



Independent Communications Authority of South Africa
Pinmill Farm, 164 Katherine Street, Sandton
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Annexure A

Technical Specifications ICASA 02/2018

1. Background and Scope

- 1.1. The Authority seeks to appoint a service provider to conduct a market inquiry into Mobile broadband services.
- 1.2. The service provider will be required to:
 - 1.2.1. Assist in defining the relevant wholesale and retail market or market segments in respect of Mobile broadband services;
 - 1.2.2. Assist in determining whether there is effective competition in the relevant markets;
 - 1.2.3. Assist in identifying, if any, licensees that have SMP in the relevant markets where there is ineffective competition,
 - 1.2.4. Make recommendations on appropriate pro-competitive licence conditions to be imposed on licensees with SMP to remedy the market failure.

2. Specifications

- 2.1. The service provider will assist the Authority in conducting market inquiry into Mobile broadband services in line with section 4B of the Independent Communications Act of South Africa No. 13 of 2000 read with section 67(4) of the Electronic Communications Act.
- 2.2. In undertaking this work, the service provider will be expected to, among others, undertake the following activities:
 - 2.2.1. Phase 1 (commencement of the market inquiry): develop a questionnaire or request for information;

- 2.2.2. Phase 2 (Discussion Document) – draft a Discussion Document to be published for public comment;
- 2.2.3. Phase 3 (Public Hearings) – participate in one-on-one meetings and oral public hearings on the Discussion Document;
- 2.2.4. Phase 4 (draft Findings Document) – prepare a draft Findings Document for public comment;
- 2.2.5. Phase 5 (Findings Document and draft Regulations) – prepare a final Findings Document and develop draft Regulations (if necessary);
- 2.2.6. Phase 6 (Oral Public Hearings) – participate in one-on-one meetings and Oral Public Hearings with stakeholders on draft Regulations (if necessary);
and
- 2.2.7. Phase 7 (Final Regulations) - publication of Final Regulations.

2.3. In conducting the activities covered under 3.2 above, the service provider will work with the project team at the Authority and provide training to the project team on how to conduct a market review. The service provider is also expected to work closely with the project team in order to transfer knowledge to the project team.

2.4. The project leader at the Authority will liaise with the project manager or leader of the service provider to arrange a work programme and to schedule meetings with stakeholders (including licensees).

2.5. The milestones for this project will include:

- 2.5.1. Project inception report.
- 2.5.2. Stakeholder consultation workshop to highlight the scope of the inquiry.
- 2.5.3. Publication of a questionnaire or request for information.
- 2.5.4. Discussion Document.
- 2.5.5. Oral Public hearings on the Discussion Document.
- 2.5.6. Draft Findings document.
- 2.5.7. Findings Document and Draft Regulations, if necessary.
- 2.5.8. Public hearings on draft Regulations, if necessary.
- 2.5.9. Final Regulations and Reasons Document, if necessary.

3. Period of assignment

3.1. All work is to be carried out in accordance with the time schedule as agreed with the Authority for a period of no more than twenty-four (24) months from the date of finalisation of the contract with service provider.

3.2. The received bids will be evaluated on the 80/20 procurement principle as per the Supply Chain Management Policy and the relevant Treasury Regulations. The bid will also be evaluated for functionality as per the functionality table below.

Content Bid Functionality: Table 1

No	Category (Cut-off 70)	Points
A.	Functionality: (cut-off 70%)	
	Functional Proposal	
	<p>1. Proposed methodology and analytical tools to define markets.</p> <p>Evaluation criteria:</p> <ul style="list-style-type: none"> - Did not provide an outline of methodology and analytical tools to be used = 1 - Did not provide sufficient information on methodology and analytical tools to be used = 2 - Provided only methodology and analytical tools to be used = 3 - Provided different methodologies and analytical tools to be used, and the recommendations the preferred option=4 - Provided different methodologies and analytical tools to be used with international benchmarks, and the recommendations the preferred option =5 	30
	<p>2. Experience of five years in competition law and litigation in the telecommunications sector or network industry.</p> <p>Evaluation criteria:</p> <ul style="list-style-type: none"> - One to two years' experience in competition law and litigation = 1 - Three to four years' experience in competition law and litigation = 2 - Five to six years' experience in competition law and litigation = 3 - Seven to eight years' experience in competition law and litigation =4 	10

No	Category (Cut-off 70)	Points
A.	Functionality: (cut-off 70%)	
	Functional Proposal	
	- >Nine years' experience in competition law and litigation =5	
	<p>3. Experience of 5 years in drafting research reports and recommendations and in descriptive and quantitative impact evaluation techniques (i.e. data collection, econometric modelling, counterfactual impact assessment, etc).</p> <p>Evaluation criteria:</p> <ul style="list-style-type: none"> - One to two years' experience in drafting economic research reports = 1 - Three to four years' experience in drafting economic research reports = 2 - Five to six years' experience in drafting economic research reports = 3 - Seven to eight years' experience in drafting economic research reports =4 - >Nine years' experience in drafting economic research reports =5 	30
	<p>4. Previous relevant experience in <i>ex post</i> and <i>ex ante</i> economic studies in the telecommunications industry or network industry.</p> <p>Evaluation criteria:</p> <ul style="list-style-type: none"> - One to two years' experience in economic study = 1 - Three to four years' experience in economic study = 2 - Five to six years' experience in economic study = 3 - Seven to eight years' experience in economic study =4 - >Nine years' experience in economic study =5 	30
TOTAL FOR FUNCTIONALITY CRITERIA		100