



MONTENEGRO
AGENCY FOR ELECTRONIC COMMUNICATIONS
AND POSTAL SERVICES

Pursuant to Articles 8 and 19, and relating to Articles 68 and 69 of the Law on Electronic Communications ("Official Gazette of Montenegro", No 50/08, 53/09-14 Article 21, 70/09, 40/10-5 Article 11, 49/10 and 32/11) the Council of the Agency for Electronic Communications and Postal Services, at its session held on 31. 10. 2011, made a **decision** to call

TENDER

**for giving authorization for the use of radio-frequencies in the bands of
880-915/925-960 MHz, 1710-1785/1805-1880 MHz and 1920-1980/2110-2170 MHz**

1. The Agency for Electronic Communications and Postal Services of Montenegro (hereinafter called "the Agency") calls a tender for giving an authorization for the use of radio-frequencies in the bands of 880-915/925-960 MHz, 1710-1785/1805-1880 MHz and 1920-1980/2110-2170 MHz, for implementation of electronic communications network for providing electronic communication services in compliance with GSM/DCS1800 and IMT-2000/UMTS standards on national level (hereinafter called "the Tender").
2. The authorization from sub-paragraph 1 hereof grants the exclusive right to use the following radio-frequency resources in the whole territory of Montenegro:
 - two radio-frequency blocks with the total bandwidth of 2 x 5.2 MHz (26 two-way radio channels, 200 kHz wide) in the band of 880-915/925-960 MHz;
 - two radio-frequency blocks with the total bandwidth of 2 x 14 MHz (70 two-way radio channels, 200 kHz wide) in the band of 1710-1785/1805-1880 MHz;
 - a radio-frequency block, 2 x 15 MHz wide (3 two-way radio channels, 5 MHz wide) in the band of 1920-1980/2110-2170 MHz.
3. The Authorization from sub-paragraph 1 hereof is issued for the period of 5 (five) years from the day of its issuance, with the possibility of extension according to provisions of the Law on Electronic Communications.

The authorization holder is obliged to start using the authorized radio-frequencies within the period of one year from the day of authorization issuance, at the latest.

4. Any interested qualified legal person which has bought off Tender Documents will be entitled to submit a bid.

Legal person will be considered qualified if it has at least 3 (three) years' experience in building and exploitation of public electronic communication networks and in the provision of public electronic communication services.

A group of bidders (consortium) has right to submit a bid under the Tender.

Each legal person may, before or after the purchase of Tender Documents, form a consortium with other legal persons, and such consortium may submit a bid, which must fulfill all requirements specified by this Decision or Tender Documents.

The consortium will be considered to meet qualification requirement if at least one of its members, which has undertaken the obligation to build and exploit public electronic communication network and to provide public electronic communication services, has at least 3 (three) years of experience in those activities.

5. The criteria for evaluation of bids under the tender procedure are as follows:

- a. Offered amount of fee for effective user of radio-frequencies – 70 points;
- b. Technical solution and the plan for network construction – 20 points;
- c. Contribution to market competitiveness – 10 points.

The manner of application of the criteria is determined in the Tender Documents.

6. In case that the first-ranked bidder is one of the current authorization holders for the use of radio-frequencies in the bands of 880-915/925-960 MHz, 1710-1785/1805-1880 MHz and 1920-1980/2110-2170 MHz, such bidder shall be bound to offer the transfer of right to use 1/3 of frequency resources granted in the tender procedure to every other holder of the authorization for using radio-frequencies from the mentioned bands, at the price of 1/3 of the fee for effective use of radio-frequencies which the first-ranked bidder has offered.

7. The lowest fee for effective use of radio-frequencies which may be offered in the tender procedure is 1,315,000.00 EUR (one million three hundred and fifteen thousand euro).

The authorization holder shall pay regulatory fees for the use of radio-frequencies and provision of electronic communication services, according to the Law on Electronic Communications.

8. The bids will be submitted every working day from 8:00 to 16:00 hours no later than 15. 12. 2011 at 11:45 hours (CET).

The bids will be submitted directly to the Agency's Record Office or by courier service to the Agency's address.

9. The bid submitted under the tender procedure shall contain the following essential items:

- a. Information about the bidder with references;
- b. Evidence on formal-legal eligibility;
- c. Amount of offered fee for effective use of radio-frequencies;
- d. Preliminary technical solution for the use of radio-frequencies;
- e. Marketing and financial plan;
- f. Summary of crucial elements of the bid.

Along with the bid, the bidder is obliged to submit an unconditional bank guarantee in favour of the Agency, payable on first demand in the amount of 5% of offered amount of one-off fee for effective use of radio-frequencies.

Bids shall be submitted in the Montenegrin language.

Bids shall be submitted in one original and 5 (five) copies in closed envelope, with the note "Bids under the Tender for GSM/DCS1800/UMTS" and "Not to be opened before public bid opening!".

10. For the purchase of Tender Documents it is necessary to effect a payment in the amount of 1,000.00 (one thousand) EUR to the Agency's gyro account No 510-2125-67 (noting "For the purchase of Tender Documents").

Authorized representatives of interested parties may take over the Tender Documents on the premises of the Agency on each working day from 8:00 to 16:00 hours, or the Agency will, at a written request of an interested party, deliver them by courier mail, after establishing the fact that the amount for the purchase of Tender Documents has been paid to the Agency's gyro account.

Contact person for taking over Tender Documents is Bojan Ivanović (bojan.ivanovic@ekip.me).

11. Public bid opening will take place on 15. 12. 2011 at 12:00 hours (CET) on the Agency's premises, Bul. Džordža Vašingtona 56, 81000 Podgorica, Crna Gora.
12. Requests for additional information about the Tender and/or Tender Documents will be sent by electronic mail to the Agency no later than 7 (seven) days before the expiration of the deadline for bid submission. The Agency will not answer to requests for additional clarifications received after this deadline.

Contact person for getting additional information about the Tender and/or Tender Documents is Elvis Babačić (elvis.babacic@ekip.me).

13. Decision under the Tender will be taken within 15 (fifteen) days following public bid opening, and bidders will be notified about the decision in the period of 7 (seven) days from the day of its making.
14. This decision will be published in media.
15. This decision shall enter into force on the day of its making.

No: 0505-5043/1
Podgorica, 01. 11. 2011

Agency for Electronic Communications
and Postal Services

Dr Šaleta Đurović

PRESIDENT OF THE COUNCIL