

REQUEST FOR PROPOSALS AND TERMS OF REFERENCE

Request for Proposals (RFP) and Terms of Reference (TOR) for services to conduct surveys of the Pay TV and Radio Broadcasting markets in The Bahamas

1. Introduction

The Utilities Regulation and Competition Authority (URCA) is the independent regulator for the electronic communications sector (ECS) in The Bahamas comprising fixed and mobile telecommunications services, spectrum, numbering and broadcasting (which includes radio broadcasting and pay television). URCA's powers and responsibilities for the ECS have been established under the Communications Act, 2009 (Comms Act), which charges URCA with the responsibility for implementing the ECS Policy and enforcing the competition provisions of the Comms Act.

One of the main policy objectives of the Comms Act¹ requires URCA to further the interest of persons in The Bahamas by promoting availability of a wide range of content services which are of high quality. The pay television and radio broadcasting markets in The Bahamas have undergone certain structural and technological changes since September 2009, when URCA was given regulatory responsibility for the ECS. These changes have given consumers access to a greater variety of media and communications products and services and have also provided multiple platforms for consumers to access content services. To the end of promoting the availability of a wide range of content services which are of high quality, URCA seeks to measure consumer listening and watching habits and their opinions on the quality of available services and programming provided over pay tv and radio.

The availability of pay tv and radio broadcasting over multiple platforms also have direct implications for competition considerations by URCA, such as being able to define relevant markets and determine market share and concentration in these markets. Having reliable data will play a vital role in URCA being able to objectively discharge its competition powers and functions under the Comms Act in relation to the pay tv and radio broadcasting markets.

¹ Communications Act, 2009 s. 4.

In light of the foregoing, this Request for Proposal and Terms of Reference (RFP and TOR) outlines the requirements for and invites interested persons to submit quotations for services to conduct surveys of the pay tv and radio broadcasting markets in The Bahamas.

2. Objective

It is URCA's objective to obtain empirical data that can provide representative parameters on the listening and watching habits of consumers and their opinions on the quality of available services and programming provided to consumers over pay tv and radio in The Bahamas. URCA considers that qualitative and quantitative data collected through surveys of the pay tv and radio broadcasting markets would assist URCA with achieving its statutory mandate to further the interest of consumers by "*promoting availability of a wide range of content services which are of high quality*"².

Therefore, the surveys data should be sufficiently robust to be able to inform regulatory measures that will be taken by URCA in relation to the pay tv and radio broadcasting markets in The Bahamas.

3. Overview of the Pay TV and Radio Broadcasting Markets

3.1 Pay TV market

URCA considers Pay TV as subscription-based television services, provided by both analogue and digital cable and satellite television. The Pay Television market in The Bahamas is mainly comprised of two operators: Cable Bahamas Limited ('CBL') and The Bahamas Telecommunications Company Limited ('BTC').

CBL has significant market power (SMP) in the provision of Pay TV. CBL provides access to Pay TV over a cable television and terrestrial network infrastructure. CBL has a digital network on the islands of New Providence, Grand Bahama, Abaco and Eleuthera, through which it can provide customers with a choice of its full listing of channels. On the islands of Inagua, Andros (Fresh Creek and Nicholl's Town), Berry Islands, Bimini, Long Island, San Salvador, and Exuma,

² Communications Act, 2009 s.4(b)(vi).

CBL uses an analogue signal to provide a basic package of channels due to the absence of a digital network on these islands.

BTC launched its Flow TV product in 2015 and uses a DSL/fibre network to provide internet protocol television (IPTV) service to Bimini, Inagua, New Providence, Rum Cay, and San Salvador. BTC is currently beta-testing its pay tv service on Long Island, Andros, Cat Island, Grand Bahama, Rum Cay, Abaco and Exuma, with the intention of expanding to these islands.

3.2 Radio broadcasting market

The radio broadcasting market in The Bahamas has grown significantly since the establishment of the regulatory regime in September 2009. Radio broadcasting is delivered primarily by free-to-air transmission using either AM or FM frequencies issued by URCA. Private participation in FM radio broadcasting has developed into a highly competitive industry, particularly in New Providence. There are thirty-two (32) commercial radio broadcasting stations throughout The Bahamas providing a wide variety of genre of programming and content. There are geographic limitations on the use of radio broadcast frequencies in The Bahamas and each island is considered a separate geographic location for radio broadcasting.

4. Specific Terms of Reference for Consultancy Services

Given the above, URCA is now seeking consultancy services to conduct surveys that is consistent with international best practice and will provide reliable data on the listening and watching habits of consumers and their opinions on the quality of available services and programming provided to consumers over pay tv and radio in The Bahamas. In particular, the Consultant would be expected to carry out the following:

- (i) Determine a representative sample size to administer the surveys;
- (ii) Prepare draft survey instruments for review and comments by URCA's CEO, Director of Electronic Communications (DEC) and project team members;
- (iii) Develop the methodology to be employed for a statistically valid sampling of consumers;
- (iv) Prepare final survey instruments;

- (v) Conduct survey;
- (vi) Consolidate and analyse survey results;
- (vii) Present and discuss survey results with URCA's CEO, DEC and project team members; and
- (viii) Prepare final data analysis and report of survey results with raw data based on discussion and comments in the presentation.

5. Deliverables and outputs

Working in close liaison with the URCA appointed team, the following **key deliverables and outputs** are expected from the Consultant:

- Prepare final survey instrument;
- Conduct/Administer survey;
- Analyse survey results; and
- Submit Final Report which must include, at a minimum, the framework and methodology used; tabulation of all calls and/or contacts made as part of the survey, tabulation of survey results; key findings and conclusions; and recommendations.

6. Reporting and Accounting

The Consultant will report directly to URCA's Director of Electronic Communications. The primary point of contact and project lead for the Consultant regarding the day-to-day activities will be the Regulatory Advisor - Legal from the URCA team.

The Consultant will regularly interact with and advise URCA's Director of Electronic Communications on the progress of the work that is being conducted. The Consultant will produce written status reports/updates as required by the Chief Executive Officer and/or the Director of Electronic Communications.

Deliverables and outputs will be monitored and evaluated by URCA's Director of Electronic Communications.

7. Submission of Proposals

URCA advises that **time is of the essence with the completion of this project**. Therefore, interested persons are requested to submit a proposal to URCA for the work to be carried out in accordance with this RFP and TOR. Respondents must submit their proposals and all associated documents in accordance with the following guidelines **ONLY**:

- 1. Three (3) PRINTED COPIES** of the proposal, placed in sealed, opaque packages marked:

PROPOSAL FOR SERVICES TO CONDUCT SURVEYS OF PAY TV AND RADIO BROADCASTING MARKETS IN THE BAHAMAS

DIRECTOR OF ELECTRONIC COMMUNICATIONS
UTILITIES REGULATION AND COMPETITION AUTHORITY
FREDERICK HOUSE
FREDERICK STREET
P.O. BOX N-4860
NASSAU, THE BAHAMAS

- 2. COMPLETE PROPOSALS MUST BE RECEIVED BY NO LATER THAN 3:00 P.M. ON THE RESPONSE DEADLINE DATE OF 2 AUGUST 2019. LATE PROPOSALS WILL NOT BE ACCEPTED.**

Only physical submissions will be accepted and only in accordance with the above. In no circumstances should a Respondent submit its proposal or any part of it to any person at URCA via email, fax or any other method whether in addition to or instead of the above.

URCA intends to make its selection of a preferred Consultant by 12 August 2019 and will notify all interested parties of the result by no later than 14 August 2019. URCA reserves the right to select any or to cancel this process and the proposed works.

Proposals should contain the following information:

- a. Technical Capability;
- b. Work Plan; and
- c. Financial Proposal.

Technical Capability

The technical proposal must provide, at a minimum, the following information:

- (i) A brief description of the Respondent's firm/organization and an outline of recent experience on assignments of a similar nature and scope. Respondents should be prepared to substantiate claimed experiences and provide references in support, if requested by URCA;
- (ii) A list of the proposed personnel by area of expertise, the position that would be assigned to each team member and their tasks; and
- (iii) CVs for each of the Respondent's proposed team members assigned to the project

Work Plan

The Respondent would be expected to develop and submit a comprehensive work plan that sets out milestones in anticipation of 31 October 2019 as the completion date for the project. The work plan must provide comments on the approach and methodology to the scope of work to be performed, including suggestions that may improve the quality/effectiveness of the project.

URCA considers it important to note that its processes require Board review of key project deliverables, such as Data Analysis and Final Reports, of no less than seven (7) calendar days. This must be considered in relation to timelines for completion of the project.

Financial Proposal

The financial proposal must state all costs associated with the services to be provided, including remuneration/rate sheet for each proposed team member assigned to the project.

The prospective Consultant will be expected to provide a fixed price financial proposal of the Consultant's fees and estimated expenses for consideration by URCA. The proposals should take into account the work expected to be involved in the completion of each deliverable and provide for phased payment by URCA within no less than thirty (30) business days of its acceptance of each deliverable. Activities and items described in the proposal but not priced will be assumed to be included in the cost.

8. Evaluation of Proposals

Each proposal will be reviewed and evaluated to determine whether it satisfies the submittal requirements contained within this RFP and TOR. Failure to satisfy the submittal requirements may be cause for rejection of the proposal. The proposals will be ranked based on the following maximum allocation of points for specific elements of each proposal:

CRITERIA	MAXIMUM SCORE
Technical Evaluation: <ul style="list-style-type: none">• Firm's experience in completing projects of similar nature and scope – 15%• Qualification/experience of personnel proposed for assignment to the project (i.e. qualifications – 10%)• Completeness of response – 10%	35%
Work Plan: <ul style="list-style-type: none">• Approach and methodology to performing the work in response to the Terms of Reference and Deliverables – 25%• Timetable for prompt completion of the project – 10%	35%
Financial Evaluation: <ul style="list-style-type: none">• The lowest financial proposal submitted by a technically qualified party will be selected – 30%	30%
TOTAL	100%

9. Timing

It is anticipated that the contract will commence on 19 August 2019 and be completed **no later than 31 October 2019**.

10. Contract

The prospective Consultant shall submit a draft contract for URCA's consideration, which must be consistent with the Terms of Reference and Deliverables contained in the submitted

proposal. URCA will review the contract and the final terms and conditions of the contract will be subject to URCA's approval.

11. Miscellaneous

URCA reserves the right to:

- a) reject any or all proposals for failure to meet the requirements contained herein or for any other reason which in URCA's sole discretion renders the proposal unsuitable;
- b) waive any technicalities; and
- c) select the proposal which in URCA's sole discretion, best meets URCA's requirements.

This RFP and TOR creates no obligation (legal or otherwise) on the part of URCA to award a contract or to compensate the respondent for any costs incurred during proposal presentation, response, submission, presentation, or oral interviews. URCA also reserves the right to negotiate further with any respondent to the RFP and TOR. Respondents should not rely upon the opportunity to alter their qualifications during any discussions.