

**DECISION no.563 of May 30, 2006**

on the approval of the Procedure for the granting of the licences for the use of the radio electrical frequencies in view of providing third generation mobile communications

**ISSUED BY:** INSPECTORATE GENERAL FOR COMMUNICATIONS AND INFORMATION TECHNOLOGY

**PUBLISHED IN:** OFFICIAL JOURNAL no.492 of June 7, 2006

On grounds of the provisions of [Article 15\(1\) of the Government Emergency Ordinance no.79/2002](#) on the general regulatory framework for communications, approved and amended by [Law no.591/2002](#), with the subsequent amendments and completions,

having regard to the provisions of [Article 3\(4\) of Law no.510/2004](#) on the reorganisation of the Inspectorate General for Communications and Information Technology, with the subsequent amendments,

on grounds of [Article 1\(2\) of the Government Decision no.1113/2002](#) on the granting of the licences for the use of the radio electrical frequencies in view of providing third generation mobile communications networks and services, with the subsequent amendments and completions,

The President of the Inspectorate General for Communications and Information Technology issues the present decision.

**ART. 1**

The Procedure for the granting of the licences for the use of the radio electrical frequencies in view of providing third generation mobile communications networks and services, described in the Annex which is part of the present decision, is hereby approved.

**ART. 2**

The present decision shall be published in the Romanian Official Journal, Part I.

President of the Inspectorate General  
for Communications and Information Technology,  
Marius Catalin Marinescu

Bucharest, May 30, 2006.  
No.563.

## ANNEX

### PROCEDURE

for the granting of the licences for the use of the radio electrical frequencies in view of providing third generation mobile communications networks and services

#### ART. 1

(1) The licences for the use of the radio electrical frequencies in view of providing third generation mobile communications networks and services, hereinafter referred to as the 3G licences, shall be granted by tender organised by the Inspectorate General for Communications and Information Technology, hereinafter referred to as IGCTI.

(2) Two third generation mobile communications licences, under the UMTS standard, shall be granted.

(3) The frequency spectrum available for the two 3G licences is the following:

\*T\*

Pair spectrum		Non-pair spectrum	
Base emission station		Base reception station	
Licence 1	1.920,3-1.935,3 MHz	2.110,3-2.125,3 MHz	1.914,9-1.919,9 MHz
Licence 2	1.935,3-1.950,1 MHz	2.125,3-2.140,1 MHz	1.899,9-1.904,9 MHz

\*ST\*

As of December 31, 2011, CDMA 450 networks belonging to another provider of electronic communications networks and services in Alba and Buzau county, except for the municipality residences and European roads within these localities, shall be made operational in the 1.935,3-1.950,1 MHz frequency band, 1.945-1.950 MHz sub-loop.

#### ART. 2

The stages of the tender are as follows:

- elaboration of the Draft Terms of Reference;
- publication of the Draft Terms of Reference in view of consultation;
- elaboration of the final form of the Terms of Reference and publication of the tender notice;
- reception of the Terms of Reference by the interested persons;

- e) submission of offers and of the participation bond by the persons that received the Terms of Reference;
- f) offer assessment;
- g) communication of the results achieved following the assessment of all offers submitted.

### ART. 3

(1) In order to organise and conduct the tender procedure, IGCTI shall designate a tender commission consisting of 7 members, which cannot be shareholders, associates, administrators, censors or employees under employment record book, civil convention or any other way, of one of the legal persons attending the tender or of a legal person that controls a tenderer, the members of the commission submitting a statement on their own responsibility in this regard.

(2) A president to lead the tender procedure and a secretary to draw up the statement-of-facts shall be designated within the tender commission.

(3) A legal person controls the tenderer if, whether directly or indirectly, exerts at least 25% of the value/number of the shares or of the rights to vote held by the tenderer.

### ART. 4

The tender commission has the following attributions:

- a) elaboration of the draft Terms of Reference;
- b) elaboration of the final Terms of Reference;
- c) offer assessment;
- d) submission of the assessment results to the President of IGCTI.

### ART. 5

IGCTI shall publish in at least one national journal, as well as on its website, [www.igcti.ro](http://www.igcti.ro), a tender notice whereby to invite the interested persons to participate in the tender.

### ART. 6

(1) The tender notice shall necessarily include the minimal technical requirements the tenderer must fulfil, the scoring grid, the minimum obligations he/she has to observe if he/she wins the tender, as well as the deadline for submitting the offers.

(2) IGCTI shall ensure the reception of a copy of the Terms of Reference by any person showing his/her intention in this regard.

### ART. 7

(1) IGCTI shall consider any request of additional information on the Terms of Reference, submitted until the deadline provided in the Terms of Reference, and shall publish the answers on its website, [www.igcti.ro](http://www.igcti.ro).

(2) The requests of additional information must be addressed to IGCTI and submitted, in writing, by mail to 22 Italiana Street, sector 2, Bucharest or by e-mail to [licitatie3g@igcti.ro](mailto:licitatie3g@igcti.ro).

(3) If the requests of additional information are submitted in any other form than the one provided in paragraph (2), IGCTI is not obliged to answer them.

#### ART. 8

(1) The tender commission shall exclusively assess the offers received within the term provided in the Terms of Reference.

(2) The tender shall be carried based on firm, definitive, irrevocable and unconditional offers, received in accordance with the Terms of Reference for the elaboration and presentation of the offer.

(3) The tenderer shall submit a participation bond of 100,000 Euros, alongside the offer.

(4) The participation bond shall consist of a letter of bank guarantee issued by a Romanian bank or by a similar foreign bank whereby it would unequivocally engage to immediately pay, without invoking any exception related to the tender procedure, an amount equal to the participation bond if the winner of the tender refuses to be granted the 3G licence, fails to fulfil the requirements set until being granted the licence, as well as if the tenderer withdraws his/her offer after the deadline set out for the submission of the offers or if it influences or tries to influence the tender commission during the offer examination and assessment procedure.

(5) The letter of bank guarantee must be valid for at least 180 days from the deadline set out for receiving offers.

(6) The participation bond shall be totally returned to all the tenderers, except for the 3G licence winners, who shall receive this participation bond at the time the licences shall be awarded.

(7) The tender commission shall exclusively assess the offers received within the term specified in the Terms of Reference and accompanied by the participation bond within the amount and form provided in the present decision.

(8) In the offer assessment process the obligations the tenderer commits to observe if he/she wins the tender, according to the scoring grid, shall be taken into account.

#### ART. 9

(1) The tender commission shall communicate the results of the assessment to the persons that submitted offers, by publishing them on its website, [www.igcti.ro](http://www.igcti.ro).

(2) IGCTI shall invite each of the tender winners to grant them 3G licences, after they pay the first rate of the tariff for the granting of the spectrum.

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