



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 24/2010

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UTILITIES REGULATION & COMPETITION AUTHORITY

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TABLE OF CONTENTS

1.0	Introduction	1
1.1	URCA’s Responsibilities.....	1
1.2	Situation Overview.....	2
2.0	RFP Objectives	2
2.1	RFP Specific area of expertise	3
3.0	Administration	4
3.1	Contract	4
3.2	Conflict of Interest	4
3.3	Business Hours	4
4.0	Responding to this RFP	5
4.1	Asking Questions.....	5
4.2	Format of Response	5
4.3	How to submit the RFP	5
5.0	Proposal Evaluation.....	7

1.0 Introduction

The policy and regulation context for the electronic communications sector in The Bahamas has undergone significant change over the past twelve months. A new legislative framework came into effect governing the Electronic Communications Sector (“ECS”), through the:

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

In addition, the Bahamian Government has articulated a new vision for the Sector in its Electronic Communications Sector Policy (“Sector Policy”) that provided for the immediate full liberalisation of the ECS from 1 September, 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 1 August 2009 as the new converged regulator for the ECS – covering 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 realisation 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. These are grouped under the following headings:

- Setting internal and external procedures and guidelines
- Transition of Existing Licensees and Processing of New Licences
- Interim Determinations of Significant Market Power (SMP) and SMP Obligations
- National Spectrum Plan
- Cellular liberalisation
- Market Reviews
- Universal Service Obligations
- Content Regulation and Public Service Broadcasting
- Consumer Protection.

The strategic and business priorities for URCA from 2009-2012 have been developed not only in the context of the objectives under the Comms Act, and the Sector Policy, but also URCA's experience and assessment of ongoing and envisaged trends in the sectors that URCA regulates.²

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

2.0 RFP Objectives

The purpose of this RFP is to solicit responses from a range of consultants and consulting firms to form a roster of relevant expertise that can be called upon as the need arises. 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 submitted will remain on file and valid for two years after the closing date for submissions.

² URCA's Three Year Strategy and Annual Plan for 2009-10 can be downloaded from URCA's website.

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, cable 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 licenses
- Consumer protection and complaints
- Alternative Dispute Resolution – model schemes and procedures
- Retail regulation - market reviews, price controls, rebalancing
- Wholesale/Interconnection - reference offers, wholesale agreements, interconnection disputes, market reviews
- Regulatory finance – cost of capital estimation, accounting separation, regulatory audits, efficiency analysis
- Licence – award, revocation, 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 AM to 5:00 PM 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 RFP Contact Persons identified by URCA. E-mail is the preferred method of contact. Verbal questions and responses that are not later confirmed in writing with the RFP Contacts will not be considered an official response.

Questions and responses that are deemed to materially affect the RFP requirements, project scope, time lines, or to be of interest to all prospective consultants or consulting firms will be handled as an addendum while the RFP is open and made available for download from our website.

4.2 Format of Response

The proposal document from consultants or consulting firm 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; and 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 RFP

Persons may deliver their responses to this RFP, on or before 8th of November 2010 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 email, 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.

5.0 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.

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

5.1.1 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:

1. The proposal must clearly demonstrate the proponent's experience and ability to fulfill the service requirements identified.
2. All proposals must be submitted in United States dollars (US\$) exclusive of all taxes.