



REPUBLIKA E SHQIPËRISË
REPUBLIC OF ALBANIA
ELECTRONIC AND POSTAL COMMUNICATIONS AUTHORITY

INVITATION TO BID

The Electronic and Postal Communications Authority (hereinafter AKEP) as a regulatory body in the field of electronic communication in the Republic of Albania, defined by Law No 9918, dated 19.5.2008 "On Electronic Communication in the Republic of Albania", amended, in accordance with the provisions of article 69 of the Law on Electronic communications and upon the decision of the Council of Ministers, DCM no 1252 dated 10.9.2008, "On the approval of regulations for the development of public tenders, for granting the right to use frequencies", amended, declares the opening of the tender:

Procurement procedure: *Open procedure*

Object: "On granting the rights to use frequencies in the band 800 MHz (792-862 MHz),
unallocated spectrum"

Ref. 1x10 MHz paired -800-2019

I- FREQUENCY BANDS

The tender procedure is conducted in order to grant 2 (two) right of use in the frequency Bands: 800 MHz (790-862 MHz), according to the following table (Tab.1) for use throughout the territory of the Republic of Albania.

Spectrum utilization will be made in accordance with the National Frequency Plan definitions.

The usage of this frequency band will be made in accordance with the decisions of the Electronic Communications Committee - ECC / DEC / (09) 03 and ECC / DEC / (11) 04, with ECC Report 207 and CEPT Reports 019, 021, 023, 029, 030, 031 and other possible decisions / recommendations of ECC and CEPT, by scheme:

- Available unallocated spectrum: 2x20 MHz;
- Paired 1x10 MHz block size, for each block A1 and A3;
- Block A1, in the 800 MHz band (1x10 MHz paired), for the frequencies 791-801 MHz (10 MHz) paired with 832-842 MHz (10 MHz);

- Block A3 of the 800 MHz band (1x10 MHz paired), for frequencies 811- 821 MHz (10 MHz) paired with 852-862 MHz (10 MHz);
- Guard band protection (1 MHz) starts at 790 MHz.
- FDD downlink starts at 790 MHz and FDD uplink starts at 832 MHz.
- The number of individual authorizations to grant rights of use in the 790-862 MHz frequency band shall be 2 (two).
- The validity of the Individual Authorization shall be 15 (fifteen) years.
- The time of commencement of frequency utilization shall be not later than 2 (two) months from the date of issuance of Individual Authorization.
- For the technical conditions for Individual Authorization apply the provisions of the National Frequency Plan.

Based on DCM No. 1252 dated 10.09.2008 “On the approval of the rules of conducting the public tender for granting the right to use the frequencies”, as amended: “Open procedure”, with rounds according to the proposed scheme.

The minimum acceptable value for bidders for the granting of an individual authorization for the use of frequencies in the 800 MHz band per 10 MHz paired band, shall be not less than EUR 7,440,000 (seven million four hundred and forty thousand).

The criteria for evaluating valid bids shall be the bid price according to the following formula:

$Pox = 100 \times Cox / Comax$.

Pox - [points of a given offer (x) depending on the bid price]

Cox - [Bid Price]

Comax- [Maximum Bid Price]

Method of payment: Full payment when giving individual authorization.

In the 800 MHz frequency band 2 (two) rights of use will be granted, each rights of use for 1x10 MHz (paired), according to Table 1 below:

Table No. 1:

Individual Authorization	Frequencies for Individual Authorization	Block size
A1	791-801 MHz (10 MHz) paired with 832-842 MHz (10 MHz)	1 x 10 MHz paired
A3	811-821 MHz (10 MHz) paired with 852-862 MHz (10 MHz)	1 x 10 MHz paired

The tender procedure is conducted in order to grant 2 (two) rights of use (Individual Authorizations) on the 800 MHz (790-862 MHz) frequency band and is conducted in 2 (two) rounds on the same day of the bidding opening:

- All bidders may submit bids for obtaining a right to use in each round.

- Bids for each round will be submitted by the Bidders on the date set out in the Tender Documents.
- The Winning Bidder of the foregoing round reserves the right to withdraw from the bid opening for the upcoming round.
- No more than one usage right (1x10 MHz paired) can be granted in any round.

II- PURPOSE

Rights of use are granted for the purpose of building terrestrial communication networks in order to provide electronic communications services throughout the territory of the Republic of Albania.

III- PARTICIPATION IN TENDER

1.1. Candidates or bidders who participate in the tender procedure to win the right to obtain the Individual Authorization should submit:

- a. A document certifying that (your entity) is not under bankruptcy process, issued by the competent authority.
- b. A document certifying that (your entity) has no criminal records, issued by the competent authority.
- c. A document certifying that (your entity) is not convicted by final court decision for any of the following offences:
 - Being part of a criminal organization
 - Corruption
 - Fraud
 - Money laundry
 issued by the competent authority
- d. document certifying that the capital/assets of (your entity) are not blocked by judicial bailiffs or to a sequestration order issued by the authorized body (Bailiff's Office or Ministry of Justice for national bidders).
- e. A document certifying that (your entity) has settled financial and social insurance obligations, issued by the authorized body (Tax Administration for national bidders).
- f. A document certifying that (your entity) is not indebted or has no obligations toward the Albanian government (by self-declaration).
- g. Bidder should be registered with the respective professional or commercial registers of the state where they are located, by proving their legal personality as a joint-stock company or a legal entity. Bidders must submit a copy of the Extract on the History of the Entity issued by the authorized body (National Registration Centre for domestic bidders).

1.2. All requirements set out in points 1.1 and 1.2, must be proved by means of official certificates issued by relevant authorities or other official documents issued not earlier than 30 calendar days before AKEP's tender notification day. If the abovementioned documents, for foreign candidates/bidders, are not issued by their state of origin, then a written declaration by the candidate/bidder is sufficient.

1.3. All the the documents submitted in accordance with points 1.1 and 1.2 above must be original or notarized copies. Documents in foreign language (other than English) must be accompanied by a notarized translation in Albanian or English.

1.4. A bid may be submitted even by a group of investors who cooperate with one another for tender participation purposes and intend to carry out transactions through a company to be established. In such cases, one of them represents the others during the procedure and, in case of selection, even during the procedures after announcement of the tender results.

1.5. Assessment will be escalated, with several rounds of evaluation. The maximum number of rounds is 2 (two).

1.6. All the bidders, as well as their partners of any kind, may submit only one bid in each round, marked with a sign:

- Offer for participation in the tender with the object: *"Granting right of use on 800 MHz (790-862 MHz) frequency band, unallocated spectrum", Ref. 1x10 MHz paired-800-2019.*

For completing the requirements, bidders should refer to the Tender Document, Chapter II, Section 1.

1.7. Failure to fulfill one of these conditions shall constitute cause for disqualification of the candidate or bidder.

2. General requirements for qualification

Bidders should submit in their bid the documents which prove that they meet the general qualification requirements, as follows:

a) Professional qualifications

- The Bidder must certify that he possesses general knowledge in the field of electronic communications as well as professional knowledge and experience on the use of GSM / UMTS / LTE frequency bands, as set out in Appendix 5.
- In cases of group of investors, this condition must be met by the entire group together.

b) Technical skills

- Bidders must submit a plan for the extension and configuration of the network to be built and also operate in the frequency band which is subject of tendering. The bidder must also complete Annex 6. If the bidder's statement in the table of Appendix 6 is smaller than the minimum values given in the "Minimum" column of this table, the bidder will not qualify.
- Bidders must submit their plan regarding the services, the quality of the services and / or the tariffs for the services to be provided through the network operating at the frequency band which is subject to tendering.
- Bidders should ensure the use of frequencies in accordance with the recommendations and standards of ITU and CEPT, as set out in Annex 8.

c) *Financial and economic situation*

Bidder must prove that has financial and economic capacities to fulfill the obligations for the Individual Authorization through:

- I. Bank declarations issued by one or more banks on the financial condition of the Bidder, which can guarantee the fulfillment of the obligations that derive from the receipt of the Individual Authorization pursuant to the Declarations in Appendices 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 14, not less than **7,440,000 (seven million four hundred and forty thousand)** Euros for the right of use. In case of non-fulfillment of this condition, the bidder will not qualify.
- II. Financial statements (balance sheet, income and expenses statement) or parts from these financial statements of one of the last three financial years. Bidders which have started their activity in the following financial year are excluded from this obligation.
- III. A statement of total turnover of the company carried out by similar activities of one of the last three financial years. Bidders who have commenced their activity in the following financial year are excluded from this obligation.

d) *Legal capacities*

The Bidder must certify that has legal capacity to fulfill the obligations of the Individual Authorization through the filing of the certificate of registration as a commercial subject issued by the competent authority (National Business Center for Domestic Bidders).

In case of group of investors, this request will be verified by submitting the certificate of registration as a commercial entity issued by the competent authority (National Business Center for Domestic Bidders) from all members of the group as well as the notarized agreement of their merger.

- 2.1 All the documentation required in the above points must be original or a notarized copy of the original one. All documentation must be stamped and signed by the person authorized by the bidder.
- 2.2 In cases of group of investors, the requirements set out in point 2.1 shall be met by the whole group together. Failure to meet one of these conditions constitutes a cause for disqualification of the candidate.

IV- BIDS SUBMISSION

1. Bid submission shall be made as follows:
 - a) Bids are submitted in writing, manually or via mail, signed and enclosed in an envelope, according to the specifications set out in this tender document;
 - b) AKEP shall provide the bidder, upon their request, with a confirmation specifying the date and time of acceptance of the bid.
2. The bid and all the documents and correspondence related to the bid, exchanged between the Bidder and AKEP will be prepared in Albanian or English.
3. In case of bids submitted by a group of investors, the bid should be accompanied by the proxy/ written authorization for the authorized persons who will represent the consortium during the procurement procedure.
4. Bidders should submit the bid enclosed in a non-transparent, closed envelope, signed and sealed under the name and address of the Bidder, marked with a sign:

- Offers for participation in the tender with the object: *“On granting rights of use for frequency band 800 MHz (792-862 MHz), unallocated spectrum ”, Ref. 1x10 MHz paired-800-2019.*

This envelope must contain all the offers, for each evaluation round, each in a separate envelope, marked and signed.

- "Offer for obtaining 1 (one) right of use in the 800 MHz (792-862 MHz) frequency band, valid for the" x "round of the evaluation (where x takes 1, 2 value of the rounds of the relevant evaluation).

On the bid must be written : “TO BE OPENED ONLY IN PRESENCE OF THE BID EVALUATION COMMITTEE AND NOT BEFORE 09.09.2019, time 10:00 a.m ”.

IV. DEADLINE AND ADDRESS OF BID SUBMISSION

Bids should be submitted not later than **09.09.2019, time 10:00 a.m.**, at the following address:

Electronic and Postal Communication Authority
Street “Reshit Collaku”
Tirana – Albania

VI. BID OPENING

Bids will be opened by the Bid Evaluation Committee (BEC) on **09.09.2019, time 10:00 a.m.**, at AKEP premises in the address:

Electronic and Postal Communication Authority
Street “Reshit Collaku”

Tirana – Albania

1. Only bidders or the representatives authorized by them provided with authorization, who have submitted their bids, have the right to participate in the bid opening.
2. The name, the address, the legal documentation and any document required by AKEP and also the price of each bid, of the bidder whose bid is opened is read in loud voice for the persons present and will be recorded according to the tender procedure.

VII. BID EVALUATION CRITERIA

The criterion for evaluating the valid bids will be the bid price according to the following formula:

$$Pox = 100 \times \zeta_{ox} / \zeta_{omax}$$

where: Pox - [Points of a given bid (x) depending on the bid price]

ζ_{ox} - [Price of the given bid]

ζ_{omax} - [Maximum bid price]

Points per criterion

No.	Evaluation criterion	Points
1	Bid price	$0 \div 100$

The bid with the highest price will be evaluated with 100 points.

For further details on the evaluation criteria and for the calculation of the points for each bid, bidders may refer to the Tender Document, Chapter II, section 12.

VIII. MINIMUM BID PRICE

1. The minimum eligible price for the bidders in order to obtain one right of use for 1 x 10 MHz paired is **7,440,000 (seven million four hundred and forty thousand) Euro**.
2. Bidders that have offered a lower price than the price set in the "minimum bid price" criteria will be disqualified.

IX. GRANTING OF AUTHORIZATION BY AKEP

The bid price, provided by the bidder who has obtained the right to use the frequency band tendered, must be paid to the State Budget as a full payment in accordance with the

specifications of AKEP-s notification for this purpose. This payment will be made by the winning bidder within 7 calendar days from the receipt of the award notice.

If the winner fails to comply with the deadline for all payments AKEP will, not grant the individual authorization and will also seizure the bid insurance (bid warranty).

The granting of Individual Authorization will be made within 10 calendar days after the announcement of the winner and after the winner will conclude all the payments.

X. VALIDITY OF INDIVIDUAL AUTHORIZATION

Individual Authorization will be valid for a period of 15 (fifteen) years with renewal option in the end of the validity period. Renewal will be made in line with the provisions of law no 9918 dated 19.5.2008, amended, or the legislation in force at the relevant time.

XI. WINNER'S OBLIGATIONS ARISING FROM THE TENDER

The winner/Operator is obliged to start using the allocated spectrum through this tendering within a period of 2 (two) months from the day of reception of the Individual Authorization.

Upon obtaining the Individual Authorization the Winner/Operator is obliged to implement, according to his declarations stated in the Bid:

1. The plan for network configuration, which will be built for service coverage;
2. Provision of at least the services declared;
3. Declared Technical standards of ITU and CEPT.

XII. TENDER DOCUMENT

Printed tender documents may be withdrawn from the premises of AKEP during every working day starting from the day this document will be approved, from 9:00 to 15:30 hrs. The person who will withdraw the tender document must bring along a bank confirmation to certify that the respective payment of 10 (ten) Euro has already been made.

Tender document may be downloaded free of charge from the electronic website of AKEP, at the address www.akep.al.

The Tender Document is prepared in Albanian and in English.

XIII. CONTACT PERSON FOR FURTHER INFORMATION

For any clarification concerning the tender document, you may contact, at the following address:

Electronic and Postal Communications Authority

Street “Reshit Collaku”,
Tirana – Albania
Email: info@akep.al
Fax: +35542259106

“OPEN PROCEDURE”

Ref. 1 x 10 MHz paired-800-2019

OBJECT: “GRANTING THE RIGHTS OF USE IN THE FREQUENCY BAND 800 MHz (790-862 MHz), UNALLOCATED SPECTRUM”

TABLE OF CONTENT OF TENDER DOCUMENT

CHAPTER I – GENERAL PROVISIONS.....	Error! Bookmark not defined.
1. Legal Framework	Error! Bookmark not defined.
2. Object of Tender	Error! Bookmark not defined.
3. Participation in Tender	Error! Bookmark not defined.
4. Granting the right of use	Error! Bookmark not defined.
5. Minimum bid price.....	Error! Bookmark not defined.
6. Content and purchase of tender documents	Error! Bookmark not defined.
CHAPTER II – TENDER PROCEDURE and INSTRUCTIONS FOR BIDDERS ..	Error! Bookmark not defined.
1. Participation requirements	Error! Bookmark not defined.
2. General requirements for qualification.....	Error! Bookmark not defined.
3. Clarifications and changes in the tender document	Error! Bookmark not defined.
4. Submission and acceptance of bids	Error! Bookmark not defined.
5. Disqualification of bids	Error! Bookmark not defined.
6. Annulment of tender.....	Error! Bookmark not defined.3
7. Bid insurance	Error! Bookmark not defined.
8. Validity, modification and withdrawal of bids	Error! Bookmark not defined.
9. Prohibition to modify bids	Error! Bookmark not defined.
10. Bid opening.....	Error! Bookmark not defined.
11. Examination and evaluation of bids	Error! Bookmark not defined.
12. Determining criteria for the Winning Bid	Error! Bookmark not defined.
13. Administration of information in process.....	Error! Bookmark not defined.
14. Award notice and granting of authorization	Error! Bookmark not defined.
15. Conditions for execution of individual authorization.....	Error! Bookmark not defined.
16. Complaint procedure	Error! Bookmark not defined.
17. Payments made by the winner	Error! Bookmark not defined.
18. Geography of use of frequencies.....	30
19. Conditions for use of frequencies	30
20. Winner's obligations arising from the Tender	29
21. Granting of authorization by AKEP.....	Error! Bookmark not defined.
22. Validity of Individual Authorization	Error! Bookmark not defined.
23. Interconnection	Error! Bookmark not defined.
24. General Authorization	Error! Bookmark not defined.
25. Individual Authorization.....	Error! Bookmark not defined.
26. Chart of tender development.....	Error! Bookmark not defined.
27. Illegal actions	Error! Bookmark not defined.
28. DISPUTE RESOLUTION.....	Error! Bookmark not defined.
CHAPTER III - GENERAL INFORMATION	Error! Bookmark not defined.
3.1. Legal framework	Error! Bookmark not defined.
3.2. The national frequency plan.....	Error! Bookmark not defined.
3.3. Authorizations system	35
APPENDICES	Error! Bookmark not defined.
APPENDIX 1 FORM OF BID SUBMISSION	Error! Bookmark not defined.
APPENDIX 2- FORM OF BID PRONOUNCEMENT	Error! Bookmark not defined.

APPENDIX 3 FORM OF ECONOMIC PROPOSAL	39
APPENDIX 4 FORM OF PAYMENT CALENDAR	40
APPENDIX 5 - FORM OF CAPACITIES AND EXPERIENCES	Error! Bookmark not defined.
APPENDIX 6 - FORM OF THE PLAN FOR THE NETWORK EXTENTION AND CONFIGURATION THAT WILL BE BUILD FOR SERVICE COVERAGE	Error! Bookmark not defined.2
APPENDIX 7 - FORM OF STATED SERVICES	Error! Bookmark not defined.
APPENDIX 8 - FORM OF STATED STANDARDS	Error! Bookmark not defined.
APPENDIX 9- STATEMENT ON ACCEPTANCE OF DEFINED TERMS IN THE TENDER ANNOUNCEMENT.	Error! Bookmark not defined.
APPENDIX 10- STATEMENT ON ACCEPTANCE OF ALL OBLIGATIONS DERIVING FROM WINNING THE TENDER.....	Error! Bookmark not defined.
APPENDIX 11-STATEMENT ON ACCEPTANCE OF ALL CONDITIONS OF THE TENDER DOCUMENT.....	Error! Bookmark not defined.
APPENDIX 12 –STATEMENT ON ACCEPTANCE OF REVOCATION OF INDIVIDUAL AUTHORIZATION.....	Error! Bookmark not defined.
APPENDIX 13 - FORM OF STATEMENT FOR THE AUTHORIZED PERSON AND DATA VALIDITY	49
APPENDIX 14 - FORM OF BANK GUARANTEE FOR BID SECURITY	Error! Bookmark not defined.
APPENDIX 15 - FORM OF AUTHORIZATION FOR REPRESENTATION IN THE BID OPENING	Error! Bookmark not defined.
APPENDIX 16 - FORM OF DISQUALIFICATION NOTIFICATION..	Error! Bookmark not defined.
APPENDIX 17 - FORM OF THE CLASSIFICATION ANNOUNCEMENT	Error! Bookmark not defined.
APPENDIX 18 - FORM OF WINNER NOTIFICATION	Error! Bookmark not defined.
APPENDIX 19 - FORM OF PUBLICATION OF WINNING BID.....	Error! Bookmark not defined.
APPENDIX 20 - FORM OF THE INDIVIDUAL AUTHORIZATION ..	Error! Bookmark not defined.

CHAPTER I – GENERAL PROVISIONS

1. Legal Framework

1.1 The Electronic and Postal Communications Authority (hereinafter AKEP) through Decision of the Steering Board no.28, dated 01/08/2019 approved this document of public tender based on the “Open Procedure”, *“On granting the rights of use in the frequency band 800 MHz (792-862 MHz), unallocated spectrum”, Ref. 1x10 MHz paired-800-2019”*.

1.2 “Open Procedure” of Public Tender (hereinafter Tender) is opened based on:

- a) Law no 9918, dated 19/5/2008 “On electronic communications in the Republic of Albania”, amended;
- b) Decision of Council of Ministers (DCM) no 468, date 30.05.2013 "On Approval of the National Plan for Broadband Development", amended;
- c) Decision no.277, date 29.03.2017, “On approval of National Frequency Plan”;
- d) Decision of Council of Ministers (DCM) no 1252, date 10.09.2008, “On Approval of public tender development rules for granting the right to use frequencies” amended;
- e) Document Ref. No. 7016/1 Prot. dated 01.08.2019 (Prot. AKEP: 688/80 dated 01.08.2019) of Minister of Infrastructure and Energy, *“Reply to yours No. 688/79 Prot. dated 25.07.2019, submitted by AKEP, for the continuation of the procedure of conducting a public tender for granting rights of use in the 800 MHz band, spectrum unallocated”*

1.3 Tender document provides the procedure of bids preparation, submission and evaluation. No other document shall constitute a legal basis to be applied in this tender procedure.

2. Object of Tender

2.1 The object of this tender is: *“Granting the rights of use in the frequency band 800 MHz (792-862 MHz), unallocated spectrum”*, according to the specification of paragraphs 2.2 and 2.3 below.

2.2 The right of use is granted with the purpose of building public electronic communications networks, to offer land mobile services throughout the territory of the Republic of Albania.

2.3 The frequency band to be granted for use is given in the following table Nr.1:

Table No. 1:

2 (two) rights of use, where each right of use is 1x10 MHz paired:

Individual Authorization	Frequencies for individual authorization	Block Size
A1	791-801 MHz (10 MHz) paired with 832-842 MHz (10 MHz)	1 x 10 MHz paired
A3	811-821 MHz (10 MHz) paired with 852-862 MHz (10 MHz)	1 x 10 MHz paired

The bidding procedure takes place to grant 2 (two) rights of use (Individual Authorization) in the frequency band 800 MHz (790-862 MHz) and takes place in 2 rounds, on the same day of the bid opening:

- All bidders may submit bids for obtaining a right to use in each round;
- Bids for each round will be submitted by the bidders on the date set out in the Tender Documents;
- The winning bidder of the foregoing round reserves the right to withdraw from the bid opening for the next round;
- In each round cannot be given more than one right of use (1x10 MHz paired).

3. Participation in Tender

3.1 All the Candidates or Bidders, who meet the criteria and requirements specified in this Tender Document, have the right to participate in tender.

4. Granting the right of use

4.1 Individual Authorization will be given to the bidders who are declared winners after the completion of the tendering procedure and the fulfillment of the conditions for the payments established in this tender document.

4.2 The right to obtain an Individual Authorization is given to the winning bidder presented in the final ranking for each right granted. In case that in the final ranking of the winning bidders there are two bids of equal price (\geq than the minimum price of this tender), for the same authorization, then the winner will be determined by lot.

4.3 AKEP will conduct the procedure for granting individual authorization in compliance with the provisions of Law no. 9918 dated 19/5/2008 “On electronic communications in the Republic of Albania” amended, and Decision of Council of Ministers no. 1252 dated 10/9/2008 “On approval of public tender development rules for granting the right to use frequencies” amended.

4.4 In addition to the conditions of Individual Authorization which arise from the respective legal and regulatory framework, the Individual Authorization will contain other conditions for the use of frequencies specified in this tender document. These conditions will derive from the declarations of the bidder in the respective bid, in compliance with the requirements of the Tender Document.

5. Minimum bid price

5.1 The minimum acceptable price for the bidders for each right of use 1 x 10 MHz paired, is **7,440,000 (seven million four hundred forty thousand) Euro.**

5.2 Bidders who in their bid have offered a lower price than the price set under the criterion “bid price” shall be disqualified.

6. Content and purchase of tender documents

6.1 Tender Documents include guidelines regarding the preparation and submission of bids for the acquisition of the right to use the frequencies specified in paragraph 2.3 of this tender document.

6.2 The tender Document is prepared in Albanian and English language.

6.3 Each interested “undertaking” may purchase a set of printed tender documents, by making a payment of 10 (ten) Euro, shall be paid in the bank account of AKEP, as follows:

Electronic and Postal Communications Authority

Bank: **RAIFEISSEN BANK**

Bank Account No.: 800 100 2382

IBAN EURO: AL20 2021 1013 0000 0080 0100 2382

Bank: **CREDINS**

Bank Account No.: 000 000 05828

IBAN EURO: AL49 2121 1016 0000 0000 0000 5828

6.4 This payment, under any circumstances is non-refundable.

6.5 Printed tender documents may be withdrawn from the premises of AKEP during every working day starting from the day this document will be approved, from 9:00 to 15:30 hrs. The person who will withdraw the tender document must bring along a bank confirmation to certify that the respective payment of 10 (ten) Euro has already been made.

Tender document may be downloaded free of charge from AKEP website www.akep.al.

6.6 AKEP will make the registration of every entity that will purchase the tender document.

6.7 Under no circumstances shall AKEP disclose the names of undertakings that have purchased the tender documents.

CHAPTER II – TENDER PROCEDURE AND INSTRUCTIONS FOR BIDDERS

1.1 Participation requirements

1.1 Candidates or bidders who participate in the tender procedure to acquire the right to obtain the Individual Authorization should submit:

- a. A document certifying that (your entity) is not under bankruptcy process, issued by the authorized authority
- b. A document certifying that (your entity) has no criminal records, issued by the authorized authority;
- c. A document certifying that (your entity) is not convicted by final court decision for any of the following offences:
 - Participation in a criminal organization;
 - Corruption;
 - Fraud;
 - Money laundry.issued by the authorized authority.
- d. A document certifying that (your entity) entity's capital / assets are not blocked by the Bailiff or there is a seizure order issued by the competent authority (the Bailiff's Office / Ministry of Justice for domestic bidders).
- e. A document certifying that (your entity) has settled financial and social insurance obligations, issued by the authorized body (Tax Authority for domestic bidders).
- f. A document certifying that (your entity) is not indebted or has no obligations toward the Albanian government (by self-declaration).

1.2 Bidder should be registered with the respective professional or commercial registers of the state where they are located, by proving their legal personality as a joint-stock company or a legal entity. To this end those candidates should submit a copy of the Historical Extract of the Entity issued by the authorized body (National Business Centre for domestic bidders).

1.3 All the requirements of paragraph 1.1 and 1.2 above should be certified through official certificates by the respective authorities or through other official documents issued not earlier than 30 calendar days prior to the notification (starting) date for opening the tender procedure by AKEP. If the above mentioned documents, related to the foreign

candidates or bidders, are not issued in their country of origin, then, a self declaration by the bidder or candidate is sufficient.

- 1.4 All the necessary documents according to the requirements of the above paragraphs 1.1 and 1.2 should be original or notarized copies. Documents in foreign language (different from English language) should be accompanied by a certified translation into Albanian or English.
- 1.5 If it is necessary to request information about the candidate or bidder who is resident in a foreign country, AKEP will require cooperation with respective authorities.
- 1.6 A bid may be submitted even by a group of investors (consortium) which cooperates with each other for tender participation purposes and intend to carry out transactions through a consortium to be established. In such cases, one of them represents the others during the procedure and, in case of selection, even during the procedures after announcement of the tender results.
- 1.7 Prior to the submission of the bid, the group of investors (consortium) should be established officially through a certified agreement, which should contain the representative of the group, the percentage of participation or the concrete work for each member, and also the authorization for representation of members of the group both for the submission of the bid and the signing of Individual Authorization in case of contract award notice. The representative should also secure the bid, by specifying the participation as a consortium. The certified agreement and the proxy/authorization should be included in the documents of the bid submitted by the group of investors.
- 1.8 In case of consortium, each member of the group should submit separately the above mentioned documents. Meanwhile, other requirements should be met by the group as a whole.
- 1.9 The consortium should not change after the bid submission; otherwise their bid will be refused.
- 1.10 An investor (individual or part of a union) can not participate in more than one offer.
- 1.11 Evaluation of bids will be escalated, with several rounds of evaluation. The maximum number of rounds of the evaluation is 2 (two).
- 1.12 All bidders, as well as their partners of any kind, may submit only one bid in each round, with the record Offer for participation in the tender with the object: " Granting the rights of use in the frequency band 800 MHz (790-862 MHz), unallocated spectrum", Ref. 1x10 MHz paired-800-2019.
- 1.9 Failure to fulfil one of these conditions constitutes a cause for disqualification of the candidate or bidder.

1.2 General requirements for qualification

Bidders should submit in their bid the documents which prove that they meet the general qualification requirements, as follows:

a) professional qualification

- Bidder should prove that he has professional knowledge and experience about the use of frequencies and technologies operating in the GSM bands and/or /UMTS and/or LTE bands, according to the provisions of **Appendix 5**.

- In cases of group of investors, this condition must be met by the group as a whole.

b) Technical capacities

- Bidder should submit the plan for extension and configuration of network that will be constructed over the years. The bidder should also fill in **Appendix 6**. If the bidder's declaration in appendix 6 is lower than the minimum values given in column "Minimum" of this table, the bidder shall not be qualified.
- Bidders must submit their plan regarding the services, the quality of the services and/or the tariffs for the services to be provided through the network that will operate on the frequency band that is the subject of tendering.
- Bidders should ensure the use of frequencies in accordance with the National Frequency Plan as well as the recommendations and standards of ITU and CEPT, as set out in Appendix 8.

c) Economic and financial situation

Bidder should prove that he has the financial and economic capacities for fulfilling the obligations of Individual Authorization through:

- I. Bank statements issued by one or more banks about the financial situation of the bidder, which guarantee the fulfilment by the bidder of obligations deriving from the obtainment of Individual Authorization according to the declarations in Appendix 3, 5, 6, 7, 8, 9, 10, 11, 12 and 14 but not less than **7,440,000 (seven million four hundred forty thousand) Euro, for the right of use.**

In case of failure to fulfil this requirement, the bidder will not be qualified.

- II. Financial statements (balance sheet, income and expenses statements) or separate parts of these financial statements of one of the last three financial years. Bidders who have started the activity during the ongoing financial year are excluded from this obligation.
- III. A statement of the overall turnover realized from similar activities in one of the last three financial years. Bidders who have started the activity during the ongoing financial year are excluded from this obligation.

a) legal capacities

Bidder should prove that he has the legal capacity to fulfil obligations deriving from the Individual Authorization, through submitting the certificate of registration as a commercial entity issued by the authorized body (National Business Centre for domestic bidders).

In cases of group of investors, their request will be certified through the submission of their registration certificate as a commercial entity by all group members issued by the

authorized body (National Business Centre for domestic bidders), by all the members of the group, as well as their notarized agreement for the aggregation.

- 2.1 All documentation required in the above points must be the original or a notarized copy of the original. All documentation must be signed and sealed by the person authorized by the bidder.
- 2.2 In cases of group of investors, the requirements specified in point 2.1, should be fulfilled by the entire group as a whole.
- 2.3 Failure to fulfil one of these conditions shall constitute a reason for disqualification for the candidate/bidder.

3. Clarifications and changes in the tender document

- 3.1 The potential bidder may request for clarifications from AKEP, which will respond to any request for clarification related to the tender document made by each undertaking, provided that the request is received not later than 7 calendar days prior to the final deadline of submission of bids. AKEP will respond within 3 calendar days from the day the request is submitted, in order to enable the submission of the bid by the undertaking on time, and without identifying the source of the request, shall communicate the request together with the respective clarification to all the other candidates, who have withdrawn the tender document.
- 3.2 AKEP, at any time, prior to the end of the deadline for submission of the tender bids and for any reason, on its initiative or at a request for clarification from a candidate may make changes to the tender document, through the drafting of an appendix. Each appendix will be communicated to all the candidates, who have withdrawn the tender document, and it becomes binding to them. The Appendix is made available even electronically. In any case, AKEP extends the time period for the submission of the bid at least 5 calendar days.
- 3.3 AKEP will contact the candidates for any clarifications concerning the tender documents, through their focal point and in one of the following ways: in writing, by fax and email.

4. Submission and acceptance of bids

- 4.1 Bidders will submit their bids in conformity with the instructions and conditions determined in this tender document, including its respective appendices.
- 4.2 Bidders submit only one bid.
- 4.3 The bid includes the following commitments:
 - a) acceptance from the bidder of conditions determined in the tender notice according to the template of **Appendix 9**;

- b) acceptance from the bidder of obligations deriving from winning the tender, according to the template of **Appendix 10**;
- c) acceptance from the bidder of conditions of tender document according to the template of **Appendix 11**;
- d) acceptance from the bidder the revocation of Individual Authorization according to the template of **Appendix 12**

4.4 Bidders should also submit in their documents the following documents:

- The filled Form of Bid Submission according to the template in **Appendix 1**
- The filled Form of Bid Declaration according to the template in **Appendix 2**
- The filled Form of the Bid Price according to the template in **Appendix 3**.
- The filled Form of payment schedule, in the case of payment by installments bid according to the template in **Appendix 4**

4.5 Bids should be submitted not later than the date **09.09.2019, 10:00 hrs**, in the address:

Electronic and Postal Communications Authority
 Street “Reshit Collaku”,
 Tirana – Albania

4.6 When AKEP makes explanations or changes to the tender document, it acts in compliance with paragraph 3 above.

4.7 The Decision for postponing the final deadline is notified immediately to all the candidates who have withdrawn the documents.

4.8 The submission of bids is made as follows:

- a) Bids shall be delivered in writing, in person or by post, signed and sealed in the envelope, according to the specifications of this tender document;
- b) AKEP shall provide the bidder, upon request, with a confirmation specifying the date and time of acceptance of the bid.

4.9 The bids submitted after the deadline for their submission, are returned closed to the bidders who have submitted them.

4.10 The bidder will cover by himself the expenses related with the preparation and submission of his bid.

4.11 AKEP will not be responsible for expenses incurred by the bidder for the preparation and submission of the bid.

4.12 The bid and all the documents and correspondence related to the bid, exchanged between the Bidder and AKEP should be prepared in Albanian or English language.

4.13 The bid should be prepared in one original copy and should be typed or written in indelible ink. All pages of the bid should be bound together and numbered. All

pages of the bid, apart from the unchangeable and printed literature should bear the initials or should be signed by the person(s) authorized by the Bidder. Person(s) authorized for this purpose will be identified through a document according to the template of Appendix 13, which will be part of the documentation of the bid and should be signed and sealed by the bidder.

- 4.14 In case of bids submitted by a consortium, the bid should be accompanied by the proxy/written authorization for the Authorized Person who will represent the consortium during the procurement procedure.
- 4.15 Bidders should submit the bid and all the required documents for this tender in a enclosed non-transparent, closed envelope, signed and sealed in the name and address of the bidder. It should read:
- Bid for participation in the tender object: *"Granting rights to use the 800 MHz frequency band (792-862 MHz), unallocated spectrum", Ref. 1x10 MHz paired-800-2019.*

In this envelope must be included all offers, for each evaluation round, divided into separate and marked envelopes:

- "Bid for obtaining "1 (one) right of use in the frequencies' band *800 MHz (792-862 MHz) - valid for round "x" evaluation (1, 2 where x takes the values of the respective evaluation rounds).*

Above the bid envelope should be marked:

TO BE OPENED ONLY IN PRESENCE OF THE BID EVALUATION COMMITTEE AND NOT BEFORE DATE 09.09.2019 ; 10:00 A.M.

5. Disqualification of bids

- 5.1 AKEP will disqualify at any time the candidates or bidders who submit false data or a false document for qualification purpose during tender procedure.
- 5.2 AKEP will disqualify every candidate or bidder against whom a decision of exclusion from public procurement procedure and auction is taken, according to the respective legislation of the Republic of Albania.
- 5.3 AKEP will disqualify any bidder whose bid is lower than the "minimum bid price" set out in this tender.
- 5.4 The disqualification announcement will be made by the BEC (Bid Evaluation Committee) by sending it according to **Appendix 15**.

6. Annulment of tender

- 6.1 AKEP has the right to cancel the tender at any time for reasons of public interest by observing the principles of equality and transparency. AKEP shall in no case be obliged to announce the winner of the tender.

- 6.2 AKEP has no responsibility towards the bidders who have submitted their bids for the decision taken based on paragraph 6.1 above.
- 6.3 AKEP in line with paragraph 6.1 of this chapter will communicate to all candidates or bidders the decision and reasons for the interruption of the tender within 5 working days from the taking of the decision and it will publish this decision in its website.
- 6.4 In accordance with DCM no.1252, dated 10.09.2008, amended, AKEP will cancel the tender procedure in cases when, on conclusion of bid evaluation and complaint procedure no bid results valid.

7. Bid insurance

- 7.1 Bidders must submit the bid insurance, equal to 2,5 % of the "minimum bid price": the value of 186,000 (one hundred and eighty-six thousand) Euro, through a document according to Annex 14.
- 7.2 Bid insurance will be valid for a time period of 365 (three hundred and sixty five) calendar days from the date of opening of the bids specified in this tender document.
- 7.3 AKEP does not claim the value of the bid insurance and returns it immediately if:
- a) time period of bid insurance is over;
 - b) tender procedures are annulled without the award of the winner;
 - c) winner is provided with an individual authorization.

8. Validity, modification and withdrawal of bids

8.1 A bid is valid if:

- a) It is withdrawn at AKEP in its premises in Tirana within the 09.09.2019, 10:00 hrs;
- b) Bidder meets the requirements of the tender notice;
- c) Bidder provides the necessary guarantees;
- d) Bidder is not disqualified according to the provisions of this tender document.

8.2 The bid will be valid for a time period of 365 (three hundred and sixty five) calendar days from the date of opening the bids specified in this tender document.

8.3 AKEP prior to the end of the validity period of bids may request the bidders to extend this period for a specific time period. In such case:

- a) Bidder may refuse the request, without losing the bid insurance and its bid validity ends with the termination of the initial validity period;

- b) When bidder accepts the extension of validity period, along with it, the bid security is extended or a new bid insurance is submitted to cover the prolonged period of validity. Bidder, who does not prolong the bid insurance period or who does not submit a new bid insurance, is deemed to have refused the request for the prolongation of the bid validity period.

8.4 Bidders may modify their bids, only if AKEP has amended the tender document referred in section 3, Chapter II, of this tender document, moreover, when the bid is deposited by AKEP before the date of announcing the amendments, provided that this modification or withdrawal is made prior to the expiry of deadline for submission of bids. Withdrawals should be communicated to AKEP in writing before the final date for submission of bids. The request of the Bidder for the withdrawal of the bid should be send immediately to AKEP enclosed in a non-transparent, closed envelope, signed and sealed in the name and address of the bidder and it should read: "OFFER WITHDRAWAL"

9. Prohibition to modify bids

- 9.1 After the submission of the bid, no conversation for the bid between AKEP and the bidder should be conducted, in order not to violate the right foreseen in paragraph 11.2 below.
- 9.2 AKEP has no right to ask the bidder to take responsibilities that are not foreseen in the tender document or to change the value of the bid or modify it in any way.

10. Bid opening

- 10.1 Bids will be opened by the Bid Evaluation Committee (BEC), on 09.09.2019, 10:00 hrs, in the premises of AKEP in the address:
Electronic and Postal Communications Authority
Street "Reshit Collaku",
Tirana – Albania
- 10.2 Bidders or the representatives authorized by them provided with authorization according to **Appendix 15** who have submitted their bids have the right to participate in the bid opening.
- 10.3 Name and address of bidder whose bid is opened, the legal documentation and each document required by AKEP and also the price of each bid is read in loud voice for the present persons and is registered with the minutes of the tender procedure
- 10.4 Minutes will be made immediately available based on the request of each bidder, whereas it will be sent for notice to bidder who has submitted the bid, but who is neither present, nor represented in the bid opening.

11. Examination and evaluation of bids

- 11.1 After the opening and reading of bids, as foreseen above, BEC, if it deems that it needs more than one working day to complete its activity, it informs the representatives about the time and date when the bidders will be communicated the bid evaluation result. Duration of procedure should not exceed 30 calendar days.
- 11.2 When BEC deems it reasonable it requires the bidders clarification in written form about their bids for examination, evaluation and fair comparison of these bids. No change of the content of the bid, including changes in the price or changes which aim at converting an invalid into a valid bid will be required, offered or allowed.
- 11.3 Notwithstanding the stipulation in paragraph 11.2 above, the BEC will correct only the arithmetical errors found during the examination of bids, provided that these are not made for fraudulent purpose. AKEP informs immediately about these corrections the bidders who have submitted their bid and proposals are valid if accepted by the bidder.
- 11.4 BEC shall evaluate that the Bids are valid for one or two rights of use, if they comply with all the requirements and specifications set forth in the Tender Notice and Tender Document.
- 11.5 BEC shall not accept a bid:
- a) When the bidder is rejected for reasons determined in this tender document;
 - b) When the bidder does not accept the correction of an arithmetical error made according to paragraph 11.3 above;
 - c) When the bid does not comply with specifications determined in the tender document;
 - d) When the bid is not accompanied with all the relevant documents requested in this bid document.
- 11.6 Bid evaluation is conducted based on the criteria determined in this tender document.
- 11.7 Bid evaluation will be escalated, with several rounds of evaluation.
- 11.8 The maximum number of rounds of the evaluation will be 2 (two). This number is subject to change (from 1 to 2) depending on the number of winning bids for each round.
- 11.9 At the end of the bid examination and evaluation, BEC based on the accepted bids, shall prepare the final list which should be notified in the form and time specified in this tender document, according to **appendix 17**.
- 11.10 In the event that in the final ranking (in each round) of the winning bidders there are two bids with equal price (\geq than the minimum price of this tender) for the same authorization, then the winner will be determined by lot, in the presence of the bidders.
- 11.11 Bidders, within 5 (five) working days, after receipt of notice of classification of bids, have the right to file an administrative complaint at AKEP.

11.12 AKEP, after reviewing the complaints, if there are any, sends a notice to the claimant related with the taken decision. Deadline of review of complaints is 5 (five) working days from receipt.

11.13 BEC, on conclusion of the deadline for administrative complaint at AKEP, delivers the summary report of the tender. This report shall be compiled in accordance with the criteria defined in DCM no.1252, dated 10.09.2008, amended.

12. Determining criteria for the Winning Bid

12.1 BEC evaluates and compares the bids based on the following criteria:

I. The evaluation criteria for valid bid will be the bid price according to the following formula:

$$Pox(1) = 100 \times \frac{\text{Çox}}{\text{Çomax}}$$

Where:

[Pox] → [Points of a given bid depending on the bid price]

[Çox] → [Price of a given bid]

[Çomax] → [Maximal price of bids]

Points per criterion

No	Evaluation criteria	Points
1	Bid price	0 ÷ 100

Bid price, 0 ÷ 100 points

The valid bid of highest price will be assessed with 100 points.

The bid price for this criterion will be declared by the bidder according to Appendix 3, Bid Price Form.

Maximum number of points which may be collected by a bidder is 100 points. The listing of the bidders will be made in descending order starting from the bidder with the highest number of points, calculated according to the above formula .

12.2 AKEP, declared the winner in each evaluation round, the bidder with the valid bid which have accumulated the highest number of points as listed for that round. The number of winners does not exceed the number of rights to use.

- 12.3 Bidders who have offered in their offer a lower price than the price set in the "minimum bid price" criteria will be disqualified.
- 12.4 In the event that in the final ranking of the winning bidders there are two bids with equal price (\geq than the minimum price of this tender) for the same authorization, then the winner will be awarded the lot in the presence of the bidders.
- 12.5 Termination of the selection process of the winners shall apply only if, at the conclusion of the evaluation of bids and appeal process does not result in any valid offer.

13. Administration of information in process

- 13.1 Following the opening of bids, without violating the obligations determined in this tender document, information about the examination, clarification, evaluation of bids and recommendations about the winning bid will not be made known to the bidders or other persons who are not officially engaged in this process, until the individual authorization is signed.
- 13.2 Following the opening of the bids, until the announcement of the winning bid, no bidder has the right to communicate with AKEP or try in any way to influence in the examination and evaluation of bids, apart from cases foreseen in the tender document.

14. Award notice and granting of authorization

- 14.1 The steering Board of AKEP after the approval of the summary report according to the above 11.13 paragraph, and in the end of the deadline for complaint sends to the winner a notice through an official letter, according to Appendix 18, as well as publishes the notice in the website, based on Appendix 19.
- 14.2 AKEP and the winning bidder shall sign the individual authorization within 10 (ten) calendar days after the winner announcement and closure of all payments foreseen in the tender document and in compliance with the legal and regulatory framework (as per article 17.1 and 17.2).

This period will not exceed the deadline of validity of the bid, determined in the tender notice or tender document. Bid price offered by the bidder who has obtained the right of use of the tendered frequency/frequency band is disbursed by him in the State Budget account, in line with the specifications of AKEP Notice for this purpose. This payment will be made in full by the winning bidder within 7 (seven) calendar days from the receipt of the award notice.
- 14.3 Individual Authorization enters into force when signed by the winning bidder and AKEP and after the winner has made the payments foreseen in the tender document.

14.4 When the winning bidder does not manage to sign the individual authorization, AKEP confiscates the bid insurance and selects the next winning bidder in the list of remaining bidders. The notice, according to paragraph 14.1 of this Chapter is sent to the bidder whose bid is selected according to this point.

14.5 The Individual Authorization signed before the end of the deadline of award notice or administrative complaint, according to this tender document, is absolutely invalid.

15. Conditions for execution of individual authorization

15.1 The individual authorization granted to the winner will contain obligations to implement the special conditions arising from winning this tender and included in the tender document, under section 20 and below, in line with article 71, paragraph dh) of Law no. 9918, dated 19.05.2008, amended.

15.2 Conditions which regulate the execution of individual authorization will have a non-discriminatory character and will be in line with the object of the tender.

16. Complaint procedure

16.1 Each bidder may ask for review of the tender process when he deems that a decision of AKEP is taken contrary to this tender document or the obligations arising from the implementation of DCM no.1252, dated 10.09.2008, amended.

16.2 The complaint is submitted near the Steering Board of AKEP within 5 working days from the date the complainant is made aware or should have been made aware of the claimed violation according to these rules.

16.3 Upon the receipt of the written complaint, AKEP suspends the tender procedure, until the complaint is reviewed in full, including even the issuance of a decision prior to the expiry of the time period, determined in paragraph 16.4 below.

16.4 Steering Board of AKEP reviews the complaint and takes a justified decision within 5 calendar days after the receipt of the complaint which he should notify to the complainant not later than the following working day.

16.5 If the Steering Board of AKEP does not review the complaint within the time limit determined in the paragraph 16.4 above, or reverse it, the complainer may submit a written complaint to the Minister of Infrastructure and Energy within 15 calendar days from the date of deposit of the complaint to AKEP.

16.6 The Minister upon receipt of the complaint suspends the procedure until the end of the review of complaint.

16.7 The Minister should review the complaint within 20 calendar days after the receipt of the complaint.

16.8 In the end of the review of the complaint, when the minister deems that a decision or action of AKEP violates any of the provisions of these rules, he has the right to:

- a. Fully or partially annul a decision or action of AKEP issued at variance with these rules;

- b. Instruct AKEP to correct violations and later on to continue with the tender procedure;
- c. Order the annulment of the procedure for award of the winner.

17. Payments made by the winner

17.1 Bid price offered by the bidder who has obtained the right of use of the tendered frequency/frequencies band is disbursed by the winner in the State Budget account, in line with the specifications of AKEP Notice for this purpose.

This payment will be fully paid by the winning bidder within 7 (seven) calendar days from the receipt of the award notice.

Within this time period, the winning bidder should submit to AKEP a bank document which proves that this payment is made. If the winner fails to make this payment within this time period, he loses the right to obtain the Individual Authorization.

17.2 Prior to obtaining the Individual Authorization, the winning bidder will also make the payments foreseen in the legal and regulatory framework for the undertakings of networks and provision of services of electronic communications, as follows:

- a) Annual Payment for the use of frequencies in the bands 800 MHz (790-862 MHz), which will be calculated according to Decision of the Council of Ministers No.599, dated 23.07.2010 "On adoption of payments made to the Electronic and Postal Communications Authority", amended, published on website of AKEP www.akep.al.
- b) Annual Payment for the service tariff for services of radio communication, for terrestrial movable systems, which is calculated according to Instruction no.28, dated 12.01.2015, published on website of AKEP www.akep.al.
- c) Annual payments referred in paragraph "a" and "b", are estimated to be approximately 10,787,200 (ten million seven hundred eighty-seven thousand two hundred) ALL for one right of use for one year.

17.3 Payment methods and values of paragraph 17.1, 17.2 will be noticed to the winner by AKEP through sending an official letter of the document "Award Announcement" according to the template in Appendix 17, "Form of Winner Notification".

18. Geography of use of frequencies

Individual Authorization that will be granted to the winner, gives him the right to use allocated frequencies for every authorization, throughout the territory of the Republic of Albania.

19. Conditions for the use of frequencies

19.1 Winner/Operator based on the Individual Authorization is obliged to construct terrestrial network for electronic communications, and to offer mobile public services of electronic

communications in compliance with the whole legal and regulatory framework of the field.

- 19.2 Conditions/criteria for the exploitation and use of frequencies are given in annex 1 and 2,3,4 of the Individual Authorization appendix 20.

20.The winner liabilities that derive from the tender

- 20.1 The winner/Operator is obliged to establish a commercial company according to the Albanian legislation (if it does not exist) prior to receiving the individual authorization, and should start to offer the public service within a period of 2 (two) months from the day of receiving the Individual Authorization.

The Individual Authorization belongs only to the authorized entities. It should not be sold, be leased, transferred or be given as a guarantee without a preliminary approval of AKEP. There cannot be any change of the control of the authorized, direct or indirect one, without the preliminary written consent of AKEP

- 20.2 On obtainment of the Individual Authorization the Winner/Operator is obliged to implement:

1. Plan for extending and configuring the network to be built for service coverage as declared by the winner as per appendix 6;
2. Offers at least of the services declared as per appendix 7;
3. Technical standards of ITU and CEPT declared as per appendix 8.

- 20.3 Implementation of the above-mentioned obligations 20.1 and 20.2 should not be conditioned by the winner or foreseen to be conditioned by the winner, including rights that might arise as a consequence of later regulatory remedies or obligations on SMP operators, which at the time of tender announcement are not yet in effect, as example international roaming, number portability, etc.

- 20.4 The winning operator is obliged within 30 calendar days from the date of receipt of Individual Authorization to submit to AKEP a detailed project for the realization of the Plan declared in the bid and of the construction of the network, manner of realization of networks between the base stations and their location, with determined time period divided for each 6-months period, Appendix 6. The operator is obliged to report to AKEP regarding the percentage of the territory covered with service according to a graph declared in Appendix 6.

- 20.5 If the winning operator does not fulfill at least one of the obligations specified in the Individual Authorization, AKEP imposes penalties according to the Law 9918, dated 19.05.2008, "On electronic communications in the Republic of Albania", till the final revocation of the individual authorization.

21.Granting of authorization by AKEP

The granting of Individual Authorization will be made within 10 calendar days after the announcement of the winner and disbursement of all the payments referred to the Tender Document and in line with the provisions of the legislation in force. The Individual

Authorization granted to the winner will be filled in by AKEP according to the Form of Appendix 19 and 20.

22.Validity of Individual Authorization

Individual Authorization will be valid for a period of 15 (fifteen) years with renewal option in the end of the validity period. Renewal will be made in line with the provisions of Law no. 9918 dated 19.5.2008, amended or the legislation in force at the relevant time.

23.Interconnection

The winning operator has the right and obligation to negotiate with other operators regarding interconnection in line with the respective provisions of Law no. 9918 dated 19.5.2008, amended. For further information refer to the information given in Chapter III, General Information.

24.General Authorization

After making the payment of the bid price the winning bidder will be registered on AKEP as network and service provider of electronic communications in line with the rules for general authorization, if they do not have it or it needs modification. Detailed information regarding the notice and rules for general authorization will be available in the address www.akep.al

25.Individual Authorization

Individual Authorization will be granted to the winner based on the right to use frequencies according to the template given in Appendix 20. Individual authorization will include the obligations arising from winning the bid, specified above in section 20.

26.Chart of tender development

Procedure for the bid and for granting Individual Authorization will be held in line with the following graph (Dates are for reference and may change for the reasons determined in this tender document):

No	Action	Date/Time table
1	Notice for the opening of tender procedure	Date of publication of the official notice by AKEP
2	Submission of requests for clarification and questions by the interested parties	Until 06.08.2019
3	Reply by AKEP	Within 3 calendar days from the submission of the request in point 2
4	Deadline for submission (delivery) of bids	Until 09.09.2019 10.00 AM
5	Opening of the Bid	Date 09.09.2019 10.00 AM

6	Evaluation and classification of bids and the announcement by BEC	Until 16.09.2019
7	Complaints from the bidders to AKEP regarding the classification announcement, addressed to AKEP	Within 5 (five) working days from the Announcement date in paragraph No.6
8	AKEP reply to the complaints of paragraph 7	Within 5 (five) working days from complaint date in paragraph No.7
9	Submission of BEC Summary Report to AKEP	Until 27.09.2019
10	Bidder's complaint for AKEP classification announcement, addressed to the Minister for Infrastructure and Energy	Within 15 calendar days from the date of submitting the complaints in AKEP in paragraph No.7
11	Reply of the Minister for Infrastructure and Energy with regard to complaints in point 9	Within 20 calendar days from the date of receiving the complaints in paragraph No.9
12	Winner Announcement by AKEP	Until 30 calendar days from the date of the opening of the bids
13	Payment of the bid price by the Winner	Within 7 calendar days from the date of receiving the award notice
14	Payment for the allocated frequencies	Within 10 calendar days from the day of receiving the award notice
15	Granting the Individual Authorization	Within 10 calendar days from the day of full tariff payments

27. Illegal actions

1. In compliance with the legislation on prevention of conflict of interest, and the ethic of public administration, AKEP refuses a bid, if the bidder has presented:

- Has given or is preparing to give to current or former AKEP employee a gift in cash or in other form, as an effort to affect an action or decision, or the flow of the public procurement procedure; and/or
- Is in the conflict of interest with this procedure for example - a bidder is related/connected to physical or legal person, authorized by AKEP to provide consultancy services, specifications or other documents during the preparation of the projects related to the procurement, or has relations with members of the evaluation committee, etc.;
- Has submitted false documents/information, related to the requirements presented in the Tender Document.

2. AKEP informs the bidder in writing form in case of refusal of the request or the bid offer, also the reasons of this refusal, and makes the necessary explanations based on the procurement procedure report.

28. DISPUTE RESOLUTION

AKEP and the bidder shall make all the efforts to resolve the disagreements or disputes occurred between them or related to this agreement based on direct negotiations.

If the parties fail to resolve the dispute, the disagreement will be considered to be solved through dispute resolution based on the legal procedure in force in compliance with the legislation of Republic of Albania.

CHAPTER III - GENERAL INFORMATION

3.1 LEGAL FRAMEWORK

– *Legislation*

The electronic communications sector in the Republic of Albania is regulated by Law no. 9918 dated 19.05.2008 “On electronic communications in the Republic of Albania”, amended, which seeks, through the principle of technology neutrality, to promote effective competition and infrastructure in electronic communications and guarantee the right and adequate services in the territory of the Republic of Albania. This law complies with the EU 2002 Regulatory package in the field of electronic communications;

- Directive 2002/19/EC on “Access to, and interconnection of electronic communications networks and associated facilities”, amended;
- Directive 2002/20/EC on “The authorization of electronic communications networks and services” (Authorization Directive);
- Directive 2002/21/EC on “A common regulatory framework for electronic communications networks and services” (Framework Directive), amended;
- Directive 2002/22/EC on “Universal service and users' rights relating to electronic communications networks and services” (Universal Service Directive);
- Directive 2002/58 on “Privacy and electronic communications”, amended;
- Directive 2002/77/EC on “Competition in the markets for electronic communications networks and services”.

– *Main regulatory documents*

- Regulation on general authorization notification;
- Regulation on individual authorization;
- Regulation on access and interconnection;
- Regulation on market analysis;
- Regulation number portability;
- Regulation on administration of NSPC and ISPC;
- Regulation on conformity;
- Regulation on quality of service indicators;
- Regulation on “ald” licenses and “aaic” code;
- Regulation on radio amateur;
- Regulation on allocation and use of numbers and number series;
- Regulation on conditions to use frequencies and requirements for radio equipment that are used without individual authorization;
- Regulation on administration of domain names under .al;
- Regulation for granting the aircraft radio station license;
- Regulation for granting the marine radio station license;
- Regulation for granting the radio marine operator certificate;
- Regulation for granting the maritime radio stations authorization;

-Regulation on periodical statistic and financial data of undertakings of electronic communications networks and or services, etc.

3.2.NATIONAL FREQUENCY PLAN

This plan has implemented the changes reflected in the ECA, published on February 2013 and been updated on June 2016 (The European Table of Frequency Allocations and Applications in the Frequency) and approved with DCM No. 277, dated 29.03.2017 “On approval of the National Frequency Plan”.

➤ Preparation of the Frequency Use Plan and administration of frequency bands designated for civil use:

AKEP with decision No.18, dated 26.10.2017 has approved the Frequency Use Plan, thus enabling:

- Optimal technical and economic planning, effective allocation and use of frequencies, taking into consideration the fact that frequency spectrum and geospatial orbit are scarce resources;
- Provision of conditions for the preparation of rules on technical and operative conditions for the use of certain frequencies;
- Protection from harmful interference;
- Regulation of the Plan with the modifications at international level, and reconciliations that result from the accomplishment of bilateral and multilateral agreements with neighboring and other countries;
- Regulation of the use of frequency bands between the radio services and users;
- Implementation of new technologies and development of radio communications.

This Plan for the Use of frequencies includes:

- a) Frequency bands as defined in the National Frequency Plan for “civilian” use, and the application of radio services determined in these bands;
- b) Rules related to the use of frequency bands, including characteristics of frequency administration for radio communication networks and radio stations and radio equipment, the method for granting frequencies, different cases from the individual authorization for the use of frequencies, technical requirements and work conditions related to the radio system operation;
- c) Implementation of important changes occurred on networks GSM, UMTS, IMT-LTE, etc., related to the technologies applied in these bands and offered services.

➤ Issuance of individual authorizations for the use of frequencies:

AKEP has computerized the application system for the issuance of individual authorization for radio frequencies. The Steering Board has approved the regulatory acts “Regulation for Individual Authorization” which is published on webpage of AKEP.

- **Coordination of the work with other administration in the neighboring and other countries for the allocation and use of radio frequencies, for those parts of the spectrum that it administers:**

AKEP has finalized the cross-border agreements with the Electronic Communications Authorities of Kosovo, Macedonia and Montenegro.

- **National Numbering Plan for electronic networks and services in the Republic of Albania:**

Based on the DSB of AKEP No. 2350, dated 13/09/2013, amended with DSB no.2631 dated 29.10.2015 the Steering Board of AKEP has approved the National Numbering Plan.

These amendments consist in the transition of NNP from an organisation into a big number of geographical zones to 12 geographical regions, with the aim of passing to one single geographical area.

3.3 AUTHORIZATION SYSTEM

– Frequencies

- Law no.9918, dated 19.05.2008 “On electronic communications in the Republic of Albania”, amended based on articles 2, 3, 5, 7, 8, 15, 19, 20, 51 and 62 up to 77;
- “Regulation on individual authorization” (on allocation and use of frequencies), approved with decision of Steering Board of AKEP No.510, dated 04.11.2008 and published in the AKEP website.

Granting frequencies for use by AKEP is done in accordance with Definitions of National Frequency Plan approved with DCM No. 277, dated 29.3.2017, Frequency Use Plan, AKEP regulations and/or recommendations of relevant international bodies such as CEPT, ERC.

Physical or legal persons may use frequencies only after being granted the Individual Authorization by AKEP. Frequencies are allocated by means of impartial, transparent and nondiscriminatory procedures.

Frequencies that can be used without an Individual Authorization are designated by AKEP by means of a specific regulation, in accordance with article 65 of the law no. 9918 dated 19.05.2008.

If the request is complete and the possibility for granting the frequencies exists, AKEP provides the applicant with the Individual Authorization within 30 days from the day the request is received.

Duration of authorization is not longer than 15 years.

There are two payments to be made for the allocation and use of frequencies, one for the allocation of the frequency that should be paid at once, and the other is the tariff for the service which is annually paid to AKEP. These payments are in accordance with:

- Decision of Council of Ministers No.599, dated 23.07.2010, amended.
- Directive No.28, dated 12.11.2015 “On definition of tariff of service for Radio communication”, amended.

APPENDICES

APPENDIX 1

FORM OF BID SUBMISSION

(Document with the logo and symbols of the Bidder)

Open Procedure

Bidder	----- (name of bidder)
--------	------------------------

Offer for : Electronic and Postal Communications Authority - AKEP

Street “Reshit Collaku”,
Tirana – Albania

No of pages submitted _____ **(pages)**

CONTACT PERSON (for this bid)

Name:

Address:

Tel. No.:

Fax:

E-mail:

Authorized Person _____ Date xx,xx,2019
(name, surname, signature, seal)

APPENDIX 2

FORM OF BID PRONOUNCEMENT

(Document with the logo and symbols of the Bidder)

Open Procedure

Bidder	----- (name of bidder)
--------	------------------------

Offer for : Electronic and Postal Communications Authority - AKEP

Street “Reshit Collaku”,
Tirana – Albania

Referring to the above-mentioned procedure in these tender documents, I, the bidder, declare that:

1. We have evaluated the Documents of this procedure and accept, without reservation or exception the requests or deadlines and conditions imported here;
2. We meet all legal, financial/economical and technical criteria defined in the tender documents and certify that with all required certificates and papers submitted as attached to this statement;
3. We are interested for the participation in the tender subject: ***“On granting the rights to use frequencies in the band 800 MHz (792-862 MHz), unallocated spectrum”, Ref. 1x10 MHz paired-800-2019;***
4. Our bid will be valid for the period specified in tender documents;
5. We do not participate as candidate in more than one bid for this procedure;
6. We authorize AKEP, to verify the information/documentation, attached to this bid.

Authorized Person _____ Date xx,xx,2019
(name, surname, signature, seal)

APPENDIX 3

FORM OF ECONOMIC PROPOSAL

(Document with the logo and symbols of the Bidder)

Open Procedure

Bidder	----- (name of bidder)
--------	------------------------

1	2	3
Description	Quantity	Total Price
<i>Right to use frequencies in the frequencies' band</i>		(-----) Euro

Authorized Person _____ Date xx,xx, 2019
(name, surname, signature, seal)

Note: The price should be in EURO – in figures and words. In case of value inconsistency, the value expressed in words will prevail.

This formulary will be completed for each bid (when will be bid for more right of use) for each evaluation round and will be sealed inside the envelope special representative bid. Special envelopes will read:

TO BE OPENED IN ROUND X OF THE EVALUATION.

APPENDIX 4

FORM OF PAYMENT CALENDAR

(to be completed if the installment fee is applied)

Explanatory note:

1. The minimum value acceptable to bidders for the granting of an individual authorization for the use of frequencies in the 800 MHz band for the 10 MHz paired block is not less than **7,440,000 (seven million four hundred and forty thousand) Euro**.

2. Way of payment: Full payment at the time of issuance of individual authorization.

Authorized Person _____ Date xx,xx, 2019
(name, surname, signature, seal)

APPENDIX 5

FORM OF CAPACITIES AND EXPERIENCE

(Document with the logo and symbols of the Bidder)

Open Procedure

Bidder	----- (name of bidder)
--------	------------------------

S T A T E M E N T

I, the undersigned, _____(name, paternity, surname)_____, authorized person to act on behalf of the bidder _____ (name of bidder), in order to guarantee for all capacities of the bidder in the field of electronic communications and especially regarding experience with GSM/UMTS/LTE networks, we submit, enclosed, the following documents:

About the Bidder:

A brief description of the bidder's activity in the field of electronic communications, or the plan for investment in the field of electronic communications.

About senior management and technical staff :

Name of employee, CV, Diploma, certificates or any other document demonstrating his/her professional skills in this area, (for at least 3 people that will be in main management and technical positions)

Personnel:

Name of employee, CV, Diploma, certificates or any other document demonstrating his/her professional skills in this area, (for at least 10 people that will perform this service)

Authorized Person _____ Date xx,xx, 2019
(name, surname, signature, seal)

APPENDIX 6

FORM OF THE PLAN FOR THE NETWORK EXTENTION AND CONFIGURATION THAT WILL BE BUILD FOR SERVICE COVERAGE

(Document with the logo and symbols of the Bidder)

Open Procedure

Bidder	----- (name of bidder)
--------	------------------------

S T A T E M E N T

I, the undersigned, _____ (name, paternity, surname) _____, authorized person to act on behalf of the bidder _____ (name of bidder), confirm through this STATEMENT that if the bidder will obtain the Individual Authorization, it will undertake to build and configure the network in turn the geographical extension of the service coverage, following the timelines and specifics as in the following table:

Period from taking the Individual Authorization	Note
Until the end of the first 6 (six) months	Not less than 25% of the territory
Until the end of 12 (twelve) months	Not less than 50% of the territory
Until the end 18 (eighteen) months	Not less than 75% of the territory

Note. The service coverage statement column will only apply to new 4G service providers

The start time of the utilization of frequencies will be no later than two months from the date of obtaining the Individual Authorization by AKEP.

- ☐ As a current operator on the market, provided by AKEP with previous individual authorizations for use of frequencies for GSM, UMTS, IMT-LTE technologies, declare that the obligations of network coverage and electronic communications services under these authorizations will be followed in parallel with the requirements of the new individual authorization (1x10 MHz paired, in the 800 MHz band: 790-862 MHz) according to the above deadlines and definitions, the requirements of Law 9918 as amended, and based on all Individual Authorizations we will make the maximum efforts to aim for the total coverage of the territory of the Republic of Albania on a timely basis and within the time limits for the validity of Individual Authorizations, including the cooperation with AKEP for this purpose.
- ☐ As a new operator in the market, it will apply the individual authorization obligations (1x10 MHz paired, in the 800 MHz band: 790-862 MHz) according to the above terms and conditions, the requirements of Law 9918 as amended, and will make the maximum efforts to cover the total coverage of the territory of the Republic of Albania on a timely basis and within the deadlines for the validity of the Individual Authorization, including the cooperation with AKEP for this purpose.

Authorized Person _____ Date xx,xx, 2019

(name, surname, signature, seal)

APPENDIX 7

FORM OF STATED SERVICES

(Document with the logo and symbols of the Bidder)

Open Procedure

bidder	----- (name of bidder)
--------	------------------------

S T A T E M E N T

I, the undersigned, _____ (name, paternity, surname) _____, authorized person to act on behalf of the bidder _____ (name of bidder), confirm through this statement that if the bidder will obtain the Individual Authorization, it will provide to the consumers the following services:

Table of services to be provided to the customer (the table can be drawn up by the bidder)

No.	Service	Possible comments
1	Public Mobile Landline Telephony Service
2	Internet Access
3
4
5

Authorized Person _____ Date xx,xx, 2019
(name, surname, signature, seal)

APPENDIX 8

FORM OF STATED STANDARDS

(Document with the logo and symbols of the Bidder)

Open Procedure

Bidder	----- (name of bidder)
--------	------------------------

S T A T E M E N T

I, the undersigned, _____ (name, paternity, surname) _____, authorized person to act on behalf of the bidder _____ (name of bidder), confirm through this statement that if the bidder will obtain the Individual Authorization, for the network Construction and the utilization of the granted frequencies, it will respect the relevant ITU and CEPT standards and the international agreements where Albania is a party.

Authorized Person _____ Date xx,xx, 2019
(name, surname, signature, seal)

APPENDIX 9

STATEMENT ON ACCEPTANCE OF DEFINED TERMS IN THE TENDER ANNOUNCEMENT.

(Document with the logo and symbols of the Bidder)

Open Procedure

Bidder	----- (name of bidder)
--------	------------------------

S T A T E M E N T

I, the undersigned, _____ (name, paternity, surname) _____, authorized person to act on behalf of the bidder _____ (name of bidder), declare through this statement that the bidder accepts all defined terms in the tender announcement..

Authorized Person _____ Date xx,xx, 2019
(name, surname, signature, seal)

APPENDIX 10

STATEMENT ON ACCEPTANCE OF ALL OBLIGATIONS DERIVING FROM WINNING THE TENDER.

(Document with the logo and symbols of the Bidder)

Open Procedure

Bidder	----- (name of bidder)
--------	------------------------

S T A T E M E N T

I, the undersigned, _____ (name, paternity, surname) _____, authorized person to act on behalf of the bidder _____ (name of bidder), declare through this statement that if the bidder will obtain the Individual Authorization, it will in turn accept all obligations deriving from winning the tender.

Authorized Person _____ Date xx,xx, 2019
(name, surname, signature, seal)

APPENDIX 11

STATEMENT ON ACCEPTANCE OF ALL CONDITIONS OF THE TENDER DOCUMENTS.

(Document with the logo and symbols of the Bidder)

Open Procedure

Bidder	----- (name of bidder)
--------	------------------------

S T A T E M E N T

I, the undersigned, _____ (name, paternity, surname) _____, authorized person to act on behalf of the bidder _____ (name of bidder), declare through this statement that the bidder accepts all terms and conditions represented in the bid documents.

Authorized Person _____ Date xx,xx, 2019
(name, surname, signature, seal)

APPENDIX 12
STATEMENT ON ACCEPTANCE OF REVOCATION OF INDIVIDUAL AUTHORIZATION.

(Document with the logo and symbols of the Bidder)

Open Procedure

Bidder	----- (name of bidder)
--------	------------------------

S T A T E M E N T

I, the undersigned, _____ (name, paternity, surname) _____, authorized person to act on behalf of the bidder _____ (name of bidder), declare through this statement that the bidder accepts the revocation of the individual authorization in case of non-performance of all payments for this individual authorization.

Authorized Person _____ Date xx,xx, 2019
(name, surname, signature, seal)

APPENDIX 13

FORM OF STATEMENT FOR THE AUTHORIZED PERSON AND DATA VALIDITY

(Document with the logo and symbols of the Bidder)

Open Procedure

Bidder	----- (name of bidder)
--------	------------------------

S T A T E M E N T

The bidder _____ (name of bidder) declares that Mr. / Mrs. _____ (name, paternity, surname), is the authorized person that will act on our behalf for the preparation and signing of the bid's documents. We also declare that all data, evidence and any information included in our bid, are valid and accurate and meet all requirements defined in the tender documents.

On behalf of the bidder (The Administrator) _____ Date xx,xx, 2019
(name, surname, signature, seal)

APPENDIX 14

FORM OF BANK GUARANTEE FOR BID SECURITY

[Letter with the Bank / Insurance Company logo]

[Ref._____]

[Data_____]

To: Electronic and Postal Communications Authority

Street “Reshit Collaku”,

Tirana – Albania

On behalf of: *[Name and address of the insured bidder]*

Referring to the Open Procedure for ***granting the rights to use frequencies in the band 800 MHz(790-862 MHz), unallocated spectrum***”

We confirm that *[name of insured bidder]* has deposited at *[name and address of the bank/insurance company]* an amount of 186,000 (one hundred and eighty-six thousand) Euro, as a reimbursable deposit for the AKEP.

We undertake to transfer at the account of Electronic and Postal Communications Authority the secured value, within 15 (fifteen) calendar days, upon receipt by us of your simple and first demand in writing, without requesting explanations, as long as this request states the failure to comply with any of any of following conditions:

- The bidder has failed due to his own incapacity to complete the procedures for the provision with Individual Authorization, after AKEP’s announcement for obtaining of 1 (one) Individual Authorization.

This guarantee is valid for the period 365 (three hundred and sixty five) calendar days after the date _____.____.2019.

[Bank representative / Insurance Company]

(name, surname, signature, seal)

Date xx,xx, 2019

APPENDIX 15 – FORM OF AUTHORIZATION FOR REPRESENTATION IN THE BID OPENING

(Document with the logo and symbols of the Bidder)

Open International Tender

AUTHORIZATION

Through this authorization, Mr. Mrs. _____ (name, paternity, surname) I s
authorized to represent _____ (name of
bidder) during the procedure of bids' opening.

Authorized Person _____ Date xx,xx, 2019
(name, surname, signature, seal)

APPENDIX 16

FORM OF DISQUALIFICATION NOTIFICATION



REPUBLIC OF ALBANIA
ELECTRONIC AND POSTAL COMMUNICATION AUTHORITY

Ref _____ No

Date _____.____.2019

NOTIFICATION FOR THE DISQUALIFIED BIDDER

Tirana on _____.____.2019

ELECTRONIC AND POSTAL COMMUNICATIONS AUTHORITY

Street “Reshit Çollaku”,
Tirana – Albania

Procurement procedure: *Open Procedure*

Objekti: “*Granting the rights to use frequencies in the band 800 MHz (790-862MHz),
unallocated spectrum*”.

Ref. 1x10 MHz paired -800-2019

Bidder: _____

Address: _____

Dear, _____,

We would like to thank you for the participation in the above public bidding procedure, open procedure carried out in accordance with the Decision of the Council of the Ministers of the Republic of Albania, DCM No 1252, dated 10.09.2008 “On the approval of regulations for the development of the public tender, for granting the right to use frequencies”.

Your bid was carefully examined based on the terms and conditions defined in the tender document. We regret to inform you that you were disqualified, this due to the fact that the bid submitted by you was refused as a result of the reasons reflected below *[mark the right box]*:

[you entity]

- ☐ Was adjudicated, by a court with full competent jurisdiction, that it has committed criminal or civil offence, that include corruptive practices, money laundering, criminal organization or activities foreseen in Chapter III, point 4.1 of the DCM No.1252, dated 10.09.2008 “On the approval of regulations for the development of the public tender, for granting the right to use frequencies”, amended, in enforceable laws or regulations in Albania, or according to agreements and international convents;
- ☐ A court with full competent jurisdiction has decided that your subject has committed fraud or an activity similar to fraud;
- ☐ Has been found guilty for any wrongdoing related to his/her professional activities;
- ☐ It is under legal process for one of the penal actions described in point 4.1 d) chapter III DCM No.1252, dated 10.09.2008 “On the approval of regulations for the development of the public tender, for granting the right to use frequencies”, amended;
- ☐ Has gone bankrupt, the activity has been taken under the administration of the court according to point 4.1(c) chapter III DCM No.1252, dated 10.09.2008 “On the approval of regulations for the development of the public tender, for granting the right to use frequencies”, amended;
- ☐ Has filed for bankruptcy, for an obligatory liquidation order or an agreement with the creditors, or similar procedures, according to point 4.1(f) chapter III DCM No.1252, dated 10.09.2008 “On the approval of regulations for the development of the public tender, for granting the right to use frequencies”, amended;
- ☐ is found guilty by a competent court of Albania for erroneous professional activity;
- ☐ has not met its obligations regarding the payments for social security according to the specific laws of Albania or the Country of Origin;
- ☐ has not met its obligations regarding tax payments, according to the specific laws of Albania or of the Country of Origin;

You failed to submit:

- ☐ ☐ The required certificates or authentications that demonstrate that you are not in the positions specified in point 4.1, chapter III DCM No.1252, dated 10.09.2008 “On the approval of regulations for the development of the public tender, for granting the right to use frequencies” amended;
- ☐ A certificate, document or other sufficient authentications required from the contracting authority according to point 5.1(a, b, c, d) chapter III DCM No.1252, dated 10.09.2008 “On the approval of regulations for the development of the public tender, for granting the right to use frequencies”, amended, and (*the relevant sections of the TD*), aiming at the verification of your professional adequacy;

- ☐ Sufficient certificates/authentications, as specified in point 5.1(a, b, c, d) chapter III DCM No.1252, dated 10.09.2008 “On the approval of regulations for the development of the public tender, for granting the right to use frequencies”, amended; and *(the relevant sections of the TD)*, aiming at demonstrating that the candidate or the bidder meets the requirements regarding minimum financial capacities, technical and professional capacities specified in the bid file or in the contract award announcement;
- ☐ The Contracting Authority has decided that you have submitted documents having untrue information or falsified documents in order to be qualified;
- ☐ You failed to meet the requirements for the bid security;
- ☐ (other additional motives apart the above mentioned ones)

JUSTIFICATION

[You were disqualified] [Your bid was refused] due to the following reasons:

[Mark down detailed reasons for the disqualification or the refusal of this given bid]

If you think that the Contracting Authority has violated DCM No.1252, dated 10.09.2008 “On the approval of regulations for the development of the public tender, for granting the right to use frequencies”, amended, during the public procurement procedure, then you have the right to start a reviewing procedure as foreseen in Chapter IV of the DCM No.1252, dated 10.09.2008 “On the approval of regulations for the development of the public tender, for granting the right to use frequencies”, amended, and section 2 of Tender Procedure, point 11.9 of the Tender Document.

Although this was not an occasion when we could have made use of your services, we believe that you should be interested in our procurement initiatives.

Respectfully!

HEAD OF BID EVALUATION COMMITTEE

APPENDIX 17

FORM OF THE CLASSIFICATION ANNOUNCEMENT



REPUBLIC OF ALBANIA
ELECTRONIC AND POSTAL COMMUNICATIONS AUTHORITY

Ref.._____No

Tirana _____. _____.2019

ANNOUNCEMENT OF THE VALID BIDS' CLASSIFICATION

Procurement procedure: *Open Procedure*

Object: *“Granting the rights to use frequencies in the band 800 MHz (790-862MHz),
unallocated spectrum”.*

Ref. 1x10 MHz paired-800-2019

After the examination of the submitted bids, we make known that the classification of valid bids goes as follows:

1. _____(points)
2. _____
3. _____
4. _____ etc.

The following bidder was disqualified (in case there are disqualifications)

Bidder: _____

If you don't agree with this classification or assessment, you may deliver a complaint at AKEP, within 5 (five) working days from this announcement.

Classification announcement was done on _____._____.2019.

HEAD OF BID EVALUATION COMMITTEE

APPENDIX 18

FORM OF WINNER NOTIFICATION



REPUBLIC OF ALBANIA ELECTRONIC AND POSTAL COMMUNICATIONS AUTHORITY

Ref. _____ No

Tirana __. __. 2019

WINNER NOTIFICATION

Procurement procedure: *Open Procedure*

Object: ***“Granting the rights to use frequencies in the band 800 MHz (790-862MHz),
unallocated spectrum”.***

Ref. 1x10 MHz paired-800-2019

Referring to the above procedure, we inform *[name of the winning bidder]* that the Bid submitted, with a value of:

_____xxxxxxxx (in words) _____Euro.

has been identified as the winning bid.

In accordance with the provisions in the Tender document, Chapter II, section 17, paragraph 1, you are requested within 7 (seven) calendar days from this announcement to make the payment of _____xxxxxxxx (in words) _____(Euro), in:

1. Account name: "Government of Albania - Deposit in Euro"
2. IBAN: AL89 1011 1008 0000 0000 2111 001E
3. Beneficiary Bank: Bank of Albania
4. SWIFT / BIC Code: STANALTRXXX
5. Bank Address: Skenderbej Square, No.1, Tirana, Albania
6. Account Holder: Ministry of Finance and Economy, Tirana, Albania
7. Address: " Dëshmorët e Kombit", No. 3; Tirana, Albania

Within a timeline of 7 (seven) days, the awarded bidder should submit at AKEP the bank statement that certifies the finalization of this payment.

In accordance with the provisions in the Tender document, Chapter II, section 17, point 2, for being granted the Individual Authorization you are requested that within 10 (ten) calendar days from this announcement to finalize also:

1. The annual payment of **xxxxxxxxxx** ALL for use of frequencies' band

.....
.....

2. The annual payment of **xxxxxxxxxx** ALL for the use of radio communication services for frequencies' bands **xxxxxxxxxx**

.....
.....

These payments should be done to

Bank

Account Number _____.

Address: _____

Within a timeline of 10 (ten) days, the awarded bidder should submit at AKEP the bank statement that certifies the finalization of these payments.

CHAIRMAN

APPENDIX 19

FORM OF PUBLICATION OF WINNING BID



REPUBLIC OF ALBANIA ELECTRONIC AND POSTAL COMMUNICATIONS AUTHORITY

Ref. _____ No

Tirana ____ . ____ .2019

WINNING BID PUBLICATION

Procurement procedure: *Open Procedure*

Object: “*Granting the rights to use frequencies in the band 800 MHz (790-862MHz),
unallocated spectrum*”.

Ref. 1x10 MHz paired-800-2019

Referring to the above procedure, AKEP informs that the bid submitted by _____ (*name of winning bidder*), with a general value of:

_____xxxxxxxx (in words) _____Euro.

has been identified as the winning bid.

CHAIRMAN

APPENDIX 20

FORM OF INDIVIDUAL AUTHORIZATION

In accordance with Article 71, point dh) of Law no.9918, dated 19.05.2008, amended, the Individual Authorization obtained by the winning bidder will involve obligations for the enforcement of specific terms and conditions deriving from the winning of this tender and included in this tender document.



REPUBLIC OF ALBANIA
ELECTRONIC AND POSTAL COMMUNICATIONS AUTHORITY

INDIVIDUAL AUTHORIZATION

No. _____, dated _____.____.2019

**FOR
“THE USE OF FREQUENCIES”**

xxxx-xxxx MHz - paired with xxxx-xxxx MHz

To the Undertaking: “XXX” sh.a

CHAIRMAN

ANNEX No. 1:

CONDITIONS/CRITERIA FOR THE EXPLOITATION AND USE OF FREQUENCIES

1. The Individual Authorization approved with Decision No.____, dated____.2019 of the Steering Board of AKEP gives the undertaking “XXX” sh.a the right to use frequencies **(xxxx-xxxx) MHz paired with (xxxx-xxxx) MHz** with the aim of constructing the network for the provision of *public land mobile service*, throughout the territory of the Republic of Albania.
2. The undertaking “XXX” sh.a, in compliance with the Individual Authorization, is obliged to construct and start offering *public land mobile service through the use of spectrum allocated by this authorization*, within a 2-month period from the date of obtaining the Individual Authorization, complying with all the legal and regulatory framework of the field.
3. The Individual Authorization is unique to the authorized. It may not be sold, rented, transferred or given as a guarantee without the advance approval of AKEP. No change of control of the Authorized entity, be it direct or indirect, may be made without the advance approval, in writing, of AKEP.
4. The undertaking “XXX” sh.a, for the construction of the network and the use of radio frequencies grated for use: **(xxxx-xxxx) MHz paired with (xxxx-xxxx) MHz**, shall implement the National Frekuensi Plan and the recommendations and standards of ITU, CEPT for this frequency band.
5. The undertaking “XXX” sh.a, upon receiving the Individual Authorization is obliged to implement:
 - The plan for the extension and configuration of the network to be constructed for the service coverage, in accordance with the declaration given in the Bid, Appendix 6. Appendix 6 and the Plan presented during the tendering procedure will be called Annex 3, attached to this Individual Authorization and are part of it.
 - Provision of services declared in the Bid, Appendix 7, included in Annex 4 of this Individual Authorization.
6. The undertaking is obliged within 30 calendar days from the date of receiving the Individual Authorization to submit to AKEP a detailed project for the implementation of the Plan for the extension and construction of the network, the way of establishing connections between the base stations, their location, etc. This project is presented under Annex 3 (Annex 6).
7. The undertaking is obliged to report to AKEP regarding the percentage of territory covered by the service from the network established by him, according to Annex 3 (Annex 6), but also every 6 months after the 18 month deadline set out in Annex 3 Appendix 6).
8. The validity period for using the frequencies (xxxx-xxxx) MHz paired with (xxxx-xxxx) MHz, is until____.2034.
9. Renewal of the Individual Authorization shall be made at the end of the validity period, in compliance with the definitions of Law 9918, dated 19.05.2008, amended or the legislation in force at the relevant time.
10. The Entity must pay in due time, all payments that arise during the validity of this Individual Authorization.
11. If the operator does not fulfil at least one of the above obligations, AKEP shall undertake the relevant measures in accordance with article 135 ongoing of the Law 9918, dated 19.05.2008, amended.

ANNEX NO. 2

The undertaker _____ sh.a are assigned frequencies as follows:

Operator	Frekuencat [MHz] 1x10 MHz (paired)		Period of Validity
	Up Link	Down Link	
Xxxxxxx	xxxxxx-xxxxx	xxxx-xxxx	__.__.2019 – __.__.2034

The use of the frequency spectrum will be made in accordance with the National Frequency Plan definitions.

The use of this frequency band will be made in accordance with the decisions of the Electronic Communications Committee - ECC / DEC / (09) 03 and ECC / DEC / (11) 04, with ECC Report 207 and CEPT Reports 019, 021, 023, 029 , 030, 031 as well as ITU decisions / recommendations.