

Request for Quotation – Regulatory Advisory Support for Development of Universal Service Obligations Policy: Electronic Communications Sector

This Request for Quotation (**RFQ**) for the supply of Services is issued by the Regulatory Authority of Bermuda (the “Authority”).

This document comprises the following parts:

- Part A: RFQ Overview
- Part B: RFQ Information
- Part C: Contract Information
- Part D: Conditions of Quotation
- Part E: Quotation Form

Part A: RFQ Overview

The nature of the services to be provided (the “Services”) is set out in Sections 1, 2 and 3 of Part C.

Details about how to submit an offer to supply the Services set forth in this RFQ (“Quotation”) are set out in Section 2 of Part B.

Conditions of Quotation: Please read the Conditions of Quotation in Part D before submitting a Quotation. The RFQ Information in Part B also forms part of the Conditions of Quotation. The Conditions of Quotation are the conditions upon which the Authority is prepared to receive and evaluate Quotations. Failure to strictly observe these conditions may result in a Quotation being rejected without evaluation.

Quotation Form: The Quotation Form in Part D is a required form that must be completed. Do not separate the Quotation Form from this RFQ

document. A Quotation is likely to be rejected if the Quotation Form is not used. A Quotation must contain (or be accompanied by) all the information and details required by this RFQ.

Terms and Condition of Contract: Please provide your standard terms and conditions that apply to contracts for the supply of the Services as an attachment to the Quotation Form. Please note that the Authority reserves the right to negotiate such terms and conditions to meet the Authority’s specific needs.

Enquires and requests for further information about this RFQ should be directed to the following:

Contact: Michael Wells
Telephone: 1 441 405 6000
Email: rfq@rab.bm

Part B: RFQ Information

1. Closing date and time for submitting a Quotation: The closing date and time for submitting a Quotation is 19th May 2017 by 4pm AST.
 2. Method of submitting a Quotation: A Quotation must be submitted via email to rfq@rab.bm with the subject “**Regulatory Advisory Support for Development of Universal Service Obligations Policy: Electronic Communications Sector**”.
 3. Status of Quotation: A Quotation submitted by a prospective supplier in response to this RFQ constitutes an offer by the prospective supplier to supply the Services. The Authority may then proceed to negotiate an agreement for the provision of the Services.
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| 4. | Information to be provided by suppliers as part of Quotation: | <p>All relevant information to support the supplier establishing its skills and credentials, as per the defined Services.</p> <p>Prospective suppliers should also include an attachment to the Quotation Form (Appendix 1) setting forth the prospective supplier's applicable terms and conditions of contract, including warranty terms.</p> |
| <hr/> | | |
| 5. | Evaluation criteria: | <p>The Authority in its evaluation of Quotations will take all relevant factors into consideration, including value for money and ongoing costs, to achieve the best outcome for the Authority. In evaluating Quotations, the Authority may take into consideration factors including, but not limited to: price; experience; previous performance; capability; safety performance; and conformity with the requirements of this RFQ and relevant Authority policies.</p> |
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| 6. | Notification of outcome: | <p>It is anticipated that a successful supplier will be notified in writing of the outcome of the RFQ in due course.</p> <p>Unsuccessful suppliers will be notified at the conclusion of the procurement process.</p> |
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Part C: Contract Information

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| 1. | Services to be supplied: | <p>The Authority, pursuant to section 33 and 34 of the Electronic Communications Act 2011 (“ECA”), is required to assist the Minister with the formulation of a universal service policy and the establishment of a Funding Scheme.</p> <p>Duly, this would require expert consultancy to assist with the assessment and analysis necessary to draft a Universal Service Policy suitable for public consultation. The deliverables would include:</p> <ol style="list-style-type: none">1. Specialist evaluation of the requirements set out in a, b and c below, and a report on the findings as they apply to Bermuda:<ol style="list-style-type: none">a. Specialist assessment and analysis of target broadband download speed recommendations for the relevant service providers.b. Assessment as to whether any such potential broadband service obligation mandated upon specified operators should apply to the services provided to all residents, businesses and Government owned entities within Bermuda and 100% of the geographic coverage of Bermuda.c. Assessment as to whether the establishment of a Funding Scheme to support or promote the provision of universal service is necessary and proportionate.2. Assistance with drafting the draft consultation document which will seek public consultation on the Universal Service Policy pursuant to the findings in 1 above.3. Assistance with the drafting of a Final Report, Recommendation, Decision, Order or other relevant Administrative Determination. <p>NB: Please find in Annex A to this RFQ, a letter from the Minister regarding the Universal Broadband Services Provision, for further detail and clarity.</p> |
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Specifications applicable to the Services to be supplied:	<p>The supplier will be expected to supply the above services on the basis of:</p> <ul style="list-style-type: none"> (i) A quoted fixed fee, with a breakdown of estimated hours and rates for services. (ii) The successful supplier shall have proven telecommunications legal, and economic experience and expertise particularly in the design of Universal Service Obligations.
<p>The Authority is able to clarify any aspects of this RFQ via email or telephone.</p>	
3. Delivery date for the Services:	<p>Provision of the Services will commence on a date agreed upon by the awarded respondent and Authority.</p>
4. Location for delivery of the Services:	<p>The Services are to be provided to:</p> <p>The Regulatory Authority of Bermuda 1st Floor, Craig Appin House 8 Wesley Street Hamilton, HM 11 Bermuda</p>
5. The Authority's address details:	<p>Same as section 4 above.</p>

Part D: Conditions of Quotation

1 Conditions of Quotation

The conditions of quotation (**Conditions of Quotation**) comprise Part B and Part D of this RFQ.

2 Communications

A prospective supplier must direct all communications and enquiries concerning this RFQ to the Contact named in Part A.

Unauthorised communication by a prospective supplier with any other employee or agent of the Authority may lead to a Quotation being rejected.

3 Agreement to be bound

By lodging a Quotation, a prospective supplier agrees to be bound by the Conditions of Quotation.

4 Use of RFQ and information restricted

This RFQ, and any information provided by the Authority to a prospective supplier as part of the RFQ

process, remain the property of the Authority, and may only be used by a prospective supplier to prepare a Quotation in response to this RFQ.

5 Status of RFQ representation

No representation made by or on behalf of the Authority during the RFQ process binds the Authority unless the representation is subsequently included as part of a formal contract.

6 Confidentiality

A prospective supplier who submits a Quotation must keep the information in its Quotation confidential. Nothing in this clause prevents a prospective supplier from disclosing information in its Quotation: that is available to the public generally otherwise than as a result of a breach of this clause 6 by the prospective supplier; if the disclosure of the Quotation is required by law; or if the disclosure is to the prospective supplier's professional advisers or lenders.

Prospective suppliers should be aware that any information that submitted to the Authority, including via the Quotation process, may be subject to public disclosure pursuant to the Public Access to Information Act 2010.

7 Quotations become property of the Authority

All Quotations become the property of the Authority on submission.

8 Reservations

The Authority reserves the right at its absolute discretion to do any of the following things;

- (a) to discontinue or suspend the RFQ process; to extend the closing date and time in Section 1 of Part B; and to amend this RFQ;
- (b) to negotiate with any prospective supplier submitting a Quotation;
- (c) to determine the number of organisations with whom it will contract.

The Authority is not bound to accept the lowest, or any, Quotation submitted.

9 Content and format of Quotations

Quotations must include all the information listed in Section 4 of Part B, including Appendix 1.

A Quotation must be prepared using the Quotation Form in Part E.

10 Joint Quotations

Suppliers may submit a Quotation to jointly provide the Services with one or more other prospective suppliers. Prospective suppliers should include all relevant information of all applicable prospective suppliers in such 'Joint Quotation', with the respective price offer for each supplier, in addition to the information required as detailed in Part E.

11 Alternative offers

Suppliers may submit an alternative proposal if it is clearly identified as an 'Alternative Offer' wherever it fails to comply with this RFQ.

A prospective supplier who submits a Quotation which meets the requirements in this RFQ in an

alternative and practical manner, taking into account the totality of those requirements, must include any supplementary material, together with the associated price, which demonstrates, in detail, that the Alternative Offer will fully achieve all the requirements.

The Authority reserves the right either to consider Alternative Offers on their merits or not to consider them further.

12 Monetary amounts

All monetary amounts must be expressed in **US Dollars**.

13 Preparation of Quotation

The Authority will neither be responsible, nor pay, for any cost, expense or loss, which may be incurred by any person in connection with the preparation or presentation of a Quotation.

14 Exclusion of liability

The Authority is not liable for any error or omission in this RFQ.

15 Validity

A Quotation constitutes an unalterable offer by the prospective supplier to the Authority. A Quotation must remain valid and open to be accepted for at least 60 business days from the later of the date of submission and date specified in Section 1 of Part B, or as extended under clause 8.

16 Submission of Quotations

A Quotation must be submitted by the closing time and date specified in Section 1 (Part B) of the RFQ Information Table, or as extended under clause 8, and in the manner specified in Section 2 (Part B) of the RFQ Information Table.

Submission by email will be at the sole risk of the prospective supplier. A Quotation may be rejected if it contains a virus, worm or other defect, or if the Quotation does not comply with any format, size or other requirements stated in Section 2 of the RFQ Information Table.

Part E: Quotation Form

To: The Regulatory Authority of Bermuda

I/We:

	(the Supplier)
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(insert name)

hereby offer to supply to the Authority the Services (specified in this RFQ) in accordance with the terms and conditions set forth in this RFQ.

Price:

The price offered (the "Price") is:

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(insert offered price)

The Supplier's details for the service of Notices will be as follows:

Address:	
Email:	
Contact person or position:	

(insert details, use BLOCK LETTERS)

I/We confirm the following supplementary documentation has been submitted with this offer:

Information / Document Description	No. of pages

I/We declare that:

- (a) the Conditions of Quotation are agreed; and
- (c) the information and particulars provided as part of this offer are accurate and correct.

Dated:

(insert date)

Supplier Signature

Signed by the Supplier:

Signature: →

*Print name and office held:

Signature: →

*Print name and office held:

ANNEX A



Government of Bermuda
Ministry of Economic Development
OFFICE OF THE MINISTER

February 10, 2017

Ms. Angela Berry - Chairman
Regulatory Authority
Craig Appin House (1st Floor)
8 Wesley Street
Hamilton HM 11

BY EMAIL

Dear Ms. Berry:

Universal Broadband Service Provision

As you are aware, as the Minister responsible for Telecommunications, I may from time to time request that the Regulatory Authority assist me in formulating and implementing policies and regulations as necessary for the efficient and effective delivery of telecommunication services, including universal service provisions and funding pursuant to Part 6 of the Electronic Communications Act 2011 (the "ECA").

Also, as per Section 32 of the ECA, I may make general policies and, as necessary, regulations concerning the provision of universal service by one or more providers of public electronic communications, including;

- a) The types of services that shall be subject to mandatory universal service provision;
- b) Whether any particular type or group of users should be eligible for certain universal services pursuant to social tariffs, and
- c) The sources of any special funding for the provision of these services, if required, and the basic framework of any funding scheme that may be deemed necessary, in accordance with Section 34 of the ECA.

Therefore in accordance with Section 33 of the ECA, I request that the Regulatory Authority provide assistance in formulating and potentially implementing a universal broadband service obligation with a specific level of broadband download speed(s) that applies to specific types of customer.

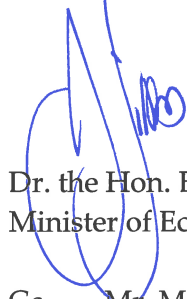
I note from your letter of January 16, 2017 that typical best-practice for a Government (and/or regulator's) assessment of potential universal service obligations relating to broadband, should include a specified target download speed as the focus of analysis and consultation. In this context, the Authority has recommended that:

- i) A 50mbps broadband download speed be the target for consultation, with such a universal broadband speed obligation potentially being mandated on BTC and One Communications (including the Logic and Cablevision ICOL license holders); and that
- ii) The consultation should also assess whether any such potential broadband service obligation mandated upon specified operators should apply to the services provided to all residents, businesses and Government owned entities (e.g. schools and Government offices) within Bermuda and to 100% of the geographic coverage of Bermuda.

I concur and agree that the Authority should, in carrying out its functions as per Section 33, pursue its analysis and consultations with all sectoral participants with respect to the above noted recommendations.

Finally and with regard to Section 34 of the ECA, the Authority may, on its own initiative, and upon request of the Minister, prepare a report, following public consultation, that assesses whether the establishment of a funding scheme (contributed to by relevant operators) to support or promote the provision of universal service is necessary and proportionate. I note in your letter of January 16, 2017 that the Authority is ready to commence such work and produce such a report, specifically as to whether a funding scheme is necessary. I therefore request that the Authority commence this work, accordingly.

Yours sincerely



Dr. the Hon. E. Grant Gibbons, JP, MP
Minister of Economic Development

Cc Mr. Matthew Copeland - Chief Executive of the Regulatory Authority
Permanent Secretary of the Ministry of Economic Development