

## **ANNEXURE A**

### **1. Terms of Reference**

- 1.1. It is the intention of the Independent Communication Authority of South Africa ("ICASA") to licence the Wireless Open Access Network (WOAN) and International Mobile Telecommunications ("IMT") Spectrum in the identified frequency bands in 700 MHz, 2600 MHz and 3500 MHz as outlined in regulation 7 read with regulations 2(1)(c) and 2(1)(f) of the Radio Frequency Spectrum Regulations ("RFSR") published in Government Gazette No. 38641 (Notice 279 of 2015) dated 30 March 2015, as amended.
  
- 1.2. ICASA seeks to appoint a Company and/or Consultant (Bidder) that will assist it with the following:
  - 1.2.1. Conduct a comparative scoring analysis of the Demand, Need and Support of the proposed service and the impact of the proposed service on competition in the relevant markets
  
  - 1.2.2. Conduct a qualitative and quantitative analysis of the economic efficiency as defined in the RFSR 2015, viability of the business plan and financial means of the as well as network rollout plans of all applicants and produce reports for each application.
  
  - 1.2.3. Assist with the preparation of the public hearings and analysis report in respect of the market research, financials, business plans, technical rollout plans, post hearing submissions and draft report on all applications.
  
  - 1.2.4. Advise the Authority on the impact and/or consequences of the proposed obligations on the respective applicants that are in consideration for licensing.

- 1.2.5. Draft reasons for decisions taken on each applicant in respect of the economic efficiency, financial viability and sustainability of the business plans and infrastructure rollout plans.
  - 1.3. The service provider is expected to work closely with the project team to transfer knowledge to the project team in all the work done by the service provider. The service provider must conduct two (2) workshops with project team at initiation stage of the project (after submission of pre-hearing analysis report) and at conclusion of the project (after submission of final report).
  - 1.4. In undertaking the tasks above, the appointed service provider/s will be required to take the following -amongst others - into consideration:
    - 1.4.1. The National Integrated ICT White Paper Policy 2016.
    - 1.4.2. The relevant sections of the Electronic Communications Act (Act 36 of 2005), as amended ("the ECA");
    - 1.4.3. The Licensing Framework, Radio Frequency Spectrum and Competition Matters of the ECA;
    - 1.4.4. The Processes and Procedures Regulations for Individual Licences and Standard Terms and Conditions Regulations for Individual Licences (2010 Regulations and 2016 Regulations);
    - 1.4.5. The Radio Frequency Assignment Plans as outlined in the information memorandum published in Government Gazette Notice No.597 Gazette No. 42820 of 01 November 2019;
    - 1.4.6. The Promotion of Administration Justice Act, No. 3 of 2000 (PAJA); and
    - 1.4.7. The Radio Frequency Spectrum Regulations of 2015, as amended.
  - 1.5. The licensing process to be followed for the WOAN is as outlined in the Processes and Procedures Regulations for Individual Licences together with the regulation 7 of the Radio Frequency Spectrum Regulations

2015 (published in terms of Government Gazette No 38641, Notice No. 279 of 2015).

## 2. Period of Assignment

- 2.1. All work is to be carried out in accordance with the time schedule as agreed with the Authority for a period of not more than twelve (12) months from the date of finalisation of the contract with the service provider to the end of the project.

No.	Item	Due Date
1.	Commencement of work.	01 April 2022
2.	Inception Meeting	14 April 2022
3.	Submission of analysis reports on corporate status, demand need and support; economic efficiency; business plan and financial means as well as network rollout plans of all received applications.	21 June 2022
4.	Submission of pre-hearing analysis report of written representations and additional information from the public in relation to the received applications.	21 July 2022
5.	Submission of pre-hearing analysis report of written responses from the applicants.	21 July 2022
6.	Participation at the public and/or <i>in camera</i> hearings for the WOAN licensing project.	5- 9 September 2022
7.	Submission of post hearing final analysis report that includes pre-hearing analysis, information presented during the hearings and additional information submitted.	30 September 2022

8.	Participation in Deliberations for the Service and Spectrum licences applications.	4-28 October 2022
9.	Draft reasons for decisions taken on each application in respect of the corporate status, demand need and support, market research, financial statements and business plans.	2- 30 November 2022
10.	Submission of the final report including lessons learned.	12 December 2022
11.	Provide training to all members of the Committee at the initiation stage of the project ( <b>after submission of pre-hearing analysis report</b> ) and at conclusion of the project ( <b>after submission of final report</b> ).	<ul style="list-style-type: none"> <li>• After submission of pre-hearing analysis report; and</li> <li>• After submission of final report.</li> </ul>

### 3. Capability and Experience

- 3.1. Responses should include proof of experience and capability in performance or execution of similar projects.

### 4. Functionality: Pre-qualification Criteria

- 4.1. Only bidders who meet the cut-off score of 80 points out of 100 points for functionality will be considered further for price evaluation. All bid proposals submitted will be evaluated in accordance with the 80/20 procurement principle as prescribed by National Treasury Regulations.
- 4.2. Bids will be evaluated for functionality in line with the following criteria:

	<b>Functionality: Pre-qualification criteria (cut-off score 80)</b>	
<b>4.2.1.</b>	<p><b>Bidder’s clear understanding of the project brief (as outlined in paragraphs 1.2 to 1.4 above) demonstrated by Project approach.</b></p> <p>Evaluation criteria for 4.2.1.:</p> <ul style="list-style-type: none"> <li>• No provision of the following: Business Case, Evaluation Methodology, Work Breakdown Structure, and Resource Allocation in undertaking this project = <b>1</b></li> <li>• Provision of some of the following: Business Case, Evaluation Methodology, Work Breakdown Structure, and Resource Allocation in undertaking this project = <b>2</b></li> <li>• Provision of all the following: Business Case, Evaluation Methodology, Work Breakdown Structure, and Resource Allocation in undertaking this project, demonstrating project approach = <b>3</b></li> <li>• Provision of all the following: Business Case, Evaluation Methodology, Work Breakdown Structure, and Resource Allocation in undertaking this project, demonstrating project approach with implementation strategy = <b>4</b></li> <li>• Provision of all the following: Business Case, Evaluation Methodology, Work Breakdown Structure, and Resource Allocation in undertaking this project, demonstrating project approach with implementation strategy and innovation = <b>5</b></li> </ul>	<b>20</b>
<b>4.2.2.</b>	<p><b>Reference letters showing the following:</b></p> <p><b>4.2.2.1. Bidder’s Experience in ICT Services application evaluation (Financial, Legal and Technical);</b></p> <p><b>4.2.2.2. Bidder’s Experience in processes similar to that envisaged in Service Licensing and Radio Frequency Spectrum Licensing Processes of the ECA.</b></p>	<b>40</b>

	<p><b>4.2.2.3. Bidder’s Experience in the Processes and Procedures Regulations for Individual licences together with regulation 7 of the RFSR 2015</b></p> <p>Evaluation criteria for 4.2.2. with reference letters on the relevant company’s letterheads attached:</p> <ul style="list-style-type: none"> <li>• Bidder does not meet the minimum requirements listed in 4.2.2.1 – 4.2.2.3 = <b>1</b></li> <li>• Bidder meet any two of the minimum requirements listed in 4.2.2.1 – 4.2.2.3 = <b>2</b></li> <li>• Bidder meets all three of the minimum requirements listed in 4.2.2.1 – 4.2.2.3 in the ICT regulatory environment = <b>3</b></li> <li>• Bidder meets all three of the minimum requirements listed in 4.2.2.1 – 4.2.2.3 in the ICT regulatory and other sector regulators = <b>4</b></li> <li>• Bidder meets all three of the minimum requirements listed in 4.2.2.1 – 4.2.2.3 in the ICT regulatory, other sector regulators and international projects of similar nature = <b>5</b></li> </ul>	
<p><b>4.2.3.</b></p>	<p><b>Project Members’ Experience in each of the following fields of Economics, Electronic Engineering (Telecommunications), Financial Modelling and Legal indicated in the Curriculum Vitae (Each field should have one expert with experience exceeding 5 years).</b></p> <p>Evaluation criteria for 4.2.3, with curriculum vitae attached including the number of years’ experience:</p> <ul style="list-style-type: none"> <li>• Provision of less than Five (5) years’ experience in each of the following field of Economics, Electronic Engineering, Financial Modelling and Legal = <b>1</b></li> <li>• Provision of Five (5) to seven (7) years’ experience in each of the following field of Economics, Electronic Engineering, Financial Modelling and Legal = <b>2</b></li> </ul>	<p><b>40</b></p>

	<ul style="list-style-type: none"><li>• Provision of Eight (8) to Ten (10) years' experience in each of the following field of Economics, Electronic Engineering, Financial Modelling and Legal = <b>3</b></li><li>• Provision of Eleven (11) to Thirteen (13) years' experience in each of the following field of Economics, Electronic Engineering, Financial Modelling and Legal = <b>4</b></li><li>• Provision of Fourteen (14) or more years' experience in each of the following field of Economics, Electronic Engineering, Financial Modelling and Legal. Team/members must comprise of no less than 3 members experts = <b>5</b></li></ul>	
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## **5. Price Evaluation**

- 5.1. Only bidders that pass the functionality evaluation will be evaluated for price.