

The Hashemite Kingdom of Jordan



Telecommunications Regulatory Commission

Invitation to Tender

Special Tender No. G3 / 1 / 2009

**Licensing the Use of Radio Spectrum
Frequencies for Mobile Communications
(Third Generation)**



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Introduction :

Pursuant to the Council of Ministers resolution number (3113) made in its session convened on 4/11/2008 to approve the adoption of a tender process for the award of licenses for the use of radio frequency spectrum for third generation mobile communications , which approval was issued pursuant to Article 32 of the Telecommunications Law No. 13 of year 1995 and its amendments, and based on the authority imparted by the Telecommunications Law to the Telecommunications Regulatory Commission (TRC) regarding the award of licenses for the use of frequencies, and pursuant to the Instructions issued by the TRC on 12/9/ 2005 and published on its web-site regarding the licensing of the use the radio frequency spectrum under the title:

Instructions regarding the Application Procedures and Conditions for the Issuance of a General Radio Spectrum License for Radio Communication Systems Related to the Integrated Licensing Regime

<http://www.trc.gov.jo/images/stories/pdf/General%20Spectrum.pdf?lang=english>

and in accordance with paragraph (4.5) of those Instructions which mandated upon TRC to issue a notification in advance about the procedures that the TRC will utilize to award such licenses in the event that a tender process is to be followed, the TRC convened on open forum on 25/6/2008 under the title :

Forum on Mobile Communications and Third Generation Services

in which it was explained what the TRC has performed in the form of studies of the telecommunications market for the purpose of creating the suitable conditions for effective competition in the mobile telecommunications sector, and the issuance of a public consultation document under the title:

Consultation Regarding Licensing the Use of 3G Cellular Communication Technologies Radio Frequencies

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<http://www.trc.gov.jo/images/stories/pdf/general%20spectrum.pdf?lang=arabic>

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Consultation Regarding Licensing the Use of 3G Cellular Communication Technologies Radio Frequencies

Subsequently, the TRC issued an Explanatory Memorandum on the results of the public consultation and published it on (26 / 11 / 2008). On the same date, the TRC issued a Statement on the mechanism that it will adopt for licensing the third generations (3G) spectrum of mobile communications.

This Invitation to Tender (ITT) is intended to lay out all the details of the terms and conditions for the Special Tender (G3 / 1 / 2009).

This ITT document is issued in both Arabic and English. However, in case of any conflict in the meaning of any of its provisions between the two languages, the Arabic version will prevail.

It is worth mentioning that, while the information in this ITT is correct as far as known to the TRC at the time of its preparation, the TRC will update it in case of necessity and as seen proper by the TRC .

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Chapter One : Frequency Bands

1. The frequency bands , acquisition returns, annual returns and evacuation charges:

1.1 The available frequencies for this tender are in the frequency band (2.1GHz) on the basis of a basic (FDD) band as follows:

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2.1 GHz (FDD) – Basic Band				
unit	Up-Link (MHz)		Down-Link (MHz)	
	From	To	From	To
2.1 - FDD – 1	1920	1925	2110	2115
2.1 - FDD – 2	1925	1930	2115	2120
2.1 - FDD – 3	1930	1935	2120	2125
2.1 - FDD – 4	1935	1940	2125	2130
2.1 - FDD – 5	1940	1945	2130	2135
2.1 - FDD – 6	1945	1950	2135	2140
2.1 - FDD – 7	1950	1955	2140	2145
2.1 - FDD – 8	1955	1960	2145	2150
2.1 - FDD – 9	1960	1965	2150	2155
2.1 - FDD -10	1965	1970	2155	2160
2.1 - FDD -11	1970	1975	2160	2165
2.1 - FDD -12	1975	1980	2165	2170

1.2 The minimum limit of the acquisition fee for one unit of (5+5 MHz) of frequencies in the basic (2.1 GHz FDD) band is : (JOD 25,000,000) Twenty Five Million Jordanian Dinars.

1.3 The annual returns for licensing each frequency band will be calculated according to the relevant formula of the “**Spectrum Tariffs Formulas and Schedules**” as adopted by TRC and published on its website:

http://www.trc.gov.jo/index.php?option=com_content&task=view&id=711&Itemid=1100&lang=english

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http://www.trc.gov.jo/images/stories/pdf/Spectrum_tariff_ar.pdf?lang=arabic

which is currently:

$$\{F1 * F2 * F3 *(Paired Bandwidth used in KHz / 25) * 8000\},$$

Where:

- **F1** = Area Factor (national coverage) = 1,
- **F2** = ERP Transmitted Power factor (this factor will be determined on the basis of the highest power used in the service network as shall be provided by the applicant in his form of application for General Radio Spectrum License),
- **F3** = Frequency range factor for 2.1GHz = 0.6
- The paired bandwidth for each FDD unit of (5+5 MHz) is considered as 5 MHz..

1.4 Evacuation Charges:

Since the frequency slots described in 1.1 above are being used by the Armed Forces, the winner of the tender will have to pay for the evacuation of those frequencies in the basic band (2.1 GHz FDD) an amount of:

(JOD 2,705,000) Two Million, Seven Hundred and Five Thousand Jordanian Dinars per each block of (15 + 15 MHz) or any part thereof.

1.5 The Optional Frequencies

Appendix (4) of Chapter Four of this document indicates the optional frequency bands that will be available as an option to the winner of the tender in the frequency band (2.1 GHz TDD) for the purpose of 3G services, and also in the frequency band (1800 MHz FDD) for the purpose of 2G mobile telecommunication services.

2. Contents of the Tender Invitation

2.1. This ITT contains descriptive information in order to clarify the procedures that the TRC will follow for organizing the submission of offers and the process for evaluating those offers in preparation for the grant by TRC of a license to the winner for the use of the frequencies for the purposes detailed in this invitation.

2.2. Bidding in this tender is composed of one stage only, and is concerned with the basic frequency band (2.1 GHz FDD) only ; as follows:

- The minimum limit of the financial offer is twenty five million JD per FDD unit of (5+5) MHz.
- The bidder decides the required number of frequency units on the basis of:

$$[n \times (5+5 \text{ MHz})] \text{ , where } n = 2, 3 \text{ or } 4 .$$

- The bidder offers the price for the unit of (5+5 MHz) in the basic (2.1 GHz FDD) band.
- The candidate winner of the Tender will be the bidder who offers the highest price for the basic unit of (5 + 5 MHz) if the offer of such a bidder complies with all the Tender conditions.
- The TRC will coordinate with the Armed Forces for the evacuation of the frequencies, and winner shall pay the due amounts for the evacuation directly to the Armed Forces in accordance with Article 1.4 of this Chapter.

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Chapter Two : Tender Procedures

The tender process will be managed by a special tender committee (the Committee) to be formed by the Board of Commissioners of TRC.

1. Eligibility to Participate in the Tender

1.1 Subject to the provisions of (1.2) below, any person may submit an offer to participate in this tender

1.2 It will not be allowed for any person to participate in the tender if such a person has a joint ownership with any other person participating in the tender if such joint ownership would, in the reasonable opinion of TRC, affect the integrity of the tender procedures and/or the competition in the telecommunications sector in the future.

2. Deadline for the submission of Offers

2.1. The deadline for the submission of offers is 14:00 Hours Jordan local time, Tuesday, 26 /5 / 2009.

2.2. In case of submission of any offer after 14:00 Hours of on the date specified in 2.1 above, the TRC may, at its discretion, accept the offer if a legitimate excuse is presented, otherwise it remains sealed and be added to the rejected offers to be returned to the submitter after the finalization of the tender procedures.

3. Bid Bond

3.1. Each participant in this tender must submit a bank guarantee bond (Bid Bond) issued by a bank licensed in Jordan according to the following provisions:

- The bid bond should be presented within the sealed envelope as described in Article 4 of this Chapter, and in the format shown in Appendix (3) of Chapter Four.

<ul style="list-style-type: none"> • The validity of the Bid Bond shall be sixty (60) days from the date of the deadline for submission of the bid, and must contain an undertaking from the issuing bank to pay the full amount of the bond, or part thereof, upon first request by the TRC regardless of any objection by the bidder. • The value of the Bid Bond shall be (JD10,000,000) Ten Million Jordanian Dinars. <p>3.2. If any of the bidders commits any of the violations indicated in this document, the TRC may seize the Bid Bond or any part thereof.</p> <p>4. Conditions for Submission of Offers</p> <p>4.1. The following conditions must be observed for the submission of offers:</p> <ul style="list-style-type: none"> • The Bids must be submitted to the Chairman of the Committee on or before the deadline as indicated in (2.1) above. • The Bids must be addressed to the CEO of TRC and hand delivered to the TRC address: <p>Telecommunications Regulatory Commission Ibrahim Albajouri St. Seventh Circle\ Al-Sahl Amman – Jordan</p> <p>and marked (on the outside envelope) with the name of the bidder and the tender number.</p> <p>4.2. The bid must be submitted in a sealed outer envelope containing two sealed envelopes, one containing the financial offer and the other containing the technical offer in the following manner:</p>	<p>() •</p> <p>() •</p> <p>) -</p> <p>(</p> <p>:</p> <p>(-) •</p> <p>•</p> <p>/</p> <p>-</p> <p>:</p> <p>-</p>
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4.2.1 The Financial Envelope.

This envelope must contain **the financial offer only** which shall be in the form indicated in Appendix (1) of Chapter Four duly completed and signed by the authorized signatory.

4.2.2 The Technical Envelope.

This envelope must contain the following documents:

A) A bank guarantee bond (Bid Bond) issued by a bank licensed in Jordan, in the value of (JOD 10,000,000) Ten Million Jordanian Dinars, as per the form indicated in Appendix (3) of Chapter Four duly completed.

B) Company identity documents:

- In case where the bidder is a holder of an Individual License issued by TRC or an applicant for an Individual License, the bidder must submit a recent official certificate issued by the Ministry of Industry and Trade / Companies Controller indicating the status of the company on the date of submission of the offer regarding its registration, owners, capital, objects, board of directors/management, and authorized signatories.
- In cases where the bidder has not yet completed the procedures of registration in the Ministry of Industry and Trade, then the bidder must submit sufficient documents for the identification of the bidding company and the company that will be established and registered in Jordan, as well as the names of the owners and the proportions of their ownerships, capital, objects, board of directors/management and authorized signatories.

C) A document issued by the bidder specifying the name of the person who is authorized to sign on behalf of the company and to take sufficient actions for the implementation of the tender procedures.

D) The undertaking, as indicated in Appendix (2) of Chapter Four, duly signed by the authorized signatory.

<p>4.3. The representative of the bidder who submits the offer must obtain a receipt from the Chairman of the Committee.</p>	<p style="text-align: right;">-</p>
<p>4.4. Without prejudice to the components of the tender as per the provisions of this Article (4), and in case of exceptional circumstances that prevent any of the participants from submitting the offer as per paragraph (2.1) above, The TRC may, in its own discretion, extend the deadline the for submission of offers. In such case, the TRC will inform all bidders.</p>	<p style="text-align: right;">() - (-)</p>
<p>5. Rejected Offers</p>	
<p>5.1. The TRC may reject any of the sealed envelopes and/or the offers therein for one or more of the following reasons :</p>	<p style="text-align: right;">/ - /</p>
<p>a) If the envelope is submitted in a way or form that does not comply with the requirements specified in the relevant articles of this document.</p>	<p style="text-align: right;">(</p>
<p>b) If the sealed envelope is not submitted to the TRC on or before the date and time specified in paragraph (2.1) above, or the amended date and time as per paragraph (4.4) above .</p>	<p style="text-align: right;">(-) (-)</p>
<p>c) If any of the documents required by Article (4 - Conditions for Submission of Offers) is missing or incomplete.</p>	<p style="text-align: right;">-) (</p>
<p>d) If the bid is submitted by more than one of the TRC licensees on joint basis.</p>	<p style="text-align: right;">(</p>
<p>e) If the bidder is in violation of the provisions of paragraph (1.2) of this Chapter Two.</p>	<p style="text-align: right;">(-) (</p>
<p>f) If the bidder did not specify within the Financial Offer the amount of the acquisition returns that the bidder is willing to pay (in words and numerals) or if there is a discrepancy between the amounts written in words and numeral, or if the Financial Offer is illegible.</p>	<p style="text-align: right;">() (</p>
<p>g) If the value of the amount quoted in the Financial Offer is less than the specified minimum limit of the acquisition returns.</p>	<p style="text-align: right;">(</p>

<p>h) If the value of the Bid Bond is less than Ten Million Jordanian Dinars.</p> <p>i) Any other reasons that the TRC finds sufficient and justified for rejecting the offer.</p> <p>5.2. The Committee will retain the rejected offers until the finalization of the tender procedures.</p> <p>5.3. After the finalization of the tender procedures, the TRC will return the un-opened rejected offers envelopes to their owners, without them having the right of objection.</p> <p>5.4. Without prejudice to the right of the TRC to reject any of the submitted offers for any of the reasons explained in this document, the TRC will, after the opening of the bids, examine and scrutinize their contents to ensure that they are submitted as per due process.</p> <p>5.5. In the case of existence of mistakes that the TRC consider be un-intentional and do not concern the value of the offer, the TRC may draw the attention of the bidder to such mistakes and invite the bidder to make representations in that regard. If the TRC ascertains that such mistakes were un-intentional, the bidder will be granted a specified period to correct those mistakes, if necessary.</p> <p>5.6. Taking into account what is provided in paragraphs (5.1.f) and (5.5) above, and in case of discrepancy between the two amounts written in words and in numerals, then the amount written in words will prevail.</p> <p>6. Opening of the sealed envelopes</p> <p>6.1. The sealed envelopes that are received by the TRC will be opened by the Committee in an open meeting attended by the representative of the Audit Bureau. The opening session will be at 15:00 Hours on the same day of the deadline for submission of the offers, or on the date that may be decided as per (6.4) below. The following will take place during the opening session:</p>	<p>(</p> <p>(</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>(-) (- -)</p> <p>-</p> <p>(-)</p>
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<ul style="list-style-type: none"> • The announcement of the names of the bidders and the opening of the sealed outer envelopes. • Opening of the envelopes containing the technical offers, where the announcement of the accepted technical offers and the rejected technical offers will be made in the subsequent meeting as indicated in (6.2) below. • Preparation of minutes of the opening session. <p>6.2. At 10:00 hours on the day following the deadline of submission of offers, or on the date that the Committee may decide as per (6.4) below, the Committee will convene an open session , attended by the representative of the Audit Bureau, to perform the following:</p> <ul style="list-style-type: none"> • Announcement of the accepted technical offers and the rejected technical offers. • Retention of the financial offers that are related to the rejected technical offers in order to return them un-opened to their respective bidders after the completion of the tender procedures. • Opening of the financial offers that are related to the accepted technical offers. <p>6.3. At 15:00 hours on the day following the deadline of submission of offers, or on the date that the Committee may decide as per (6.4) below, the Committee will convene an open session , attended by the representative of the Audit Bureau, to perform the following:</p> <ul style="list-style-type: none"> • Announcement of the accepted financial offers and the rejected financial offers. • Announcement of the candidate winner of the tender, who is the bidder of the highest price for the basic unit of (5 + 5) MHz. <p>6.4. The Committee may postpone the dates of the sessions for opening the technical and/or financial offers or the announcement of any results concerning the tender, if the Committee finds it necessary to do so. In such case the TRC will duly inform all bidders.</p>	<ul style="list-style-type: none"> • • • (-) • <p>:</p> <p>(-)</p> <p>:</p> <ul style="list-style-type: none"> • • • <p>:</p> <p>(-)</p> <p>:</p> <ul style="list-style-type: none"> • • <p>.. . (+)</p> <p>/</p> <p>-</p>
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7. Award of the Tender

- 7.1 After announcing the candidate winner, the TRC will notify the candidate of its "initial approval" to grant him a license for the use of the frequencies specified in the offer.

- 7.2 The initial approval will be conditional upon the performance of the undertaking specified in Article (10- Performance of Undertakings), and taking into consideration the procedures of Article (11- Grant of License) of this Chapter Two.

- 7.3 In addition to the provisions of paragraph (7.2) above, if the candidate winner was not an Individual Licensee, then the initial approval will be conditional upon the acquisition of the Individual License.

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8. The Cases of Bidders who have not acquired an Individual Licenses.

- 8.1. Considering that the acquisition of an Individual License is a prerequisite for obtaining a "General Radio Spectrum License for Radio-communication Systems Related to the Integrated Licensing Regime" and the acquisition of a license to use any of the frequencies offered in this tender, if the candidate winner had not acquired an Individual license by that time, then the procedures for granting the Individual License and the signature of the license agreement will be programmed to coincide with the procedures of granting the license for the use of the frequencies, provided that such action does not exceed the time limit of the validity of the bid bond, otherwise, the validity of the Bid Bond will be extended for a period as may be required by TRC.

- 8.2. If the acquisition of the Individual License is delayed for reasons of negligence by the candidate winner in providing the required information and its procrastination in applying the Instructions of granting the Individual License, the TRC may cancel the candidacy.

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<p>8.3. If it becomes apparent to the TRC that the procrastination on the part of the candidate winner in completing the Individual License acquisition procedures is an attempt to withdraw from the tender, then the TRC may halt all procedures of the Individual License and the frequency license and also to seize the bid bond.</p>	-
<p>9. Cases of equality of the highest value for two or more offers</p>	
<p>9.1. If two or more offers are equal in the highest value offer for one unit of (5 + 5) MHz , all bidders of such offers will be equally eligible to be candidates to win.</p>	- (. . +)
<p>9.2. In order to determine the winner among those candidates, the TRC will conduct a complementary round of competition after the announcement of the results of the original round.</p>	-
<p>9.3. The TRC will inform the candidates in writing about the time and date of the complementary round.</p>	-
<p>9.4. The candidates should submit their offers to participate in the complementary round on or before the specified time and date.</p>	-
<p>9.5. Subject to forfeiture of the bid bond, none of the candidates will be allowed to withdraw from the tender before submitting a new offer as participation in the complementary round.</p>	-
<p>9.6. The minimum amount offered by the candidates in the complementary round must not be less than the amount first offered and which qualified them to be candidates in the complementary round.</p>	-
<p>9.7. After determining the highest bid in the complementary round, the tender award procedures will be resumed as in Article (10- Award of tender) above.</p>	- (-)
<p>9.8. In the event of a repetition of equality between the highest values of offers, the provisions of paragraphs (9.3) to (9.7) will be repeated until such time as there is a clear winner or TRC cancels the Tender Procedure.</p>	- (-) (-)

10. Implementation of the undertakings

10.1 After the " initial approval " is issued in accordance with paragraph (7.1.3) above, the TRC will address a letter to the candidate winner containing the following:

- a) If the candidate winner holds an Individual License:
The letter will contain all the modifications that have to be made to the Individual License Agreement and the Operating License as well as the General Spectrum License and their annexes and appendices as applicable, in accordance with the provisions of the second section of Appendix (2) / Chapter Four, as well as any other requirements in accordance with the **“Instructions Regarding the Application Procedures and Conditions for the Issuance of a General Radio Spectrum License for Radio-communication Systems Related to the Integrated Licensing Regime”** adopted by TRC .

- b) If the candidate winner does not hold an Individual License:

The letter will draw the attention of the candidate that the License Agreement, the Operating License and the General Radio Spectrum License will reflect all the provisions specified in Appendix (2) to this Tender Document and in accordance with the **“Instructions Regarding the Application Procedures and Conditions for the Issuance of a General Radio Spectrum License for Radio-communication Systems Related to the Integrated Licensing Regime”** adopted by TRC.

10.2 The purpose of making the necessary amendments to the license agreement is to ensure the performance by the winning company of the undertakings in this invitation as being an integral part of its obligations in its license agreement.

<p>10.3 The TRC will give the candidate winner a period of five working days to comment on those amendments or to propose suggestions for their improvement without affecting the substance of any of them.</p> <p>10.4 Any attempt to hinder or delay the performance of the amendments indicated in paragraph (10.1) above will be considered as a material violation of the tender conditions and will cause the seizure of the bid bond and the cancellation of the candidature decision.</p> <p>10.5 Any amendments and necessary actions required to complete the license award process in accordance with this tender are applicable only on the winner of the tender and are considered as amendments by agreement and are not subject to the license amendment procedures of Article 39 of the Telecommunications law.</p>	<p>-</p> <p>-</p> <p>-</p>
<p>11. Frequency License Award</p> <p>11.1 Within two working days after the date of announcement of the candidate winner and the issuance of the letter of initial approval, the TRC will address a written notice to the candidate winner containing an invoice for the payment of the acquisition returns, the evacuation charges and the annual returns as well as the revenue stamp and Jordanian university fees (0.007 seven per thousand of the acquisition returns and annual returns).</p> <p>In this regard, the TRC will give due consideration to any request that the candidate winner may submit for deferring the payment of no more than 50% of the total acquisition fee over a period not to exceed five years and at a compound interest rate of 9%, provided that the candidate winner submits the required financial guarantees in order to secure payments. In this a case, the TRC will make its decision regarding such request in the form that serves the public interest .</p>	<p>-</p> <p>(-)</p> <p>.(</p> <p>%)</p> <p>%)</p>

11.2 The frequency license will be issued and will be valid as of the date of payment of the total amounts of the returns, fees and charges. The TRC will then address a letter to the concerned bank for the release of the bid bond.

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11.3 The TRC will release the bid bonds of the other bidders after the issuance of the frequency license, and the TRC shall have the right to release all or any of them earlier.

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Chapter Three : General Provisions

1. Violation of the Rules

1.1 If the bidder commits a violation of any of the provisions in this Chapter, the TRC may exclude it from participation in the tender.

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1.2 In case of exclusion of any bidder from participation in the tender, the TRC may seize the Bid Bond or any part thereof.

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2. Provision of wrong or misleading information.

If any of the bidders knowingly submits an offer that includes incorrect information or information intended to mislead the tender process, the TRC may exclude such bidder from participation in the tender and to seize the Bid Bond.

3. Change of ownership and control

No change in ownership and/or control, or any other change in the management structure that affects the authorities of the authorized signatory of the bidder will be allowed during the tender period starting from the date of submission of the offers until the award of the concerned license.

4. Arrangements with suppliers of equipment and software

A bidder may not enter into an arrangement or agreement, or permit the entry into such arrangement or agreement with suppliers of equipment or software if such arrangement :

- a) Places, or may place, any restrictions on the supplier or limits its ability to supply similar equipment or software to another participant in the tender for the purpose of planning or installing or operation of the network which will be implemented by using the frequencies offered in this tender.

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b) Places, or may place, a restriction on the prices and/or the conditions of supply for the case described in (a) above.

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5. Informing the TRC about the existence of mistakes

At any time during the course of this tender, if any of the bidders finds that the TRC has committed a certain mistake in any of the parts of the tender or its documents, or that there is a certain mistake in the information that was supplied to the TRC, then such company must inform the TRC before the deadline for the submission of offers.

6. The actual term of the frequency license

The term of the frequency license that will be granted to the winner of this tender will be fifteen years.

7. The exclusion from participation in the tender

7.1 The TRC may, at any time during the course of this tender, decide to exclude any bidder from participation if it acquires reasons to believe that granting a license harms the national interests.

7.2 The TRC reserves the full right to exercise the right to exclude any of the bidders or any of its authorized signatories in case of committing a material violation of the provisions of this tender document, or in case that the bidder commits an action or neglects to perform an action as requested by TRC if it becomes apparent to the TRC that the intent of that action or the negligence of its performance is an attempt to harm the tender procedure or an attempt to prevent other bidders from winning the tender.

7.3 In the case of exclusion of any bidder from participation as per paragraph (7.1) above, the TRC will release the bid bond or the remaining part thereof that is left as a result of penalties arising from violations of the tendering procedures by that bidder.

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8. Early termination of the tender

8.1 The TRC may terminate the tender process provided that this takes place before opening the financial offers.

8.2 In case of an early termination of the tender, the TRC does not bear any responsibility towards the bidders, their representatives or any other person related to the tender for any matters directly or indirectly related to cost and/or loss and/or loss of opportunities of actual or estimated profit.

9. Contacting the bidders by TRC

Contact with the bidder by TRC will be directly with its authorized signatory at the address indicated in the offer.

10. Contacting the TRC by the Bidders

10.1 Pre bid-submission stage :

- A) Contact with the TRC should be addressed to the CEO of TRC in writing in a sealed envelope and marked confidential.
- B) If the time of arrival of any letter from the bidder is after 1500 hours local time of any working day, it will be considered as received on 8.00 am of the following working day.

10.2 Post bid-submission stage :

The Bidders may not Contact TRC on any matter concerning the Tender during the period between bid submission and the finalization of the tender procedures.

11. Publication of information

Whilst considering all relevant provisions of this invitation, the TRC undertakes not to publish any information submitted by any of the bidders if such bidder had requested in writing that the information be treated confidentially and the TRC was convinced of the reasons for such request and that its withholding other competitors will not harm their interests in relation to this tender, except the cases where such information is required by security and judiciary parties.

Chapter Four – Appendices

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Appendix no. (1): The financial Offer Form.

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Appendix no. (2): The Undertakings.

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Appendix no. (3): The Form of Bank Guarantee for participation in the Tender.

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Appendix no. (4) : Optional Frequencies.

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Appendix no. (5) : Tender Timetable.

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Appendix No (3) : The Form of Bank Guarantee for participation in the Tender.

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<p style="text-align: center;">Appendix No. (4)</p> <p style="text-align: center;">Special Tender No. G3 / 1 / 2009 Issued by The Telecommunications Regulatory Commission - Jordan</p> <p style="text-align: center;">The Optional Frequencies</p>	<p style="text-align: center;">()</p> <p style="text-align: center;">/ /</p> <p style="text-align: center;">-</p>
<p>The winner bidder in the tender will be given the opportunity to acquire additional frequencies on optional basis in the frequency band (2.1 GHz TDD) for the purpose of 3G services, and also in the frequency band (1800 MHz FDD) for the purpose of 2G services, as follows:</p> <p>A. The Frequency Band (2.1 GHz TDD)</p> <ul style="list-style-type: none"> • The width of the available frequency band in the range (2.1 GHz TDD) is (5 MHz). • The acquisition fee for this band will be calculated on the basis of : [the winning price of (5 + 5 MHz – FDD) ÷ 2]. • The annual returns for this band amounts to <u>half</u> the annual returns of (5 + 5 MHz-FDD) which is calculated in accordance with the formula indicated in Article (1.3) of Chapter One of the tender document. • The evacuation charge for this band amounts to 0.5183 Million JDs. <p>B. The Frequency Band (1800 MHz – FDD)</p> <ul style="list-style-type: none"> • The frequency spectrum that the winner may acquire in the range (1800 MHz – FDD) is [m x (5 + 5 MHz)] where, m = 1, 2 or 3. 	<p>(TDD . . . ,)</p> <p>(FDD</p> <p>:</p> <p>(TDD . . . ,) (</p> <ul style="list-style-type: none"> • (. . .) (TDD . . . ,) • : • [÷ (FDD. . . +)] • — (FDD . . . +) (-) • () • (FDD . . .) (• (FDD . . .) [(. . . +) x] =

<ul style="list-style-type: none"> • The acquisition fee for this band amounts to: [1.3 x m x the winning price of a unit of (5+5 MHZ) in the band (2.1 GHz)]. • The annual returns for this band will be calculated in accordance with the formula indicated in Article (1.3) of Chapter One of the tender document. • The evacuation charge for this band amounts to (2.1 Million JDs) Two Million and One Hundred Thousand Jordanian Dinars for each (15+15 MHz) or any part thereof. 	<p style="text-align: right;">:</p> <p style="text-align: right;">x x]</p> <p style="text-align: right;">. [(. ,) (. +)</p> <p style="text-align: right;">(-)</p> <p style="text-align: right;">(,)</p> <p style="text-align: right;">(. +)</p>
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<p style="text-align: center;">Appendix no. (5) Tender Timetable</p>	<p style="text-align: center;">()</p>
<p>○ The following table indicates the time sequence for the tender process and beyond:</p> <p>Release of tender document : 30/3/2009</p> <p>Deadline for Bid Submission : 26/5/2009 (14:00 HRS)</p> <p>Declaration of Candidate Winner : 27/5/2009</p> <p>Issuing / modifying licenses : 28/5-27/6/2009</p> <p>The Separation Period* : 28/6/2009 - 27/4/2010</p> <p>The Reservation Period* : 28/4/2010 - 27/7/2010</p> <p>○ The TRC reserves the right to modify the above listed dates as deems necessary, in such a way that keeps the length of the Separation Period to be 10 months and the Reservation Period to be 3 months.</p>	<p style="text-align: right;">○</p> <p style="text-align: center;">/ / :</p> <p style="text-align: center;">(:) / / :</p> <p style="text-align: center;">/ / :</p> <p style="text-align: center;">/ / - / : /</p> <p style="text-align: center;">/ / - / / : *</p> <p style="text-align: center;">/ / - / / : *</p> <p style="text-align: right;">○</p>

* الفترة الفاصلة وفترة الحجز هي الفترات المشار إليها في الوثيقة المنشورة بتاريخ ٢٠٠٨/١١/٢٦ على موقع الهيئة الإلكتروني بعنوان " تصريح حول ترخيص استخدام الترددات الراديوية لتقنيات الجيل الثالث من الاتصالات الخلوية في الأردن"

◆ These periods are referred to in the "Statement On Licensing The Use Of 3G Cellular Communications Technologies Radio Frequencies in Jordan" published on TRC's website on 26/11/2008.