



Independent Communications Authority of South Africa

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**THE APPOINTMENT OF A PANEL OF ICT REGULATORY
RESEARCH EXPERTS TO SUPPORT THE INDEPENDENT
COMMUNICATIONS AUTHORITY OF SOUTH AFRICA
(ICASA) IN THE EXECUTION OF ITS REGULATORY
MANDATE FOR A PERIOD OF THREE YEARS**

1. PURPOSE

- 1.1 The Independent Communications Authority of South Africa ("ICASA" and or "the Authority") is mandated to regulate broadcasting, electronic communications and postal matters in the public interest and to achieve the objects set out in the underlying statutes in terms of section 2 of the ICASA Act No.13 of 2000 ("the ICASA Act"), section 2 of the Electronic Communications Act No.36 of 2005 ("the ECA") and section 2 of the Postal Services Act No.124 of 1998 ("the PSA").
- 1.2 The purpose of this bid is to appoint a panel of ICT regulatory research experts to support the ICASA in executing its regulatory mandate as outlined in its Strategic Plan 2015/16 – 2019/20 and its applicable Annual Performance Plan. The panel of ICT regulatory research experts may also be drawn upon to assist the Authority with ad hoc projects not included in the Strategic Plan and or Annual Performance Plan, as and when they develop.

- 1.3 The role of the ICT regulatory research experts will be to assist, advice and support ICASA in executing its mandate. ICASA shall as and when necessary, request the panel of ICT regulatory research experts to help, advise and/or support ICASA staff in the following areas – amongst others:
- 1.3.1 Regulatory and competition economics;
 - 1.3.2 Regulatory cost accounting, cost analysis and cost modelling;
 - 1.3.3 Regulatory compliance monitoring and management;
 - 1.3.4 Regulatory consumer protection and advocacy;
 - 1.3.5 Engineering, licensing, technical and spectrum related matters;
 - 1.3.6 Data collection, validation and analysis, including conducting surveys; and
 - 1.3.7 Access to existing research studies, reports, data, etc.

2. BACKGROUND

- 2.1 ICASA is mandated to regulate broadcasting, electronic communications and postal matters in the public interest and to achieve the objects set out in the underlying in statutes terms of section 2 of the ICASA Act, section 2 of the ECA and section 2 of the PSA.
- 2.2 Because of the research or data that is not readily available, ICASA seeks to appoint a panel of ICT regulatory research experts to provide such information on an ad hoc basic.
- 2.3 The role of the ICT regulatory research experts will be to assist, advice and support ICASA in executing its mandate.
- 2.4 ICASA shall as and when necessary, request the panel of ICT regulatory research experts to provide assistance, advice and or support to ICASA staff.

- 2.5 The panel will be limited to at most 15 (fifteen) qualifying ICT regulatory research experts. However, ICASA reserves its right to appoint a lesser number.

3. SPECIFICATIONS/TERMS OF REFERENCE

- 3.1 All appointments must be prepared to work at rates not exceeding those prescribed by the office of the Auditor-General or the Department of Public Service and Administration (DPSA).
- 3.2 The panel of ICT regulatory research experts will be expected to, during and on completion of individual projects, present to the CEO, COO, Operations Committee, Council and the project teams responsible for the respective projects on findings, conclusions and recommendations.
- 3.3 The panel of ICT regulatory research experts will be required to - as and when necessary - advise and/or support ICASA staff in the following areas:
- 3.3.1 Validation of statistical data and models as required;
 - 3.3.2 Assist the Authority in the development of regulatory guidelines as required;
 - 3.3.3 Develop research papers and/or presentations including identifying gaps in relation to existing regulatory frameworks and/or interventions and providing recommendations based on national policies and legislation and international best practice;
 - 3.3.4 Provide support to the Authority with respect to issues on consumer protection and advocacy as required;
 - 3.3.5 Provide the Authority with support in the development and/or review of cost based administrative fees with respect to various regulatory processes as and when required;

- 3.3.6 Provide support to the Authority in developing regulatory interventions including – but not limited to – identifying and/or remedying market failure, and centrally-planning the ICT sector;
- 3.3.7 Provide support to the Authority in undertaking socio-economic and regulatory impact assessments where required;
- 3.3.8 Provide support to the Authority in the consideration of the impact of national policy and/or international decisions on the work of the Authority where required;
- 3.3.9 Assist the Authority in developing research papers on the state of the ICT sector with respect to competition in the sector;
- 3.3.10 Cost Modelling - design, development and auditing of top-down bottom-up, FAC, LRIC+ and pure LRIC models of the costs of fixed and mobile network services;
- 3.3.11 Development of national broadband plans - mapping demand and likely extent of commercial supply, to identify potential gaps, and assess the feasibility and costs of technical solutions;
- 3.3.12 International spectrum policy - review of international developments and the implications thereof;
- 3.3.13 Demand-side Market forecasting – predicting the likely growth in demand for products and services;
- 3.3.14 Market reviews – identify and define relevant markets, assess the state of competition in the relevant markets,

identifying players with significant market power (if competition is found to be ineffective) and recommend appropriate remedies;

- 3.3.15 Retail and wholesale price control –setting price controls to protect consumers and promote competition;
- 3.3.16 Regulatory impact assessment - assessing the impact of proposed and/or existing regulatory interventions on operators, businesses and consumers;
- 3.3.17 Regulatory reviews of mergers and acquisitions - assessing the likely impact on competition and potential remedies;
- 3.3.18 Spectrum liberalisation – assess the potential impact of relaxing regulation on spectrum use on – amongst others - competition, digital inclusion, the cost to communicate and transformation in the ICT sector, and recommend appropriate remedies where necessary;
- 3.3.19 Spectrum trading and sharing – assist the Authority in designing and implementing of a spectrum trading and/or framework, drafting of regulations, and design and implementation of processes and systems;
- 3.3.20 Spectrum auctions - design and implementation of spectrum auctions, for both high value and lower value spectrum bands, including consultation with stakeholders, specification of licence conditions, preparation of information memoranda, drafting of regulations, and acting as auctioneer;
- 3.3.21 Spectrum competition - assessing the potential impact on downstream competition of different spectrum holdings; designing measures to protect and promote competition;

3.3.22 Spectrum valuation - use of both bottom-up (technical and commercial) and market based (benchmarked) estimates of spectrum value to support efficient spectrum allocation and reserve price setting; and

3.3.23 Spectrum pricing - development of an overarching spectrum pricing policy with the objective of promoting optimal use of spectrum.

3.4 In undertaking its work, the panel must ensure that the information and/or data provided to the Authority is accurate and reliable.

4. PERIOD OF ASSIGNMENT

4.1 All work is to be carried out in accordance with the time schedule as agreed with the Authority for a period of three years (3) from the current financial year.

5. PERFORMANCE MEASURE

5.1 The performance measures will be specified per identified requirement for each project and will be closely monitored by ICASA.

6. BRIEFING SESSION

6.1 The non-compulsory briefing session will be held after publication of the tender. The Authority will confirm the venue, date and time of the briefing session.

7. BID EVALUATION

- 7.1 The received bids will be evaluated on the 80/20 procurement principle as per the Supply Chain Management Policy and the relevant Treasury Regulations.
- 7.2 The bidder will be evaluated on (a) submission of the required documents; (b) functionality and (c) price/BB-BEE. Only bidders who meet the cut-off score of 80 out of 100 points for functionality will be considered further for price evaluation. Please see table 1 overleaf:

Content Bid Functionality: Table 1

No	Category (Cut-off 80)	Points
A.	Functionality: Pre-qualification criteria (cut-off 80%)	
	Functional Proposal	
	<ul style="list-style-type: none">Demonstrate strong experience in ICT Research. Evaluation criteria:<ul style="list-style-type: none">Two to three years' research experience in the ICT Sector = 1Four to five years' research experience in ICT Sector = 2Six to seven years' research experience in ICT Sector = 3Eight to nine years' research experience in ICT Sector =4>Ten years' research experience in ICT Sector=5	40
	<ul style="list-style-type: none">Experience in drafting reports and recommendations and in descriptive and quantitative impact evaluation techniques (i.e. data collection, econometric modelling, counterfactual impact assessment, etc).	30

No	Category (Cut-off 70)	Points
	<p>Evaluation criteria:</p> <ul style="list-style-type: none"> - Two to three years' experience in any of the functions listed under section 3.3 = 1 - Four to five years' experience in any of the functions listed under section 3.3 = 2 - Six to seven years' experience in any of the functions listed under section 3.3 = 3 - Eight to nine years' experience in any of the functions listed under section 3.3 = 4 >Ten years' experience in any of the functions listed under section 3.3 =5 	
	<ul style="list-style-type: none"> • Provision of at least three references where regulatory research expert advisory or similar work has been conducted, as well as, profiles of personnel who will be involved in the project with relevant experience and credentials. <p>Evaluation criteria:</p> <ul style="list-style-type: none"> - Did not provide references =1 - Provided one reference =2 - Provided two references =3 - Provided three references=4 - Provided four or more references=5 	30
TOTAL FOR FUNCTIONALITY PRE-QUALIFICATION CRITERIA		100