

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

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" or "participants". 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 as 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 67% 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 08.12.2008, 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, approved, with amendments, by Law no.259/2008;
- **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;

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)

- **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, amended by the Decision of the President of the National Authority for Communications no.1129/2008.

1.3. Schedule of the Selection Procedure

| ACTIVITY | DATE |
|--|-----------------------|
| Publishing the final version of the Terms of Reference | 21.11.2008 |
| Obtaining the Terms of Reference | 24.11.2008-08.12.2008 |
| Clarification requests | 24.11.2008-15.12.2008 |
| Answers to clarification requests | 25.11.2008-22.12.2008 |
| Offer submitting deadline | 05.02.2009, 17.00 |
| Offer opening | 06.02.2009, 12.00 |
| Winner nomination | 09.03.2009 |
| Complaint submission | 10.03.2009-16.03.2009 |

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 (BWA).

2.1.2. The licences will allow the holders to roll out, 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 tenderers 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 Spectrum:

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,

in view of establishing point-multipoint, wireless bilateral fixed/mobile communication links, with direct fixed, nomadic or mobile access to the users.

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.

As regards TDD duplex usage, each of the frequency sub-bands allotted will be used under TDD regime.

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, as well, other equivalent isotopically radiated power (e.i.r.p.) limits than those established in paragraphs 2.2.7.3 and 2.2.7.4., on the condition that adequate mitigation techniques are applied, in accordance with Directive 1999/5/CE of the European Parliament and of the Council on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity, thus ensuring a level of protection at least equivalent with the one targeted by these technical parameters.

2.2.7.2. The general technical conditions applicable to fixed- and nomadic-access 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. The e.i.r.p. spectral density limits for the operation of fixed- and nomadic-access deployments between 3600 and 3800 MHz are presented in the table below:

| 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. The e.i.r.p. spectral density limits for the operation of mobile deployments between 3600 and 3800 MHz are presented in the table below:

| Station type | Maximum e.i.r.p. spectral density (dBm/MHz) (minimum automatic transmitter power control range 15 dB) |
|------------------|---|
| Central station | + 53 ⁽²⁾ |
| Terminal station | + 25 |

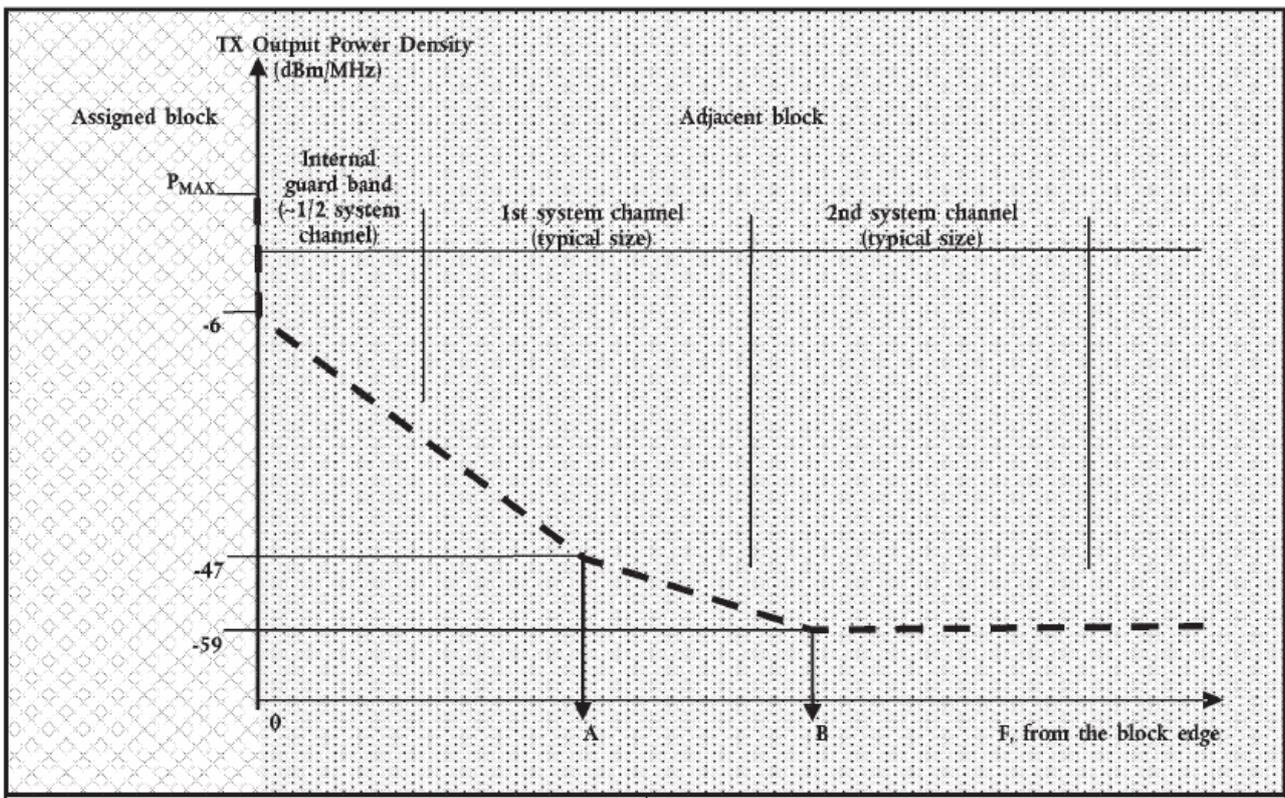
⁽²⁾: The central station e.i.r.p. spectral density value given in the table is considered suitable for conventional 90 degrees sectorial antennas.

2.2.8. Spectrum Mask (limits for out-of-block emissions)

2.2.8.1. The following technical parameters of the base stations, 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.

2.2.8.2. The spurious emissions generated by the base station must be lower than the margins specified in the table under 2.2.8.5. The margins of the spurious emissions generated by the base station will be observed for transmissions with one RF carrier or with all the RF carriers that may be transmitted by the base station.

2.2.8.3. The margins for Out-of-Block Emissions of the base stations (BEM mask for a base station) are represented below:



2.2.8.4. The thresholds A and B on the diagram above are defined as follows:

| 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.

2.2.8.5. The BEM mask for a base station is described in the table below:

| 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 |
| $0 < \Delta F < A$ | $- 6 - 41 \cdot (\Delta F / A)$ |
| A | - 47 |
| $A < \Delta F < B$ | $- 47 - 12 \cdot ((\Delta F - A) / (B - A))$ |
| $\Delta F \geq B$ | - 59 |

2.3. 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.

2.4. Electromagnetic Compatibility

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

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

2.5.1. In the border areas, the licence holders will be able to use the allocated channels 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 the use of frequencies related to the allocated spectrum envisaged by this procedure.

2.5.2. The specific conditions for the use of the frequency sub-bands allocated in the border areas will be subsequently specified in the licences or in the frequency assignation authorisations.

2.5.3. The usage of non-preferential frequencies will not determine a power density higher than $-122 \text{ dBW} / (\text{MHz} \times \text{m}^2)$ 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.

The term "group of companies" will be defined having regard to the provisions of the Guidelines issued by the Competition Council on 29 April 2004 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, approved by Order of the President of the Competition Council no.101/2004, published in the Romanian Official Journal no. 440 of 17.05.2004;

f) 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 exigible and not yet executed until the moment of the offer submission;

g) 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;

h) 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;

i) the tenderer fulfils his exigible obligations of paying the taxes, duties, contributions, and other incomes to the state budget, to the social insurance budget and to the special fund 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 exigible obligations, if the tenderer complied with the clauses required when the above mentioned facilities were given;

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

3.1.2. In the case of associations, each of the association members must fulfil the provisions of paragraph 3.1.1., excepting letter j), which must be fulfilled by at least one member of the association and excepting the letters g) and h), 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 tenderers have not enough capital of their own, they will have to prove that their shareholders and/or other investors are willing to provide the required financial resources;

c) The proof mentioned at letter b) will 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 financial resources, as well as the confirmation of the intentions from the offer, alternatively proving with other means the fact that the financial resources 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, 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 and the resources 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 authorised for employing the tenderer, according to the proxy specified at indent 5.1 letter a), 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) authorised 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 to 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 05.02.2009, 17.00 ("deadline for submitting the offers"), Romania's time.

The offers which ANC received after the deadline will not be taken 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 and/or Microsoft Excel. The original version will be signed by the representative authorised 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 06.02.2009, 12.00."

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 to 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, on 06.02.2009, 12.00. Only the participants' mandated representatives may attend the offer opening. At the end of the opening session, a statement-of-facts will be drawn up and signed by the members of the tender commission and by the mandated representatives attending the session.

4.11. ANC reserves its right to request further 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 15.12.2008, ANC answering to the clarification requests received until 22.12.2008. 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/licences and/or does not meet the provisioned conditions until the licences are 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 proxy granted to the natural person who represents the tenderer and is authorised to employ the tenderer during the comparative selection procedure and the limits of his proxy;

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 voluntary, enforced dissolution 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 an authenticated 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 exigible 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 will be submitted in separated 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 to be obtained 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 documents at 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's authorised representative.

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 16 base stations | 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. Specialization 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 point 6.2.3.,to its indents and to point 6.2.4.): | 39p |
| 5.1. Cities (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 EUR 2 billion 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 EUR 6 billion 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. 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%.

6.2.2.7. 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.

6.2.3. 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 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 stations 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 paragraphs 6.2.2.1. – 6.2.2.6.

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 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 and 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. If there is an equal number of points, the prevailing criteria provided in paragraph 6.2.6.3 will apply.

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 cities, 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 (interconnection, national and international roaming, 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 (access infrastructure) 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:

- carrying, by point-to-point connections, the traffic between the infrastructure elements of the point-multipoint access 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 (only where such infrastructure elements are collocated with base stations in the 3600-3800 MHz band).

8.2.3. The use of the option provided in point 8.2.2 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.

8.2.4. As regards the provision of the transport infrastructure on radio support, 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.

8.2.5. The licence holder will not be entitled to invoke, as a reason for breaching the obligations undertaken in the network development commitment, the failure of the procedure for obtaining the spectrum usage rights required to deploy, on radio support, the sections of transport infrastructure for the traffic achieved within the point-multipoint access network envisaged by these Terms of Reference (base stations in the 3600-3800 MHz band).

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 operated network transmitter to other lawful users of the radio spectrum.

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.

8.5.5. The licence holder will exercise the licence-related rights so as to ensure the effective, reasonable and efficient use of the radio spectrum.

8.5.6. The licence for the use of radio frequencies will explicitly include ANC's right to change some sites, proposed by the licence holder within a reasonable timeframe prior to beginning the base stations works, in view of ensuring radioelectric compatibility with other radiocommunications systems in place.

CHAPTER 9 TERMS OF LICENCE

9.1. General terms

- a) Romanian licence holders will notify ANC according to the legal provisions in force concerning the general authorisation 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 Authorisation; 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 RON 40 million;
- 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 one or to the both winner/s of the selection procedure from reasons that fall within his/their responsibility, the licence/s will be granted to the next qualified participant/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 EUR 7.5 million.

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 cities not covered in the respective stage multiplied by the city coverage score subtracted from the score of points 4 and 5 of the scoring grid;
- b) percentage of the number of towns not 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 not 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, $PP_{\max}(\%) = PMNA \times 24/58 + PONA \times 15/58 + PSBNO \times 19/58$,

where:

PPmax = maximum penalty percent;

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

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

PSBNO = 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 tenders are not allowed to add at their 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 authorised 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 external audit report, if available, or by the report of the auditing commission/board of managers, 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 all the shareholders holding more than 5% of the registered capital:

- a) The name of the shareholder, registered office/domicile, 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, by shareholder;
- 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 external audit report, if available, or by the report of the auditing commission/board of managers, 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, then 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.

B.2.1. The tenderer has to submit the data based on which the network development plan was elaborated and the business plan. If the data are too extensive, 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, calculated based on the number of end-users, revenues etc. (including explanations on the 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

The tenderer will make a technical description of the network and a technical development plan. The plans must be compatible each other and with other parts of the offer.

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:

Ø data about the standards used for the radio interface;

Ø types of access available: fixed, mobile or nomadic;

Ø types of service coverage: indoor, outdoor;

- Ø data on the equipment to be used in the infrastructure in all its components;
- Ø network availability for national and international roaming;
- Ø further electronic communications services considered;
- Ø 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 elements (base stations) of the radio access networks infrastructure, by locality (specifying the locality type - city or town); main technical specifications for each access infrastructure component (assigned 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 diagram of the antenna radiation 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 electronic communications networks.

C.3. Network development plan

The tenderer will provide a description of the network development plan and will 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 fixed or mobile subscriber terminal) applied in view of ensuring coverage according to Chapter 7. Such information will be attached in order to describe network development, by stages. Moreover, each stage will include a specification of the number of the access network essential elements, by type and installation site (cities, towns or other geographic locations).

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 A1 paper, specifying coverage for the whole territory of Romania, using the colour red – 60% transparency, for each of the three stages. This map will mark, in the background:

- each city, with a full green polygon, accurately representing the respective city's administrative-territorial surface, accompanied by its name, on the right, written with 4 mm fonts;
- each town, with a full blue polygon accurately representing the respective town's administrative-territorial surface, accompanied by its name, on the right, written with 2 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. In this regard, for each network development stage, a table regarding the radio coverage will be provided, which will contain the list of localities, their category (city or town), the total number of sectors of the base stations and the number of base stations (the former two parameters will be provided both for the base stations installed within localities and for those installed outside localities). 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 21 November 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 | Sfintu 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 |

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|-----|------------------------------|-----------|
| 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 Murgurele | 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 21 November 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 | Budesti | Calarasi |

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|-----|--------------------|---------------|
| 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 | Gaesti | 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 | Petrita | 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 |

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| 112 | Targu Frumos | Iasi |
| 113 | Bragadiru | Ifov |
| 114 | Buftea | 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 |

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|-----|--------------------|-----------|
| 171 | Avrig | Sibiu |
| 172 | Cisnadie | Sibiu |
| 173 | Copsa Mica | Sibiu |
| 174 | Dumbraveni | Sibiu |
| 175 | Miercurea Sibiului | Sibiu |
| 176 | Ocna Sibiului | Sibiu |
| 177 | Saliste | Sibiu |
| 178 | Talmaciu | 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 | Deta | 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 | Negresti | Vaslui |
| 206 | Babeni | Valcea |
| 207 | Baile Govora | Valcea |
| 208 | Baile Olanesti | Valcea |
| 209 | Balcesti | Valcea |
| 210 | Berbesti | Valcea |
| 211 | Brezoi | Valcea |
| 212 | Calimanesti | Valcea |
| 213 | Horezu | Valcea |
| 214 | Ocnele Mari | Valcea |
| 215 | Marasesti | Vrancea |
| 216 | Odobesti | Vrancea |
| 217 | Panciu | Vrancea |

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