

The clarification of Tender documentation no. 0102-2741/6 from 20th May 2015, according to the request received by email from 27th May 2015, at 10:59 AM

Question 1: Section XIII state that the public opening of bids will take place on 29th May 2015, which is different from the date given in the non-translated version (29th June). Could you please confirm that the public opening of bids will take place on 29th June 2015, and that all references to “the date of public opening of the bids” refer to 29th June 2015?

Answer to question 1: Public opening of bids will take place on 29th June 2015. All references to “the date of public opening of the bids” refer to 29th June 2015. In order to avoid further uncertainty regarding date of public opening of the bids, Agency published revised unofficial English translation of Tender documentation, where this editorial mistake is corrected.

Question 2: Page 4 mentions an estimated value of the project of €150,000. Is this a cap on the budget, or would you also consider proposals that exceed this figure?

Answer to question 2: Amount of €150,000 is the cap value. In accordance with the Law on Public Procurement, a bid exceeding this figure will be considered as invalid.

Question 3: Page 5 mentions that generally Montenegrin should be used as the language for preparing the bid. Only some parts (certificates and technical documentation) can be prepared in English. Could you please clarify which documents you expect to be in Montenegrin? For example, there are various forms we will have to sign (in particular p. 27, 33 to 37 and 42 of the RfQ). Is it acceptable to provide these in English as well?

Answer to question 3: Only some parts of the bid (certificates and technical documentation) can be prepared in English. Documents specified on pages 27, 33 to 37 and 42 of the Tender documentation have to be submitted in Montenegrin. That does not exclude submission of the same documents in English too, but please make sure that all of these documents are completed and signed using forms given in Montenegrin version. We have provided unofficial translation in English, so the bidder may be aware of the meaning of such documents even in situation when the authorized person does not speak Montenegrin language.

As given by "Instructions to bidders on how to prepare, mark and submit their bids", on page 44 of the Tender documentation, under subtitle "The form and manner of submitting evidence on fulfillment of conditions for participation in public procurement", evidence submitted in a language other than the language of the bid (Montenegrin or other language in official use in Montenegro, in accordance with the Constitution and law), shall be submitted in the language in which they were made and translated into Montenegrin (or other language in official use in Montenegro: Serbian, Croatian, Bosnian or Albanian), by a certified court interpreter. This means that evidences on fulfillment of the mandatory requirements should be submitted in English but needs to be translated into Montenegrin or one of the above mentioned languages, by certified court interpreter.

Question 4: Page 43 mentions that “each first page of each sheet shall be labeled by page number and the total number of sheets included in the bid and mark by seal stamp or similar

mark of the bidder". We do not understand the difference between a page and a sheet. Could you please clarify whether every page of our proposal needs to be marked with a stamp and also how you expect us to label the individual forms that we need to sign and that are part of the RfQ (p. 27, 33 to 37 and 42)

Answer to question 4: In accordance with the Law on Public Procurement, labeling has to be done as explained on page 43 of the Tender documentation, for all parts of the bid, including individual forms (pages 27, 33 to 37 and 42 of the Tender documentation). Assuming one side printing of the bid, this means that printed pages of the bid shall be labeled as follows: first page with "List 1 od XX", the second page with "List 2 od XX" etc and the last page with "List XX od XX", or the bidder may use format "1/XX", "2/XX" etc to "XX/XX", where XX is a total number of all pages. In addition to that, at some place on every printed page, seal stamp and signature of authorized person have to be provided too.

Question 5: Page 22 specifies Indicator I of the quality criteria. This is the number of successfully completed CCA multi band spectrum auctions in the past 5 years in CEPT countries in which the leader of the consulting team participated as a support to the administration. Our project teams include a project director and a project manager. The project director is a partner of the company who has general oversight of the project and overall responsibility for ensuring the project objectives are met and that the client is satisfied with the output. The partner/director will normally have a hands-on role in drafting key documents and lead any major presentations to the client. The project manager is responsible for day-to-day coordination of the project (assigning tasks to team members, ensuring timely delivery of all output and first point of contact for the client). From your RfQ, we would assume that by "project leader" you are referring to the "project director" rather than the project manager. Is this correct?

Answer to question 5: The project director, as person who has general oversight of the project and overall responsibility for ensuring the project objectives are met and that the client is satisfied with the output, corresponds with the project leader, with regard to Indicator I.

Question 6: Does the provision of "support to the administration" for Indicator I, II and III need to include all three parts subject to the RfQ: the provision of auction design advice, the provision of software and support during the auction? Would a certificate for "design only" work count towards the quality points?

Answer to question 6: The provision of "support to the administration" for Indicators I, II and III need to include either auction design advice or support during the auction. A certificate for "design only" will counts towards the quality points.

Question 7: Is it okay to provide aggregated certificates that certify that for a certain project the project leader was leader on that project, the first team member was a member the team and the second team member was also a member of the team or do you require a separate certificate for the project leader, the first project team member and the second project team member?

Answer to question 7: It is equally acceptable to provide either separated or aggregated certificates that certify that for a certain project the project leader was leader on that project, the

first team member was a member of the team and the second team member was also a member of the team.

Question 8: Is it okay to have some overlap of projects for Indicator I and II and still obtain full points? For example, if we provide a certificate for a certain project listing the project director and two project team members, would that count towards points for both Indicator I and Indicator II i.e. would it count as one certificate for a project leader, one certificate for the first team member and one certificate for the second team member?

Answer to question 8: The provision of certificate for a certain project, listing the project director and two project team members, will count towards points for both Indicator I and Indicator II.

Question 9: Indicator IV is the number of CCA multi band spectrum auctions in which a project team member advised a bidder. Would you consider certificates for bid support in single band CCA spectrum auctions outside of CEPT to count towards this criteria? Would you consider certificates for bid support in non-CCA spectrum auctions in CEPT countries?

Answer to question 9: As Indicator IV is referring to CCA multi band spectrum auctions in CEPT countries, certificates for the support in single band CCA spectrum auctions outside of CEPT and certificates for the support in non-CCA spectrum auctions in CEPT countries will not be considered.

Question 10: Page 38 sets out the requirement for a "certificate or other document issued by the competent authority on the basis of information from criminal records, not older than six months preceding the public bid opening, that the bidder or his legal representative has not been legally convicted for any of the criminal offenses of organized crime with elements of corruption, money laundering and fraud". In the (*Name of country*), where (*Name of company*) is based, there is no criminal records check specifically related to 'criminal offenses of organised crime with elements of corruption, money laundering and fraud'.

- Would it be sufficient to provide a self declaration (signed in the presence of a solicitor) by one of the two partners of the firm?
- If this is not sufficient, would it be okay to provide a criminal records check for "spent and unspent convictions, cautions, reprimands and final warnings"? This is usually only required for work with children or vulnerable people and does not include corruption or money laundering.

Answer to question 10: The fulfillment of the mandatory requirements shall be determined on the basis of the evidence to be submitted (listed under paragraph 1, 2 and 3 of the subheading "Evidence on fulfillment of the mandatory requirements", evidence under 4 is not required).

Evidence under paragraph 3 "certificate or other document issued by the competent authority on the basis of information from criminal records, not older than six months preceding the public bid opening, that the bidder or his legal representative has not been legally convicted for any of the criminal offenses of organized crime with elements of corruption, money laundering and fraud" for bidders based outside of Montenegro, need to be submitted in accordance with the regulations of the country where the bidder is based. If there is any competent authority in

country where the bidder is based to issue corresponding certificate, such document should be submitted. If not, then self declaration signed in the presence of a solicitor will be considered as sufficient proof for the purpose of this tender, if it is in accordance with regulation of the country where the bidder (or his partner(s)) is based.

Regarding software requirements:

Question 11: Page 10: "During the bidding process, the auction software servers shall be located at the headquarters of the Agency in Podgorica." Will Agency consider a solution hosted outside of the Agency's headquarters?

Answer to question 11: The Agency will accept a solution hosted outside of its headquarters if such solution will provide higher data and communication security level. In order to be consistent with tender procedure, the Agency will amend Tender documentation by possibility to host software servers on the location outside of the Agency's headquarters.

Question 12: Page 12: "The auction software must display the running auction process graphically." Could you please give us some indication of what you would like to have graphed in the software? We usually find that it is far more useful to export data and to prepare tailored graphs using external software such as Excel.

Answer to question 12: It is acceptable to use external software such as Excel to prepare tailored graphs based on exported data.

Question 13: Page 12: "It is important that the integrity of the communication between all parties involved must be maintained from the beginning to the end. Integrity implies security that a message in its present form is identical to the content it had at the time of origin." Is it sufficient to use TLS for all communication between client computers and the auction server?

Answer to question 13: TLS is sufficient.

Question 14: Page 13: "The auction software must be able to work even in the event of termination of the internal network of the Agency in the specific period." If EKIP insists on hosting the software on their premises, this requirement cannot be fulfilled.

Answer to question 14: We will not insist on hosting the software in our premises, as mentioned above in A11. In case of hosting the servers in Consultants' premises this requirement need to be fulfilled.

Question 15: Page 13: "The interfaces have to be in Montenegrin and in English language." Our software supports switching between languages for the interface. Is it amenable to use the system with interface in English only?

Answer to question 15: The interfaces have to be in Montenegrin and English language. The Agency will be responsible for all translations from English to Montenegrin language which will be used for the interface.

Question 16: Page 13: "For purposes of redundancy, for any observer terminal, it has to be possible to switch from observing interface on the auctioneer interface." For security and traceability reasons, we operate a strict single-login policy for our system. A user can log out of the monitor interface and log back into the auctioneer interface on the same computer (provided no other user is logged in as auctioneer at the same time). Would this be sufficient to fulfil this requirement?

Answer to question 16: It is sufficient to fulfill this requirement.

Question 17: Page 14: "The Selected Consultant shall provide a strong encryption solution for protecting the secrecy of the bid over the public Internet." Would TLS be sufficient for encryption?

Answer to question 17: TLS is sufficient to fulfill requirement for encryption.

Question 18: Page 15: "At least the following information have must be stored: -The user identity, content and timestamp of all information that is sent from the bidders' interface; -The user identity, content and timestamp of all information that is received by the system from the bidders." We can only log the data sent by the client if it is received by the server. At this point it is already the data received by the server and would not need to be logged twice.

Answer to question 18: Data sent by the client need to be logged if it is received by the server.

Question 19: Page 15: " - The user identity, content and timestamp of all information that is sent to the bidders' interface; - The user identity, content and timestamp of all information that is entered into the system by the Agency as auctioneer." This is a lot of data, and fairly difficult to log in a meaningful way. Furthermore, attempting to write all of the data sent to disc will incur a massive performance penalty. Do you require a solution that logs actual raw HTTP traffic or are you only interested in the processing logs?

Answer to question 19: The bidder may propose the most appropriate solution with regards to the optimal functionality of the software.

Question 20: Page 16: "Agency might also request a graphical presentation of the entire auction to be provided, with information on status for each round, bidders' actions in each round, standing high bids". We will assume that this is not done in the software, but using external software such as Excel. Please confirm that this is acceptable.

Answer to question 20: It is acceptable.

Question 21: Page 8: "the selected consultant shall provide support on [...] the structure of unit radio-frequency blocks in each band and their categorization". However, on page 7, EKIP already sets out the block sizes in each band. Are those going to be the lots used in the auction or does the consultant need to give advice on lot sizes? We understand that if the lot sizes are fixed, the consultant would still be required to advise on whether there should be lot categories with a special obligation, such as an enhanced coverage obligation.

Answer to question 21: The Agency plans to start public consultation on spectrum auction strategy and rules in near future. Therefore, some issues will be opened, until the end of the public consultation process. We will highly appreciate consultants' advice on lot size including special obligations, structure of unit radio-frequency blocks (in particular for 900 MHz band for which we consider splitting one 5 MHz block into smaller blocks) as well as other issues that will arise during consultation.

Question 22: Would EKIP require advice on reserve prices and/or eligibility points for lots (assuming an eligibility points activity rule will be applied)?

Answer to question 22: In accordance with Law on Electronic Communications Ministry for Information Society and Telecommunication is responsible authority for determination of reserve prices, therefore the Agency do not expect advice on that matter. The Agency expects advice on application of eligibility points activity rule and related eligibility points for lots.

Question 23: Page 9 states that the selected consultant will need to organise workshops “separate for Agency staff involved in the auction process and separate for bidders”. Does this mean there can be one bidder workshop for all qualified bidders or is a separate workshop required for each qualified bidder?

Answer to question 23: We expect separate workshop for Agency staff involved in the auction process. In addition to that, we expect that selected consultant shall propose solution which is the most convenient for the purpose of workshop for all qualified bidders.

Question 24: Page 11 states that the Agency can decide to change the auction format at any stage of the preparation. In the event of this, would the timetable agreed upon with the consultant be revised? In the event that the auction format changes at a stage where the consultant has already worked on implementing a CCA format, will EKIP reimburse the consultant for the additional work at the specified daily rates?

Answer to question 24: At the moment the auction format is set as CCA by the Agency. Since we expect also other opinions during the consultation process, the change of auction format is possible. In that case the agreed timetable will be discussed and revised, if necessary. If the change of auction format occurs before the start of auction software customization by the consultant, we consider that there won't be any need for additional work and reimbursement. If the auction format changes in the later stage Agency will reimburse the consultant for the additional work at the specified daily rates.

Question 25: Page 16: Could you please provide an English translation of Ref No. 2 Traceability of auction process part 4?

Answer to question 25: On Page 16 of the Tender documentation, part 4 text in Montenegrin is redundant. Its translation is actually given as part 5 of Ref No. 2 Traceability of auction process. Agency published revised unofficial English translation of Tender documentation, where this editorial mistake is corrected.

Question 26: Regarding the “Content of the bid”:

- Do bids need to be structured in the order specified, or will bids be accepted as long as they include everything required, regardless of the order?
- Will bids be accepted that include additional information, such as more information on the company or the software, or can a bid only consist of the items listed in “Content of the bids”?

Answer to question 26: Bids need to be structured in the order specified on page 46 of the Tender documentation, as content of the bid. Additional information may be included in the bid, as a separate part, at the end of the bid with subheading i.e Additional information, and/or within the already specified parts of the bid, if that is more appropriate for the relevant information.

These clarifications are part of the Tender documentation.