



REQUEST FOR PROPOSALS (RFP) – PROFESSIONAL SERVICES

Standing Offers for Regulatory, Legal, Economic, Technical and other Specialist Services for Communications, Water and Energy Sectors in The Bahamas

ECS 09/2013

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1.0 Introduction

A new legislative framework came into effect in August 2009 governing the Electronic Communications Sector (“ECS”) in The Bahamas through the:

- Communications Act, 2009 (“Comms Act”);
- Establishment of an independent and effective regulator, the Utilities Regulation and Competition Authority (“URCA”); and
- Utilities Appeals Tribunal (“UAT”) Act, 2009 (UAT Act).

The Electronic Communications Sector Policy (“Sector Policy”) provides for the immediate full liberalization of the ECS from 1 September 1, 2009, with the exception of cellular services.¹

The Government proposes that URCA will take over responsibility for energy and water utilities sometime in the future.

URCA will, from time to time, need to draw upon specific policy and regulation expertise in communications, water and energy to supplement its own in-house expertise.

1.1 URCA’s Responsibilities

URCA came into effect on August 1, 2009 as the converged regulator for the ECS – covering radio and television broadcasting, radio spectrum and electronic communications. URCA currently regulates the ECS through the Comms Act, although URCA may regulate other sectors over time (such as energy and water) if given specific responsibilities to do so under other sector specific legislation.

URCA’s vision for the electronic communications sector involves:

- The realization of a fully sustainable competitive market, including adequate choice of service providers for consumers;
- Improved value-for-money propositions (price and quality);
- Well informed and protected consumers;
- Presence of modern converged infrastructure

all of which make the people, society, and economy of The Bahamas more productive. URCA aims to create the key enablers that support the smooth functioning of a competitive market, promoting innovation in converging platforms and services, and for all stakeholders to make well-informed decisions in a leading regulatory regime that is transparent and predictable.

The same broad principles would apply to water and electric/energy utility regulation when those responsibilities are turned over to URCA.

¹ All legislation and the Sector Policy are available at URCA’s website (www.urbahamas.bs)

1.2 **Situation Overview**

The Sector Policy published by the Government sets out its direction as to URCA's priorities over the three year life (2009 – 2012) of the Sector Policy.² These are grouped under the following headings:

- Setting internal and external procedures and guidelines
- Transition of existing licensees and processing of new licensees
- Interim Determinations of Significant Market Power (SMP) and SMP Obligations
- National Spectrum Plan
- Cellular Liberalization
- Market Reviews
- Universal Service Obligations
- Content Regulation and Public Service Broadcasting
- Consumer Protection.

From time to time, URCA engages consultants to assist with developing positions on specialized topics such as: efficiency studies; cost separation; best practice in regulatory treatment; universal service obligations; sharing of facilities and quality of service measures.

2.0 **RFP Objectives**

In October 2010, URCA issued a RFP for Professional Services (ECS/24/2010) and in March 2011 established a roster of consultants to provide professional services. The standing offer was valid for a two year period from the issue date in March 2011.

To ensure that URCA's roster of consultants is relevant and current and that URCA has access to a cadre of professionals that provide high quality services at cost effective rates, URCA is issuing this RFP.

The purpose of this RFP is to:

- i. Have those consultants currently on URCA's roster to confirm their interest to continue to be on URCA's roster or request to be removed from the roster.
- ii. Allow consultants currently on the roster to submit proposals to provide services in those sectors they were not previously selected to do so.
- iii. Solicit proposals from other consultants that could be added to URCA's current roster of consultants. The consultants on the roster can be called upon as the need arises to provide professional services.

² URCA has consulted with the Government on a draft Sector Policy for 2013-2016. The ECS Policy published in 2009 remains in effect until such time as the revised ECS Policy is published.

Contracts will vary in length of time but normally would be short-term (weeks). Consultants would be expected to be available upon a month's notice. Work can often be completed at a distance but travel to Nassau may also be required.

The standing offers, if selected and approved, will remain on file and valid for three years from the notification period.

2.1 RFP Specific Area of Expertise

Consultants or consulting firms are encouraged to submit a standing offer to provide expertise in communications regulation and competition policy (telecommunications/electronic communications, pay television, broadcasting, internet, radio spectrum), as well as water and energy regulation.

The breadth of issues covered requires expertise in policy, law, economics, regulatory finance, and engineering, and in particular, includes:

- Sector reform sector policy development, development of new legislation, regulations and licences;
- Consumer protection and complaints handling;
- Alternative Dispute Resolution – model schemes and procedures;
- Retail regulation – market reviews, price controls, rebalancing;
- Whole/Interconnection – reference offers, wholesale agreements, interconnection disputes, market reviews;
- Regulatory finance – cost of capital estimation, accounting separation, regulatory audits, efficiency analysis;
- Licence – award, revocation, compliance and enforcement;
- Competition policy and investigations – merger control, anti-competitive agreements, abuse of dominance;
- Spectrum – auctions, licence awards and roll-out obligations, planning/management and migration;
- Numbering and Number Portability;
- Universal Service and Universal Access;
- Facilities/Infrastructure sharing and/or access;
- Public service broadcasting;
- Codes of Practice for Broadcasting;
- Regulation of Service Quality;
- Networks in the context of regulation – TDM, NGN, CATV, WIMAX, Wireless, 3G/4G;
- Technical Standards.

3.0 Administration

3.1 Contract

Once URCA identifies a requirement for outside expertise, terms of reference for the assignment will be developed including anticipated time requirements, expected travel costs and assignment deadlines. Qualified consultants identified from the roster will then be contacted for availability. A contract provided by URCA must then be executed by the consultant before the assignment can begin.

3.2 Conflict of Interest

URCA reserves the right to disqualify any consultant or consulting firm that in URCA's sole opinion has an actual or potential conflict of interest or an unfair advantage, whether existing now or is likely to arise in the future. Alternatively, URCA may permit the consultant or consulting firm to continue and impose such terms and conditions, as URCA in its sole discretion may require.

Consultants and consulting firms are required to disclose to URCA any potential or perceived conflict of interest issues prior to the RFP closing date and time.

3.3 Business Hours

Consultants or consulting firms and their personnel are expected to work within URCA's normal business hours, which are:

- Monday to Friday, excluding public holidays
- 9:00 a.m. to 5:00 p.m. Eastern time

During a project, URCA will identify any need to work outside the above business hours or in a different location.

4.0 Responding to this RFP

4.1 Asking Questions

Consultants or consulting firms are responsible for obtaining any needed clarification of the RFP requirements, while the RFP is open. Questions should be directed in writing to the Chief Executive Officer at KSmith@urcabahamas.bs. E-mail is the preferred method of contact. Verbal questions and responses that are not later confirmed in writing with the RFP Contact will not be considered an official response.

4.2 **Format of Response**

The proposal document from consultants or consulting firms should be comprised of the sections below, presented in the order listed:

- **Title page** – This should clearly identify the consultant’s or consulting firm’s name, postal address, telephone number, and e-mail address; as well as the area(s) of expertise offered.
- **Table of Contents**
- **Body of Proposal** – This should include the proponent’s description of expertise; years of expertise; a resume for each specialist proposed; daily and hourly rates for professional services; any other costs that the consultant or consulting firm would expect to incur if hired.

Each proposal document should include at least two project references where the proposed individual(s) served in a similar role, including:

- Name of client organization;
- Name, title, telephone number, and email of a client contact;
- Brief description of the scope, complexity, dates and duration of the project;
- Role the proposed individual played in the referenced project.

4.3 **How to Submit the Proposals**

Consultants or consulting firms may deliver their responses to this RFP, on or before July 19, 2013 to the Chief Executive Officer of URCA either:

- a. by hand, to URCA’s office at UBS Annex Building, East Bay Street, Nassau, Bahamas;
or
- b. by mail, to P.O. Box N-4860, Nassau, Bahamas; or
- c. by fax, to (242)-393-0153; or
- d. by e-mail, to info@urcabahamas.bs

Electronic submission of proposals is encouraged. However, if a print version is submitted, to help ensure consistency in proponent responses and ease the evaluation process, the proposal should be prepared and packaged, as outlined in the sections that follow. Please print double-sided whenever possible and limit promotional and/or marketing materials to the information specifically requested in this document.

5. **Proposal Evaluation**

The Evaluation Team will consist of representatives of URCA. It is understood and accepted by the proponent that all decisions about the degree to which a proposal meets the requirements of this RFP are the judgment of URCA’s Evaluation Team.

To assist in the evaluation of the Responses, the Evaluation Team may, but is not required to:

- Conduct reference checks relevant to the proposal with any or all of the references cited in a response to verify any and all information regarding a proponent and rely on and consider any relevant information from such cited references in the evaluation of responses.
- Conduct any background investigations that it considers necessary in the course of the evaluation process and consider any relevant information resulting in the evaluation of responses.
- Will only seek clarification from a proponent if the requested information is ambiguous or missing and if such clarification does not offer the proponent the opportunity to improve the competitive position of its response. Wherever possible, requests made by the Evaluation Team will be sent from the e-mail addresses of URCA's RFP Contacts.

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URCA reserves the right to disqualify any proposal at URCA's sole discretion.

5.1. Mandatory Criteria

The proposal must meet the following mandatory criteria and clearly demonstrate that these are met in a substantially unaltered form. If the proposal fails to meet these criteria, it will receive no further consideration during the evaluation process and be deemed non-compliant by URCA's Evaluation Team:

The proposal must clearly demonstrate the proponent's experience and ability to fulfill the service requirements identified.

All proposals must be submitted in United States dollars (US\$) or Bahamian dollars (B\$) exclusive of all taxes.