

## **CALL FOR TENDERS**

**BEREC/2020/02/OT**

# **STUDY ON CONSUMER BEHAVIOUR TOWARDS DIGITAL PLATFORMS AS A MEANS FOR COMMUNICATION**

# **TENDER SPECIFICATIONS**

**20 February 2020**

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# 1. INFORMATION ON TENDERING

## 1.1. Participation

Participation in this procurement procedure is open on equal terms to all natural and legal persons coming within the scope of the Treaties, as well as to international organisations.

It is also open to all natural and legal persons established in a third country which has a special agreement with the Union in the field of public procurement on the conditions laid down in that agreement.

The plurilateral Agreement on Government Procurement<sup>1</sup> concluded within the World Trade Organisation does not apply to this tender procedure.

Please be aware that after the UK's withdrawal from the EU, the rules on access to EU procurement procedures of economic operators established in third countries will apply to candidates or tenderers from the UK depending on the outcome of the negotiations. In case such access is not provided by legal provisions in force tenderers from the UK could be rejected from the procurement procedure.

## 1.2. Contractual conditions

The tenderer should bear in mind the provisions of the draft contract which specifies the rights and obligations of the contractor, particularly those on payments, performance of the contract, confidentiality, and checks and audits.

Maximum total amount of the contract is EUR 140 000 (one hundred and forty thousand euro) over total maximum duration of the Contract.

**The duration of the contract is a total maximum duration of 12 months.**

## 1.3. Compliance with applicable law

The tender must comply with applicable environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU<sup>2</sup>, as well as with data protection obligations resulting from Regulation (EU) 2016/679<sup>3</sup>.

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<sup>1</sup> See [http://www.wto.org/english/tratop\\_e/gproc\\_e/gp\\_gpa\\_e.htm](http://www.wto.org/english/tratop_e/gproc_e/gp_gpa_e.htm)

<sup>2</sup> Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

<sup>3</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance) (OJ L 119, 4.5.2016, p. 1–88).

#### **1.4. Joint tenders**

A joint tender is a situation where a tender is submitted by a group of economic operators (natural or legal persons). Joint tenders may include subcontractors in addition to the members of the group.

In case of joint tender, all members of the group assume joint and several liability towards the Contracting Authority for the performance of the contract as a whole, i.e. both financial and operational liability. Nevertheless, tenderers must designate one of the economic operators as a single point of contact (the leader) for the Contracting Authority for administrative and financial aspects as well as operational management of the contract.

After the award, the Contracting Authority will sign the contract either with all members of the group, or with the leader on behalf of all members of the group, authorised by the other members via powers of attorney.

#### **1.5. Subcontracting**

Subcontracting is permitted but the contractor will retain full liability towards the Contracting Authority for performance of the contract as a whole.

Tenderers are required to identify subcontractors whose share of the contract is above 10 % and whose capacity is necessary to fulfil the selection criteria.

During contract performance, the change of any subcontractor identified in the tender or additional subcontracting will be subject to prior written approval of the Contracting Authority.

#### **1.6. Structure and content of the tender**

The tenders must be presented as follows:

Part A: Identification of the tenderer (see section 1.7)

Part B: Non-exclusion (see section 4.1)

Part C: Selection (see section 4.2)

Part D: Technical offer

The technical offer must cover all aspects and tasks required in the technical specifications and provide all the information needed to apply the award criteria. Offers deviating from the requirements or not covering all requirements may be rejected on the basis of non-compliance with the tender specifications and will not be evaluated.

Part E: Financial offer

The price for the tender must be quoted in euro. Tenderers from countries outside the euro zone have to quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to bear the risks or the benefits deriving from any variation.

Prices must be quoted free of all duties, taxes and other charges, including VAT, as contracting authority is exempt from such charges under Articles 3 and 4 of the Protocol on the privileges and immunities of the European Union. The amount of VAT may be shown separately.

The quoted price must be a fixed amount which includes all charges (including travel and subsistence). Travel and subsistence expenses are not refundable separately.

### **1.7. Identification of the tenderer**

The tender must include a **cover letter** signed by an authorised representative presenting the name of the tenderer (including all entities in case of joint tender) and identified subcontractors if applicable, and the name of the single contact point (leader) in relation to this procedure.

In case of joint tender, the cover letter must be signed either by an authorised representative for each member, or by the leader authorised by the other members with powers of attorney. The signed powers of attorney must be included in the tender as well. Subcontractors that are identified in the tender must provide a letter of intent signed by an authorised representative stating their willingness to provide the services presented in the tender and in line with the present tender specifications.

All tenderers (including all members of the group in case of joint tender) must provide a signed Legal Entity Form with its supporting evidence. The form is available on: [https://ec.europa.eu/info/publications/legal-entities\\_en](https://ec.europa.eu/info/publications/legal-entities_en)

Tenderers that are already registered in the Contracting Authority's accounting system (i.e. they have already been direct contractors) must provide the form but are not obliged to provide the supporting evidence.

The tenderer (or the leader in case of joint tender) must provide a Financial Identification Form with its supporting documents. Only one form per tender should be submitted. No form is needed for subcontractors and other members of the group in case of joint tender. The form is available on: [https://ec.europa.eu/info/publications/financial-identification\\_en](https://ec.europa.eu/info/publications/financial-identification_en)

The tenderer (and each member of the group in case of joint tender) must declare whether it is a Small or Medium Size Enterprise in accordance with [Commission Recommendation 2003/361/EC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1971). This information is used for statistical purposes only.

## **2. TECHNICAL SPECIFICATIONS**

### **Introduction to BEREC and the BEREC Office in the context of the contract management**

The Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office) were established by Regulation (EU) 2018/1971 of the European Parliament and of the Council of 11 December 2018, amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009<sup>4</sup>.

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<sup>4</sup> See <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1971>

The BEREC Office provides professional and administrative support services to BEREC. The BEREC Office is responsible for carrying out the procurement and will be responsible for overseeing the execution and fulfilment of the contract.

## **2.1. Context**

The rapid growth of digital platforms has drawn the scrutiny of regulators all over the world. Regulators and policy makers are discussing how market power is distributed, if the current competition policy remains valid for this situation, and how potential bottlenecks can be addressed in relation to digital platforms.<sup>5</sup> BEREC therefore finds it necessary to get a better understanding of digital platforms and consumers' views on digital platforms, and specifically of their role as providers and distributors of digital services, such as interpersonal communication and interactive exchange of information.

There is, according to BEREC (2016), no legal definition of digital platforms, but various descriptions and explanations are available.<sup>6</sup> It is commonly understood that platforms entail two or multi-sided markets. BEREC (2019) highlights that two-sided markets are not a new phenomenon, and not exclusively digital as, for example, broadcasting platforms bring into contact two types of agents in the form of advertisers and viewers.<sup>7</sup> OECD (2019) underscores that digital platforms have some features in common, including giving access to information and use of communication technologies (ICTs) to facilitate interactions between users, the collection and use of data about those interactions, and network effects. Digital platforms drive innovation and play a vital role in economies and societies today. A digital platform is serving two or more distinct sets of users who interact in at least one direction through the service.<sup>8</sup>

A significant part of people's private and public lives has moved online, which is the main driver for consumers to purchase broadband subscriptions and connect to electronic communications networks. An Australian study<sup>9</sup> examines the use of digital platforms and shows that the most commonly used digital platforms were search platforms (e.g. Google Search), social media platforms (e.g. YouTube, Facebook, and Messenger) and internet browsers (e.g. Google Chrome, Internet Explorer, and Safari). The study found that consumers use, on average, at least four different digital platforms on a daily basis, and an additional two different platforms on a weekly basis.

Digital platforms have been embraced by consumers, but less is known about their behaviour and attitudes towards services provided by such platforms. However, it is commonly

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<sup>5</sup> BEREC Work Programme 2020, Strategic priority 2: Monitor potential bottlenecks in the distribution of digital services. BEREC CN (19) 83 version 12 September 2019

<sup>6</sup> BEREC (2016), Report on OTT services, January 2016, BoR (16)35

<sup>7</sup> BEREC (2019), BEREC Report on the Data Economy, 13 June, BoR (19) 106

<sup>8</sup> OECD (2019), An introduction to online platforms and their role in the digital transformation, OECD Publishing, Paris

<sup>9</sup> Consumer view and behaviours on digital platforms, final report, November 2018, Roy Morgan prepared for Australian Competition and Consumer Commission.

recognised that younger people have different usage patterns compared to older generations, as they are more receptive to new trends and new applications. These characteristics are particularly pronounced among consumers below 20 years of age. For example, it seems that the use of Facebook among younger people is considerably lower than that of people over 30.<sup>10</sup> This means that it is a challenge for digital platforms, as most other consumer brands to be relevant and attractive to all segments, as consumer experiences and evolving needs as well as preferences change over time, which creates opportunities for new applications.

In order to gain a better understanding of how consumers perceive, use and value digital services and platforms, BEREC has decided to conduct a study that aim to bring new insights on European consumers perception, attitudes and behaviour in relation to digital platforms, and to make a contribution to the wider discourse and policy debate on digital platforms.

The findings of the study will feed into BEREC's work on digital platforms and other related areas.

## **2.2. Objective**

The objective of the study is to provide BEREC and NRAs with an evidence-based understanding of the interaction between consumers and digital platforms. The study should provide empirical insights on consumer perception, behaviour and attitudes towards digital platforms in their role as enablers of digital services, with an emphasis on interpersonal communication services and services providing interactive exchange of information. The findings of the study will feed into BEREC's further work on digital platforms and other related areas, and thereby contribute to the wider discourse and policy debate on, for example, market failures in connection to digital platforms.

## **2.3. Scope**

The BEREC Office is seeking to conclude a service contract for commissioning a study, which will describe and analyse European consumer perceptions, behaviour and attitudes towards digital platforms as enablers of digital services. The study should focus on communication related services. It should both cover platforms that *provide* services for interpersonal communication, and platforms that primarily *facilitate* interactive exchange of information and media. The study should cover consumer use, perception, and available options, how consumers value and benefit from digital platforms, and how this affects consumer demand for electronic communication services. The study should also explore whether consumers face asymmetries of information or feel locked in and restricted in terms of access to and switching among platforms. It will also examine consumer switching between traditional electronic communication services and digital platforms, how frequently they change services and/or platforms, as well as the reasons behind such behaviour.

The study should not include digital platforms that primarily provide other types of services than communication and interactive exchange of information e.g. accommodation, transportation, finance, e-commerce etc.

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<sup>10</sup> Pew Research Center, Teens, Social Media & Technology 2018, May 31 2018. Online market research company eMarketer, July 2019. Edison Research and Triton Digital March 6, 2019.

Moreover, the study should focus on private consumers. Businesses and other undertakings should not be included.

Although important topics, the study should not include an analysis of competition, privacy, and regulatory aspects of digital platforms.

The study is divided into three parts, each with different deliverables. Part 1 consist of designing the data collection, Part 2 conducting the data collection, and Part 3 compilation and analysis of the results.

## **2.4. Part 1. Design of the data collection**

### **2.4.1. Identify relevant platforms – what the data collection should address**

The contractor must make a selection of services provided by digital platforms to be included in the data collection. In order to identify which platforms and services the contractor must address in the data collection, BEREC has divided digital platforms and the services they provide, in three categories, labelled as 1 to 3. BEREC recognise that it is not straight forward to make such a classification, and therefore ask the contractor to regard the below classification as guidance in the selection. Given the objective of the study the focus should be on the first category followed by category two.

The first category is digital platforms that primarily *provide* interpersonal communications services.<sup>11</sup> It covers services that enable interpersonal and interactive exchange of information. It covers for example voice calls, emails, messaging services, video conferencing and group chats. These services are many times full or part substitutes for traditional telecommunication services, but others provide new types of services. Platforms and services in this category include for example Messenger, WhatsApp (Facebook), Skype (Microsoft), Gmail (Google), FaceTime, i-Message (Apple), and Snapchat. This is a must-have and primary focus must be put on this category.

The second category is platforms that primarily *facilitate* interactive exchange of information and media. Such services require connectivity and drive consumer demand for very high capacity broadband. Examples include online gaming, video streaming, and social networks. The category also includes distribution platforms for applications, so called app stores. Platforms and services in this category include Instagram (Facebook), Twitter, YouTube, Stadia (Google), Twitch, Prime (Amazon), TikTok. Although including this category is a must-have, secondary focus must be put on this category compared to the first category.

The third category is platforms that provide services whose focus is beyond interactive exchange of information, and is out of scope of the study to be done. The platforms in this category enable and/or provide services in accommodation, transportation, finance, e-commerce, and a multitude of other areas part of the ongoing digitalisation. The platforms provide various services that require connectivity, but they are not substitutes for traditional electronic communications services, nor are they main drivers for very-high-capacity connectivity. Platforms and services in this category include Airbnb, Spotify, Uber, BlaBlaCar, Rakuten. Although they could provide a means for interactive exchange of

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<sup>11</sup> Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (EECC), recital 17

information in addition to their primary purpose they should not be part of the scope of the study.

#### **2.4.2. Defining respondents**

The contractor **must** conduct a data collection about consumers' use perceptions, behaviour and attitudes towards digital platforms as enablers of digital services in European countries. The main focus should be on interpersonal communications services and interactive exchange of information and media provided by digital platforms that could be described as belonging to category one and two of the above mentioned typology of digital platforms. The theoretical total population of the survey consists of all consumers in the BEREC area, including BEREC member countries and observer countries.<sup>12</sup> Since data collection can be very costly when conducted on a large scale, it will need to focus on a sample of consumers that are representative of European consumers. The BEREC Office requires tenderers to provide, as part of the overall data collection approach, full details of the methodology to be used for the data collection to include the sampling methodology such that any survey is based on a representative sample. Stratification criteria must, amongst other things, include:

- Gender
- Age
- Geography (e.g. country, city)
- Education
- Income

#### **2.4.3. Developing a questionnaire**

The contractor should propose questions to be approved by the BEREC Office before the data collection is launched. The following aspects and questions must at a minimum be considered in the formulation of questions. It is not a comprehensive list of all relevant aspects that could be examined, but it identifies aspects that BEREC is interested in examining closer.

- Which digital platforms and services do the respondents use?
- What are the drivers or motivation behind the usage?
- How accessible are the services provided by the digital platforms? How is their functional performance?<sup>13</sup>
- What is the frequency of use for interpersonal communication and interactive exchange of information (e.g. daily, at least once a week, at least one a fortnight, at least once a month, less often than once a month, never)?
- Has the usage changed over time? Is it unchanged or has it increased or decreased? Has the usage altered in respect to which platforms that are used? Reasons for changed behaviour?
- What are the reasons for altered behaviour? Do privacy considerations influence consumer decisions? Are consumers locked in and restricted regarding access and the

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<sup>12</sup> BEREC member countries: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, The Netherlands.  
Observer countries: Albania, North Macedonia, Iceland, Lichtenstein, Montenegro, Norway, Serbia, Switzerland, Turkey.

<sup>13</sup> Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services

services they are able to use? Do they rarely or never change platforms, and if so, what are the reasons for it?

- Are consumers informed about alternatives? What barriers to change do consumers experience, if any? How has the use of services provided by digital platforms affected the use of electronic communication services?
- Does digital platforms provide services that are sufficient substitutes for traditional interpersonal communication services?
- Is there a willingness to pay for interpersonal communication services and interactive exchange of information provided by digital platforms? Are non-monetary “payment” (e.g. submission of personal data) taken into account?
- How does it relate to consumers’ willingness to pay for broadband connectivity and traditional electronic communication services?

What are users’ perception of quality of service and quality of experience for the services provided by the selected digital platforms? Does it influence choices of which platforms to use?

**The questions should be kept as simple, short and concise as possible.** The questionnaire should include instructions on and explanations of key concepts to assist the respondents. This will include establishing an appropriate terminology to describe and explain digital platforms and the services they provide.

The questionnaire should be designed to be effective and user friendly in order to fulfil the objective with the study. The exact number of questions will be decided in collaboration with BEREC Office and will depend on the type of questions chosen, like for example multiple choice, single choice, free text etc. As an indication the questionnaire should contain approximately 30 questions. The contractor must take into account that a high number of questions and a complex questionnaire risks leading to lower response rate.

Questions will need to be translated to other languages depending on the sample of respondents. The contractor must take this into consideration.

#### **2.4.4. Research methodology**

The contractor must propose a methodology for the data collection. The method chosen could be quantitative, e.g. web panel survey or telephone survey or a combination of quantitative and qualitative methods, e.g. survey and focus groups. The reliability and validity of the chosen methodology must be considered, as well as ways to mitigate potential biases. The contractor must also address what they will do if response rates are lower than anticipated, especially if the representativeness of the panel comes in jeopardy. The chosen methodology should be aligned with established practices and scientific methods applied within this field. The contractor must explain the main characteristics of the chosen methodology. Evidence to support the methodology and approach should be provided for reference to other types of surveys undertaken of similar scale and challenges.

#### **2.4.5. Part 1 Deliverables**

Based on the work items listed above, the contractor must first deliver a data collection report including a list of questions for the data collection the methodology (as discussed in 2.4.4) that will be used as well as the countries covered by the survey, a detailed plan for how the data collection should be conducted, number of samples and its characterization (e.g. segmentation per country or region) and other required information. The data collection report must also include the questionnaire to be used in the survey. The BEREC Office must

approve the data collection report, before the contractor start the data collection. The contractor will not provide contact details of consumers.

## **2.5. Part 2. Data collection**

### **2.5.1. Conducting the data collection**

The contractor must conduct the data collection according to the agreed methodology. The contractor must confirm the quality assurance methods used that ensure the accuracy of the collected data, which mean that it must be correct in relation to the applied method.

### **2.5.2. Deliverables**

Documentation from the data collection, including (raw) dataset from the data collection, answers from interviews, focus groups and other related material should be provided in Excel format.

## **2.6. Part 3 - Analysis and presentation**

### **2.6.1. Prepare draft, final report and presentation**

The findings of the data collection must be presented and analysed by the contractor in a final report. The contractor must do a demographic and geographic break down of the different variables. The analysis should for example address how cultural and social background as well as the level of IT-maturity affect the results. The contractor must consider the statistical validity of the results, and conduct a non-response analysis.

### **2.6.2. Deliver dataset**

An electronic version of the final dataset should be provided in the form of a clear and comprehensible spreadsheet for internal use by the BEREC Office taking into account EU regulation on data privacy. Moreover, the script/code with which the results of the draft and final report are generated must be provided.

### **2.6.3. Deliverables**

The contractor must deliver a final report that presents the findings of the data collection. The report should make use of graphs and tables to illustrate the results.

### **2.6.4. Duration**

Duration of the tasks must not exceed 8 months and is subject to the provisions of Article I.3. of the contract. However, depending upon the progress of the project the duration could be prolonged with up to four months if required. In the trade-off between quality and time, this study should prioritise quality.

## **2.7. Deliverables, meetings and timetable**

### **2.7.1. Deliverables**

All intellectual property rights of the study must belong to BEREC Office. The whole material associated with this study can be used by any of the BEREC members and observers

for conducting a similar or different study all depending on decisions made by the BEREC Office.

### **2.7.2. Part 1 Deliverables**

A data collection report, specifying the methodology, resources and objectives provided in the tender in accordance with the guidance provided by the BEREC Office during the meeting (see section 2.7.6). A draft of the report must be made available to the BEREC Office at least five working days before the meeting. The data collection report must take into account all observations and comments raised at the meeting. A final data collection report must be made available to the BEREC Office within two weeks after the meeting.

The data collection report should at least include the following sections:

1. Summary
2. A description of the platforms included in the data collection
3. The questionnaire
4. Presentation of the methodology including samples
5. Detailed description of how the data collection will be conducted
6. Other practical issues related to the data collection
7. Timeline for the data collection work

### **2.7.3. Part 2 Deliverables**

An electronic version of the final dataset, including the script/code with which the results of the draft and final report are generated, must be provided in the form of a clear and comprehensible spreadsheet for BEREC Office internal usage. It should include the dataset used in the data collection.

A progress report must be delivered based on how the data collection is developing.

### **2.7.4. Part 3 Deliverables**

A final report must be delivered. A draft of the report must be made available to the BEREC Office at least five working days before the meeting. The final report must take into account all observations and comments raised at the meeting (see section 2.7.6). The final report must be submitted to the BEREC Office within four weeks after the meeting. The Final report should at least include the following sections:

1. Executive summary
2. A description of the methodology
3. Results from the data collection
4. Analysis: Based on “desk research”, the contractor should put the findings of the study in the context of previous research and the established perception of digital platforms and the services they provide. This includes identifying what new insights the study brings, and what its contribution is to the wider discourse on digital platforms. Moreover, the analysis should examine consumer benefits of services provided by digital platforms and how it could be affected by regulatory interventions as well as other relevant measures.
5. Assessment of consumer behaviour on digital platforms and, more specifically, how consumers use, evaluate and choose between different digital services and platforms, including traditional electronic communication services.
6. Conclusions, including, among other things, an assessment of how consumer behaviour (cf. p5) affects the potential "risk" that economic platforms pose for competition in electronic communication services markets.

## 7. Annexes (e.g. questionnaires used)

The final report must be made available to the BEREC Office within 8 months after signature of the contract together with a list of all the data samples collected, including the script/code with which the results of the draft and final report are generated, and used, if the project is not prolonged.

### **2.7.5. Report and presentation format**

All deliverables must be written in English, raw data material could be in other languages but compiled data must be presented in English.

All reports should be consistent in style (headings, margins, citations, bibliography, etc.) and contain a short executive summary. The contractor is required to properly apply quotation techniques and particular care must be taken to verify improper re-use of existing material. The layout of the report should apply BEREC style guide.

All reports will be submitted in an open electronic format. Exchange of advance copies as well as other non-formal communications shall take place via electronic mail.

A draft report must be submitted to the BEREC Office for review in advance of the final report. In addition a summary of the final report will be presented in a set of powerpoint slides. The final report must include an executive summary, and must be provided in an open electronic format suitable for publication by the BEREC Office on BEREC websites.

The BEREC Office will decide the possible dissemination of the findings and conclusions and any other information produced under this assignment.

### **2.7.6. Meetings and updates**

The project will be launched with a video conference meeting, a so called kick off meeting, enabling the contractor to meet the BEREC Office and Advisory Committee.

Two meetings with the contractor, as set out in 2.7.7 and 2.7.8, the BEREC Office and Advisory Committee must take place as described below. The meetings will be chaired by a BEREC Office representative. The aim of the meetings will be to guide the work of the contractor. Monthly update meetings as set out in 2.7.10 are also required to provide project updates.

#### **2.7.7. Part 1 - Meeting before data collection are launched**

The first physical meeting will be held when the contractor has a draft for the work items specified for Part 1. It should take place within 4-5 weeks after signature of the contract. It will be organised by the BEREC Office at the BEREC bureau de passage in Brussels.

The aim with the meeting is for the contractor to present the draft for all the work items specified in Part 1, which will be discussed with BEREC representatives.

#### **2.7.8. Part 3 - Analysis meeting**

A second meeting will be held when the contractor has a draft for a final report to present allowing a discussion with BEREC representatives on proposed conclusions. It should take place around 7 months after signature of the contract. The meeting will be organised by the BEREC Office at the BEREC bureau de passage in Brussels, if it is not decided that it should

a video conference meeting. The contractor have to finalise report based on the outcome of the meeting.

**2.7.9. Video meetings with the Advisory Committee**

Video conferences will be held in order to discuss the state of progress of the study and will be determined based on the need to discuss relevant issues, which will vary between different phases in the study. It will take place between representatives from the contractor and the BEREC Office and the designated advisory committee. These meetings should take place at least every third week.

**2.7.10. Weekly updates with contact point**

In addition to the meetings as set out in 2.7.7 and 2.7.8 to be organised in Brussels and video/conference calls, representatives from the contractor should, on a weekly basis, update the designated BEREC representatives about the progress of the study. This communication will take place either by telephone, video conference or by e-mail depending on BEREC’s preference.

The tenderers should include costs of attendance of its own maximum two representatives at the above meetings and take the video meetings/conferences as well as regular updates with BEREC in to consideration in the financial section of the offer.

**3. TIME-TABLE FOR DELIVERY OF OUTPUTS**

	Initial Deliverable	Final Deliverable
1. Data collection report	Contract signatory date + 1 months	Contract signatory date + 2 months
2. Progress report data collection	Contract signatory date + 4 months	Contract signatory date + 4 months
3. Analysis report	Contract signatory date + 7 months	Contract signatory date + 8 months

**Table 1 Detailed timetable indicative**

	Month 1				Month 2				Month 3				Month 4				Month 5				Month 6				Month 7				Month 8				
	V1	V2	V3	V4	V5	V6	V7	V8	V9	V10	V11	V12	V13	V14	V15	V16	V17	V18	V19	V20	V21	V22	V23	V24	V25	V26	V27	V28	V29	V30			
<b>Part 1</b>																																	
Design of data collection	█																																
Draft data collection report	█			█																													
Meeting data collection				█																													
Final data collection report							█																										
<b>Part 2</b>																																	
Conducting data collection																																	
Documentation																																	
Progress report													█																				
<b>Part 3</b>																																	
Analysis																																	
Draft analysis report																																	
Meeting analysis																																	
Final analysis report (including addressing comments provided by BEREC)																																	

The timetable is indicative and may be affected e.g. by comments that need to be addressed from the Advisory Committee or other parties within BEREC before the final report can be approved. It can also be affected by BEREC’s work calendar (scheduling of Contact Network and Board of Regulators Plenary Meetings).

## **Governance Arrangements**

The successful tenderer will have ongoing engagement with the Contracting Authority assisted by an Advisory Committee comprising representatives from National Regulatory Authorities (NRAs). Engagement will take place at least monthly and will include written updates, conference calls, and detailed communication when milestones are achieved. In particular, the Advisory Committee and in particular the NRAs of the countries in the study will be permitted the opportunity to give input and feedback on the final draft of the data collection report as well as the analysis report prior to its submission.

The Advisory Committee must be consulted on, inter alia, the list of interviewees, the factors for inclusion in the model, and the scope of the project and the list of questions.

Adoption and publication of the report will be dependent on BEREC Board of Regulators' approval, which will take into account requests for confidentiality of the relevant NRAs<sup>14</sup>.

## **4. EVALUATION AND AWARD**

The evaluation is based solely on the information provided in the submitted tender. It involves the following:

- Verification of non-exclusion of tenderers on the basis of the exclusion criteria
- Selection of tenderers on the basis of selection criteria
- Verification of compliance with the minimum requirements set out in these tender specifications
- Evaluation of tenders on the basis of the award criteria

The contracting authority may reject abnormally low tenders, in particular if it established that the tenderer or a subcontractor does not comply with applicable obligations in the fields of environmental, social and labour law.

The tenders will be assessed in the order indicated above. Only tenders meeting the requirements of one step will pass on to the next step.

### **4.1. Verification of non-exclusion**

All tenderers must provide a declaration on honour (see Annex I), signed and dated by an authorised representative, stating that they are not in one of the situations of exclusion listed in that declaration on honour.

In case of joint tender, each member of the group must provide a declaration on honour signed by an authorised representative.

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<sup>14</sup> NRAs of those countries involved in the study.

In case of subcontracting, subcontractors whose share of the contract is above 10% and whose capacity is necessary to fulfil the selection criteria must provide a declaration on honour signed by an authorised representative.

The Contracting Authority reserves the right to verify whether the successful tenderer is in one of the situations of exclusion by requiring the supporting documents listed in the declaration of honour.

**The successful tenderer must provide the documents mentioned as supporting evidence in the declaration on honour before signature of the contract and within a deadline given by the contracting authority. This requirement applies to each member of the group in case of joint tender and to all subcontractors whose share of the contract is above 10 % and whose capacity is necessary to fulfil the selection criteria.**

The obligation to submit supporting evidence does not apply to international organisations.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that there has been no change in its situation.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit a specific document if the contracting authority can access the document in question on a national database free of charge.

## **4.2. Selection criteria**

Tenderers must prove their legal, regulatory, economic, financial, technical and professional capacity to carry out the work subject to this procurement procedure.

The tenderer may rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal.

The tender must include the proportion of the contract that the tenderer intends to subcontract.

### **4.2.1. Declaration and evidence**

The tenderers (and each member of the group in case of joint tender) and subcontractors whose capacity is necessary to fulfil the selection criteria must provide the declaration on honour (see Annex I), signed and dated by an authorised representative, stating that they fulfil the selection criteria applicable to them individually. For the criteria applicable to the tenderer as a whole the tenderer (sole tenderer or leader in case of joint tender) must provide the declaration on honour stating that the tenderer, including all members of the group in case of

joint tender and including subcontractors if applicable, fulfils the selection criteria for which a consolidated assessment will be carried out.

This declaration is part of the declaration used for exclusion criteria (see section 4.1) so only one declaration covering both aspects should be provided by each concerned entity.

The Contracting Authority will evaluate selection criteria on the basis of the declarations on honour. Nevertheless, it reserves the right to require evidence of the legal and regulatory, financial and economic and technical and professional capacity of the tenderers at any time during the procurement procedure and contract performance. In such case the tenderer must provide the requested evidence without delay. The Contracting Authority may reject the tender if the requested evidence is not provided in due time.

**After contract award, the successful tenderer will be required to provide the evidence mentioned below before signature of the contract and within a deadline given by the contracting authority. This requirement applies to each member of the group in case of joint tender and to all subcontractors whose capacity is necessary to fulfil the selection criteria.**

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that there has been no change in its situation.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit a specific document if the contracting authority can access the document in question on a national database free of charge.

#### **4.2.2. Legal and regulatory capacity**

Tenderers must prove that they are allowed to pursue the professional activity necessary to carry out the work subject to this call for tenders. The tenderer (including each member of the group in case of joint tender) must provide the following information in its tender if it has not been provided with the Legal Entity Form:

- For legal persons, a legible copy of the notice of appointment of the persons authorised to represent the tenderer in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation applicable to the legal person requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.
- For natural persons, if required under applicable law, a proof of registration on a professional or trade register or any other official document showing the registration number.

### 4.2.3. Economic and financial capacity criteria

The tenderer must have the necessary economic and financial capacity to perform this contract until its end. In order to prove their capacity, the tenderer must comply with the following selection criteria.

- **Criterion 1:** Annual turnover for each of the last two financial years for which accounts have been closed above EUR 50 000; this criterion applies to the leader in case of a joint tender.

#### **Evidence:**

- Copy of the profit and loss accounts for the last two years for which accounts have been closed from each concerned legal entity;

- Failing that, appropriate statements from banks;

If, for some exceptional reason which the Contracting Authority considers justified, a tenderer is unable to provide one or other of the above documents, it may prove its economic and financial capacity by any other document which the Contracting Authority considers appropriate. In any case, the Contracting Authority must at least be notified of the exceptional reason and its justification. The Commission reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

### 4.2.4. Technical and professional capacity criteria and evidence

#### **A. Criteria relating to tenderers**

Tenderers (in case of a joint tender the combined capacity of all members of the group and identified subcontractors) must comply with the criteria listed below.

<b>Criterion 1:</b> Experience in investigating and analysing consumer behaviour	The tenderer must have experience in designing, conducting and analysing international market research projects using established methodologies related to consumer behaviour in the electronic communication sector.
<b>Documentary evidence</b>	List of at least two international large market research projects, with a similar size as this study, involving data collection conducted during the last five years, with at least one been done for an EU member state. The projects must have been completed and final reports approved by the client before December 1, 2019. Detailed description of team members' contribution.
<b>Criterion 2:</b> Experience and knowledge of the European electronic communication sector and market conditions	The tenderer must have sufficient knowledge of digital platforms, the electronic communications sector and consumer behaviour in order to carry out the data collection and analysis of the results.
<b>Documentary evidence</b>	List of at least two relevant projects or publications in the past five years on the subject of consumer behaviour related to digital

	services. Detailed description of team members' contribution.
<b>Criterion 3:</b> Experience of data collection	The tenderer must have experience of gathering data through surveys in form of questionnaire and interviews with people of the different ages and in different countries and different languages.
<b>Documentary evidence</b>	A description of at least two data collection projects (market research comprising questionnaires) performed and details of team members' contribution.
<b>Criterion 4:</b> Experience of analysing consumer behaviour related to use of digital services	The tenderer must have experience of analysing consumer behaviour related to digital services and electronic communications.
<b>Documentary evidence</b>	Present at least two reports related to consumer behaviour and digital services. Please, add references and quality evaluation if available.

## B. Criteria relating to the team delivering the service

Tenderers (in case of a joint tender the combined capacity of all tenderers and subcontractors) must comply with the following criteria.

<b>Criterion 1:</b> Project Management Experience	The project manager must have at least three years' experience in project management, including overseeing project delivery, quality control of delivered services, client orientation in project of a similar size and coverage. The contractor must also have a plan for how to handle a situation where the project manager is unable to fulfil his or her role.
<b>Documentary evidence</b>	Concise but informative curricula vitae of project manager and project participants, detailing educational and professional qualifications and project management experience. Provide information about employment, and role within the company.  The Europass curriculum vitae template (available at <a href="https://europass.cedefop.europa.eu/en/documents/curriculum-vitae/templates-instructions">https://europass.cedefop.europa.eu/en/documents/curriculum-vitae/templates-instructions</a> ) must be used.
<b>Criterion 2:</b> English Language Skills	At least one member of both the drafting team and model development team should have excellent knowledge of written and spoken English.
<b>Documentary evidence</b>	Either native English or certification of level C2 in the Common European Framework of Reference for Languages.

### 4.3. Award criteria

The contract will be awarded based on the most economically advantageous tender, according to the 'best price-quality ratio' award method. The quality of the tender will be evaluated based on the following criteria. The maximum total quality score is 100 points.

The tenders will be assessed on the basis of the technical award criteria and the respective scores listed below:

<b>Technical award criteria</b>	<b>Maximum score/ Weighting</b>	<b>Threshold</b>
Project plan, project management process, communications plan and timeline. Please, give detailed description of the different items and how the contractor will execute the work in order to reach the objective the study. Describe also how internal quality control will be handled.	<b>25</b>	<b>10</b>
Proposed approach, methodology and execution for the data collection, including <ul style="list-style-type: none"> <li>• Identification of relevant platforms</li> <li>• Selection of respondents (sampling)</li> <li>• Size/characteristics of the sample to be used</li> <li>• Development of a questionnaire</li> <li>• Development of a study methodology</li> <li>• A plan for how to conduct the data collection</li> </ul>	<b>40</b>	<b>20</b>
This criterion is designed to provide insight into the tenderers' understanding of the requirements of the project and their ability to execute the project as detailed in these tender specifications. Please also address the following points in no more than 300 words each. <ul style="list-style-type: none"> <li>• Give a view on how the tenderer will relate the findings of the study to established research and perception of digital platforms.</li> <li>• Give a view on how the tenderer will be able to identify what new insights the study brings.</li> <li>• How to examine consumer benefits of digital platforms and how it could be affected by regulatory interventions as well as other relevant measures.</li> <li>• How to link the findings of the study to use of electronic communication services</li> </ul>	<b>35</b>	<b>15</b>

In the evaluation for tenders BEREK will apply the following scale:

Project plan maximum score: 25

25 – excellent; the answer is impressive and shows no flaws at all.

15 – very good; the answer is totally satisfying and shows no flaws of importance.

10 – good; the answer is satisfying, but there is room for a certain improvement.

5 – the answer is satisfactory, but there is substantial room for a certain improvement.

0 – not satisfying; the answer is not satisfying.

Proposed methodology maximum score: 40

40 – excellent; the answer is impressive and shows no flaws at all.

30 – very good; the answer is totally satisfying and shows no flaws of importance.

20 – good; the answer is satisfying, but there is room for a certain improvement.

10 – the answer is satisfactory, but there is substantial room for a certain improvement.  
 0 – not satisfying; the answer is not satisfying.

Understanding of requirements of the project maximum score: 35

35 – excellent; the answer is impressive and shows no flaws at all.  
 25 – very good; the answer is totally satisfying and shows no flaws of importance.  
 15 – good; the answer is satisfying, but there is room for a certain improvement.  
 5 – the answer is satisfactory, but there is substantial room for a certain improvement.  
 0 – not satisfying; the answer is not satisfying.

The minimum score per criterion is indicated in the second column (called “Threshold”).  
 Tenders with a total score of less than 70 points at the end of the evaluation process will be considered of insufficient quality and rejected.

#### **4.4. Price**

The tenderer should provide a breakdown of price across the various modules in the following format:

<b>Module</b>	<b>No of Man Days</b>	<b>Price per Man Day</b>	<b>Price (in €)</b>
<b>Part 1</b>			
Identify what the data collection should address			
Selecting respondents			
Developing a questionnaire			
Developing a methodology			
Data collection report and presentation			
One day meeting			
<b>Part 2</b>			
Data collection			
Documentation			
<b>Part 3</b>			
Analysis			
Final Report			
One day meeting			
Project Management throughout project			

<b>Total Price:</b>	
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**4.5. Ranking of tenders**

The contract will be awarded to the most economically advantageous tender, i.e. the tender offering the best price-quality ratio determined in accordance with the formula below. A weight of 70 is given to quality and 30 to price respectively.

score for tender X	=	cheapest price	*	100	*	price weighting (in %)	+	total quality score (out of 100) for all award criteria of tender X	*	quality criteria weighting (in %)
		price of tender X								

**The tender ranked first after applying the formula will be awarded the contract.**