

REGULATION

on the procedure and conditions for organizing and holding the tender to select the company for television audience measurement

I. GENERAL PROVISIONS

1. The regulation on the procedure and conditions for organizing and holding the tender to select the company for television audience measurement establishes the rules of organizing and holding the tender, as well as the conditions for participation in it.
2. The tender is conducted in order to select the company, at the national level, as a provider of television audience measurement services for a period of 5 years.
3. The provider is selected on a competitive and transparent basis by the tender commission.
4. The tender subjects are:

Beneficiary – members of the General Assembly of Television Audience Measurement and other interested parties on a contract basis;

Participant – tender participant;

Provider – tender winner.

5. The object of the tender is the selection of the television audience measurement company, at the national level, to be contracted by the members of the General Assembly of Television Audience Measurement (GATAM). The service provider's beneficiaries are: the members of the GATAM and other interested parties on a contract basis. The Coordinating Council of Audiovisual (hereinafter CCA) receives free of charge data supplied by the provider, as well as records on devices provided by the CCA.
6. For the purposes of this Regulation, the terms and definitions below have the following meanings:

Advertiser – legal entity that is the source or object of production, placement and broadcasting advertising information.

Advertising agency – legal entity working to attract the public interest to a product, activity, service of an advertiser.

Beneficiary – legal entity, which benefits on contract basis from services of television audience measurement.

Broadcaster – a legal person holding a broadcasting license, issued by the Coordinating Council of Audiovisual, with full responsibility, including editorial responsibility for the transmission of program services intended for public reception.**Electronic device** – specialized equipment that connects to TV, measures the audience and has a special remote control.

General Assembly of Television Audience Measurement (GATAM) – all companies interested in contracting services of television audience measurement.

Invitation to tender – information provided by the tender commission directly to the economic operator, which contains technical characteristics, quality services requirements,

rules for offer drafting, the manner, the place and the deadline for submission, the validity term of offers, evaluation criteria etc.

Metric panel – all households equipped with electronic devices.

Organizer – document organizing the activities related to the tender procedure.

Offer – legal act by which the economic operator expresses its willingness to engage legally in a contract for the provision of television audience measurement services. The offer includes both, the technical and the financial proposals.

Participant – economic operator who submitted the necessary offers in the tender.

Provider – the legal entity, which offer won the tender, as well as the party signing the contract for the provision of services for the television audience measurement with the members of the GATAM.

Qualification criterion – criterion, which determines the winning offer.

Qualification documentation – documentation containing all information related to the process of determining the winning offer.

Qualification requirements – minimum set of criteria and characteristics necessary for the qualification of the tender participants.

Sales house – legal entity that, on a contract basis with one or several broadcasters, has the right to manage its advertising space.

Tender Commission – collegial body, consisting of 15 voting members and 2 non-voting members, as observers, approved by the CCA, responsible for initiating and carrying out the tender procedure for the procurement of television audience measurement services.

Tender specification – documentation elaborated by the GATAM members, being a component part of the qualification documentation, specifying the minimum mandatory technical requirements for each tenderer participant, defined by the required characteristics.

TV audience – the presence of the TV viewer in the room with the TV turned on and with the intention of watching.

II. Set up and functioning of the GATAM and tender commission

7. The GATAM consists of members representing the following categories: broadcasters, advertisers (with and/or without financial obligations to the provider), advertising agencies and sales houses.
8. The representatives are appointed by the legal entity - the GATAM member.
9. The GATAM organizes meetings whenever appropriate.
10. The tender commission consists of 15 voting members: 5 representatives from 5 broadcasters with the highest turnover from TV advertising sales in 2018, except for the electoral advertising revenues, 5 representatives from 5 advertising agencies, with the highest turnover from TV advertising sales in 2018, 5 representatives from: 3 local advertisers with the largest advertising budget on TV in 2018 and 2 sales houses with the highest turnover from TV advertising sales in 2018 and 2 non-voting members from the CCA, as observers. All figures are confirmed by documents.
11. The Chairman of the commission is elected by the members of the tender commission.
12. The nominal composition of the tender commission is approved by the CCA decision.

- 13.**The mandate of the tender commission is valid until the GATAM members sign the contract with the provider.
- 14.**The tender commission meets in accordance with the organizer agreed in advance with the members of the commission and approved by the CCA.
- 15.**The meetings of the tender commission are considered deliberative if at least two-thirds of the voting members are present and the decisions are taken by open voting, with a simple majority of all voting members. The decisions of the tender commission are recorded in the minutes, signed by all voting members present at the meeting. In case of refusal of one of the members to sign the minutes, the refusing person has to state the reason/s of its refusal to sign the minutes.
- 16.**The activity within the tender commission is not remunerated.
- 17.**While exercising their duties, the members of the tender commission act independently, impartially and in accordance with the law provisions. It is forbidden to exercise any influence in order to determine the members of the tender commission to carry out their duties contrary to the provisions of this Regulation.
- 18.**Violation by members of the tender commission of the provisions of the legislation in the field of preventing and combating corruption, in the field of competition and of the present Regulation implies liability in accordance with the legislation of the Republic of Moldova.
- 19.**The tender commission has the following duties and obligations:
 - a) Initiating and organizing the tender;
 - b) TV audience measurement market research;
 - c) Drafting the tender specification together with members of the GATAM and its approving by the commission;
 - d) Drafting the invitation to tender in the state language or, if necessary, in one of the international languages, according to the model presented in Annex No. 1 to this Regulation, sending of Regulation, the tender specification and annexes to them, translated into one of the international languages, as well as their publication on the official web page of the CCA;
 - e) providing clarification;
 - f) registration of submitted offers;
 - g) examination and evaluation of offers submitted on the basis of the requirements set out in the Regulation, annexes to the Regulation, the tender specification and annexes to the tender specification;
 - h) determining the winning offer;
 - i) drafting and keeping all documentation relating to the activity of the tender commission and to the tender;
 - j) ensuring competition;
 - k) preventing fraud and corruption in the tender process;
 - l) ensuring impartiality and fairness of the selection process;
 - m) ensuring transparency and publicity of the selection process;

- n) ensuring process documentation;
- o) tender canceling in case of detection of acts of fraud, corruption and conflict of interest;
- p) canceling and repeating the tender in case of insufficient number of offers, or in case of only inappropriate offers submitted;
- q) notifying the competent authorities about violations committed by participants and/or members of the tender commission.

20. Rights of the tender commission:

- a) Disqualification of the participant at any stage of the tender process in case of providing false, incomplete data, or of the participant failure to provide clarifications;
- b) Correcting the arithmetical errors found in the proposals of the tender participants. In case of disagreement of the participant with corrections, his proposal is rejected being considered inappropriate and.

21. Conflict of interest warning and reporting:

None of the commission members should be in one of the following situations:

- a) is a spouse, a family member or a relative up to the third degree inclusively, with one or more of the participant/participants employees or with one or more of its/their founders;
- b) has worked over the last 3 years on the contract basis or other document confirming working relations with one of the participants, was part of board of directors or in any other management body;
- c) holds shares or parts in the share capital of participants.

At any stage of the process, when identifying the risk of a conflict of interest, the member/members of the commission is retiring from the process. In case of retiring, another substitutable candidate is submitted.

III. Procedure of organizing and holding the tender

22.The tender commission assigns to the invitation to tender a registration number with the corresponding date, places the invitation to tender on the official web page of the Coordinating Council of Audiovisual and sends it to potential tender participants at least 30 calendar days before the opening of offers.

23.In the invitation to tender, the tender commission specifies the deadline for offers submission, so that the economic operators have enough time to prepare the offers and other required documents.

24.The invitation to tender contains the qualification criterion.

25.The requirements for the qualification of economic operators are foreseen in the Regulation, in the tender specification and in the annexes to them.

26.The participant may request in writing the tender commission clarification on qualification documentation, no later than 3 working days before the deadline for offers submission. For any request of this kind, the tender commission must respond in writing within 2 working days.

27. The evidence of correspondence is carried out in the register of incoming/outgoing correspondence of the tender commission.
28. Each participant submits two offers in separate sealed envelopes, one technical and the other financial (in several configurations) with specification on each envelope (technical proposal and financial proposal). Each envelope must also contain a proposal in electronic format.
29. Each tender participant submits one technical and one financial proposal (in several configurations), without the right to make changes both after the deadline for submission and during the entire period of validity of the contract.
30. The offers are drafted clearly, without corrections, with the outgoing number and date and are signed by the responsible person.
31. The offer is submitted by the participant directly or by mail at the CCA office, in attention to the tender commission, (address: Chisinau, 46 Vlaicu Pircalab Str.). In the case of submitting offers directly at the CCA office, the person in charge of receiving the offers issues a receipt with the date and time of receipt and registers the offers in a special register also indicating the date and time. In the case of receiving the offers by mail, the responsible person only registers the offers in a special register, indicating the date and time.
32. The envelope with offers must contain:
 - a) the name and address of the participant;
 - b) CCA address with the specification: for the tender commission;
 - c) the number of the invitation to tender;
 - d) a warning not to be opened before the time and date of opening the offers;
 - e) specifications: technical proposal and financial proposal.
33. Late offers are registered in appropriate manner and are returned to participants without taking them into consideration.
34. Opening of financial proposals takes place in a public meeting, immediately after the expiry of the deadline for offers submission, with the participation of the tender commission and of the and GATAM members.
35. The envelopes with financial proposals are opened one by one in the order in which they were registered, reading the following:
 - a) The name of the participant;
 - b) The financial proposal form (Annex No. 1, Form F2);
36. The evaluation of financial proposals is made within 3 working days from the moment of their opening, and the results are announced in a public meeting. Two winning financial offers are selected, on the basis of the lowest pricing criterion according to the selected configuration. Only voting members have the right to vote, the other non-voting members of the commission and the representatives of the GATAM have the status of observers.
37. The technical proposals of the two winning participants on the basis of financial proposals are opened in a public meeting, at the CCA office, within 7 working days from the

evaluation of financial proposals meeting in the presence of the tender participants. The participants provide necessary clarifications and make a ppt presentation of their technical proposal of up to 30 minutes.

38. The envelopes with technical proposals are opened one by one in the order in which they were registered, reading the following:
 - a) The name of the participant;
 - b) Information on the participant (Annex No. 1 Form F1);
 - c) submitted documentation.
39. After opening the technical proposals, the members of the tender commission assess the offers and select the winning offer within 7 working days.
40. The winning is the offer that satisfies the minimum mandatory requirements provided by the Regulation, the tender specification and the annexes to them.
41. The tender commission publishes the results of the tender on the official web page of the Coordinating Council of Audiovisual, within 24 hours from the moment of announcing the winning offer and within 3 working days from the moment of announcing the winning offer, informs all participants in writing about the results of the tender.
42. If less than two offers participate in the tender, the tender commission cancels the tender, notifies the tender participant about the cancellation of the tender and announces the tender again.
43. If less than 2 offers participate in the repeat tender, the submitted offer is declared the winner, only if it satisfies the requirements stipulated in the Regulation, the tender specification and the annexes to them.

III. Conclusion of contract

44. The right to measure the television audience on a contractual basis is granted to the provider when the minutes announcing the winner are drafted and signed by the members of the tender commission present.
45. Contracts are concluded within 30 days, but not earlier than 7 working days from the moment participants receive the results of the tender.
46. The cost of the winning bid cannot be changed, except diminution, for the duration of the contract.

IV. Final provisions

47. Complaints regarding the tender procedure may be filed within 7 business days from the date of receipt by the participants of the tender results and are considered by the tender commission within 30 days.

- 48.** Disputes arising in connection with the procedure for organizing and holding a tender, provided for in these Regulations are resolved by peaceful means or in court, in accordance with applicable law.
- 49.** GAMTA constantly monitors the quality and accuracy of the provider's data and, in the event of inconsistencies, informs the provider and monitors their elimination.
- 50.** The office, employees and servers of the provider are located on the territory of the Republic of Moldova.
- 51.** If necessary, GAMTA appoints a qualified independent auditor (in accordance with Annex No. 1 to the specification for the measurement of television audience) to verify the services provided by the provider (supplier). The audit is carried out on the basis of technical criteria established by GAMTA and on the basis of an auditor questionnaire coordinated with GAMTA. Audit report is transmitted to the supplier and GAMTA. At the same time, the supplier provides the CCTR with a copy of the audit report, which is published on the CCTR official web page. The audit is funded by GAMTA.
- 52.** The supplier guarantees the audit of the metric panel immediately after its installation from its own financial assets.

Annex № 1
to the Regulation on the procedure
and conditions for organizing and holding
a tender for the selection of a company
carrying out measurements
of a television audience

**INVITATION FOR PARTICIPATION No. _____ from _____
in a tender for the procurement of services for television audience
measurement**

[Document format is not subject to change]

- 1. Name of signatory: members of the GAMTA**
- 2. Subject of the tender: procurement of services for the measurement of a television audience**

This invitation for participation was drawn up for the purpose of procuring television audience measurement services, in accordance with the requirements of the GAMTA members (hereinafter referred to as the Beneficiaries) for 5 years from the date of signing the contract.

The tender commission invites economic agents that meet the requirements of the Beneficiaries to participate in the tender for the provision of the following services:

No.	Name of services	Specialized equipment	Number of households	Specification of the necessary equipment
1	Measurement of the television audience	Electronic device	At least 350 (all households are provided with electronic devices)	Reception of analog terrestrial, digital terrestrial, cable and satellite signals Software to support the metric panel and data acquisition System for monitoring programs and advertising Software for data analysis and systematization

3. Documents / requirements for the qualification of economic agents include the following:

No.	Name of Document / Requirement	Additional requirements to the document
	The technical proposal should contain the following requirements	
1	General information	Tenderer fills Form F1 (Annex No. 1 to the Regulations)
2	Non-participation in fraudulent and corruption affairs	Declaration under own responsibility, completed in accordance with Form F3 (Annex No. 1 to the Regulations)
3	Proof of registration of a legal entity	Certificate / Decision on company registration or statement <i>To prove the ability to carry out its professional activities, a foreign economic agent must provide documents from the country of origin, proving the registration / certification form or professional affiliation.</i>
4	Presentation of a document proving the right to provide services for the measurement of a television audience	License for type of activity (country of origin) - a copy, confirmed by the signature of the tenderer or Authorization - a copy confirmed by the signature of the tender participant
5	Availability of cash or floating assets, or sources of credit in the amount necessary to finance the contract until the tenderer receives the first payment in accordance with the contract	Bidder indicates amount and / or attach copies of supporting documents.
6	Work experience	The tenderer must have at least 10 years of experience in the provision of television audience measurement services, as well as representative offices in at least 10 countries. <i>(supporting documents must be attached)</i>
7	Non-participation of the tender participant in the following situations: a) being in insolvency by court order;	Declaration under own responsibility, completed in accordance with Form F4 (Annex No. 1 to the Regulations) Identification documents such as certificates and / or other equivalent documents issued by the competent

	<p>b) obligations to pay taxes and social security contributions are not fulfilled in accordance with the provisions of the current legislation of the Republic of Moldova or in the country of registration;</p> <p>c) was found guilty of violating professional ethics or for making mistakes in professional activities in the last 3 years by a final decision of a judicial authority;</p> <p>d) provided false information or did not provide information requested by the Beneficiaries to confirm the fulfillment of qualification and selection criteria;</p>	<p>authorities from the country of origin of the tenderer in the case of a foreign economic agent;</p> <ul style="list-style-type: none"> • Taxpayer situation certificate - original or copy issued by the Tax Inspectorate or the competent authority of the country of origin of the foreign economic agent (certificate validity period - in accordance with the requirements of the Tax Inspectorate of the Republic of Moldova or the country of origin of the foreign economic agent);
8	Proof of service quality	The provision of the last audit report (one of the qualified audit companies in accordance with Annex No. 1 to the specification for the measurement of a television audience) - a copy confirmed by the signature of the tenderer
9	Technical Proposal	The technical proposal is developed on the basis of the television audience measurement specification.
	Financial data:	
10	Financial offer	Financial configurations accompanied by F2 form (Annex No. 1 to the Regulations)

4. Tender participants may receive additional information or may request clarification from the Beneficiaries at the following address:

- a) Representative of the Beneficiaries: tender commission
- b) Address: Chisinau, Vlaicu Pircalab str., 46
- c) Tel: _____
- d) Fax: _____
- e) E-mail: office@cca.md (for tender commission)
- f) Name and position of the responsible person: _____

- **- Drafting of proposal:** Proposals and required qualification documents of Proposals are drawn up clearly, without corrections, with the outgoing number and date and are approved by the signature of the responsible person and are submitted:
 - before: _____ [exact time]
 - _____ [date]
 - To the address: Chisinau, Vlaicu Piricalab str., 46, reception room
- Late offers will be rejected.**

5. Assignment Criterion: *[the most attractive offer from the technical and economic point of view]*

Ratio: 60% to 40% in favor of the price. The members of the tender commission justify the application of the award criterion in the selection of the winning bid.

6. Validity of the offer: *[60 days].*

7. Complaints regarding the tender procedure can be filed with the tender commission within 7 working days from the day the participants receive the tender results:

Coordination Council on Television and Radio (CCTR)

Address: Chisinau, Vlaicu Piricalab str., 46

Chairman of the tender commission: _____

Information about the tenderer (Form F1)

[The tenderer fills this sample in accordance with the instructions below. The format and text of the document cannot be changed.]

Date: “ ___ ” _____ 20__

Invitation to tender No. _____ from _____

Bidder (tender participant)

1.	General information	
1.1.	Legal name of the tenderer	
1.2.	Legal address of the tenderer in the country of registration	
1.3.	Legal status of the tenderer	
	• <i>Property</i>	
	• <i>Organizational and legal form</i>	
	• <i>Other</i>	
1.4.	Bidder registration year	
1.5.	Business status of the bidder	

	<ul style="list-style-type: none"> • <i>Local agent / distributor of a foreign manufacturer</i> 	
	<ul style="list-style-type: none"> • <i>Mediator</i> 	
	<ul style="list-style-type: none"> • <i>Warehouse company</i> 	
	<ul style="list-style-type: none"> • <i>Other</i> 	
1.6.	Information about the authorized representative of the participant	
	<ul style="list-style-type: none"> • <i>Full name</i> 	
	<ul style="list-style-type: none"> • <i>Place of work and position</i> 	
	<ul style="list-style-type: none"> • <i>Address</i> 	
	<ul style="list-style-type: none"> • <i>Telephone / Fax</i> 	
	<ul style="list-style-type: none"> • <i>E-mail</i> 	
1.7.	VAT registration number	
1.8.	Tender Identification Number for Income Tax (for foreign participants)	
1.9.	The participant must attach copies of documents, in accordance with the requirements of the invitation to participate in the tender	
2.	Financial information	
2.1.	Financial reports or statements from the financial balance, or a profit / loss statement, or financial audit reports for the last year of activity. List below with copies attached: _____ _____ _____ _____ _____ _____	
2.2.	Name, address, telephone and fax number of banks that can provide a description of the tenderer in case of a request from the Beneficiaries: <i>Title:</i> _____ <i>Address:</i> _____ <i>Phone:</i> _____ <i>Fax:</i> _____	
2.3.	Information on court proceedings in which the tenderer was a member:	
	a) Any litigation over the past 3 years:	

	Reason for dispute	Result or decision and amount
	b) Ongoing litigation during the current financial year:	
	Reason for dispute	Current situation

Financial offer (Form F2)

[The tenderer fills this sample in accordance with the instructions below. The format and text of the document cannot be changed.]

Date: “ ___ ” _____ 20__

Invitation to tender No. _____ from _____

To: Tender Commission

_____ states that:
 [name of the tenderer]

a) Was considered and there are no claims to the qualification documentation

_____ [name of the tenderer]
 undertakes to provide television audience measurement services, in accordance with the qualification documentation and conditions specified in the technical and financial specifications, the following services:

_____ [provide a brief description of the services]

b) Total and annual cost of services:

_____ [enter the cost of the proposal services in words and figures, excluding VAT]

- c) This offer is valid for 60 days from the deadline for submission of proposals, remains mandatory and can be accepted at any time before the expiration of this period;
- d) We are not in conflict of interest with representatives of the tender commission

Each financial configuration is accompanied by a form (F2)

Signature: _____
 [signature of authorized person]

Name, Surname: _____

As: _____
 [official position of the person signing the proposal form]

Bidder (tender participant): _____

Address: _____

Date: “ ___ ” _____ 20__

Form (F3)

Declaration of ethical behavior and non-involvement in fraudulent and corrupt practices

[The tenderer fills this sample in accordance with the instructions below. The format and text of the document cannot be changed.]

Date: “ ___ ” _____ 20__

Invitation to tender No. _____ from _____

To: Tender Commission

_____ hereby confirms that:
 [name of the tender participant]

1. None of the employees, associates, agents, shareholders, consultants and partners, or their relatives, or founders are in a relationship that can be recognized as a conflict of interest.
2. In the event of a possible conflict, we will immediately inform the tender commission.
3. None of the employees, associates, agents, shareholders, consultants and partners, or their relatives or founders, participated in corrupt, fraudulent schemes, are not in collusion and other anticompetitive actions in the process of drafting a tender offer.
4. In connection with the tender procedure, no payments were or will be made to employees, companions, agents, shareholders, consultants and partners, or their

relatives participating in the tender, to fulfill the contract and approve the contract payment on behalf of the Beneficiaries.

Signature: _____

Name: _____

Position held in the company: _____

Company name: _____

Form (F4)
Declaration of the personal situation of the tenderer

Bidder (tender participant)

.....

(Title/Name)

The Undersigned, authorized representative..... *(name of the tender participant)* as a tenderer, I declare on my own responsibility, realizing the possibility of being excluded from the tender and imposed sanctions for falsifying official documents, that I am not in the situation stipulated in Clause 7 of the qualification requirements for economic agents from the invitation to participate in the tender (Annex No. 1 to the Regulation), accordingly, in the last 5 years I have not been convicted by a final decision of a judicial body for participating in the activities of a criminal organization, for corruption, fraud and / or money laundering.

The Undersigned, authorized representative..... *(name of the tender participant)*), as a participant in the tender for the procurement of television audience measurement services, (day / month / year), organized by the tender commission, I declare on my own responsibility that:

- a) I was not declared bankrupt by a court decision;
- b) I have fulfilled the obligation to pay taxes and contributions to social insurance funds;
- c) In the past three years I have not been convicted by a final court decision, for violating professional ethics or for making mistakes in professional activities.;
- d) All information and documents submitted for this tender are true and genuine;

The Undersigned, _____ I declare that the information provided to confirm the fulfillment of qualifying and selection criteria is complete and correct in every detail. I am aware that the tender commission has the right to require any supporting documents that I have in order to verify and confirm the declarations.

I understand that in the event that this declaration is not true, I violate the provisions of the criminal law on the falsification of declarations.

Date of completion:

Authorized representative of the participant

.....

Signature