



Notice on Request for Clarification to URCA’s Request for Proposals regarding Competition Guidelines in the Electronic and Energy Sector (URCA 02/03)

On 24th March 2023, the Utilities Regulation and Competition Authority (“URCA”) received a request for clarification in relation to its Request for Proposal (“RFP”) tender exercise regarding Consultancy Services to the Competition Guidelines in the Electronic Communications and Energy Sector (URCA 02/2023).

URCA provides below a summary of the questions received and URCA’s response in relation thereto for the benefit of all bidders:

No.	Question and/or Comment	URCA’s Response
1.	URCA was asked to confirm whether in URCA’s view, the goal of the project proposed in the RFP is achievable and/or desirable by amending the existing guidelines as opposed to having separate guidelines for the Electronic Communications Sector (ECS) and the Energy Sector (ES).	Bidders are at liberty to propose what is in their viewpoint the most desirable manner of achieving the goals of the proposed project. Notwithstanding, URCA does consider that the goals of the project are in fact achievable by amending the existing guidelines.
2.	URCA was asked to amend the requirement under section 2.5 of the RFP relating to ‘submission of the proposal’ to permit electronic submissions only.	URCA’s internal procurement policy mandates that bids are submitted in hard copy in unmarked envelopes as noted in the RFP. URCA is accordingly unable to amend this requirement in the RFP.
3.	URCA was asked to confirm the meaning of ‘Draft Consultation Document’ and ‘Final Document’ as referenced in sections 4.3.1 and 4.3.4 of the RFP respectively.	URCA confirms that the ‘Draft Consultation Document’ refers to the draft Competition Guidelines in addition to a short consultation cover note. URCA also confirms that the Final Document refers to the Statement of Results document and the finalised Competition Guidelines. A short cover note would also be expected to accompany the finalised document.
4.	URCA was asked to clarify whether the use of the term ‘stakeholders’ as used in section 4.3.3. ‘Presentation on Consultation’ referred to external stakeholders (licensees, consumers etc.) or internal stakeholders (URCA staff, board etc.).	The presentation referred to in 4.3.3 refers to external stakeholders. This presentation in URCA’s view would form a part of the consultation process so as to encourage comments and feedback to the consultation document once issued.

5.	URCA was asked to amend the requirement in section 4.3.6 'Document Submission' which covers the submission of documents in section 4.3 to delete the requirement for the submission of hard copies of documents.	URCA is not opposed to the deletion of the requirement for the submission of electronic copies only of the documents noted in section 4.3 of the RFP. URCA accordingly confirms this request.
6.	<p>URCA was asked to confirm whether it would be in line with URCA's expectations that in relation to section 4.2 'Team Composition', there would be included an expert on economic regulations/competition economics and law within their proposal.</p> <p>URCA was also asked to confirm whether their experts would have access to the legal experts in URCA to discuss matters related to national law and the legal framework governing the ES and the ECS.</p>	<p>URCA confirms that section 4.2 'Team Composition' permits bidders to build their proposed team outside of the three-member example provided in the RFP. The RFP itself confirms that consultants may propose more or less than the team outlined in the RFP. In this regard, bidders are liberty to propose and justify what is in their view, the most appropriate team composition for the proposed project.</p> <p>URCA also confirms that its internal experts (legal, technical and economics) will be available to provide where appropriate assistance to the successful team.</p>
7.	URCA was asked to confirm whether it would be sufficient to only quote the total cost of the project in 'Part I- Summary Costs' in USD.	URCA confirms that international firms are at liberty to quote their proposed costing in their local currency only.
8.	URCA was asked to confirm whether in Form D 'Consultant Information Form' question 8, bidders that have an existing relationship with URCA are still required to provide certified copies of documents defining their legal status.	URCA's internal procurement procedures require the provision of this documentation and information. In fairness to all potential bidders, this requirement cannot be waived.

DATED the 13th day of April A.D., 2023

Utilities Regulation and Competition Authority