

DRAFT

TERMS OF REFERENCE

for the comparative selection procedure in view of granting two licences
for the use of the radio frequencies that allow the provision of
public electronic communications networks and
publicly available electronic communications services
by means of Broadband Wireless Access (BWA) systems

Author	ANC
Contact person	Marius Saceanu Bogdan Iana
Document code	
Date of initial publishing	October 15, 2008
Date of last amendment	-
Date of closing the public consultation	October 28, 2008
Status	Draft
Pending	Answer

CHAPTER 1 INTRODUCTION

1.1. Overview

1.1.1. The licences for the use of radio frequencies in view of providing public electronic communications networks and publicly available electronic communications services by means of broadband wireless access systems (BWA), hereinafter referred to as "the licences" or "the BWA licences", will be granted by the comparative selection procedure, hereinafter referred to as "the procedure" or "the selection procedure", organised by the National Authority for Communications, hereinafter referred to as ANC.

1.1.2. Any Romanian or foreign legal person is entitled to take part in the comparative selection procedure. A couple of legal persons are entitled to set up an association in order to submit a common offer. The associated entities are not required set up a legal association; an association agreement will suffice, in accordance with the provisions of point 5.5.

1.1.3. Participants in the comparative selection procedure are herein after referred to as "tenderers". The term "tenderer" defines also an association set up in order to submit a common offer, if the context does not imply a different meaning.

1.1.4. The tenderers participating in the comparative selection procedure must read, assimilate and observe the rules and the conditions mentioned in these Terms of Reference.

1.1.5. The Terms of Reference mainly include the minimum technical conditions which a tenderer has to comply with, the scoring grid, the minimum requirements a tenderer has to assume if he wins the comparative selection procedure, as well the deadline for the offer submission.

1.1.6. If the offer submitted by a foreign legal entity wins the comparative selection procedure, the licence will be granted to a Romanian legal person nominated by the licence winner. If the offer submitted by an association wins the comparative selection procedure, the third generation mobile communications licence is issued to a Romanian legal person nominated by the members of that association. The foreign legal entity, respectively the association members, need/s to hold at least 80% of the registered capital or of the voting rights of the Romanian legal person who will be granted the licence.

1.1.7. The Terms of Reference may be obtained from the ANC headquarters in Bucharest, Sector 3, 2 Delea Noua Street, 7th Floor, Legal Division, contact person: Mr. Calin COZAN, upon the tenderer's submission of the following:

- proof of payment of the non-refundable amount of RON 1500, i.e. the value of the Terms of Reference, bearing a payment date no later than 17.11.2008, either to the ANC cashier in 2 Delea Noua Street, Sector 3, Bucharest, or in the ANC account no.RO03TREZ7005025XXX000274 opened at *Activitatea de Trezorerie și Contabilitate Publică* of the Bucharest Municipality, provided that the payment order specifies the National Authority for Communications as the **Beneficiary**, as well as

the fact that the payment is due for the Terms of Reference in view of the comparative selection procedure organised for the purpose of granting two licences for the use of BWA radio frequencies;

- original proxy of the person mandated to take the Terms of Reference.

1.1.8. Only the tenders submitted by the tenderers who bought the Terms of Reference from ANC will be accepted. Common offers will not be considered unless the association representative designated according to point 5.5. letter b) has bought the Terms of Reference from ANC.

1.1.9. Each of the winners will have the right to be granted one licence for the use of radioelectric frequencies, following this selection procedure.

1.2. Applicable Law

The selection and awarding procedure will be conducted in compliance with the following legal provisions:

- **Article 2(1) of the Government Emergency Ordinance no.18/2008** on the establishment of certain steps for the reorganisation of the radio spectrum usage in the 3600-3800 MHz frequency range;
- **Article 15(1) of the Government Emergency Ordinance no.79/2002** on the general regulatory framework for communications, approved, with amendments and completions, by Law no. 591/2002, with the subsequent amendments and completions;
- **Article 11 of the Government Emergency Ordinance no.106/2008¹** on the establishment of the National Authority for Communications;
- **Government Decision no.638/2008** on the amount of the licence fee for granting the right to use the radio frequencies in the 3600-3657 MHz and 3700-3757 MHz ranges;
- **Decision of the President of the National Regulatory Authority for Communications and Information Technology no.732/2008** regarding the procedure of granting licences for the use of radio frequencies in the 3600-3657 MHz and 3700-3757 MHz ranges and the establishment of the licence fee amount for granting the right to use the radio frequencies in the 3657-3685 MHz and 3757-3785 MHz ranges.

1.3. Schedule of the Licence Award Procedure

ACTIVITY	DATE
Publishing the final version of the Terms of Reference	03.11.2008
Obtaining the Terms of Reference	04.11.2008-17.11.2008
Clarification requests	04.11.2008-24.11.2008
Answers to questions	05.11.2008-02.12.2008
Offer submitting deadline	05.01.2009, 17.00 hrs.

¹ The National Regulatory Authority for Communications and Information Technology was dissolved by virtue of Article 1 of the Government Emergency Ordinance no.106/2008 on the establishment of the National Authority for Communications, published in the Romanian Official Journal, Part I, no. 659 of September 18, 2008 (our note)

Winner nomination	28.01.2009
Complaint submission	29.01.2009-04.02.2009

1.3.1. ANC may extend the winner nomination deadline and, respectively, the complaint submission deadline, where the offer assessment involves processing a large volume of information.

1.4. The offers will be assessed based on a scoring grid by the commission designated by decision of the ANC President.

1.5. The Commission will assess exclusively the offers submitted in accordance with the deadlines provided in the Terms of Reference.

1.6. The currency used in the comparative selection procedure is Euro.

CHAPTER 2 LICENCES FOR THE USE OF RADIO FREQUENCIES

2.1. Overview

2.1.1. This procedure envisages awarding two licences in the 3600-3657 MHz and 3700-3757 MHz frequency bands, for the purpose of providing public electronic communications networks and publicly available electronic communications services by means of broadband wireless radio systems.

2.1.2. The licences will allow the holders to roll install, own and operate a public electronic communications network, as well as to provide publicly available electronic communications services by means of broadband wireless access systems (BWA).

2.1.3. Licences granted to the persons designated following the selection procedure will specify the obligations undertaken by the winning tenderers.

2.1.4. The applicants will submit information on the standards used and on the essential parameters describing the quality of their services.

2.1.5. The licences will be granted for a 10-year period and may be renewed, upon the holders' request, under the legal provisions.

2.2. Frequency Bands:

2.2.1. Each licence will grant, by national allocation, the right to use certain frequency sub-bands (a duplex radio channel with a bandwidth of 2x28 MHz), with the following limits:

- 3601-3629 MHz / 3701-3729 MHz,
- 3629-3657 MHz / 3729-3757 MHz.

2.2.2. The limits of the above channels comply with the provision of Recommendation CEPT/ERC/REC 12-08, Annex B, part II, point B2.2.1.

2.2.3. The 3600-3601 / 3700-3701 MHz sub/bands are considered guard bands and will not be occupied.

2.2.4. In case of FDD duplex usage, the sub-bands will be used as follows:

- upper sub-band: base station emission;
- lower sub-band: subscriber terminal emission.

2.2.5. Radio channels with bandwidths narrower than 28 MHz, included in the allocated sub-bands may be used. The central frequencies of the above-mentioned channels will be chosen so as their limits should not exceed the limits of the allocated sub-bands.

2.2.6. The guard band required by the adjacent sub-bands is included in the sub-bands to be allotted by licence, which is a term that the tenderers must observe in elaborating the offer.

2.2.7. Limits for In-Block Emissions

2.2.7.1. The equipments operating in the frequency bands envisaged by this procedure may use other equivalent isotopically radiated power (e.i.r.p.) limits than those established below, on the condition that adequate mitigation techniques are applied, in accordance with Directive 1999/5/CE, thus ensuring a level of protection at least equivalent with the one targeted by the technical parameters below.

2.2.7.2. The general technical conditions applicable to fixed and nomadic networks are described in Harmonised Standards EN 302 326-2 and EN 302 326-3, which also include definitions for central and terminal stations. The term "central station" may be considered equivalent to the term "base station" in the context of mobile cellular networks. This is the meaning of "base station" throughout these Terms of Reference.

2.2.7.3. E.i.r.p. spectral density limits for fixed and nomadic deployments between 3600 and 3800 MHz:

Station type	Maximum e.i.r.p. spectral density (dBm/MHz) (including tolerances and automatic transmitter power control range)
Central station (and repeater station downlinks)	+ 53 ⁽¹⁾
Terminal station outdoor (and repeater station uplinks)	+ 50
Terminal station indoor	+ 42
⁽¹⁾ The central station e.i.r.p. spectral density value given in the table is considered suitable for conventional 90 degrees sectorial antennas.	

2.2.7.4. E.i.r.p. spectral density limits for mobile deployments between 3600 and 3800 MHz:

Station type	Maximum e.i.r.p. spectral density (dBm/MHz) (minimum automatic transmitter power control range 15 dB)
Central station	+ 53 ⁽²⁾
Central station	+ 25
⁽²⁾ : The central station e.i.r.p. spectral density value given in the table is considered	

suitable for conventional 90 degrees sectorial antennas.

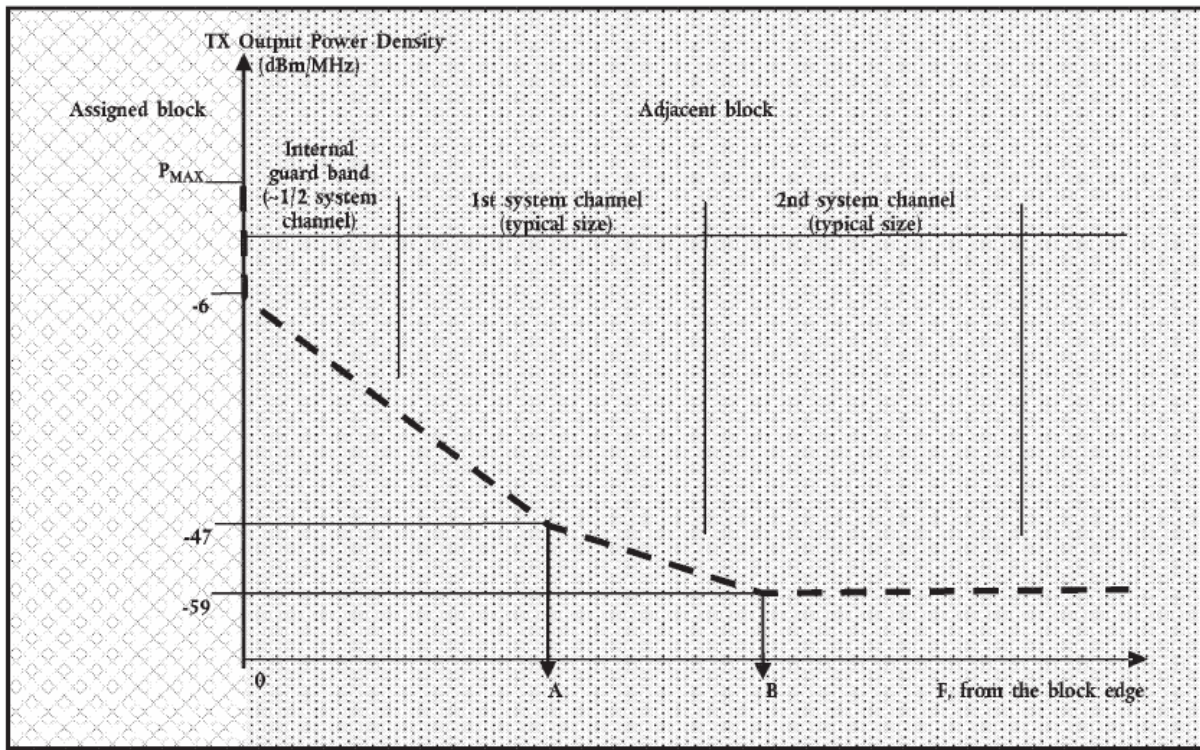
2.3. Spectrum Mask

2.3.1. The following technical parameters, hereinafter referred to as BEM (Block Edge Masks), are an essential component of the conditions required in view of ensuring co-existence, in the absence of bilateral agreements or multilateral agreements between neighbouring networks. Moreover, less restrictive technical parameters may be used, where the operators of such networks reach an agreement thereon.

2.3.2. The spurious emissions generated by the transmitter must be lower than the margins specified in the table below. The margins of the spurious emissions generated by the transmitter will be observed for transmissions with one RF carrier or with all the RF carriers born by the base station.

2.3.3. Margins for Out-of-Block Emissions (BEM masks for base stations):

2.3.3.1. Base station out-of-block emissions:



2.3.3.2. Definition of thresholds A and B on the diagram above:

Frequency offset	Definition (% of the assigned block)
A	20 %
B	35 %

NB: The percentages given in the "Definition" column refer to the smaller of the adjacent blocks, if blocks are of unequal size.

2.3.3.3. Table description of the BEM mask for the base station

Frequency offset	Central station transmitter output power density limits (dBm/MHz)
In-band (within assigned block)	See points 2.2.7.3. and 2.2.7.4.
$\Delta F = 0$	- 6
$0 < \Delta F < A$	- 6 - 41 · ($\Delta F/A$)
A	- 47
$A < \Delta F < B$	- 47 - 12 · (($\Delta F - A$)/(B - A))
$\Delta F \geq B$	- 59

2.4. Radio Interface Standards

The radio interface standards used will have to ensure the essential requirement for the use of the radio spectrum on preventing harmful interferences. This requirement is observed by compliance with the harmonised European standards EN 302 217 and EN 302 326.

The tenderers will specify in the offers the standards they intend to apply.

2.5. Electromagnetic Compatibility

In view of ensuring electromagnetic compatibility, a tenderer's own equipments installed in collocation with other electronic communications equipments will have the ability to perform as intended without degradation in the presence of an electromagnetic disturbance.

2.6. Restrictions for Usage at The Borders with The Neighbouring Countries

2.6.1. In the border areas, the allocated channels will be used by the licence holders only based on coordination with the communications administrations of the neighbouring countries in accordance with the requirements provisioned in the international agreements in which Romania is a party, which regard the coordination of frequencies related to the allocated spectrum envisaged by this procedure.

2.6.2. The specific conditions for the use of the sub-bands allocated in the border areas will be subsequently specified in the licences and in the frequency assignation authorizations.

2.6.3. The usage of non-preferential frequencies will not determine a power density higher than -122 dBW / (MHz x m²) in border areas.

This value is to be updated, based on the multilateral coordination in border areas, between Romania and the neighbouring countries, regarding the radio spectrum envisaged by this procedure.

CHAPTER 3 CONDITIONS FOR TAKING PART IN THE COMPARATIVE SELECTION PROCEDURE

3.1. Minimum Requirements

3.1.1. In order to be admitted in the comparative selection procedure, the tenderer has to fulfil, cumulatively, the following conditions:

- a) the tenderer is a Romanian or foreign legal entity (company);
- b) by the deadline for the offer submission, the tenderer submits all the documents provisioned at Chapter 5;
- c) the tenderer is not in bankruptcy or in legal dissolution, the operations are not managed by a syndic magistrate, the commercial activities are not suspended nor in similar situations, according to the law;
- d) the tenderer is not the object of a legal procedure which may result in bringing him in any of the situations mentioned at letter c);
- e) in view of promoting real and effective competition in Romania, the situation in which two or several companies in one group hold BWA licences should be avoided;
- f) the tenderer does not hold licences for the use of the radio frequencies in the 3400-3600 MHz band, thus being allocated frequency sub-bands with a cumulated bandwidth equal or exceeding 2x28 MHz; this limitation is also applicable to the tenderers who belong to the same group of companies with the holders of licences for the use of radio frequencies that meet cumulatively the above-mentioned requirement, in this case, the respective limitation refers to the group of companies.

The licences for the use of radio frequencies allocating – at a national or at a local level – channels in the 3400-3600 MHz band will not be renewed in case of the winners of the selection procedure envisaged by this Terms of Reference; this limitation applies also to the holders of licences for the use of radio frequencies that part of the same group of companies as the winners of the selection procedure, in this case, the respective limitation refers to the group of companies.

The term “group of companies” will be defined having regard to the provisions of the 2004 Guidelines on the calculation of the turnover in cases of anticompetitive behaviour provided in Article 5(1) of the Competition Law no.21/1996 and in the case of economic concentration, published in the Romanian Official Journal no. 440 of 17.05.2004;

- g) the tenderer has no tariff payment obligation and/or other obligations following the failure to pay/delayed payment of the tariffs to the National Authority for Communications, being eligible and not yet executed till the moment of the offer submission;
- h) the tenderer has submitted the tender guarantee (original) in the form and the amount provisioned in the ANRCTI President’s Decision no.732/2008, together with the documents accompanying the offer;
- i) the tenderer has paid the non-returnable amount of 1,500 RON and ANC has received it under the provisions of paragraph 1.1.7;
- j) the tenderer fulfils his unfulfilled obligations of paying the taxes, duties, contributions, and other incomes to the state budget or to the social insurance budget. The taxes, duties, contributions, and other incomes whose payment was facilitated by the competent bodies (postponement of payment, deferred payments, etc.) will not be considered unfulfilled obligations, if the tenderer complied with the clauses required when the above mentioned facilities were given;

k) the tenderer has an average turnover for the financial year 2005, 2006 and 2007 of at least 10 million Euro.

3.1.2. In the case of associations, each of the association members must fulfil the provisions of paragraph 3.1.1., excepting letter k), which must be fulfilled by at least one member of the association and excepting the letters h) and i), which must be observed by the mandated representative of the association.

3.2. Financial Requirements

a) The tenderers have to prove that they have enough capital for setting-up a network for the provision of publicly available electronic communications services, according to the obligations undertaken in the offer;

b) If the tenderer has not enough capital of his own, he will have to prove that his shareholders and/or other investors are willing to provide the required capital;

c) The proof mentioned at letter b) may be made by providing a firmly written obligation from the shareholders/future shareholders of the Romanian legal persons to be established after the declaration of the winning offer or from other investors testifying the availability of providing the needed capital, as well as the confirmation of the intentions from the offer, alternatively proving with other means the fact that the capital concerned will be available for the tenderers in order to deploy such a network.

3.3. TECHNICAL CAPACITY

a) The tenderers have to prove that the solution provided in their offer is technically feasible, depicting the structure of the proposed network and the technical development plan;

b) The tenderers have to provide details on the quality of the proposed services, including the transmission capacity;

c) The technical plans submitted by the tenderers have to prove the security and availability of the network and the way of ensuring the quality of its parameters and the supplied services.

3.4. COMMERCIAL FEASIBILITY

a) The tenderers have to prove their commercial skills by means of business plans, market studies, investment plans and financial forecasts, based on realistic prognosis, which will indicate the costs, the incomes necessary for the service provision;

b) The tenderers have to clearly and precisely prove, by long-term market analyses, network development plans, cost estimates and cash-flow analyses etc., the connections between their intentions and plans concerning the network and the technologies used.

3.5. SPECIALIZATION AND EXPERIENCE

a) The tenderers have to prove that they have the appropriate specialization and experience in installing, operating and maintaining public electronic communications networks, in providing electronic communications services or in manufacturing and

commercialising radio equipments or equipments that have in-built radio modules for data transmissions;

b) The requirements provisioned at letter a) must be fulfilled by the tenderer or by at least one member of the association, where this form of participation is chosen.

CHAPTER 4 OFFER SUBMISSION AND OPENING

4.1. The representative authorized for employing the tenderer has to number and sign each page of the offer (the original version and the copies), and to attach a list of the documents. If the documents are issued by qualified official institutions/bodies they have to be signed and stamped according to the applicable legal provisions. Any erasure, adding, row pitches or written modification have to be stamped by the person(s) authorized to sign the documents in order to be valid.

The offer for taking part in the comparative selection procedure needs to be firm, final, irrevocable, unconditional and valid at least 180 days from the deadline for submitting the offers.

The offer for taking part in the comparative selection procedure needs include at least the technical and financial elements referred to in the scoring grid provided in Chapter 6, point 6.2.2.

4.2. The offer for taking part in the comparative selection procedure needs to be accompanied by all the documents provisioned at Chapter 5.

4.3. The offer will be sent by mail, with confirmation receipt or personally handed in at the ANC headquarters in 2 Delea Noua Street, Sector 3, Bucharest, and must be registered with ANC by 5.01.2009, 17.00 hrs. ("deadline for submitting the offers"), Romania's time.

The offers which ANC received after the deadline will not be taking into consideration and will be sent back unopened at the address mentioned on the envelope.

The tenderer has to take all the necessary measures so that the offer should be received by ANC according to the deadline, and has to undertake the risks for sending the offer, including the force majeure situations.

ANC is entitled to extend the deadline for offer submission, announcing the new deadline on www.anrcti.ro, at least ten days prior to the initial deadline.

4.4. The offer will be drawn up in Romanian and submitted in the original and two paper copies, appropriately certified, and in electronic format on CD with full file usage rights, in Microsoft Word/Excel. The original version will be signed by the representative authorized for employing the tenderer. The CD will contain exclusively the electronic copy of the offer. The documents accompanying the offer will be submitted in one copy, in the terms provided in Chapter 5.

In case of inconsistencies between the original and the copies, the original will prevail. In case of inconsistencies between the paper version and the electronic version, the paper version (original) will prevail.

4.5. The tenderer has to seal the original and each set of copies in different envelopes, which have to be accurately marked with "ORIGINAL" and respectively "COPY". The documents accompanying the offer provided in Chapter 5 will be put into an envelope marked with "DOCUMENTS ACCOMPANYING THE OFFER". These envelopes will be put into a larger outer envelope, which must be opaque and properly closed. The outer envelope must be marked with "*Offer for participation in the selection procedure in view of granting two licences for the use of radio frequencies in the 3600-3657 MHz and 3700-3757 MHz bands*", the ANC address, the tenderer's name and address and the inscription "DO NOT OPEN BEFORE 5.01.2009, 5 PM."

If the outer envelope is not properly marked according to the previous stipulations, ANC will not be held responsible for its loss or for the offer opening prior to the deadline.

4.6. The tenderer will cover all the costs necessary for the offer preparation and presentation and ANC will not be chargeable by any case for the payment of these costs, irrespective of the carrying on and the result of the selection procedure.

4.7. If the offers include confidential information, these will be listed in a separate attachment, the tenderer explicitly indicating that the respective information is confidential; ANC will keep the confidentiality of such data to the extent that they are considered classified by law.

4.8. The offer structure and content are established in Annex 1.

No alternative offers are accepted.

4.9. Any tenderer has the right to modify or withdraw his offer only prior to the mentioned deadline and only by a written application therefor, according to point 4.5. This written application has to be received at ANC prior to the mentioned deadline. In the case the tenderer is going to operate changes in the already submitted offer, he has the obligation ensure the receiving and registration of these changes by ANC by the offer submission deadline. In order to be considered a part of the offer, the changes have to be submitted according to the provisions from 4.1-4.5 with the amendment that on the outer envelope the inscription "CHANGES" has to be marked.

If the tenderer withdraws his offer after the deadline for submitting the offers, the tender guarantee will not be refunded.

4.10. The envelope with the documents accompanying the offer will be opened by the tender commission, at the ANC headquarters in 2 Delea Noua Street, Sector 3, Bucharest.

4.11. ANC reserves its right to request any additional information from the tenderers even after the deadline.

4.12. The offer will contain no more than 200 pages, font size 12, without including the copies of the requested documents. The data presented according to Section A of Annex 1 of the terms of reference will not be counted in the number of pages quoted above. Tables and maps may be submitted as annexes to the offer, being counted among the 200 pages. The obligation to use fonts of 12 shall be incumbent only for the data presented as text. In the case of tables and graphs, fonts of different sizes may be used, to the extent that the message remains legible.

4.13. The tenderers' clarification requests will be addressed in written format to ANC, in 2 Delea Noua Street, Sector 3, Bucharest, to the attention of the BWA tender commission or in electronic format with an incorporated, attached or logically associated extended electronic signature, based on a qualified certificate which is not suspended or revoked at the moment and generated by means of a secured electronic signature device to licentebwa@anrcti.ro, by 24.11.2008, ANC answering to the clarification requests received till 02.12.2008. The received questions and their answers will be communicated to all those who bought the Terms of Reference and will be published on the ANC web site without mentioning the requester's identity.

4.14. The tenderers will mention in their offer a contact fax number where the ANC messages may be sent.

4.15. The facsimile messages that the tenderer receives from ANC will be considered sent items when ANC receives their transmission confirmation by fax.

4.16. The tenderer has no right to influence or to try to influence the evaluation commission in the examination and assessment process or in its decision to nominate the winning offer under the sanction of exclusion from the comparative selection procedure and the loss of the tender guarantee. None of the tenderers has the right to contact the evaluation commission concerning any problem related to his offer since the moment of opening until the licence award.

4.17. The members of the tender commission have no right to be a shareholder, an associate, administrator, auditor or employee by labour book or otherwise of a tenderer or of an association that submits a common offer or of any legal entity that controls a tenderer. The tender commission members will make a statement thereon.

4.18. The tenderers who are in association have no right to submit other offers individually or in association, apart from the common offer.

4.19. The legal or natural persons nominated as subcontractors and/or partners at one or more offers have no right to submit an offer in their own name or in association.

4.20. The length of operation of the Romanian legal person to whom the licences will be awarded has to be at least equal with the length of the licence validity.

4.21. ANC has the right to execute the tender guarantee also when the tenderer/s withdraw/s his/their offer after the offer receiving deadline and/or waives his/their right of being awarded a licence and/or does not meet the provisioned conditions until the licence is issued.

4.22. If not specified otherwise on these technical specifications, days mean calendar days.

CHAPTER 5 DOCUMENTS ACCOMPANYING THE OFFER

5.1. Along with the offer submission, the persons interested in the tender will have to submit at the ANC headquarters the following documents:

a) The authenticated power of attorney granted to the natural person who represents the tenderer and is authorized to employ the tenderer during the comparative selection procedure and the limits of his power of attorney;

b) An attesting certificate (in original) issued by the Trade Register Office or by other foreign similar body, no more than 30 days prior to the offer submission, which will state at least:

- i) the legal identification items;
- ii) the length of operation;
- iii) the main and secondary, if case, object of activity;
- iv) the nominal shared capital and the shareholders' stake to this capital;
- v) administrators/ managers/ legal representatives/ mandated persons, with the clear mention of the length of their appointment on behalf of the head of the company;
- vi) there is no procedure initiated towards legal reorganization or bankruptcy, according to the law, or any other legal procedure in case of insolvency;
- vii) status of the company.

c) the registration certificate issued by the Trade Register Office or by other similar body from abroad;

d) on behalf of the tenderer, the legal representative has to introduce a declaration on its own responsibility certifying that all the submitted and provided documents and information are complete and accurate in any detail and according to the real situation (original);

e) fiscal authentication certificate on the fulfilment of the payment obligations to the state budget, budgets of social insurance and special funds of taxes, duties, contributions and other revenues, issued in accordance with the legal provisions in force (original);

f) financial statements for the financial years 2005, 2006, 2007 (including the notes to the financial statements) drawn up in accordance with the International Standards for Financial Reporting or, should these not be available, the financial statements approved, endorsed and registered by the competent bodies, under the legal provisions. These will be accompanied by the external audit report, if available, or by the audit commission/administrators' report, as the case may be;

g) Letter of bank guarantee, in the format and amount provided by the ANRCTI President's Decision no.732/2008 (original).

5.2. The documents accompanying the offer and the offer will be submitted in sealed envelopes in accordance with Chapter 4.

5.3. If the foreign entities in the selection procedure cannot submit the required documents in the format imposed by the provisions of point 5.1., the documents accompanying the offer will be similar to those requested from the Romanian entities, under the terms of the legal regime for foreign official acts, according to the provisions of

the Hague Convention of October 5, 1961, on abolishing the requirement of legalisation for foreign public documents, for the signatories, or according to the applicable provisions of international law, in the case of countries that are not parties in the Hague Convention, in a legalized translation into the Romanian language.

The requirement will be deemed fulfilled in the following situations:

a) if the national legislation and the institutional system in the tenderer's country allow the fulfilment of the request, the tenderer will provide the requested information in the imposed format.

b) if the national legislation and the institutional system in the tenderer's country allow such information to be obtained from one or several relevant authorities, and a single document comprising all the details may not be issued, the requirement will be considered fulfilled by submitting several documents.

c) if the national legislation and the institutional system in the tenderer's country do not allow such information from one relevant entity, it will be presented in the statutory document of the company, where mentioned, or by statement on one's own responsibility, where not mentioned. In this situation, a statement on one's own responsibility will present the legal impossibility to provide such information under the conditions of the Terms of Reference.

5.4. In the case of associations, each of the members will submit the documents at point 5.1., excepting the document sat letters a) and g), which will be submitted by the association representative designated according to point 5.5. letter b).

5.5. Associations will have to submit an association agreement concluded by all their members. This agreement will be presented in authentic form and must include at least the following:

a) names of the association members and share of each member;

b) the legal entity – association member - that represents the association in the selection procedure and meets the requirements of Chapter 3 point 3.1.2.;

c) firm commitment of all the association members in view of submitting a common offer and of granting the unconditional financial and/or technical support to the Romanian legal entity to whom a licence will be issued;

d) the validity of the association agreement may not be shorter than 180 days counting from the deadline for submitting the offers.

5.6. Where original documents are not required, the tenderer will submit a legalised copy of the documents or a copy certified for conformity by the tenderer.

CHAPTER 6 THE COMPARATIVE SELECTION PROCEDURE

The comparative selection procedure consists of three stages:

6.1. Qualification;

6.2. Offer evaluation;

6.3. Winner designation.

6.1. QUALIFICATION

6.1.1. During this stage, the commission will check if the tenderers comply with the minimum conditions provisioned at Chapter 3 point 3.1.

6.1.2. If the tenderers do not comply with the minimum conditions provisioned in Chapter 3 point 3.1, or the offers are not accompanied by all the documents in the form requested in Chapter 5, they will not be assessed.

6.1.3. At any time, the commission may request additional details and supplementary documents for establishing the factual situation on which is based the qualification of an offer.

6.2. OFFER EVALUATION

6.2.1. During the offer evaluation stage, only the offers that meet the minimum requirements provided in Chapter 3 point 3.1. and are accompanied by all the documents requested in Chapter 5.

6.2.2. The offers will be evaluated according to the following scoring grid:

CRITERIA	Maximum score
1. Financial capacity	18p
1.1. Turnover for 2007	2p
1.2. Turnover for 2006	2p
1.3. Turnover for 2005	2p
1.4. Earnings before interest, taxes, depreciation and amortization (EBITDA) for 2005, 2006 and 2007	4p
1.5. Degree of indebtedness for 2007	4p
1.6. Investments during 2005 – 2007	4p
2. Commercial feasibility	14p
2.1. Marketing plan	4p
2.2. Date of commercial launch, ensuring at least 10% of the total number of base stations forecasted in operation at the end of stage 3	6p
2.3 Net present value	1p
2.4 Internal return rate	1p
2.5 Return on investment	1p
2.6 Profitability index	1p
3. Specialisation and experience	10p
3.1. Ongoing experience (so far) in the operation of public electronic communications networks (in any country)	2p
3.2. Cumulated turnover from the provision of electronic communications services in 2005, 2006 and 2007	2p
3.3. Specialization in the maintenance and operation public electronic communications networks on physical support – optical cable or fibre - (in any country)	2p
3.4. Specialization in the installation and operation of public electronic communications networks on radio support (in any country)	2p
3.5. Specialization in manufacturing and selling radio equipments or equipments that have in-built radio modules, for data transmissions (in any country)	2p
4. Technical feasibility	19p
4.1. Number of base stations installed and in operation in stage 1	10p

4.2. Number of base stations installed and in operation in stage 2	6 p
4.3. Number of base stations installed and in operation in stage 3	3 p
5. Coverage (according to points 6.2.4., respectively points 6.2.5.):	39p
5.1. Municipalities (chosen from the list in annex 2)	24p
5.1.1. Stage 1	10 p
5.1.2. Stage 2	8 p
5.1.3. Stage 3	6 p
5.2. Towns (chosen from the list in annex 3)	15p
5.2.1. Stage 1	6 p
5.2.2. Stage 2	5 p
5.2.3. Stage 3	4 p

6.2.2.1. As regards points 3.3., 3.4. and 3.5. of the scoring grid, the following scores will apply:

- 1 point for proving specialization in installation;
- 1 point for proving specialization in operation;
- 1 point for proving specialization in selling radio equipments or equipments that have in-built radio modules, for data transmissions;
- 1 point for proving specialization in manufacturing radio equipments or equipments that have in-built radio modules, for data transmissions;

6.2.2.2. Experience/specialization in the operation, installation, production or commercialisation will mean the ongoing performance of the respective activity in the last 2 years.

6.2.2.3. In case of a common offer, for each of the points 1.1., 1.2., 1.3., 1.4., 1.5., 1.6., 3.1., 3.2., 3.3., 3.4 and 3.5 of the scoring grid, the score will be calculated as a weighted average, based on the share of each member. The condition regarding the experience/specialization provided at point 6.2.2.2. will be applied to the weighted value obtained according to this paragraph.

6.2.2.4. As regards points 1.1., 1.2. and 1.3. of the scoring grid, the tenderers that submit turnovers exceeding or equal to 2 billion EUR will be granted maximum score, whereas the score of the other participants is to be calculated based on this threshold. If no tenderer reaches this threshold, the general rule provided at point 6.2.6.2 will be applied.

As regards point 3.2 of the scoring grid, the tenderers that submit turnovers exceeding or equal to 6 billion EUR will be granted maximum score, whereas the score of the other participants is to be calculated based on this threshold. If no tenderer reaches this threshold, the general rule provided at point 6.2.6.2 will be applied.

6.2.2.5. As regards point 2.2. of the scoring grid, the score will be granted as follows:

- a) 6 points for a term of commercial launch shorter than 180 days from the date of granting the licence for the use of radio frequencies;
- b) 5 points for a term of commercial launch ranging between 181 and 240 days from the date of granting the licence for the use of radio frequencies;
- c) 4 points for a term of commercial launch ranging between 241 and 300 days from the date of granting the licence for the use of radio frequencies;
- d) 3 points for a term of commercial launch ranging between 301 and 360 days from the date of granting the licence for the use of radio frequencies;

- e) 2 points for a term of commercial launch ranging between 361 and 420 days from the date of granting the licence for the use of radio frequencies;
- f) 1 points for a term of commercial launch ranging between 421 and 480 days from the date of granting the licence for the use of radio frequencies.

6.2.2.6. The financial part of the offer will be expressed in EUR. Where the financial statements for the years 2005, 2006 and 2007 are not expressed in EUR, in the assessment process, these will be converted in EUR at the exchange rate between EUR and the currency of the financial statements, according to the InforEuro quotation for the month following that in which the respective financial year was concluded, for each of the three years.

6.2.2.7. If one offers fulfils no more than the minimum requirements provided in Chapter 7, point 7.1., the tenderer's score at point 5 of the scoring grid will be diminished by 50%.

6.2.3. The coverage of towns and municipalities, provided at point 5 of the scoring grid, will be defined based on the number of base stations installed and in operation in that location, in a certain development stage, as detailed below.

6.2.3.1. The municipality of Bucharest will be considered covered in a certain stage of development if the tenderer provides, in the network development plan, at least 12 base stations installed in the administrative area of this municipality and operational on the deadline of the respective stage, according to point 6.2.6.1. letter a).

6.2.3.2. A municipality that is the capital city of any of the counties Arad, Bacau, Bihor, Brasov, Braila, Cluj, Constanta, Dolj, Galati, Iasi, Prahova or Timis will be considered covered in a certain stage of development if the tenderer provides, in the network development plan, at least four base stations installed in the administrative area of this municipality and operational on the deadline of the respective stage, according to point 6.2.6.1. letter a).

6.2.3.3. A municipality that is the capital city of any other county than those provided at point 6.2.3.2., or a municipality that is not a county capital will be considered covered in a certain stage of development if the tenderer provides, in the network development plan, at least two base stations installed in the administrative area of this municipality and operational on the deadline of the respective stage, according to point 6.2.6.1. letter a).

6.2.3.4. A town will be considered covered in a certain stage of development if the tenderer provides, in the network development plan, at least one base station installed in the administrative area of this municipality and operational on the deadline of the respective stage, according to point 6.2.6.1. letter a).

6.2.4. In establishing the score at point 5 of the scoring grid, it will be considered that a base station must have a radiant system with an omnidirectional synthesized radiation specification.

6.2.5. The tender commission will have the right to reject any qualified offer, as not corresponding, if:

a) the offer is not firm, final, irrevocable and unconditional;

b) the offer is not valid at least 180 days from the deadline for submitting the offers;

c) the tenderer fails to prove that he holds or may concentrate sufficient capital to cover at least 50% of the investments required in view of deploying a network for the provision of mobile communications networks and services, in accordance with the commitments undertaken in the offer;

d) the tenderer fails to prove that the solution presented in the offer is technically feasible;

e) the offer contains arrangements regarding the coverage requirements that are less than the ones provided in Chapter 7, point 7.1.;

f) the tenderer fails to send, within the term established by the tender commission, the requested clarifications.

6.2.6. Calculation Methods

6.2.6.1. The evaluation regarding the coverage will take place as follows:

a) the evaluation is based on the commitments assumed by the candidates regarding the three different dates: September 1, 2010 (the first stage of development), March 1, 2012 (the second stage of development) and September 1, 2013 (the third stage of development);

b) For each phase a commitment will be charged regarding the number of base stations installed, the list of covered municipalities, the list of covered towns. The tenderers will also specify the extent to which the number of base station and the coverage assumed for stages 2 and 3 include the number of base stations and the coverage achieved in the previous stage/stages;

6.2.6.2. The computation of the score according to the scoring grid will be conducted as follows:

The applicant having the best tender will receive the maximum score, and the others will receive a score computed as a percent from the maximum awarding score. Exceptions from this rule are specified in the scoring grid at 6.2.2.

6.2.6.3. The tenderers will be classified according to the number of points;

6.2.6.3.1. If there is an equal number of points, the points from the first development phase will be the prevailing criterion (as cumulated from points 4.1., 5.1.1. and 5.2.1. of the scoring grid).

6.2.6.3.2. If the equality is still maintained, the second prevailing criterion will be the greatest score obtained at point 2.2. of the scoring grid.

6.2.6.3.3. If the winner still cannot be selected, the third prevailing criterion will be the greatest score obtained for the third stage of development (cumulated from points 4.3., 5.1.3. and 5.2.3. of the scoring grid).

6.2.6.3.4. If, following the procedure above, the winners still cannot be selected, the licence/licences that were not awarded will be launched for tender again.

6.2.7. Although the licence will allow entering into national roaming agreements with other operators, the resulting coverage from such roaming agreements will not be included in the coverage that the tenderer assumed to fulfil according to the licence. Consequently, the coverage obtained by roaming will not be included in the tender.

6.3. Winner Designation

6.3.1. At this stage the winning tenders will be determined according to the comparative selection procedure.

6.3.2. The licences will be awarded will following the tenders' ranking by the number of points, having regard to the provisions of Chapter 9 point 9.3.

6.3.3. The first ranked (who was evaluated as having the greatest number of points ad whose offer has been found in conformity with the requirements) has the right to choose one of the two duplex radio channels that are subject to the selection procedure, excepting the situation when the first two ranked have obtained the same number of points.

6.3.4. The tenderers have the right to a legal complaint concerning the tender result, within 5 working days from the date of receiving the communication on the tender result. The written complaint has to be submitted to ANC headquarters by the tenderer's legal representative, upon signature, or sent by mail with a confirmation receipt.

6.3.4.1. Within 15 days from the date of submitting the complaints, a commission designated by decision of the ANC President, consisting of other persons than the members of the tender commission, will solve the complaints registered in due time and will conclude a statement of facts approved by the ANC President.

6.3.4.2. Subsequent to the statement of facts for the settlement of complaints and to its approval, ANC will communicate the complainants a notification on the result of the complaint, as laid down in the statement-of-facts.

6.3.4.3. ANC may extend the complaint settlement term by maximum 5 more days, where the analysis of the complaints requests processing a large amount of information.

CHAPTER 7 COVERAGE

7.1. Requirements

The coverage forecasted in the tender will be achieved in the 3 stages provided at point 6.2.6.1., with the following minimum requirements:

a) coverage of at least 50 municipalities, at the end of the third stage, chosen from the list in annex 2, which will be taken as a reference;

b) coverage of at least 20 towns, at the end of the third stage, chosen from the list in annex 3, which will be taken as a reference.

7.2. Reporting

ANC will decide by the licence conditions and /or by ANC president decisions the data and the manner of reporting the coverage duties of the licence holder.

CHAPTER 8 RIGHTS AND OBLIGATIONS

8.1. The licence holders have the right to conclude access agreements (national and international roaming, interconnection, collocation, facility sharing) on a non-discriminatory basis, according to the legal provisions in force.

8.2. The winners of the selection procedure have the right to ensure the development of their infrastructure, in view of carrying the traffic generated by the network of base stations of the system envisaged by these Terms of Reference, including on radio support.

8.2.1. Access to the radio spectrum resource is possible in accordance with the provisions of Articles 9 - 14 of the Decision of the President of the Inspectorate General for Communications and Information Technology no.658/2005 on the procedure of selection and issuance of the licences for the use of radio frequencies, with the subsequent amendments and completions, taking into account the channels available in the interest areas at the request date.

8.2.2. The tenderer declared winner of the tender will be allowed to use the allotted sub-bands also for:

- point-to-point connections required in view of interconnecting the infrastructure elements of the point-multipoint network envisaged by these Terms of Reference (base stations in the 3600-3800 MHz band),

- carrying, by point-to-point connections, the traffic between the infrastructure elements of other public networks belonging to the previously mentioned operator, operating in the fixed or mobile terrestrial service (where such infrastructure elements are collocated with base stations in the 3600-3800 MHz band).

The use of this option will not affect the observance of the commitments regarding coverage undertaken by the offer submitted in the tender or by licence, if such licence is awarded following the tender.

8.2.3. As regards the provision of radio support infrastructure, we mention that currently there are no more radiofrequency channels available at a national level, in any of the non-governmental frequencies allotted to the fixed service within the 3 GHz - 24 GHz range.

Taking into account the above-mentioned, the holder will not be entitled to invoke failure of the procedure for granting the right of spectrum usage, required in view of deploying the infrastructure sections intended for the use of the radio spectrum, as a reason for breaching the obligations undertaken in the network development commitment.

8.3. ROAMING AND FACILITY SHARING

8.3.1. National/international roaming

In accordance with the applicable legislation, a conclusion of access agreements is permitted in the not covered areas.

The coverage obligations imposed to the operators will not be affected by the roaming agreement.

8.3.2. Facility sharing

There is no restriction concerning the infrastructure sharing e.g. masts and precincts. Shared usage of the radio access network and / or of the radio frequencies belonging to a third party will not be included in the coverage considered by the tenderer.

8.4. COSTS

8.4.1. Spectrum usage tariff

Each licence holder, nominated by this procedure, will pay to ANC an annual spectrum usage tariff, for the whole radio spectrum allotted by licence, in accordance with the applicable legal provisions.

8.4.2. Other costs

Licence holders will bear the licence fee, under the terms and conditions provided by Government Decision no.638/2008.

8.5. LICENCE FOR THE USE OF RADIO FREQUENCIES

8.5.1. The licence will allot the winner a radio channel as per Chapter 2, point. 2.2.1.

8.5.2. The international obligations and agreements regarding the radio electric protection of the national and international electronic communications systems are to be considered by the licence holders.

8.5.3. The system implemented by the licence holder has to be in accordance with the ITU or CEPT emission limits approved by the international standards relevant for the chosen technology.

The licence holder is in charge for the network reliability and will be responsible for any harmful interference caused by the owned network transmitter to other operators.

8.5.4. All the equipment necessary for providing the electronic communications network and services have to be in accordance with the regulations in force.

CHAPTER 9 TERMS OF LICENCE

General stipulations

- a) Romanian licence holders will notify ANC according to the legal provisions in force concerning the general authorization regime for electronic networks and services provision prior to the licence issuance.
- b) ANC may impose additional terms regarding the functioning, availability and quality capacity, which are different from the ones provisioned in the General Authorization; the additional terms will be based mainly on the minimum demands settled in this document and on the tenderers' commitments who will become a licence holder;

- c) in order to be sure that the operation will be at a satisfactory quality level, the licence holder has the duty of complying with the international recommendations and standards relevant for the chosen technology
- d) The duties that the tenderers assumed by the offer to be taken over in the licences as mandatory;
- e) in case of breaching the licence obligations, the provisions of Government Emergency Ordinance no.79/2002 on the general regulatory framework for communications, with the subsequent amendments and completions, will apply accordingly.

9.2. Issuance Conditions

- a) The Romanian legal entity to whom the licence will be granted will have to prove that it holds, on the date of issuance of the licence (according to an attesting certificate from the National Office of the Trade Registry, submitted to ANC prior to licence issuance), a registered capital amounting at least to 40 million RON;
- b) The Romanian legal entity to whom the licence will be granted will have to prove that it has telecommunications as the main scope of its activity and that the operation period is at least equal to the licence validity period, according to an attesting certificate from the National Office of the Trade Registry, submitted to ANC prior to licence issuance;
- c) If the winner of the tender is designated a Romanian legal entity, the licence will be granted exclusively to it;

9.3. Licence Awarding to Second Winner

If a licence cannot be awarded to the first or to the second winner of the selection procedure from reasons that fall within his/their responsibility, the licence/s will be granted to the next two participants, ranked by the scoring procedure.

CHAPTER 10 PENALTIES

10.1. In the case of an infringement upon the terms of the licence concerning the coverage at the end of each of the three development stages mentioned at point 6.2.6.1, penalties will be charged on the licence holder. These will be decided by ANC and computed as a percentage of the amount of 7.5 million EUR.

10.2. The maximum penalty percentage for each development stage depends on the coverage which was not achieved at each stage and will be the sum of the following:

- a) percentage of the number of municipalities which cannot be covered in the respective stage multiplied by the municipality coverage score subtracted from the score of points 4 and 5 of the scoring grid;
- b) percentage of the number of towns which cannot be covered in the respective stage multiplied by the town coverage score subtracted from the score of points 4 and 5 of the scoring grid;

c) percentage of the number of base stations which cannot be operational for the respective stage multiplied by the base station score of the cumulated score for points 4 and 5 in the scoring grid.

Thus, $PP_{max}(\%) = PMNA \times 24/58 + PONA \times 15/58 + PSBNA \times 19/58$,

where:

PPmax = maximum penalty percent;

PMNA = percentage of the not covered municipalities, by contrast with the offer commitment;

PONA = percentage of the not covered towns, by contrast with the offer commitment;

PSBNA = percentage of the base stations that are not operational, by contrast with the offer commitment.

10.2.1. The enforcement of penalties does not preclude the application of specific sanctions provided by the legislation in the electronic communications field.

ANNEX 1

Structure and content of the offers

ANC may demand more information on the offers. The tender is not allowed to add at his own initiative any supplementary completion after the mentioned offer submission deadline. Where the tenderers have contradictory data regarding the same issue, ANC will consider the most unfavourable ones.

The offers will be structured as follows:

Section A. General information

A.1. Information about the tenderer:

- a) The tenderer's name, the registered office, the date and place of establishment, the legal form of establishment, name of its legal representative (including telephone and fax number and e-mail address);
- b) Subscribed and paid-up share capital, structure of the authorized share capital, type and number of stocks, the nominal value and the suffrages;
- c) Description of the company's activity and a consolidated form of its statutory document;
- d) The annual report of the 2005, 2006 and 2007 financial years. The annual report must include the annual financial reports (including notes to the financial statements) drawn up according to the International Standards for Financial Reporting or, if not available, the financial statements approved, endorsed and registered by the competent authorities in accordance with the legal provisions in force. These will be accompanied by the board of managers' report, audit report or the report of the auditing commission as the case may be;
- e) Any other information which might modify the frequency allotment decision

A.2. Information on the tenderer's shareholders

Such information must be supplied concerning those shareholders holding more the 5% of the registered capital:

- a) The name of the shareholder, registered office, date and place of establishment, as well as a consolidated form of its statutory document;
- b) The description of the main activities (for legal entities);
- c) The relationship with the tender (the number of stocks held), agreements; effectual control rights;
- d) Structure of the registered capital/shareholders;
- e) The annual report of the 2005, 2006 and 2007 financial years. The annual report must include the annual financial reports (including notes to the financial statements) drawn up according to the International Standards for Financial Reporting or, if not available, the financial statements approved, endorsed and registered by the competent authorities in accordance with the legal provisions in force. These will be accompanied by the board of managers' report, audit report or the report of the auditing commission as the case may be;
- f) List of licences for the use of radio spectrum.

Only general information (points a, b and c) have to be mentioned about the shareholders who hold no more than 5% of stocks. If ANC needs more information about these shareholders, they will be provided on request.

A.3. Common offer

Several legal or natural persons have the right to associate and to submit a common tender under the provisions of Chapter 5.

Also, information about each member of the association has to be submitted according to the Section A1 along with the information about the shareholders of the members of the association according to Section A2.

Section B. Financial offer

B.1. Financial capacity

The tenderer has to demonstrate his financial capacity of building a network: with his own capital, with funds provided by the company's shareholders or by loans from specialised financing entities (external financing).

As well, the tenderer will prove its financial capacity to build an electronic communications network in accordance with the offer commitments.

The offer will be based on the cash flow analysis resulting from the business plan.

The tenderer has to submit the cash flow analysis, yearly estimated incomes and costs for the first ten years of the system operation, net profit rate and assets. The estimations

have to contain the financing plan, financial cost, return of investment term, net present value, internal return rate, profitability index.

It is important that the financial estimations be compatible with the network development budget reported according with C.3.1 and also with the market demand estimation according to B.2.2.

The unit costs for the network elements that were used for obtaining the total costs will be submitted.

In the case the financing of the operations will be achieved by the shareholders, the documents attesting their availability will also be submitted regarding the financing of the operations and the agreement for the responsibilities implied by the business plan.

If the tenderer is going to base his operations on external financing, than crediting offers or similar documents will be submitted proving the long term availability of the external investor regarding the financing of the network development. The external investor must also certify that he considered in the crediting offer development the business plan accepting / considering as feasible the financial responsibilities resulting from the business plan.

B.2. Commercial feasibility

The tenderer has to demonstrate that his offer is commercially feasible. The information provided in this section has to be compatible with other parts of the tender. The tenderer has to specify all the prerequisites on which the computations were based.

The tenderer has to submit the data based on which the network development plan was elaborated and the business plan. If the original studies are too large, the tenderer may submit their summaries, too.

B.2.2. The tenderer has to submit a description of the marketing plan and a risk analysis.

The marketing plan will address at least the following issues:

- Ø market demand for the proposed services and manner in which the offer will contribute to the development of broadband services;
- Ø customer segments targeted for the proposed services (broken down by wholesale and retail),
- Ø manner of service distribution and provision,
- Ø estimated market share for each service (including forecasts both on the number of customers and on other indicators, such as ARPU),
- Ø installation period, transfer rate offered and the proposed interface – these may be deemed licence commitments.

Market studies grounding the commercial scenarios may be enclosed.

Strategy coherence and correspondence between the marketing plan and the developed business plan will be assessed.

Section C. Technical offer

C.1. Feasibility technical study

Section C will contain a technical description of the system and a technical development plan. The plans must be compatible each other and with other parts of the tender.

C.1.1. There will be provided a full description of the network and services to be offered, the planned quality level and the instruments used for the system planning and a coverage assessment and signal parameters, as well as the general description of the network architecture.

The calculation details will include the complete hypotheses of the propagation model used and the calculation programme will be clearly mentioned.

In view of achieving these goals, the information must contain:

- ∅ data about the standards used for the radio interface;
- ∅ types of access available: fixed, mobile or nomadic;
- ∅ types of service coverage: indoor, outdoor;
- ∅ data on the equipment to be used in the infrastructure in all its components;
- ∅ The network availability for national and international roaming;
- ∅ further electronic communications services considered;
- ∅ service quality level, including transmission rate.

This description will refer to each development stage, up to September 1, 2013, including the tenderer's own plans for providing service quality monitoring and control in the system.

C.1.2. The tenderer will specify the date on which he undertakes to ensure the commercial launch of the service.

C.2. Network design

The network design must be described in accordance with the following:

- 1) details on the network architecture (including diagram);
- 2) number of essential infrastructure elements of the radio networks, by locality; essential technical specifications for each infrastructure component (frequency, capacity, emission power, antenna gain, number of sectors, interconnection possibilities etc.), geographic coordinates proposed (WGS84 format, for base stations only). For each type of base

station used, the full radiation diagram will be provided in an Excel file with a 10 grades step.

Moreover, a description of the interface will be provided, as well as a description of the points of interconnection between the tenderer's electronic communications network and other public communications networks.

C.3. Network development plan

The tenderer will provide a description of the network development plan. The tenderer will also provide a full description of the grounds for its offer.

C.3.1. The tenderer will provide a description of the network development with deadlines at the end of the 3 development stages. This description will be compatible with other parts of the offer related to the market demand and financing. The tenderer will provide all the premises and calculation bases (including the budget of the link between the base station and the up-link and down-link mobile terminal) applied in view of ensuring coverage according to Chapter 7. The following information will be attached in order to describe network development by stages. Moreover, each stage will include a specification of the number of network essential elements by type and their installation site (locality or road).

C.3.2. The tenderer will submit paper and electronic maps (.jpeg) which should present the coverage of localities with broadband services, at the end of each development stage, as follows:

1. printed on A2 paper, specifying coverage for the whole territory of Romania, in each of the three stages. This map will mark, in the background:
 - all the municipalities, with a full green circle with a diameter of 10 mm accompanied by their name, on the right, written with 8 mm fonts;
 - all the towns with a full green circle with a diameter of 5 mm accompanied by their name, on the right, written with 4 mm fonts;
 - Romania's state frontier, outlined in black.

2. in electronic format, as .jpeg - 7500 x 5300 pixels image that will cover the whole Romanian territory and contain the same elements as the printed map, for each of the three stages.

C.3.3. The tenderer will present a description of the system capacity (by area units) that grounds the development plan. For each network development stage, a table regarding the radio coverage will be provided, which will contain the list of localities, their category (municipality or town), the total number of sectors of the base stations and the number of base stations. The table will also be included on the enclosed CD, in Microsoft Excel format;

C.3.4. There will be assessed the additional commitments undertaken by the tenderer for the effective resource management both as regards the spectrum management and by engaging efficient costs (e.g.: infrastructure sharing, environment protection etc).

Section D. Specialization and experience

D.1. A description will be submitted regarding the tenderer's experience in the field of:

- a) installation and operation of public electronic communications on physical support – optical cable or fibre;
- b) installation and operation of public electronic communications on radio support;
- c) manufacturing and commercialisation of radio equipments, or equipments that have in-built radio modules, for data transmissions, considered as being important for evaluating the tenderer's level of specialization and experience.

D.2. The offers will include information on the tenderers and on other people on whose experience they rely, including: a general description of the public electronic communications networks on place, operated and/or installed by the tenderer, as well as of the services provided and of the purpose and nature of the operational responsibility for each system etc.

**List of the Municipalities in Romania
(as of October 01, 2008)**

No.	Municipality	County
1	Aiud	Alba
2	Alba Iulia	Alba
3	Blaj	Alba
4	Sebes	Alba
5	Arad	Arad
6	Cîmpulung	Arges
7	Curtea de Arges	Arges
8	Pitesti	Arges
9	Bacau	Bacau
10	Moinesti	Bacau
11	Onesti	Bacau
12	Beius	Bihor
13	Marghita	Bihor
14	Oradea	Bihor
15	Salonta	Bihor
16	Bistrita	Bistrita-Nasaud
17	Botosani	Botosani
18	Dorohoi	Botosani
19	Braila	Braila
20	Braşov	Brasov
21	Codlea	Brasov
22	Fagaras	Brasov
23	Sacele	Brasov
24	Buzau	Buzau
25	Ramnicu Sarat	Buzau
26	Calarasi	Calarasi
27	Oltenita	Calarasi
28	Caransebes	Caras-Severin
29	Resita	Caras-Severin
30	Campia Turzii	Cluj
31	Cluj-Napoca	Cluj
32	Dej	Cluj
33	Gherla	Cluj
34	Turda	Cluj
35	Constanţa	Constanta
36	Mangalia	Constanta
37	Medgidia	Constanta
38	Sfîntu Gheorghe	Covasna
39	Tîrgu Secuiesc	Covasna
40	Moreni	Dambovita
41	Targoviste	Dambovita
42	Bailesti	Dolj
43	Calafat	Dolj
44	Craiova	Dolj
45	Galati	Galati
46	Tecuci	Galati
47	Giurgiu	Giurgiu
48	Motru	Gorj
49	Targu Jiu	Gorj
50	Gheorgheni	Harghita
51	Miercurea-Ciuc	Harghita
52	Odorheiu Secuiesc	Harghita

53	Toplita	Harghita
54	Brad	Hunedoara
55	Deva	Hunedoara
56	Hunedoara	Hunedoara
57	Lupeni	Hunedoara
58	Orastie	Hunedoara
59	Petrosani	Hunedoara
60	Vulcan	Hunedoara
61	Fetesti	Ialomita
62	Slobozia	Ialomita
63	Urziceni	Ialomita
64	Iasi	Iasi
65	Pascani	Iasi
66	Bucuresti	Ifov
67	Baia Mare	Maramures
68	Sighetu Marmatiei	Maramures
69	Drobeta-Turnu Severin	Mehedinti
70	Orșova	Mehedinti
71	Reghin	Mures
72	Sighișoara	Mures
73	Tirgu Mures	Mures
74	Tarnaveni	Mures
75	Piatra-Neamt	Neamt
76	Roman	Neamt
77	Caracal	Olt
78	Slatina	Olt
79	Campina	Prahova
80	Ploiesti	Prahova
81	Zalau	Salaj
82	Carei	Satu Mare
83	Satu Mare	Satu Mare
84	Medias	Sibiu
85	Sibiu	Sibiu
86	Campulung Moldovenesc	Suceava
87	Falticeni	Suceava
88	Radauti	Suceava
89	Suceava	Suceava
90	Vatra Dornei	Suceava
91	Alexandria	Teleorman
92	Rosiori de Vede	Teleorman
93	Turnu Mșgurele	Teleorman
94	Lugoj	Timis
95	Timisoara	Timis
96	Tulcea	Tulcea
97	Barlad	Vaslui
98	Husi	Vaslui
99	Vaslui	Vaslui
100	Dragasani	Valcea
101	Ramnicu Valcea	Valcea
102	Adjud	Vrancea
103	Focsani	Vrancea

**List of towns in Romania
(as of October 01, 2008)**

No.	Town	County
1	Abrud	Alba
2	Baia de Aries	Alba
3	Campeni	Alba
4	Cugir	Alba
5	Ocna Mures	Alba
6	Teius	Alba
7	Zlatna	Alba
8	Chisineu-Cris	Arad
9	Curtici	Arad
10	Ineu	Arad
11	Lipova	Arad
12	Nadlac	Arad
13	Pecica	Arad
14	Pancota	Arad
15	Sebis	Arad
16	Santana	Arad
17	Costesti	Arges
18	Mioveni	Arges
19	Stefanesti	Arges
20	Topoloveni	Arges
21	Buhusi	Bacau
22	Comanesti	Bacau
23	Darmanesti	Bacau
24	Slanic-Moldova	Bacau
25	Targu Ocna	Bacau
26	Alesd	Bihor
27	Nucet	Bihor
28	Sacueni	Bihor
29	Stei	Bihor
30	Valea lui Mihai	Bihor
31	Vascau	Bihor
32	Beclean	Bistrita-Nasaud
33	Nasaud	Bistrita-Nasaud
34	Sangeorz-Bai	Bistrita-Nasaud
35	Bucecea	Botosani
36	Darabani	Botosani
37	Flamanzi	Botosani
38	Saveni	Botosani
39	Stefanesti	Botosani
40	Faurei	Braila
41	Ianca	Braila
42	Insuratei	Braila
43	Ghimbav	Brasov
44	Predeal	Brasov
45	Rasnov	Brasov
46	Rupea	Brasov
47	Victoria	Brasov
48	Zarnesti	Brasov
49	Nehoiu	Buzau
50	Patarlagele	Buzau
51	Pogoanele	Buzau
52	Budeati	Calarasi

53	Fundulea	Calarasi
54	Lehliu-Gara	Calarasi
55	Anina	Caras-Severin
56	Baile Herculane	Caras-Severin
57	Bocsa	Caras-Severin
58	Moldova Noua	Caras-Severin
59	Oravita	Caras-Severin
60	Otelu Rosu	Caras-Severin
61	Huedin	Cluj
62	Baneasa	Constanta
63	Cernavoda	Constanta
64	Eforie	Constanta
65	Harsova	Constanta
66	Murfatlar	Constanta
67	Navodari	Constanta
68	Negru Voda	Constanta
69	Ovidiu	Constanta
70	Techirghiol	Constanta
71	Baraolt	Covasna
72	Covasna	Covasna
73	Intorsura Buzaului	Covasna
74	Fieni	Dambovita
75	Gaaesti	Dambovita
76	Pucioasa	Dambovita
77	Racari	Dambovita
78	Titu	Dambovita
79	Bechet	Dolj
80	Dabuleni	Dolj
81	Filiasi	Dolj
82	Segarcea	Dolj
83	Beresti	Galati
84	Targu Bujor	Galati
85	Bolintin-Vale	Giurgiu
86	Mihailesti	Giurgiu
87	Bumbesti-Jiu	Gorj
88	Novaci	Gorj
89	Rovinari	Gorj
90	Tismana	Gorj
91	Targu Carbunesti	Gorj
92	Turceni	Gorj
93	Ticleni	Gorj
94	Baile Tusnad	Harghita
95	Balan	Harghita
96	Borsec	Harghita
97	Cristuru Secuiesc	Harghita
98	Vlahita	Harghita
99	Aninoasa	Hunedoara
100	Calan	Hunedoara
101	Geoagiu	Hunedoara
102	Hateg	Hunedoara
103	Petrila	Hunedoara
104	Simeria	Hunedoara
105	Uricani	Hunedoara
106	Amara	Ialomita
107	Cazanesti	Ialomita
108	Fierbinti-Targ	Ialomita
109	Tandarei	Ialomita
110	Harlau	Iasi
111	Podu Iloaiei	Iasi

112	Targu Frumos	Iasi
113	Bragadiru	Ifov
114	Bufta	Ifov
115	Chitila	Ifov
116	Magurele	Ifov
117	Otopeni	Ifov
118	Pantelimon	Ifov
119	Popesti-Leordeni	Ifov
120	Voluntari	Ifov
121	Baia Sprie	Maramures
122	Borsa	Maramures
123	Cavnic	Maramures
124	Dragomiresti	Maramures
125	Salistea de Sus	Maramures
126	Seini	Maramures
127	Somcuta Mare	Maramures
128	Tauții-Magheraus	Maramures
129	Targu Lapus	Maramures
130	Ulmeni	Maramures
131	Viseu de Sus	Maramures
132	Baia de Arama	Mehedinti
133	Strehaia	Mehedinti
134	Vanju Mare	Mehedinti
135	Iernut	Mures
136	Ludus	Mures
137	Miercurea Nirajului	Mures
138	Sarmasu	Mures
139	Sangeorgiu de Padure	Mures
140	Sovata	Mures
141	Ungheni	Mures
142	Bicaz	Neamt
143	Roznov	Neamt
144	Targu-Neamt	Neamt
145	Bals	Olt
146	Corabia	Olt
147	Draganesti-Olt	Olt
148	Piatra-Olt	Olt
149	Potcoava	Olt
150	Scornicesti	Olt
151	Azuga	Prahova
152	Baicoi	Prahova
153	Boldesti-Scaeni	Prahova
154	Breaza	Prahova
155	Busteni	Prahova
156	Comarnic	Prahova
157	Mizil	Prahova
158	Plopeni	Prahova
159	Sinaia	Prahova
160	Slanic	Prahova
161	Urlati	Prahova
162	Valenii de Munte	Prahova
163	Cehu Silvaniei	Salaj
164	Jibou	Salaj
165	Simleu Silvaniei	Salaj
166	Ardud	Satu Mare
167	Negresti-Oas	Satu Mare
168	Livada	Satu Mare
169	Tasnad	Satu Mare
170	Agnita	Sibiu

171	Avrig	Sibiu
172	Cisnădie	Sibiu
173	Copsa Mică	Sibiu
174	Dumbrăveni	Sibiu
175	Miercurea Sibiului	Sibiu
176	Ocna Sibiului	Sibiu
177	Saliste	Sibiu
178	Talmăciu	Sibiu
179	Brosteni	Suceava
180	Cajvana	Suceava
181	Dolhasca	Suceava
182	Frasin	Suceava
183	Gura Humorului	Suceava
184	Liteni	Suceava
185	Milisauti	Suceava
186	Salcea	Suceava
187	Siret	Suceava
188	Solca	Suceava
189	Vicovu de Sus	Suceava
190	Videle	Teleorman
191	Zimnicea	Teleorman
192	Buzias	Timis
193	Ciacova	Timis
194	Deța	Timis
195	Faget	Timis
196	Gataia	Timis
197	Jimbolia	Timis
198	Recas	Timis
199	Sannicolau Mare	Timis
200	Babadag	Tulcea
201	Isaccea	Tulcea
202	Macin	Tulcea
203	Sulina	Tulcea
204	Murgeni	Vaslui
205	Negrești	Vaslui
206	Băbeni	Valcea
207	Băile Govora	Valcea
208	Băile Olănești	Valcea
209	Bălcești	Valcea
210	Berbești	Valcea
211	Brezoi	Valcea
212	Calimănești	Valcea
213	Horezu	Valcea
214	Ocnele Mari	Valcea
215	Marăești	Vrancea
216	Odobesti	Vrancea
217	Pânciu	Vrancea