |
| 3.4. Structure | 18 |
| 3.5. Graphic requirements | 19 |

| | | |
|------|--|----|
| 4. | EVALUATION AND AWARD | 19 |
| 4.1. | Verification of non-exclusion..... | 19 |
| 4.2. | Selection criteria..... | 20 |
| 4.3. | Award criteria..... | 25 |
| 4.4. | Ranking of tenders | 26 |
| 5 | PAYMENT AND STANDARD CONTRACT..... | 26 |
| 6 | ADDITIONAL PROVISIONS | 27 |
| 7 | LIQUIDATED DAMAGES..... | 27 |
| 8 | NO OBLIGATION TO AWARD THE CONTRACT..... | 27 |
| 9 | RESULTS..... | 27 |

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1. INFORMATION ON TENDERING

1.1. Participation

Participation in this procurement procedure is restricted to the invited candidates only. The legal entities are required to be registered in the EU or for natural persons to have their domicile in the EU. Participation is also open to all natural and legal persons registered or having their domicile in a non-EU country which has an agreement with the European Union in the field of public procurement on the conditions laid down in that agreement. The rules of access to the market do not apply to subcontractors.

For tenderers from the United Kingdom:

Please be aware that after the UK's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries will apply to candidates or tenderers from the UK depending on the outcome of the negotiations. In case such access is not provided by legal provisions in force candidates or tenderers from the UK could be rejected from the procurement procedure.

1.2. Contractual conditions

The tenderer should bear in mind the provisions of the draft contract which specifies the rights and obligations of the contractor, particularly those on payments, performance of the contract, confidentiality, and checks and audits.

1.3. Compliance with applicable law

The tender must comply with applicable environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU¹.

1.4. Joint tenders

A joint tender is a situation where a tender is submitted by a group of economic operators (natural or legal persons). Joint tenders may include subcontractors in addition to the members of the group.

In case of joint tender, all members of the group assume joint and several liability towards the Contracting Authority for the performance of the contract as a whole, i.e. both financial and operational liability. Nevertheless, tenderers must designate one of the economic operators as a single point of contact (the leader) for the Contracting Authority for administrative and financial aspects as well as operational management of the contract.

After the award, the Contracting Authority will sign the contract either with all members of the group, or with the leader on behalf of all members of the group, authorised by the other members via powers of attorney (see Annex 7).

¹ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

1.5. Subcontracting

Subcontracting is a situation where a contract is to be established between the Commission and a service provider and where this service provider, in order to carry out the contract, enters into legal commitments with other legal entities for performing part of the tasks foreseen in the contract.

Subcontracting is permitted but the contractor will retain full liability towards the Contracting Authority for performance of the contract as a whole.

Tenderers are required to identify all subcontractors whose share of the contract is above 10 % of the price of the tender or whose capacity is necessary to fulfil the selection criteria.

During contract performance, the change of any subcontractor identified in the tender or additional subcontracting will be subject to prior written approval of the Contracting Authority (please refer to article II.10 of the model service contract).

1.6. Structure and content of the tender

The tenders must be presented as follows:

Part A: Identification of the tenderer (see section 1.7)

Part B: Non-exclusion (see section 4.1)

Part C: Selection (see section 4.2)

Part D: Technical offer

The technical offer must cover all aspects and tasks required in the technical specifications and provide all the information needed to apply the award criteria. Offers deviating from the requirements or not covering all requirements may be rejected on the basis of non-compliance with the tender specifications and will not be evaluated.

Part E: Financial offer

The price must fulfil the following requirements:

A **total** fixed price expressed **in Euro** must be included in the tender. The **maximum total** amount to be paid by the Commission under the contract **must not exceed** EUR 60 000 – sixty thousands. Tenders with a higher total price will be rejected.

Tenderers from countries outside the euro zone have to quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to assume the risks or the benefits deriving from any variation.

The price quoted must be firm and not subject to revision.

The European Commission, pursuant to the provisions of Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union, is exempt from all duties, taxes and dues, including value added tax (VAT).

Such charges may not therefore be included in the calculation of the price quoted.

VAT exemption is granted to the Commission by the governments of the Member States, either through refunds upon presentation of documentary evidence or by direct exemption.

For those countries where national legislation provides an exemption by means of reimbursement, **the amount of VAT is to be shown separately**. In case of doubt about the applicable VAT system, it is the tenderer's responsibility to contact his or her national authorities to clarify the way in which the European Commission is exempt from VAT.

The quoted price must be a fixed amount which includes all charges (including travel and subsistence). Travel and subsistence expenses are not refundable separately.

The price must fall within the scope of this tender specifications and be broken down into unit prices and quantities for each of the following categories:

(a) Professional fees. The daily rates and total number of person-day for each member of staff working on the contract must be specified.

(b) Travel and subsistence expenses (including costs of attendance of future contractor's representative(s) at meetings and/or workshops with the Commission).

1.7. Identification of the tenderer

The tender must include a **cover letter** (annex 2) signed by an authorised representative presenting the name of the tenderer (including all entities in case of joint tender) and identified subcontractors if applicable, and the name of the single contact point (leader) in relation to this procedure.

In case of a joint tender, the cover letter must be signed either by an authorised representative for each member, or by the leader authorised by the other members with powers of attorney. The signed powers of attorney must be included in the tender as well. Subcontractors that are identified in the tender must provide a letter of intent signed by an authorised representative stating their willingness to provide the services presented in the tender and in line with the present tender specifications.

All tenderers (including all members of the group in case of joint tender) must provide a signed Legal Entity Form with its supporting evidence. The form is available on:

http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

Tenderers that are already registered in the Contracting Authority's accounting system (i.e. they have already been direct contractors) must provide the form but are not obliged to provide the supporting evidence.

The tenderer (or the leader in case of joint tender) must provide a Financial Identification Form with its supporting documents. Only one form per tender should be submitted. No form is needed for subcontractors and other members of the group in case of joint tender. The form is available on: http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm

Economic operators already registered as a legal entity in the Commission's files (i.e. they are or have been contractors of the Commission) are not obliged to provide a new form, on the condition that they confirm that no change in the information already provided has occurred. In case of doubt, we recommend submitting a new form.

Likewise, if the corresponding bank account of economic operators is already registered in the Commission's files they are not obliged to provide a new form, on the condition that they confirm that no change in the information already provided has occurred. In case of doubt, we recommend submitting a new form.

2. TECHNICAL SPECIFICATIONS

2.1. Context

2.1.1. General

Directive 87/372/EEC exclusively reserved the 900 MHz band for public pan-European cellular digital mobile communications services to be provided in each Member State in accordance with a common specification or technical standard defined by the directive as GSM. Directive 87/372/EEC was modified by Directive 2009/114/EC of the EP and the Council of the European Union. The amendment replaced exclusivity by the recognition of a central role for GSM as the system of technical reference in the 900 MHz band in order to maintain the availability of GSM for users throughout Europe.

Considering the technological evolution at the time, the 2009 Directive also allocated the 900 MHz band for UMTS (3G) systems as well as for other terrestrial systems capable of providing innovative pan-European electronic communications services under the condition that they could coexist with GSM, and based on the interoperability in bands such as the 900 MHz band, between GSM and the subsequent 3G and 4G technologies which are part of the IMT family that incorporates the GSM standard. On that basis, Commission Decision 2011/251/EU, which modified Commission Decision 2009/766/EC², subsequently also included LTE and WiMAX (4G) in the list of systems that can use the 900 MHz band, since they ensure technical compatibility with GSM.

GSM and other public mobile communications networks, in particular under Regulation (EU) 2015/758 of the EP and of the Council are used for the provision of certain general interest applications or to achieve Union policy objectives. This includes the interoperable EU-wide eCall service, a system of general interest improving transport safety in the Union. This system which is built in vehicles³ requires the use of public mobile communications networks in the Union, although this does not specify the type of network nor impose GSM. As defined by Article 3 of the Commission Delegated Regulation (EU) 305/2013, the eCall system relies on standards EN 16072 and 16062, which are defined as follows by the ISOs:

² Commission Decision 2009/766/EC of 16 October 2009 on the harmonisation of the 900 MHz and 1800 MHz frequency bands for terrestrial systems capable of providing pan-European electronic communications services in the Community.

³ Directive 2010/40/EU of the EP and Council of 7 July 2010; Commission Delegated Regulation 305/2013 of 23 November 2012; Decision No 585/2014/EU of the European Parliament and of the Council of 15 May 2014 on the deployment of the interoperable EU-wide eCall service, OJL 164 of 3 June 2014, p.6; Regulation (EU) 2015/758 of the European Parliament and the Council of 29 April 2015 *concerning type-approval requirements for the deployment of the eCall in-vehicle system based on the 112 service and amending Directive 2007/46/EC*.

EN 16072 “Intelligent transport systems - ESafety - Pan-European eCall operating requirements - The objective of implementing the pan-European in-vehicle emergency call system (eCall) is to automate the notification of a traffic accident, wherever in Europe, with the same technical standards and the same quality of services objectives by using 'Public Land Mobile Networks'(PLMN) (such as GSM and UMTS), which supports the European pre-assigned emergency destination address (see normative references) and to provide a means of manually triggering the notification of an incident. This European Standard specifies the general operating requirements and intrinsic procedures for in-vehicle emergency call (eCall) services in order to transfer an emergency message from a vehicle to a Public Safety Answering Point (PSAP) in the event of a crash or emergency, via an eCall communication session and to establish a voice channel between the in-vehicle equipment and the PSAP. The communications protocols and methods for the transmission of the eCall message are not specified in this European Standard. This European Standard specifies the operating requirements for an eCall service. An important part of the eCall service is a Minimum Set of Data (MSD). The operating requirements for the MSD are determined in this European Standard, but the form and data content of the MSD is not defined herein. A common European MSD is determined in standard EN 15722.”

EN 16062: “In respect of pan-European eCall (operating requirements defined in EN 16072), this European Standard defines the high level application protocols, procedures and processes required to provide the eCall service using a TS12 emergency call over a mobile communications network. NOTE 1 The objective of implementing the pan-European in-vehicle emergency call system (eCall) is to automate the notification of a traffic accident, wherever in Europe, with the same technical standards and the same quality of services objectives by using a PLMN (such as ETSI prime medium) which supports the European harmonized 112/E112 emergency number (TS12 ETSI/TS 122 003) and to provide a means of manually triggering the notification of an emergency incident.”

2.1.2. Mobile communications systems evolution

5G services are now emerging while research is already moving to technologies that may succeed 5G. However, it is likely that 5G networks (and successors) will replace existing 2G/3G/4G services only after a long period of coexistence – currently of undetermined duration⁴.

Exclusivity to GSM was justified at the time to guarantee to all EU users a pan-European mobile communications services. In 2009, as it remained essential to maintain the availability of GSM for users throughout Europe, GSM was set as the priority reference system so that other technologies used for the provision of advanced 3G and 4G pan-European services needed to be technically compatible with GSM. This compatibility requirement with GSM in the 900 MHz band gives GSM a protected status whenever another system is deployed in the band. Through the Wireless Access Policy on ECS (WAPECS approach) and the possibility to introduce the IMT family of systems in the 900 MHz, GSM as well as subsequent generations of mobile communications systems including UMTS based on the GSM standard are now able to

⁴ Study on using millimetre waves bands for the deployment of the 5G ecosystem in the Union (SMART 2017/0015)

technically coexist in the 900 MHz⁵. Following a Commission Mandate⁶, CEPT is currently investigating the technical compatibility of new 5G technologies with GSM, notably in the 900 MHz band.

The assessment of the evolution of the use of different mobile communications systems varies according to sources. Cisco global mobile traffic estimates suggest that the global tendency is for 3G traffic to continue to increase for some time, as shown in the figure below. According to the GSMA report ‘The Mobile Economy 2019’⁷ for example, in 2018, 4G overtook 2G to become the leading mobile technology across the world, with 3.4 billion connections accounting for 43% of the total (excluding licensed cellular IoT). With growth continuing apace, particularly across developing markets, GSMA expects that 4G will soon become the dominant mobile technology, surpassing half of global mobile connections in 2019 and reaching 60% in 2023. In Europe in 2018, GSM only represented 18% of all mobile connections excluding cellular IoT, against 36% for 3G and 46% for 4G and is predicted to fall in 2025 to 1%, against 7% for 3G, 63% for 4G and 29 for 5G.

Figure 1: Global mobile traffic by connection type.



Note: Figures in parentheses refer to 2017, 2022 mobile traffic share by network type.

Source: Cisco (2017), “Cisco Visual Networking Index: Global Mobile Data Traffic Forecast Update, 2017–2022”.

⁵ See also CEPT report 19 of 21 December 2007 revised on 30 October 2008 <https://www.ecodocdb.dk/download/69f1e9cc-20f1/CEPTREP019.PDF> Report from CEPT to the European Commission in response to the Mandate to develop least restrictive technical conditions for frequency bands addressed in the context of WAPECS.

⁶ Mandate to CEPT to review the harmonised technical conditions for certain EU-harmonised frequency bands and to develop least restrictive harmonised technical conditions suitable for next-generation (5G) terrestrial wireless systems. Available at <https://ec.europa.eu/digital-single-market/en/news/radio-spectrum-cept-mandates-0>

⁷ <https://www.gsmaintelligence.com/research/?file=b9a6e6202ee1d5f787cfebb95d3639c5&download>

2.1.3. Socio-economic impact of the use of GSM and other services based on GSM

With the introduction of 5G, mobile operators are progressively likely to want to use their spectrum holdings for the latest available technologies, which use spectrum more efficiently. If the CEPT report on the technical compatibility of new 5G technologies with GSM were to determine that 5G technologies are incompatible with GSM, it will be necessary to examine whether the priority for GSM in the 900 MHz band should be maintained or not. The former would ensure the continued availability of GSM EU-wide while the latter would allow those operators that wish to do so to introduce 5G in the 900 MHz to the detriment of GSM.

2.1.4. Initial references for the Study report (a non-exhaustive list)

- European Electronic Communications Code Directive 2018/1972/EU;
- GSM Directive 87/372/EEC;
- Radio Spectrum Policy Programme (RSPP)
<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:081:0007:0017:EN:PDF>
- Mm-wave study, SMART 2017/0015; on-going
- Small Cells study, SMART 2018/0017; on-going
- Report for the European Commission SMART 2014/0008 "Identification and quantification of key socio-economic data to support strategic planning for 5G in Europe"
<https://ec.europa.eu/digital-single-market/en/news/study-identification-and-quantification-key-socio-economic-data-strategic-planning-5g>
- Report for the European Commission SMART 2015/0068 on "Costing the New Potential Connectivity Needs" by Analysis Mason, 2016.
http://bookshop.europa.eu/en/costing-the-new-potential-connectivity-needs-pbKK0116744/downloads/KK-01-16-744-EN-N/KK0116744ENN_002.pdf?FileName=KK0116744ENN_002.pdf&SKU=KK0116744ENN_PDF&CatalogueNumber=KK-01-16-744-EN-N.
- Europe 2020 web site:
https://ec.europa.eu/info/strategy/european-semester_en
- European Commission's Radio Spectrum Policy web site "Wireless Europe"
<http://ec.europa.eu/digital-agenda/en/wireless-europe>
- 5G PPP (The 5G Infrastructure Public Private Partnership) white papers
<https://5g-ppp.eu/white-papers/>
- European Commission, 5G for Europe Action plan
<https://ec.europa.eu/digital-single-market/en/5g-europe-action-plan>
- European Commission, Connectivity for a Competitive Digital Single Market - Towards a European Gigabit Society.
<https://ec.europa.eu/digital-single-market/en/connectivity-european-gigabit-society>
- Report of the study for the European Commission SMART 2011/0016 on "Inventory and review of spectrum use: assessment of the EU potential for improving spectrum efficiency" by WIK/Aegis/IDATE/Plum, December 2012:
https://ec.europa.eu/digital-agenda/sites/digital-agenda/files/20121001_cion_spectrum_inventory_final_report.pdf
- Report of the study for the European Commission SMART 2012/0005 on "Analysis of technology trends, future needs and demand for spectrum", Analysys Mason, September 2013:
<http://ec.europa.eu/digital-agenda/en/news/final-report-analysis-technology-trends-future-needs-and-demand-spectrum-line-art-9-rspp>

2.2. Objectives, tasks, methodology

2.2.1. Objectives

Overarching objective

After 10 years of application of the latest amendment to the GSM Directive, the relevance of GSM as the technology of priority reference in the 900 MHz band is an essential element to consider, taking into account technological evolution in wireless broadband systems (in particular the advent of 5G), the technical characteristics of the 900 MHz band and the need to ensure the most efficient use of spectrum. The objective is not to remove GSM, but to study arguments for continuing its priority status in the 900 MHz band or treating it on an equal basis in comparison with other technologies.

When doing so, account should be taken of the advantages and specific characteristics of GSM compared to other wireless communications systems, in particular with a view to achieving Union policies such as the provision of pan-European mobile communications services or transport safety through the use of the eCall system, as well as the relevance of retaining the possibility for users to limit their communications to simple voice or data, for financial or other reasons.

2.2.2. Tasks

Specific tasks

The study should respond to the following essential questions:

1. What services are currently provided with GSM technology in the 900 MHz band?
2. How is the use referred to in task 1 likely to evolve, taking into account market demand?
3. Are there any prospective services that operators envisage to provide with GSM technology in the 900 MHz band?
4. To what extent could general interest services such as eCall be provided, and realistically attain their public policy objectives, as well as other relevant services identified in point 1 and 3 (or enhanced versions of such services), in the 900 MHz band using a successive technology such as 3G, 4G or 5G technology or using frequency bands other than the 900 MHz band?
5. Taking into account the technology developments and market demand trends identified in points 1 to 4, to what extent is it necessary or useful to maintain GSM as the priority reference system in the 900 MHz band?

When performing this study, the study team should take into consideration:

- Whether there is continued relevance and need to preserve GSM technology - with regard in particular to its availability in the Union and in the world - for the internal market and for the continuation of services of general interest across the Member States for the implementation of EU policies, including pan-European services – i.e. services covering the entire territory of the Union such as the eCall system or emergency services. This should take into account the amount of equipment such as vehicles still in service which totally and exclusively rely on

- GSM in the 900 MHz band, the replacement cycle of such vehicles, ease of substitution of eCall equipment during such vehicles' lifetime, the likely switch-off path of 2G systems by operators if the regulatory approach to GSM priority were to change;
- the costs for users stemming from the potential technological evolution to deliver existing GSM services with successive technologies such as 4G and 5G wireless systems;
 - market demand for GSM systems and for new, possibly incompatible, wireless broadband systems (4G and 5G) in the 900 MHz band in relation to the provision of relevant services;
 - the need to ensure the efficient use of the 900 MHz band taking into consideration its propagation characteristics;
 - the need to preserve the harmonised character of the 900 MHz band;
 - technology and service neutrality whereby rights of operators to use spectrum should not be limited to GSM and include the possibility to use those rights for more advanced mobile communications systems;
 - the possible need for transition measures until expiry or termination of the use of GSM including any necessary coexistence of historical GSM-based services with new applications for the provision of existing services;
 - the net gain from re-farming the use of the 900 MHz band for 5G use or for other systems not compatible with GSM, taking into account the methodology used by the Commission for impact assessments.

While this study should take into account existing Union policy objectives and benefits arising from pan-European use of mobile communications across national boundaries, as well as the regulatory framework for spectrum allocation and authorisation, it should not examine in detail the purely institutional aspects of the 900 MHz band re-allocation and authorisation.

The minimum requirements to be met by the tender are: The tenderer must respect the time schedule for the execution of the tasks and the methodology. All deliverables must be provided in English.

2.2.3. Methodology

The Study should be developed following a clear methodology covering all aspects of the Study. Tenderers are free to propose the specific methodology, taking into account the context and objectives of the Study and specifying how they intend to gather the relevant information needed for the Study and how they will fulfil all tasks required. The balance between the efforts devoted to each task should be reasonable and well justified. The analysis of today's situation should build on existing material and sources of information as indicated in part 2.1 "Context".

2.3. Duration

Duration of the tasks, including the period of approval of the deliverables, must not exceed 12 months and is subject to the provisions of Article I.3.3 of the model service contract.

2.4. Timetable, Deliverables and Meetings

2.4.1. Timetable

| Title | Type | Due month | Linked to payment |
|----------------------------------|-------------|-----------|-------------------|
| Inception meeting | Meeting | 1 | No |
| Minutes of the inception meeting | Deliverable | 1 | No |
| Inception report | Deliverable | 2 | No |
| First Interim Study report | Deliverable | 3 | No |
| First Interim meeting | Meeting | 3 | No |
| Conference call | Meeting | 4 | No |
| Second Interim Study report | Deliverable | 6 | No |
| Second Interim meeting | Meeting | 7 | No |
| Conference call | Meeting | 8 | No |
| Final meeting | Meeting | 9 | No |
| Final Study report | Deliverable | 10 | Yes |
| Final dataset | Deliverable | 10 | Yes |

2.4.2. The deliverables listed below must be provided by the contractor:

Inception report, specifying the methodology, resources and objectives provided in the tender in accordance with the indications provided by the Commission during the inception meeting. A draft of the report shall be made available to the Commission's services for information 10 working days before the inception meeting. The report should be finalised after the meeting taking into account all observations and comments raised at the meeting. The finalised inception report shall be made available to the Commission's services within 2 weeks after the inception meeting

First interim study report which will present interim findings of the study. The interim study report shall be made available to the Commission's services within 3 months after signature of the contract by the last contracting party. A draft of the report shall be made available to the Commission's services at least 10 working days before the first interim meeting in month 3. The report should be finalised after the meeting taking into account all observations and comments raised at the meeting. The finalised first interim study report shall be submitted to the Commission's services within 10 working days after the first interim meeting

Second interim study report which will present improved and final results of the study. The second interim study report shall be made available to the Commission's services within 6 months after signature of the contract by the last contracting party. A draft of the report shall be made available to the Commission's services 10 working

days before the second interim meeting in month 6 (see section 2.4.3 below). The report should be finalised after the meeting taking into account all observations and comments raised at the meeting. The finalised second interim study report shall be submitted to the Commission's services within 10 working days after the second interim meeting.

Final study report shall be made available to the Commission's services within 10 months after signature of the contract by the last contracting party. A draft of the final report shall be made available to the Commission's services for information 10 working days before the final meeting. The report should be finalised after the meeting taking into account all observations and comments raised at the meeting. The finalised final study report shall be made available within 15 working days after the final meeting.

The final datasets, as described in the study tasks, should be provided as structured data in a machine readable format (e.g. in the form of a spreadsheet and/or an RDF file) for Commission internal usage and for publishing on the Open Data Portal, in compliance with Commission Decision (2011/833/EU). If third parties' rights do not allow their publication as open data, the tenderers should describe in the offer the subpart that will be provided to the Commission free of rights for publication and the part that will remain for internal use. The raw datasets and/or the derived indicators shall be made available to the Commission's services within 10 months after signature of the contract by the last contracting party.

2.4.3. Meetings

A schedule of meetings will be agreed with the contractor for this assignment. Such meetings will be attended by representatives of the European Commission, the project manager leader and other members of the contractor's team, as required. Other knowledgeable external experts might be invited to participate by the Commission. The meetings will be chaired by a Commission representative and will take place in Brussels.

The aim of the meetings will be to guide the work of the contractor. In particular, they will allow setting-up the initial orientations, review progress in critical milestones and review the deliverables of the assignment.

Within three days following each meeting, the contractor will circulate minutes of the meeting to all participants, together with copies of presentations made during the meeting or other related documents. The minutes shall be concise and concentrate on major decisions and shall list the open action points for the next reporting period.

Each tenderer should include costs of attendance of its own representative(s) at all the above meetings and workshop in the financial section of the offer.

Inception meeting

An inception meeting will be organised by the Commission's services at the Commission's premises in Brussels within 3 weeks after signature of the contract by the last contracting party. The contractor will have to finalise the inception report on the basis of the outcome of the inception meeting.

First interim meeting

An interim meeting during which the contractor will present the interim findings will be held within 3 months after signature of the contract by the last contracting party. It will be organised by the Commission's services at the Commission's premises in Brussels. The contractor will have to finalise the first interim study report on the basis of the outcome of the interim meeting.

Second interim meeting

A second interim meeting during which the contractor will present the interim findings will be held within 6 months after signature of the contract by the last contracting party. It will be organised by the Commission's services at the Commission's premises in Brussels. The contractor will have to finalise an interim study report on the basis of the outcome of the interim meeting.

Final meeting

A final meeting during which the contractor will present the final findings and proposed conclusions will be held within 9 months after signature of the contract by the last contracting party. It will be organised by the Commission's services at the Commission's premises in Brussels. The contractor will have to finalise the final study report on the basis of the outcome of the final meeting.

Monthly conference calls

In addition to the meetings to be organised in Brussels, two monthly conference calls on the state of progress of the study will take place in the months 4 and 8 between representatives of the contractor and the Commission.

2.5. Terms of approval of reports and deliverables

2.5.1. Study reports

After reception of each study report included in section 2.4.2 above, except for the reports linked to payments, the Commission will have 10 working days in which:

- to approve it,
- to reject it and request a new report.

If the Commission does not react within this period, the report shall be deemed to be approved.

Where the Commission requests a new report because the one previously submitted has been rejected, this must be submitted within 10 working days. The new report shall likewise be subject to the above provisions.

For the terms of approval of the reports linked to payments please refer to article I.5 of the contract.

2.5.2. Other deliverables

Except for the reports linked to payments, the Commission shall have 10 working days from receipt to approve or reject the deliverable(s), and the Contractor shall have 10 working days in which to submit additional information or a new deliverable.

For the terms of approval of the other deliverables linked to payments please refer to article I.5 of the contract.

Offers should include a detailed work plan. The work plan should specify the management structure as well as the responsibility of each member of the team, including the main contractor and/or sub-contractors. It should also include the name of the organisation or the person in charge of the different countries where data have to be gathered.

The work plan should include a list of tasks to be performed, with clear and realistic phases and milestones. Resources should be clearly associated to each task, i.e. for example the estimate number of man days and travels required for each task.

2.6. Layout/content of the workplan

Offers should include a detailed work plan. The work plan should specify the management structure as well as the responsibility of each member of the team, including the main contractor and/or sub-contractors. It should also include the name of the organisation or the person in charge of the different countries where data have to be gathered.

The work plan should include a list of tasks to be performed, with clear and realistic phases and milestones. Resources should be clearly associated to each task, i.e. for example the estimate number of man days and travels required for each task or phase.

2.7. Intellectual Property rights

The intellectual property rights related to the services/studies are foreseen in clauses I.10 and II.13 of the service contract.

3. CONTENT, STRUCTURE AND GRAPHIC REQUIREMENTS OF THE DELIVERABLES

The contractor must deliver the study and other deliverables as indicated below.

3.1. Data formats

The raw datasets should comply with the following provisions:

- The data delivered should **include the appropriate metadata** (e.g. description of the dataset, definition of the indicators, label and sources for the variables, notes) to facilitate reuse and publication.
- The data delivered could be linked to data resources external to the scope of the study, preferably data and semantic resources from the Commission's own data portal or from the upcoming pan-European portal. The tenderer should describe in the offer the approach they will adopt to **facilitate data linking**. This should remain a generic requirement to be evaluated in the award phase (subcriterion 2.1).
- In case of statistical data that could be used to derive/compute indicator (e.g. for benchmarking national policies), the contractor should **use templates** provided by (or agreed with) Commission services, like those available on <http://ec.europa.eu/digital-agenda/en/download-data>, on the DataCube vocabulary.

- **Non-anonymisation of microdata.** In any case, the contractor will have to provide a non-anonymised raw data set with clear identification of the parties analysed/interviewed.

3.2. Report format

All deliverables must be written in English.

All reports should be consistent in style (headings, margins, citations, bibliography, etc) and contain a short executive summary. The contractor is required to properly apply quotation techniques and particular care will be taken to verify improper re-use of existing material.

All reports will be submitted in 2 paper copies and in electronic format (.doc, .xls, .ppt or equivalents in open formats) and in a .pdf format suitable for publication by the Commission's services on Commission websites. Exchange of advance copies as well as other non-formal communications shall take place via electronic mail.

The Commission services will decide the possible dissemination of the findings and conclusions and any other information produced under this assignment.

3.3. Content

3.3.1. Final study report

The final study report must include:

- an abstract of no more than 200 words and an executive summary of maximum 6 pages, in English, French and German;
- specific identifiers which must be incorporated on the cover page provided by the Contracting Authority;
- the following disclaimer:

"By the European Commission, Directorate-General of Communications Networks, Content & Technology.

The information and views set out in this publication are those of the author(s) and do not necessarily reflect the official opinion of the Commission. The Commission does not guarantee the accuracy of the data included in this study. Neither the Commission nor any person acting on the Commission's behalf may be held responsible for the use which may be made of the information contained therein.

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In view of its publication, the final report by the contractors must be of high editorial quality. In cases where the contractor does not manage to produce a final report of high editorial quality within the timeframe defined by the contract, the contracting authority can decide to have the final report professionally edited at the expense of the contractor (e.g. deduction of these costs from the final payment).

The Final Study Report shall be provided in 10 bound paper copies including annexes and in a .pdf format suitable for publication by the Commission's services on Commission websites. In addition, the executive summary shall be provided in 10 bound paper copies (for each of the three languages – English, French and German) and in a .pdf format suitable for publication by the Commission's services on Commission websites.

3.3.2. Publishable executive summary

The publishable executive summary must be provided in English, French and German and must include:

- specific identifiers which must be incorporated on the cover page provided by the Contracting Authority;
- the following disclaimer:

“By the European Commission, Directorate-General of Communications Networks, Content & Technology.

The information and views set out in this publication are those of the author(s) and do not necessarily reflect the official opinion of the Commission. The Commission does not guarantee the accuracy of the data included in this study. Neither the Commission nor any person acting on the Commission's behalf may be held responsible for the use which may be made of the information contained therein.”

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3.3.3. Requirements for publication on Internet

The Commission is committed to making online information as accessible as possible to the largest possible number of users including those with visual, auditory, cognitive or physical disabilities, and those not having the latest technologies. The Commission supports the Web Content Accessibility Guidelines 2.0 of the W3C.

For full details on the Commission policy on accessibility for information providers, see: http://ec.europa.eu/ipg/standards/accessibility/index_en.htm

For the publishable versions of the study, abstract and executive summary, the contractor must respect the W3C guidelines for accessible pdf documents as provided at: <http://www.w3.org/WAI/>.

3.4. Structure

The **Final study report** shall include the following sections:

1. Abstract
2. Executive summary

3. Context, objectives, method, description of work carried out
4. Results and findings of tasks:
 - 4.1 Task 1
 - 4.2 Task 2
 - 4.3 Task 3
 - 4.4 Task 4
 - 4.5 Task 5
5. Conclusions
6. Annexes

3.5. Graphic requirements

The contractor must deliver the study and all publishable deliverables in full compliance with the corporate visual identity of the European Commission, by applying the graphic rules set out in the European Commission's Visual Identity Manual, including its logo. The graphic rules, the Manual and further information are available at:

http://ec.europa.eu/dgs/communication/services/visual_identity/index_en.htm

A simple Word template will be provided to the contractor after contract signature. The contractor must fill in the cover page in accordance with the instructions provided in the template. The use of templates for studies is exclusive to European Commission's contractors. No template will be provided to tenderers while preparing their tenders.

4. EVALUATION AND AWARD

The evaluation is based solely on the information provided in the submitted tender. It involves the following:

- Verification of non-exclusion of tenderers on the basis of the exclusion criteria
- Selection of tenderers on the basis of selection criteria
- Verification of compliance with the minimum requirements set out in these tender specifications
- Evaluation of tenders on the basis of the award criteria

The contracting authority may reject abnormally low tenders, in particular if it established that the tenderer or a subcontractor does not comply with applicable obligations in the fields of environmental, social and labour law.

The tenders will be assessed in the order indicated above. Only tenders meeting the requirements of one step will pass on to the next step.

4.1. Verification of non-exclusion

All tenderers must provide a declaration on honour (see Annex 6), signed and dated by an authorised representative, stating that they are not in one of the situations of exclusion listed in that declaration on honour.

In case of joint tender, each member of the group must provide a declaration on honour signed by an authorised representative.

In case of subcontracting, all subcontractors whose share of the contract is above 10% of the price of the tender or whose capacity is necessary to fulfil the selection criteria must provide a declaration on honour signed by an authorised representative.

The Contracting Authority reserves the right to verify whether the successful tenderer is in one of the situations of exclusion by requiring the supporting documents listed in the declaration of honour.

The obligation to submit supporting evidence does not apply to international organisations.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that there has been no change in its situation.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit a specific document if the contracting authority can access the document in question on a national database free of charge.

4.2. Selection criteria

Tenderers must prove their legal, regulatory, economic, financial, technical and professional capacity to carry out the work subject to this procurement procedure.

The tenderer may rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal.

The tender must include the proportion of the contract that the tenderer intends to subcontract.

4.2.1. Declaration and evidence

The tenderer(s) (and each member of the group in case of joint tender) and subcontractors whose capacity is necessary to fulfil the selection criteria must provide the declaration on honour (see Annex 6), signed and dated by an authorised representative, stating that they fulfil the selection criteria applicable to them individually. For the criteria applicable to the tenderer as a whole the tenderer (sole tenderer or leader in case of joint tender) must provide the declaration on honour stating that the tenderer, including all members of the group in case of joint tender and including subcontractors if applicable, fulfils the selection criteria for which a consolidated assessment will be carried out.

This declaration is part of the declaration used for exclusion criteria (see section 4.1) so only one declaration covering both aspects should be provided by each concerned entity.

The Contracting Authority will evaluate selection criteria on the basis of the declarations on honour. Nevertheless, it reserves the right to require evidence of the legal and regulatory, financial and economic and technical and professional capacity of the tenderers at any time during the procurement procedure and contract performance. In such case the tenderer must provide the requested evidence without delay. The Contracting Authority may reject the tender if the requested evidence is not provided in due time.

4.2.2. Legal and regulatory capacity

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| Criterion L1 | Capacity to pursue the professional activity necessary to carry out the work subject to this call for tenders |
| Evidence L1 (to be provided on request): | Declaration or certificate of inclusion in a trade or professional register, or a sworn declaration or certificate, membership of a specific organisation, express authorisation, or entry in the value added tax (hereinafter 'VAT') register ⁸ |

4.2.3. Economic and financial capacity criteria

The tenderer must have the necessary economic and financial capacity to perform this contract until its end. In order to prove their capacity, the tenderer must comply with the following criterion:

⁸ **For private entities:**

- a proof of registration, as prescribed in their country of establishment, on one of the professional or trade registers or any other official document showing the registration number;
- if the above documents do not show the VAT number, a copy of the VAT registration document, where applicable

For individuals:

- a legible copy of his or her identity card or passport;
- where applicable, a proof of registration, as prescribed in the individual's country of establishment, on one of the professional or trade registers or any other official document showing the registration number;
- if the above documents do not show the VAT number, a copy of the VAT registration document, where applicable.

For public entities:

- a copy of the resolution decree, law, or decision establishing the entity in question or failing that, any other official document attesting to the establishment of the entity;
- if the public entity has completed a VAT registration number in the legal entity form, an **official document showing the VAT number**.

| | |
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| Criterion F1 | Annual turnover of the last two financial years, for which the accounts have been closed, above EUR 150 000; this criterion applies to the tenderer as a whole, i.e. the combined capacity of all members of a group, in case of a joint tender. |
| Evidence F1 (to be provided on request): | - Copy of the profit and loss accounts for the last two years for which accounts have been closed from each concerned legal entity; - Failing that, appropriate statements from banks; |

If, for some exceptional reason which the Contracting Authority considers justified, a tenderer is unable to provide one or other of the above documents, it may prove its economic and financial capacity by any other document which the Contracting Authority considers appropriate. In any case, the Contracting Authority must at least be notified of the exceptional reason and its justification. The Commission reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

4.2.4. Technical and professional capacity criteria and evidence

With respect to the criteria listed in sub-sections A and B below (e.g. relevant expertise of the tenderer and other applicants, management capability), in case of participation of group members, e.g. local affiliates of international companies, documentary evidence of the entire group (e.g. list of contracts, etc.) will only be taken into account if a specific written endorsement of the participation by the local affiliate and/or mother company is provided.

With respect to the criterion relating to the team members, any team member who is not directly employed by the legal entity (or one of the entities in case of a joint tender) submitting the tender is considered as a subcontractor. In such case either his employer, even if this is a local branch of the same global company, should be declared as a subcontractor or he is to be considered to participate as independent expert. In both cases the forms requested in Annex 1) need to be provided.

A. Criteria relating to tenderers

Tenderers (in case of a joint tender the combined capacity of all members of the group and identified subcontractors) must comply with the criteria listed below. The evidence must be provided only on request.

The project references indicated below consist in a list of relevant services provided in the past three years, with the sums, dates and clients, public or private, accompanied by statements issued by the clients.

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|---------------|--|
| Criterion A1: | The tenderer must prove experience acquired in the last three years in the field of technical expertise, market research and economics applied to telecommunications including radio spectrum policy and management. |
| Evidence A1 | The tenderer must provide references for 3 contracts or relevant services |

| | |
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| (to be provided with the offer) | with sums, dates and recipients, public or private, accompanied upon request by statements issued by the clients in the fields listed above performed in the past three ⁹ years with a minimum value for each contract of EUR 50 000. |
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| Criterion A2 | The tenderer must prove capacity to work in two EU official languages including at least English. |
| Evidence A2 (to be provided with the offer) | The tenderer must provide references for at least three contracts or relevant services delivered in the last three years showing the necessary language coverage. |

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| Criterion A3 | Experience in survey techniques, data collection, statistical analyses and drafting reports and recommendations. |
| Evidence A3 (to be provided with the offer) | List of at least three projects or reports in the fields listed above performed in the past three years, or currently being performed. |

B. Criteria relating to the team delivering the service:

The team delivering the service should include, as a minimum, the following profiles. One team member can accumulate several profiles (criteria B1-B4 below).

Evidence will consist in CVs of the team responsible to deliver the service. Each CV should indicate the intended function in the delivery of the service.

The Europass curriculum vitae template (available at <https://europass.cedefop.europa.eu/documents/curriculum-vitae>) shall be filled in by each person involved in the execution of the tasks foreseen in the tender. Please make sure the precise contractual link with the tenderer is clearly indicated.

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| <u>Criterion B1</u> | Project Manager: At least 5 years of professional experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in project of a similar size (at least EUR 50 000) and coverage (at least 2 countries covered), with experience in management of team of at least 2 people |
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⁹ Where necessary in order to ensure an adequate level of competition, the contracting authority may indicate that evidence of relevant supplies or services delivered or performed more than three years before will be taken into account.

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| Evidence (to be provided with the offer) | Concise but informative curricula vitae, with the educational and professional qualifications. |
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| Criterion B2 | <u>Expert in legal and/or regulatory analysis applied to electronic communications networks:</u> At least 5 years of professional experience. Relevant higher education degree or equivalent professional experience and at least 5 years' professional experience in the field. |
| Evidence (to be provided with the offer) | Concise but informative curricula vitae, with the educational and professional qualifications. |

| | |
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| Criterion B3 | <u>Expert in technical expertise applied to electronic communications networks:</u> At least 5 years of professional experience. Relevant higher education degree or equivalent professional experience and at least 5 years' professional experience in the field. |
| Evidence (to be provided with the offer) | Concise but informative curricula vitae, with the educational and professional qualifications. |

| | |
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| Criterion B4 | <u>Expert in socio-economics applied to electronic communications networks:</u> At least 5 years of professional experience. Relevant higher education degree or equivalent professional experience and at least 5 years' professional experience in the field. |
| Evidence (to be provided with the offer) | Concise but informative curricula vitae, with the educational and professional qualifications. |

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| Criterion B5 | At least 2 members of the team should have at least C1 level in the Common European Framework for Reference for Languages ¹⁰ in English |
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¹⁰ See http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp

| | |
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| Evidence (to be provided with the offer) | Evidence: CV, a language certificate or past relevant experience. |
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Continuity of the service: the tenderers shall confirm the continuity of the team possessing the profile and qualifications mentioned above for the whole duration of the execution of the tasks. They shall inform the contracting authority without delay of any modification occurring in the team delivering the service.

4.3. Award criteria

The contract will be awarded based on the most economically advantageous tender, according to the 'best price-quality ratio' award method. The quality of the tender will be evaluated based on the following criteria. The maximum total quality score is 100 points.

1. Quality of the proposed methodology and tools for performing the tasks (maximum score: 50 points)

Under this criterion the quality and appropriateness of the methodology and tools as described in the tender and the specific methodology envisaged for each task will be assessed. The quality and appropriateness will be assessed against the completeness, clarity and relevance of the proposed approach as regards the tasks set out in the technical specifications.

Sub-criterion 1.1: Relevance, quality and accuracy of the proposed methodology and appropriateness of the proposed analysis tools and data gathering techniques;

Sub-criterion 1.2: Relevance, quality (including soundness and appropriateness) and completeness of the information proposed to be used, and of the analysis proposed to be undertaken;

Sub-criterion 1.3: Quality and appropriateness of proposed deliverables, including the final data set for publication and data linking;

Sub-criterion 1.4: Quality and extent of contacts proposed with relevant public and private stakeholders in the sphere of mobile and wireless electronic communications networks and services as well as other sectors using such communications such as motor vehicles;

Tenderers should provide a description of the methodologies and multidisciplinary approaches proposed for undertaking the tasks. They should list in particular the tools and methods envisaged. This description must be as precise as possible. To this purpose, they could also mention the tools used in the past by them or by members of the consortium and present the concepts or theories followed.

All sub-criteria above are of equal relative importance.

2. Organisation of the work and resources (maximum score: 30 points)

This criterion will assess how the roles and responsibilities of the proposed team and of the different economic operators (in case of joint tenders, including subcontractors if applicable)

are distributed for each task. It also assesses the global allocation of time and resources to the project and to each task or deliverable, and whether this allocation is adequate for the work. The tender should provide details on the allocation of time and human resources and the rationale behind the choice of this allocation. Details should be provided as part of the technical offer. It is not a budget requested as part of the financial offer.

Sub-criterion 2.1: Feasibility to meet the objectives specified in the tender specifications outlined by a workplan or timetable;

Sub-criterion 2.2: Adequacy and appropriateness of the overall allocation of time and resources to the study and to each task or deliverable, as well as the level of direct participation of senior staff in performance of the tasks required under these tender specifications and specifying clearly the identity, roles, activities and responsibilities of subcontractor(s);

All sub-criteria above are of equal relative importance.

3. Quality control measures (maximum score: 20 points)

Tenderers should provide a quality plan, to specify how they intend to control and ensure high quality and effective monitoring of the services and works they may be required to supply to the Commission in execution of the contract. This criterion will assess the quality control system applied to the service foreseen in this tender specification concerning the quality of the deliverables, the language quality check, and continuity of the service in case of absence of the member of the team. The quality system should be detailed in the tender and specific to the tasks at hand; a generic quality system will result in a low score.

Sub-criterion 3.1: Adequacy of the quality control system applied to the service foreseen in the tender specifications (the quality of all information supplied to the contracting authority, the deliverables, the language quality check, and continuity of the service in case of absence of a member of the team).

Tenders must score minimum 55% for each criterion, and minimum 65 % in total. Tenders that do not reach the minimum quality levels will be rejected and will not be ranked.

4.4. Ranking of tenders

The contract will be awarded to the most economically advantageous tender, i.e. the tender offering the best price-quality ratio determined in accordance with the formula below. A weighting 70/30 is given to quality and price.

| | | | | | | | | | | |
|--------------------|---|--|---|-----|---|-----|---|---|---|-----|
| score for tender X | = | $\frac{\text{cheapest price}}{\text{price of tender X}}$ | * | 100 | * | 30% | + | total quality score (out of 100) for all award criteria of tender X | * | 70% |
|--------------------|---|--|---|-----|---|-----|---|---|---|-----|

The tender ranked first after applying the formula will be awarded the contract.

5 Payment and standard contract

Payments under the contract shall be made in accordance with articles I.5 and II.21 of the model contract attached, provided that the contractor has fulfilled all his contractual obligations.

The invoice shall be submitted in electronic format using the e-prior communication platform.

Further instructions/guidance documents to assist contractors in sending the electronic invoice will be communicated by the Commission after the award contract.

6 Additional provisions

Changes to tenders will be accepted only if they are received on or before the final date set for the receipt of tenders.

No information of any kind will be given on the state of progress with regard to the evaluation of tenders.

7 Liquidated damages

Please refer to article II.15 of the model contract

8 No obligation to award the contract

Initiation of a tendering procedure imposes no obligation on the Commission to award the contract. Should the invitation to tender cover several items or lots, the Commission reserves the right to award a contract for only some of them. The Commission shall not be liable for any compensation with respect to tenderers whose tenders have not been accepted. Nor shall it be so liable if it decides not to award the contract.

9 Results

The results of the service must be forwarded to the European Commission in Brussels. The copyright will belong to the Commission; the Commission will in particular have the right to publish the results, including the structured final data.

If the result is not to be fully created for the purpose of the contract it is to be clearly pointed out in the tender. There should be information provided about the scope of pre-existing materials, their source and when and how right to have them have been acquired.

The provisions on the use of the results and ownership of the results can be found in the Model Service Contract (Article I.10 Exploitation of the results of the contract and Article II.13 Intellectual Property Rights).

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