



# **SPECTRUM MANAGEMENT AUTHORITY**

## **REQUEST FOR PROPOSAL**

**For Licence in the 700 MHz Spectrum (Band 13)**  
**(SMA - RFP700-2021-02-01)**

**February 9, 2021**

**...Shaping Your Future with Wireless...**

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# 1 Section I: Request for Proposal for The Award of 700 MHz (Band 13)

## 1.1 Important notice

This Request for Proposal ("RFP") is prepared by the Spectrum Management Authority (SMA) in connection with the proposed award of a Spectrum Licence in the 700 MHz frequency band and bears reference number, *SMA-RFP-700-2021-02-01*.

It is made available on the express understanding that it will be used for the sole purpose of assisting the recipient of this RFP in deciding whether it wishes to proceed with a further investigation of possible participation in the process. This RFP is not intended to form any part of or influence any investment decision or other evaluation or any decision to participate in the RFP and should not be considered as a recommendation by the SMA or its advisers to any recipient of this RFP to participate in the RFP. Each recipient of this RFP must make its own independent assessment of the potential value of the licence after making such investigation as it may deem necessary in order to determine whether to participate in the RFP.

While the information contained in this RFP is believed to be accurate as at the time of publication, it has not been independently verified. Neither the SMA, nor any of the SMA's respective directors, officers or employees make any representation or warranty (express or implied) nor accept, nor will accept, any responsibility or liability as to, or in relation to, the accuracy or completeness of the information contained in this RFP or any other written or oral information made available to any interested party or its advisers. Any liability in respect of any such information or any inaccuracy in this RFP, or omission from this RFP, is expressly disclaimed. In particular, but without prejudice to the generality of the foregoing, no representation or warranty is given as to the achievement or reasonableness of any future projections, estimates, prospects or returns contained in this RFP. This RFP does not constitute an offer nor the basis or any part of any contract which may be concluded in relation to the Award Process or in respect of any award of Spectrum Licences.

Recipients of this RFP shall not construe the content of this RFP, or any other communication by or on behalf of the SMA or any of its advisers, as financial, legal, tax or other advice. Accordingly, each recipient of this RFP should consult its own professional advisers as to financial, legal, tax and other matters concerning any potential participation in the RFP.

This RFP is available at [www.gojep.gov.jm](http://www.gojep.gov.jm). In the event of any discrepancy between different versions, the latest published version on the Government of Jamaica Electronic Procurement (GoJEP) is definitive.

Following the issue of this RFP, the SMA reserves the right to make available additional relevant information through the publication of further

documentation. All requests for information will be handled in accordance with the Access to Information Act, 2000.

The questions received from Parties responding to the RFP will be published anonymously on GoJEP in whole or in part. The identity of those asking the questions will not be published and requests for confidentiality of subject material will be considered in accordance with the need for transparency in the conduct of the evaluation of bids. It will be the responsibility of each interested party to check the GoJEP website for updates.

## 1.2 The terms used in this document

The capitalized words or phrases listed below have specific meanings when used within this document:

- **Active Period** means the date specified by the SMA, from which no party involved with the RFP process is allowed to communicate with any other party who is or may participate in the RFP process.
- **Award of the Licence** means the fulfilment of the conditions for the award of the 700 MHz Band 13 by the Winner of the RFP resulting in the assignment of the said spectrum.
- **BDS** means the Bidding Data Sheet.
- **Bid Security** means the bank guarantee or other form of security as set out in Appendix 3 and submitted by a bidder together with a bid to secure the obligations of the bidder relating to participating in this RFP and the obligation to apply for and secure the requisite licences once the bid is accepted.
- **Bidders** mean the companies responding to the RFP who shall be private entities registered as limited liability companies.
- **Close of the RFP** means the date and time by which proposals must be submitted.
- **Deposit** means 50% of the Minimum Bid which must be paid as a condition for taking part in the RFP and which shall be refunded to unsuccessful bidders only.
- **Financial Proposal** means the amount of money a Qualified Bidder bids for the 700 MHz Band 13 licence bearing in mind the coverage, rollout and other obligations associated with it.
- **Key Expert** means the personnel resource referred to in the BDS
- **Licence Conditions** means the specific obligations which any licence holder will have to meet and which are detailed within the licence
- **List of Unserved and Underserved Communities** means the Geographic areas subject to special rollout conditions as specified in the licence.
- **Minimum Bid** means the sum of US\$15,000,000.00 which the bids in the Financial Proposal must exceed.
- **Minimum Technical Score** means the points set out by the BDS that bidders must obtain in order to move to the next stage of the assessment.
- **Mobile Service** means a radiocommunication service between mobile and land stations, or between mobile stations.

- **OUR** means the Office of Utilities Regulation.
- **Outstanding Balance** means the difference between the deposit and the winning bid.
- **Pre-qualification Criteria** means the set of requirements which Bidders must meet in order for their Technical Proposal to be assessed.
- **Pre-qualification Stage** means the checking of Technical Proposals to determine whether they meet the Pre-qualification Criteria.
- **Qualified Bidder** means the Bidder which is deemed by the SMA to have met the Pre-qualification Criteria.
- **Request for Proposal** means this document, which is an invitation to submit offers to provide mobile services in 700 MHz Band 13.
- **SMA** means the Spectrum Management Authority.
- **Technical Proposal** means the document which sets out a description of the proposed service, the network diagram, description of the proposed facilities that are to be deployed and the ability to comply with regulatory obligations and the financial information as to the ability of the Bidder to sustain the project.
- **Tie Breaker Stage** means a further stage of The RFP process if two or more Qualified Bidders have bid the same amount in their Financial Proposal *and* that amount is also the highest amount bid.
- **Tied Bidders** means two or more Qualified Bidders who have bid the same amount in their Financial Proposal *and* that amount is also the highest amount bid.
- **Winner of the RFP** means the Qualified Bidder who submitted the highest bid.
- **Winning Bid** means the highest bid submitted by a Qualified Bidder.

### 1.3 Background

The Government of Jamaica (GoJ) has a mandate to promote increased competition, establish universal access and ultimately bridge the immediate gap of connecting those citizens that are unserved as well as providing service to underserved areas.

In 2013, the GoJ, in keeping with global trends and consistent with its policy objectives to promote increased competition and to provide all Jamaicans with access to ubiquitous communications connections, sought to make additional spectrum available for licensing. In particular, the GoJ approved the licensing of the 700 MHz to accommodate mobile broadband wireless services.

Seven (7) years later, notwithstanding the increase in fixed and mobile penetration across the island, there remains a significant portion of the country either without, or without adequate, access to broadband connectivity. In this regard, the GoJ has determined that advancing the country's broadband coverage is an accelerated priority and has directed that Band 13 of the 700 MHz Band be licenced immediately and that the process be guided by the following objectives:

- Increase broadband access to unserved and/or underserved areas;
- Promote competition, innovation and diversity in the telecommunications sector; and
- Ensure the optimal return, in the shortest possible time, for the spectrum assigned.

Accordingly, the SMA is issuing this RFP for the following lot:

1. Band 13 (2 x 10MHz) of the 700 MHz mobile band.

The licence for this band will have roll-out conditions and other obligations attached, which are outlined in more detail in the specimen licence in Appendix 5. The Winner of the RFP must have the necessary expertise, experience and financing to roll out and maintain the network to the required specifications. To ensure this is the case all interested parties must first pass a Pre-qualification Stage, as described in Section II below.

## 1.4 Present situation

*Figure 1: Existing Broadband penetration\**

Subscription type	Penetration Rate
Mobile Broadband	59%
Fixed Broadband	13%

The digital sector within Jamaica is currently underdeveloped and this reality was supported by the Broadband Development Index, which ranked Jamaica 52<sup>nd</sup> among the 65 countries analysed by their level of digital development.

The existence of the above low percentages of penetration, has further perpetuated the reality of the digital divide that exists amongst the citizens of Jamaica. The main cause of these low levels of access was identified to be the lack of digital infrastructure and limited coverage from 4G networks.

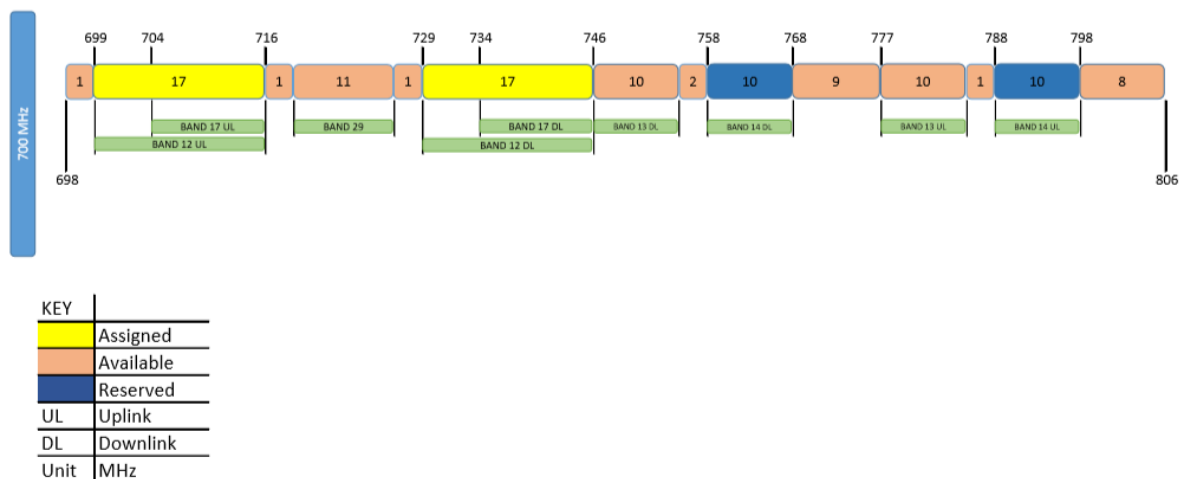
Affordability of broadband services is another cause of this divide. Due to the socio-economic reality of these communities, the requisite services to provide connectivity are not available to them.

## 1.5 Spectrum resources

The band on offer, Band 13 of the 700 MHz band, is ideally suited to the provision of a mobile network offering voice and data. It is globally harmonized, with both a mobile allocation at the International Telecommunications Union (ITU) and is part of the 3GPP mobile standards (see 700 MHz band plan below).

\* OUR Observatory 3<sup>rd</sup> Quarter 2020 July - September.





The beneficial propagation qualities of 700 MHz means that the cost of covering underserved areas is much lower than using other higher frequency mobile bands.

If the Winner of the RFP is a new entrant, it may be offered the use of 2x10 MHz spectrum in 1900 MHz or the AWS bands without fees for the duration of the initial licence term. Additionally, grant of licence and regulatory fees associated with backhaul spectrum to facilitate reasonable network roll-out may be waived for the duration of the licence subject, in each case, to Cabinet Approval.

## 1.6 The impact of other policy initiatives

The GoJ is currently developing a Broadband Plan with the following objectives:

1. seeking universality of access;
2. boosting adoption and usage;
3. improve quality and coverage for health, education and government services through broadband;
4. guaranteeing affordability;
5. promoting entrepreneurship and local content creation;
6. creating new business models and boosting competition;
7. boosting ICT exports; and
8. increasing enterprises' competitiveness.

Among the measures under consideration which will directly help the future 700 MHz licensee are the expansion of the backbone fibre network and measures designed to improve the connections to public buildings such as Municipal Corporation offices, police stations and community centres. These could include making it easier to site base stations on public buildings.

## 2 Section II: Pre-Qualification Criteria

Parties responding to the RFP must fulfil the following criteria, with supporting documents,<sup>†</sup> so far as relevant, to become a Qualified Bidder:

1. The Bidder must be the holder of, have applied for or include in the response an application for the grant of the requisite telecommunications licence(s) issued by the responsible Minister;<sup>‡</sup> which permits the holder to offer mobile services to the public or to own or operate a mobile network.
2. A statement as to whether the bidder has been assigned existing spectrum.
3. A declaration that the Bidder is not connected with other Bidder (s) or existing operators.
4. Establish the constitution or legal status, place of registration, and principal place of business;<sup>§</sup> written power of attorney of the signatory of

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<sup>†</sup> Original or certified copies. Certified copies must be done by the issuing authority. For example certificates of incorporation must be certified by the Companies Office of Jamaica.

<sup>‡</sup> For application procedures see <https://www.our.org.jm/ourweb/>

<sup>§</sup> The documentation must include:

- i. Certified Copies of relevant documents of incorporation for relevant jurisdiction:
  1. For incorporation of Jamaican companies which took effect prior to February 2004:
    1. Certificate of Incorporation
    2. Memorandum of Association
    3. Articles of Association
  2. For incorporation of Jamaican companies which took effect subsequent to February 2004:
    1. Certification of Incorporation
    2. Articles of Incorporation
  3. For Companies incorporated outside of Jamaica the equivalent documents as required by the Companies Act of Jamaica.
- ii. Other particulars of Bidder, including
  1. address of company's registered office,
  2. name of principal Bidder (must be a Director of the Company) and contact details including telephone and fax numbers as well as e-mail address(es)
  3. name of company's Technical Officer and contact details including telephone and fax numbers as well as e-mail address(es).
- iii. A detailed list of the shareholders inclusive of the absolute and percentage value of shareholdings and organizational chart showing the relationship between the shareholders and any connected person.
- iv. A detailed list of all current and former Directors of the Company, including dates and positions.
- v. Certificate of Good Standing from the Companies Office of Jamaica

the RFP to commit the Bidder. Valid Tax Compliance Certificate (TCC).

5. The Company, its officers and principals of the Bidder or any of them:
  - have not been convicted of an offence in Jamaica or elsewhere involving dishonesty, within the five years immediately preceding the commencement of this RFP or have been charged with, any offence under the Telecommunications Act.
  - is an undischarged bankrupt.
  - is not solvent or the subject of winding up proceedings.
  - the supplier's affairs are being managed or administered by a court.
  - in the opinion of the SMA is not a person -
    1. of sound probity; or
    2. able to exercise competence, diligence and sound judgment in fulfilling its responsibilities in relation to the RFP.
6. The Bidder shall submit a technical proposal which must include an appropriately labelled high-level diagram showing the network facilities that it proposes to deploy as explained in Clause 3.10.
7. The Bidder must submit financial information which demonstrates their financial viability with respect to the current project which shall include the information set out in Clause 3.10.
8. The Bidder must detail their expected income from the network, and the SMA must be satisfied that these are reasonable. Details should include the information set out in Clause 3.10.
9. The Bidder must pay the deposit and a non-refundable application fee in the sum of J\$70,000.00.
10. Litigation History.

Each of the criteria will be judged on a pass/fail basis and Bidders must pass on all criteria to become a Qualified Bidder.

The SMA will assess each application objectively, in making a determination on whether all the Criteria has been met. The SMA's judgment will be final. Any information later shown to be false will disqualify the bidder.

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vi. Completed Declaration of Bidder Form witnessed in the presence of a Justice of the Peace or Notary Public.

### 3 Section III: Instructions to Bidders

The Bidder is required to submit two (2) sets of documents, the Technical Proposal and the Financial Proposal (hereinafter referred to together as “the Proposal”), by the Close of the RFP. The Bidder will submit by the uploading two (2) sets of documents, a Technical Proposal and a Financial Proposal, in two separately sealed electronic envelopes. The proposals will be assessed in three stages:

1. The Pre-qualification Stage
2. Evaluation of the Technical Proposals
3. Opening of the Financial Proposals

#### 3.1 Preparation of Proposals

The Bidder is expected to examine all instructions, forms, terms, and specifications in the RFP. Failure to furnish all mandatory information or documentation required by the RFP shall result in the rejection of the Proposal.

#### 3.2 Cost of Preparation of Proposal

The Bidder shall bear all costs associated with the preparation and submission of its Proposal, and the SMA shall not be responsible or liable for those costs.

The SMA shall incur no liability by virtue of it exercising its right to cancel the RFP prior to the confirmation of a Winner of the RFP or where a Bidder is otherwise disqualified.

#### 3.3 Language

The Proposal, as well as all correspondence and documents relating to the Proposal exchanged by the Bidder and the SMA, shall be written in the English language.

#### 3.4 Documents Comprising the Proposal

The Proposal shall comprise the documents and forms in the Appendices and listed in the **BDS**.

#### 3.5 Only One Proposal

The Bidder shall submit only one Proposal and such bid shall be from a limited liability Company. If any Bidder submits or participates in more than one Proposal, all such Proposals shall be disqualified and rejected.

### 3.6 Proposal Validity

Proposals shall remain valid for the period **specified in the Bidding Data Sheet** after the Proposal submission deadline date prescribed by the SMA. A Proposal valid for a shorter period shall be rejected by the SMA as non-responsive. During this period, the Bidder shall maintain its original Proposal without any change, including the availability of the Key Experts, the proposed costs and the financial proposal.

If it is established that any Key Expert nominated in the Bidder's Proposal was not available at the time of Proposal submission or was included in the Proposal without his/her confirmation, such Proposal shall be disqualified and rejected for further evaluation and may be subject to sanctions in accordance with the Public Procurement Act, 2015.

### 3.7 Extension of Validity Period

The SMA will make its best effort to complete the evaluations within the Proposal's validity period. However, should the need arise, the SMA may request, in writing, all Bidders who submitted Proposals prior to the submission deadline to extend the Proposals' validity.

If the Bidder agrees to extend the validity of its Proposal, it shall be done without any change in the original Proposal and with the confirmation of the availability of the Key Experts.

The Bidder has the right to refuse to extend the validity of its Proposal in which case such Proposal will not be further evaluated.

### 3.8 Substitution of Key Experts

If any of the Key Experts become unavailable for the extended validity period, the Bidder shall provide adequate written justification and evidence satisfactory to the SMA together with the substitution request. In such case, a replacement Key Expert shall have equal or better qualifications and experience than those of the originally proposed Key Expert. The technical evaluation score, however, will remain to be based on the evaluation of the CV of the original Key Expert.

If the Bidder fails to provide a replacement Key Expert with equal or better qualifications, or if the provided reasons for the replacement or justification are unacceptable to the SMA, such Proposal will be rejected.

### 3.9 Clarification, Amendment and Withdrawal of RFP

A prospective Bidder requiring any clarification of the RFP shall submit such requests through the Government of Jamaica Electronic Procurement (GoJEP) web-based system. The requests must be received prior to the period stated in

the BDS. The SMA shall provide its response to all those who have acquired the RFP directly from it, including a description of the inquiry but without identifying its source.

Should the SMA deem it necessary to amend the RFP as a result of a clarification or the pre-Proposal meeting, it shall do so in accordance with the procedure set out in this sub-paragraph.

At any time prior to the close of the RFP, the SMA may, for any reason, whether on its own initiative or in response to a clarification requested by a prospective Bidder, amend the RFP. Later amendments on the same subject modify or replace earlier ones.

Amendments will be issued through GoJEP.

In order to afford prospective Bidders reasonable time in which to take the amendment into account in preparing their proposals, the SMA may, at its discretion, extend the deadline for the submission of proposals, in which case, the SMA will notify all Bidders in writing of the extended deadline for the submission of proposals, pursuant to this RFP.

If the clarification results in the RFP becoming materially inaccurate the SMA shall withdraw and reissue the RFP. Bidders who obtained these original documents will be permitted to participate without penalty.

The deadline for submission of requests for clarification is two (2) weeks after the publishing of the RFP.

### **3.10 Technical Proposal Format and Content**

The Technical Proposal shall include financial information. A Technical Proposal which does not contain the requested financial information shall be declared non-responsive. The financial information shall list all plans and costs associated with the assignment, including. For the avoidance of doubt the Technical proposal shall include the following:

- i. A description of the proposed service. The Bidder shall identify, and give clear and precise descriptions of, the telecommunications service(s) for which the licence application is made. The description of the proposed services shall include:
  - How the service(s) will generally be utilised by target users (e.g. Residential, small businesses, other service providers). Provide practical examples as necessary.
  - How the service(s) will be delivered end to end. The technical means by which a customer will access the service must be clear. It must also be made clear whether the Bidder will be

deploying its own network to provide the service(s) or if it will rely primarily on wholesale facilities of other licensees.

- The intended coverage areas upon launch of the service(s).
  - The expected service(s) launch date.
- ii. A detailed description of the network and a network diagram. The key network elements illustrated in the network diagram must be identified by make and model. To the extent practicable, the network illustration shall be presented in a manner that the following can be clearly identified:
- The network connection paths, for the relevant telecommunications services, from points (subscribers, networks etc) of origin to the destination (subscribers, networks, etc.). Where applicable, customer premises equipment must be shown on the network diagram.
  - The main switching/service hosting sites, other points of presence and transmission routes as well as the major network communications link - wired (copper or fibre) or wireless - between nodes.
  - Value added service (VAS) platforms as well as key operational and support systems (e.g. Billing, DNS, DHCP servers).
  - Where appropriate, any facilities/infrastructure in the network that are not owned by the Bidder.
  - How the network will be interconnected with other public telecommunications networks.
  - Where network facilities are located (within or outside of Jamaica).
- iii. The Bidder must supply a network plan which provides a detailed description of how the key elements (identified by make and model) illustrated in the network diagram will function to provide the proposed service(s). The network description shall also outline:
- The intended geographic coverage of the network upon the commissioning of the facilities taking into account - population density, project scalability, use of existing infrastructure, and improved reliability.
  - The type of radio spectrum to be used.
  - The implementation schedule showing that the Bidder is able to meet the geographic rollout and timescales.

- Use of appropriate technologies for the provision of wide-scale voice and mobile broadband services.
  - Use of infrastructure with the capacity to scale up in order to meet potential future needs, including an increase in number of premises and other future capacity constraints on the network.
  - Use of infrastructure and network solutions components to manage and recover from failures and degradation and the ability to resolve these issues.
- iv. The financial information shall include:
- Their spending plans for the network and which satisfy the following criteria with supporting material.
  - Demonstrate that the network will be built to the required standards at the lowest cost possible.
  - Include infrastructure capital and operational costs, expected operational expenses.
  - Expected capital costs in relation to project design and expected maintenance costs.
  - Audited Financial statements and/or Cashflow projections for five (5) years and validated ability of financing e.g. comfort letter from your Financial Institution.
  - The Anticipated income shall include:
    - i. Anticipated revenues (based on the average revenue per user);
    - ii. Anticipated uptake that results in New Connections, year over year, within five years of Network Rollout.
- v. Qualification and experience of Key Experts. The Bidder must demonstrate that its Key Experts are qualified and/or have sufficient experience. There must be technical and operational evidence of the following:
- how the knowledge and experience of the company's officers meet the stipulated criteria;
  - CVs for the senior officers of the company and copies of relevant academic certificates and professional qualifications;



- planning a mobile network;
- running the business aspects of a mobile network particularly finances, marketing and customer care; and
- management of a company of a similar size.

The Bidder is required to submit the Technical Proposal using the Standard Forms provided in the BDS of the RFP.

### 3.11 Financial Proposal

The Financial Proposal shall be prepared using the Standard Forms provided in Appendix 1 of the RFP. The Financial Proposal shall be the Bidder's final bid/price for the 700 MHz spectrum. It must be accompanied by the Bid Securing Declaration as set out in Form 5 of the BDS and which shall be treated as conclusive evidence of the bid security.

### 3.12 Submission, Sealing, and Marking of Proposals

The Bidder shall upload its Proposal to the GoJEP and when so uploaded it shall be the "ORIGINAL".

The Proposals shall be typed, digitally entered or written in permanent ink and shall be signed by a person duly authorized to sign on behalf of the Bidder, verified with a company stamp in the presence of a named witness. All pages must also be initialed by the authorized person. This authorization shall consist of a power of attorney as set out in Appendix 8 and shall be attached to the Proposal.

Any interlineations, erasures, or overwriting shall be valid only if they are signed or initialed by the person signing the Proposal.

Proposals shall be submitted electronically as specified in the **BDS**.

Bidders submitting proposals electronically shall follow the GoJEP procedures as described on its website and in the Quick Guide for Suppliers in Appendix 4.

### 3.13 Confidentiality

Information relating to the examination, evaluation, comparison, and post-qualification of Proposals, and recommendation of the award, shall not be disclosed to Bidders or any other person(s) not officially concerned with such process until publication of the Award

Any effort by a Bidder or any person to influence the SMA in the examination, evaluation, comparison, and post-qualification of the proposals or spectrum award decisions, shall result in the rejection of its Proposal.

Notwithstanding this Clause 3.13, from the time of Proposal opening to the time of Award, if any Bidder wishes to contact the SMA on any matter related to the bidding process, it should do so in using GoJEP.

### 3.14 Opening of Technical Proposals

For electronic bidding, GoJEP shall prepare a Proposal opening report that shall include, as a minimum: (i) the name and the address of the Bidder (ii) the presence or absence of a duly sealed envelope with the Financial Proposal; (iii) any modifications to the Proposal submitted prior to Proposal submission deadline; and (iv) any other information deemed appropriate or as indicated in the **BDS**. A copy of the report will be distributed to all Bidders who submitted a Proposal.

Envelopes marked “WITHDRAWAL” shall be opened and read out and the envelope with the corresponding Proposal shall not be opened but returned to the Bidder. If the withdrawal envelope does not contain a copy of the “power of attorney” confirming the signature as a person duly authorized to sign on behalf of the Bidder, the corresponding Proposal will be opened. No Proposal withdrawal shall be permitted unless the corresponding withdrawal notice contains a valid authorization to request the withdrawal and is read out at Proposal opening.

Envelopes marked “MODIFICATION” shall be opened and read out with the corresponding Proposal.

No Proposal modification shall be permitted unless the corresponding modification notice contains a valid authorization to request the modification and is read out at Proposal opening. Only envelopes that are opened and read out at Proposal opening shall be considered further.

All other envelopes shall be opened one at a time, reading out: (i) the name and the address of the Bidder; (ii) the presence or absence of a duly sealed envelope with the Financial Proposal; (iii) any modifications to the Proposal submitted prior to Proposal submission deadline; and (iv) any other information deemed appropriate or as indicated in the **BDS**.

The SMA shall prepare a record of the Proposal opening.

The Bidders’ representatives who are present shall be requested to sign the attendance sheet.

A copy of the record shall be distributed to all Bidders who submitted proposals in time and posted online.

### 3.15 Late Bids

The SMA shall not consider any Proposal that arrives after the deadline for submission of Proposals.

Late submissions will be automatically rejected by GoJEP. Bidders are therefore urged to commence the uploading of their proposals at least two (2) hours prior to the submission time. The SMA will not be held liable for proposals that are not submitted on time due to late commencement of upload. At the FIRST sign of any technical difficulties kindly make contact with the Ministry of Finance and the Public Service's Customer Service Desk at the following contact numbers: (876) 932-5220, 876-932-5246, 876-932-5251, 876-932-5244.

### 3.16 Proposals Evaluation

Subject to provision of Clause 3.9 of this RFP, the evaluators of the Technical Proposals shall have no access to the Financial Proposals until the technical evaluation is concluded.

The Bidder is not permitted to alter or modify its Proposals in any way after the Proposal submission deadline **except as permitted under** Clause 3.9 of this RFP. While evaluating the Proposals, the SMA will conduct the evaluation solely on the basis of the submitted Technical and Financial Proposals.

### 3.17 Evaluation of Technical Proposals

The SMA shall evaluate the Technical Proposals on the basis of their responsiveness to the RFP, applying the evaluation criteria, sub-criteria, and point system specified in the BDS. Each responsive Proposal will be given a technical score. A Proposal shall be rejected at this stage if it does not respond to important aspects of the RFP or if it fails to achieve the Minimum Technical Score indicated in the BDS.

### 3.18 Public Opening of Financial Proposals

Financial Proposals will only be opened in relation to those designated as Qualified Bidders.

After the technical evaluation is completed, the SMA shall notify those Bidders whose Proposals were considered non-responsive to the RFP or did not meet the minimum qualifying technical score (and shall provide information relating to the Bidder's overall technical score, as well as scores obtained for each criterion and sub-criterion) that their Financial Proposals will be returned unopened after completing the selection process.

The SMA shall simultaneously notify in writing the Qualified Bidders of the date, time and location for the opening of the Financial Proposals. The opening date should allow the Qualified Bidders sufficient time to make arrangements for attending the opening. The Qualified Bidder's attendance at the opening of the Financial Proposals is optional and is at the Bidder's choice.

The Financial Proposals will be opened electronically in the presence of the authorised representatives of those Bidders whose Proposals have passed the Minimum Technical Score. At the opening, the names of the Bidders, and the overall technical scores, including the break-down by criterion, shall be read aloud. The Financial Proposals will then be inspected to confirm that they have remained secured and unopened. These Financial Proposals shall be then opened, and the bid prices read aloud and recorded. Copies of the record shall be sent to all Bidders who submitted Proposals.

The company bidding the highest amount will be confirmed as the Winner of the RFP.

### **3.19 The Bid**

The bid made in the Financial Proposal must be more than the Minimum Bid of **Fifteen Million United States Dollars (US\$15,000,000.00)**.

### **3.20 Taxes**

The Bidder is responsible for meeting all tax liabilities arising out of the award unless stated otherwise in the **BDS**.

### **3.21 Currency of Proposal and Payment**

The currency(ies) of the Proposal and the currency(ies) of payments shall be the same. The Bidder shall quote the Bid or proposal price in United States Dollars.

### **3.22 Correction of Errors**

No corrections shall be permitted in relation to the Proposal. In the event of a conflict between words and figures, the words shall prevail.

The SMA's evaluation of the Bidder's Financial Proposal shall exclude taxes and duties in Jamaica in accordance with the instructions in the **BDS**.

### **3.23 Collusion and Anti-Competitive Behaviour**

From a date specified by the SMA, known as the "Active Period" no party involved with the process is allowed to communicate with any other party who is, or may

participate in the process. The “Active Period” would typically begin two (2) weeks after the RFP was published.

### **3.24 Deposits**

The required Deposit can be cash paid into the nominated bank account set out in Appendix 9 and/or an irrevocable letter of undertaking from an authorised financial institution pursuant to the Bank Services Act as set out in Appendix 3.

If a company is not accepted as a Qualified Bidder, its deposit without interest will be returned within thirty (30) days.

Deposits from Qualified Bidders will be retained by the SMA and returned to them if they do not win the RFP.

The Deposit from the Winner of the RFP will be cashed by the SMA and they will be liable for the difference between their deposit and the winning bid.

### **3.25 Procedure in Relation to Tied Bids**

If the highest amount has been offered by two or more Qualified Bidders, then the process will move to a tie breaker by way of a coin toss following on the agreement of the tied bidders as to whether heads or tails constitutes the Winner of the RFP.

### **3.26 Conditions for the Award of the Spectrum Licence**

The licence will be issued to the Winner of the RFP in accordance with these conditions:.

- The deposit paid by that Bidder will be immediately released or demanded.
- The Winner of the RFP must commit to pay the Outstanding Balance in ten (10) equal instalments over the first ten (10) years of their licence commencing one year after the date of the award or the date stated in the spectrum licence. They will be informed of the payment dates by the SMA.
- Pass the OUR Due Diligence process and the Technical Requirements.
- Be granted the relevant Telecommunications Licences by the OUR.

**Bidders must observe the aggregate spectrum cap of 120 MHz.**

**In the event an incumbent is declared the Winner of the RFP, it will be required to relinquish other spectrum with similar technical characteristics (i.e. low band for low band) that is above the**

established cap. The frequencies to be relinquished will be determined by the SMA in consultation with the entity and must be relinquished no later than nine (9) months after the award of the 700 MHz licence.

Where frequencies are to be relinquished in accordance with the cap the pro-rated value of the spectrum being relinquished will be used to offset the spectrum price to be paid by the Winner of the RFP. The pro-rated value would be based on the licensing fee paid at the time of acquisition of the spectrum being relinquished and the validity period remaining on the Spectrum Licence.

### 3.27 The close of the RFP

The RFP will close at 3:00 pm on March 9, 2021 and will open the Technical Proposal at 3:15 pm. The Winner of the RFP will be announced as soon as possible afterwards.

## 4 Section IV: The Spectrum Licence

### 4.1 Rights Conferred by the Spectrum Licence

The Spectrum Licence gives the Licensee the right to use the spectrum to offer mobile broadband services to the public in Jamaica via radio transmitting and receiving stations and/or radio apparatus, subject to the terms and conditions of the Licence. The Spectrum Licence will not mandate the technology to be used.

The Spectrum Licence is a secondary licence to the required OUR licenses mentioned above and can only be awarded to a company which has the necessary OUR Licences.

### 4.2 Licence conditions to ensure provision of services to unserved and underserved communities

The 700 MHz licence on offer comes with a series of conditions to ensure provision of services to unserved and underserved communities. The Winner of the RFP is legally obliged to fulfil these conditions, which include:

1. The geographic areas which must be provided with voice and mobile broadband services
2. Technical conditions for strength of coverage described.
3. Timescales for roll-out (see specimen licence)

These Licence Conditions are given in detail in the Specimen Licence which is included in Appendix 5.

### 4.3 Frequency Ranges

The Spectrum Licence will entitle the Licensee to use the frequencies that are awarded to it.

### 4.4 Term, Revocation and Suspension

The duration of the Spectrum Licence shall be fifteen (15) years and is renewable subject to the licensee's compliance with the terms and conditions of the Spectrum Licence and accordance with the provisions of the Telecommunications Act, 2000 as amended. Licensees will be expected to use the spectrum in an efficient manner. The Spectrum Licence is neither assignable nor transferrable in whole or in part.

The Spectrum Licence may be suspended or revoked in accordance with section 23A of the Telecommunications Act.

### 4.5 Spectrum Licence Fees

Users of the spectrum are required to pay Spectrum Licence fees. In respect of the Spectrum Licence to be granted via the RFP, the Spectrum Licence fee for the initial term of fifteen (15) years will be determined through the Award Process. This will be a one-time payment due at the end of the RFP process as above.

At the end of the Initial Term (15 years), the Minister, in consultation with the SMA, shall determine the parameters for renewal and determine the applicable fees to be paid by the Licensee to facilitate the renewal of the Spectrum Licence for another period.

### 4.6 Spectrum Regulatory Fees

Licensees who acquire **access spectrum** shall each pay annual Regulatory Fees effective one (1) year after the granting of a mobile Spectrum Licence. This Annual Regulatory Fee is applicable over the duration (i.e. Licence Term) of the applicable Spectrum Licences. Annual Regulatory Fees to be charged to each Spectrum Licensees shall be determined based on **The Telecommunications (Spectrum Regulatory Fees) (Amendment) Regulations, 2017** which sets out the formula for apportioning the total annual Regulatory Fees referred to as the **Aggregate Base Fee**, for the qualified Spectrum Licensees. Notwithstanding the licence tenure, the payment of the annual Regulatory Fee is a condition precedent to validate the respective licences by or before their respective anniversary dates. Consequently, a Spectrum Licence shall become invalid if the annual Regulatory Fee is not paid. The SMA reserves the right to review these fees at periodic junctures in order to ensure that said fees are reasonable and at a minimum, covers the normal operating costs of the SMA pursuant to section 26 of the Telecommunications Act, 2000.

#### **4.7 Radio Equipment: Technical Conditions**

The Spectrum Licence will contain the minimum necessary restrictions on the permitted use of the spectrum to manage the risk of harmful interference and to ensure compliance with the SMA's duties as managers of the spectrum. Licensees will be required to submit technical details for proposed radio communication equipment to the SMA for review and approval, which includes Type Approval Certification. A schedule of technical information will be prepared and appended to the Spectrum Licence awarded.

#### **4.8 Access and Inspection**

Licensees will be required to permit persons authorized by the SMA, that is, staff or authorized agents, to have access to and to examine and test the radio equipment specified in the Spectrum Licence at all reasonable times. The purpose would be to ensure that the radio equipment is being used in accordance with the conditions of the Licence.

#### **4.9 Modification, Restriction and Closedown**

The SMA shall require the radio equipment in use or any part of it to be modified, restricted, or temporarily or permanently closed down if:

- A Licensee has breached the terms of its Licence; and/or
- The use of the radio equipment is or may be causing or contributing to interference to the operation of other licensed or authorized spectrum users.

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## 5 Section V: Bidding Data Sheet

The following specific data for the 700 MHz Mobile Licence to be granted shall complement, supplement, or amend the provisions in the RFP. **Whenever there is a conflict, the provisions herein shall prevail over those in RFP.**

RFP Clause Reference	A. General
RFP 1.1	The issuing entity is: <i>Spectrum Management Authority (SMA)</i>
RFP 1.1	The name and identification number of the RFP are: <i>SMA-RFP-700-2021-02-01</i>
RFP 1.3	The number, identification and names of the lot comprising this RFP are: <i>Band 13 (2 x 10MHz) of the 700 MHz mobile band.</i>
RFP 1.3	Bidding will be conducted in accordance with <i>the provisions of the GOJ Public Procurement Act (2015), The Public Procurement Regulations, 2018 and procedures for Government of Jamaica Electronic Procurement (GOJEP) System procedures as further defined in the GOJEP System: Quickguide for Suppliers.</i>
RFP 2	Prequalification of Bidders will be undertaken.
RFP 2	<b>Overseas and National Bidders</b> will be required to obtain a valid Tax Compliance Certificate (TCC) to qualify for the bid. <b>It is required upon bid submission.</b>  For more information on acquiring a TCC please visit <a href="http://www.jamaicatax.gov.jm">http://www.jamaicatax.gov.jm</a>
RFP 2.1	The Project is: <i>Roll-out and Implementation of Network in the areas specified in Appendix 6 of the RFP.</i>
<b>B. Instructions to Bidders</b>	
RFP 3	<i>As in RFP</i>
<b>C. Preparation of bids</b>	
RFP 3.3	The language of the bid shall be in <b>English</b> .  Any documentation received in other languages is to be accompanied by the English translation. If not, the translation will be requested, failure to supply the requested translation in the given timeline will result in the document being disqualified from the Bidder's proposal.
RFP 3.4	The Bidder shall submit the following additional documents in its bid:  1. All appropriate Bid Submission Forms as detailed in the RFP and for these purposes shall comprise the following documents:  a. Form1 - Company Information Requirements

	<ul style="list-style-type: none"> <li>b. Form 2 - Qualification Information</li> <li>c. Form 3 - Legal Information</li> <li>d. Form 4 - Client Reference Form</li> <li>e. Form 5 - Bid-Securing Declaration</li> <li>f. Form 6 - Technical Proposal Submission Form (TECH-1)</li> <li>g. Form 6 - Bidder's Organization and Experience (TECH-2)</li> <li>h. Form 6 - Description of Approach, Methodology and Roll-Out plan (TECH-3)</li> <li>i. Form 6 - Organisational Structure, Team Composition and Curriculum Vitae (TECH 4)</li> <li>j. Appendix 1: Financial Proposal - Bid Form (Separate Envelope)</li> <li>k. Appendix 2: Bidder Compliance Certificate</li> <li>l. Appendix 3: Irrevocable Letter of Undertaking</li> <li>m. Appendix 8: Power of Attorney</li> <li>n. Schedule of Requirements Forms (as required)</li> </ul> <p>2. Detailed technical proposal including the technical requirements and the financial information</p> <p>3. Other Supporting Documentation</p>
RFP 3.5	Alternative proposals <i>shall not</i> be considered.
RFP 3.6 RFP 3.7	The bid validity period shall be <i>One Hundred and Eighty (180)</i> days from deadline for submitting bids which is the 5 <sup>th</sup> day of September, 2021.
RFP 3.9	<p><i>All clarifications must be submitted through the GOJEP System at <a href="https://www.gojep.gov.jm">https://www.gojep.gov.jm</a>. Copies of all clarifications received will be available through the GOJEP System.</i></p> <p><i>Alternatively, if there are problems accessing the GoJep system, requests for clarification can be sent to:</i></p> <p><i>Attention: Managing Director</i>  <i>The Spectrum Management Authority</i></p> <p><i>Address: 13-19 Harbour Street,</i>  <i>Kingston. Jamaica W.I.</i></p> <p><i>Telephone: Land (876) 967-79483 / 922-8884</i></p> <p><i>Facsimile number: (876) 618-1901</i></p> <p><i>Electronic mail <a href="mailto:rfp700frequency@sma.gov.jm">rfp700frequency@sma.gov.jm</a></i>  <i>address:</i></p> <p><i>E-mail Subject: SMA-RFP-700-2021-02/01</i></p> <p><i><u>Emails shall only be used as SECONDARY method of clarification.</u></i></p> <p><i>The deadline for receipt of clarification is Tuesday, February 23, 2021 @ 4:00 p.m., Jamaica Time (UTC-5).</i></p>

RFP 3.12	<p><i>Electronic bid submission ONLY one bid will be submitted (uploaded) and this shall be the ORIGINAL.</i></p> <p><b>BIDDERS ARE URGED TO COMMENCE BID UPLOAD IN A TIMELY MANNER AND AT LEAST TWO (2) HOURS PRIOR TO THE SUBMISSION TIME. THE ISSUING ENTITY WILL NOT BE HELD LIABLE FOR BIDS NOT SUBMITTED ON TIME DUE TO LATE COMMENCEMENT OF BID UPLOAD. AT THE FIRST SIGN OF ANY TECHNICAL DIFFICULTIES, BIDDERS MUST MAKE CONTACT WITH THE OFFICE OF PUBLIC PROCUREMENT POLICY: (876) 932-5220, 932-5253, 932-5246.</b></p>
<p><b>D. Submission and Opening of bids</b></p>	
RFP 3.12	<p>Bidders shall submit their Bids electronically via the GoJeP Procurement system at <a href="https://www.gojep.gov.jm">https://www.gojep.gov.jm</a></p> <p>Bidder's must register online at <a href="https://www.gojep.gov.jm">https://www.gojep.gov.jm</a> and follow instructions detailed on the website.</p> <p><b>The terms and conditions of use and an operating manual of the website are provided on the web portal, <u>e-GP System: Quick Guide for Suppliers</u>. Also <u>instructions for bid submission are detailed in the attached "GoJEP Quick Guide"</u> - Appendix 4 of the RFP.</b></p> <p><b>Exceptionally Large Submissions</b></p> <p>The system has a file size limit of 99MB for Bid submissions.</p> <p>The Government of Jamaica's e-Government Procurement Portal allows for offline tender submissions. However, to facilitate this, Bidders will be required to provide an electronic copy of their proposals in PDF format on Digital Media (i.e. CD, DVD, USB Drive) readable on Microsoft® Windows® Operating System. This submission should be placed in the Tender Box at the physical location referred to in section 3.9 BDS before the deadline for Bid submission. Submissions received after the deadline will not be accepted.</p> <p>Bidder's must still be registered online at <a href="https://www.gojep.gov.jm">https://www.gojep.gov.jm</a> in order to make a submission (online or offline).</p> <p><b>No hard copy document should be submitted.</b></p>
RFP 3.12	<p>For bid submission purposes, the issuing entity's address is <b>NOT</b> to be used.</p> <p>Your proposal should be done in <b>PDF</b> format and submitted via the GOJ's e-GP Procurement system at <a href="https://www.gojep.gov.jm">https://www.gojep.gov.jm</a></p> <p>The deadline for the submission of bids is:</p> <p>Date: <b>March 9, 2021.</b></p> <p>Time: <b>3:00 p.m., Jamaica Time (UTC-5)</b></p> <ul style="list-style-type: none"> <li>• <i>The system will reject all late submission.</i></li> <li>• <i>It is recommended that Bidders submit their bids well in advance of the deadline. This will give sufficient time to resolve technical or network issues which may prevent your bid being transmitted.</i></li> </ul>

	<b><u>ALL BIDS MUST HAVE THE REQUIRED SIGNATURES AND SUPPORTING DOCUMENTATION.</u></b>
RFP 3.14	The bid opening shall take place at: Date: <b>March 9, 2021.</b> Time: <b>3:15 p.m., Jamaica Time (UTC-5)</b>
RFP 3.14	Proposal opening will be generated electronically from the GoJ e-GP system. An online Tender opening report will be sent to all Bidders that submitted a proposal.
<b>E. Evaluation and Comparison of bids</b>	
RFP 3.15	Alternative times for completion <i>are not</i> permitted.
RFP 3.17	Evaluation of Technical Proposals.
RFP 3.21	<i>The Bidder shall be required to quote in United States Dollars.</i> <b>The Bidder's price should be quoted in United States Dollars (USD).</b>
RFP 3.24	<b>A Deposit of 50%:</b> <b>1. made into the Issuing Entity's bank account. <u>OR</u></b> <b>2. in the form of an Irrevocable Letter of Undertaking in form of the document in RFP - Appendix 1</b> <b>Failure to comply with either 1 or 2 above will result in the rejection of the Bidder's proposal.</b>
<b>F. Award of Licence</b>	
<b>3.26</b>	The Winner of the RFP will be assigned the spectrum in accordance with the conditions set out herein. The Deposit paid by that Bidder will be immediately released or demanded. The Winner of the RFP must commit to pay the outstanding balance in ten (10) equal instalments over the first ten (10) years of their licence commencing one year after the date of the award or the date stated in the Spectrum Licence. They will be informed of the payment dates by the SMA. <ul style="list-style-type: none"><li>• Pass the OUR Due Diligence process.</li><li>• Be granted the relevant Telecommunications Licences by the OUR.</li><li>• Bidders must observe the aggregate spectrum cap of 120 MHz.</li></ul> In the event an incumbent is declared the Winner of the RFP, it will be required to relinquish other spectrum with similar technical characteristics (i.e. low band for low band) that is above the established cap. The frequencies to be relinquished will be determined by the SMA in consultation with the entity and must be relinquished no later than nine (9) months after the award of the 700 MHz licence. Where frequencies are to be relinquished in accordance with the cap the pro-rated value of the spectrum being relinquished will be used to offset the spectrum price to be paid by the Successful Bidder. The pro-rated value would

	be based on the licensing fee paid at the time of acquisition of the spectrum being relinquished and the validity period remaining on the Spectrum Licence.
<b>RFP 3.25</b>	If the highest amount has been offered by two or more Qualified Bidders then the process will move to a break the tie by a coin toss following on the agreement of the tied Bidders as to whether heads or tails constitutes the Winner of the RFP.

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## 6 Section VI. Evaluation and Qualification Criteria (Including Post-Qualification)

This section describes the approach that the Issuing Entity will adopt during the evaluation of proposals and the level of input that Bidders will be expected to provide during this period. This section also identifies the evaluation timetable and describes the process for awarding a licence.

The Issuing Entity will evaluate and compare the bids that have been determined to be substantially responsive, pursuant to Clauses 3.16 and 3.17 of the RFP.

### Overall Evaluation Process

The Bidders' proposals shall be evaluated as follows:

- (1) A pre-qualification evaluation that shall entail an examination of the bid documents to determine adherence to eligibility requirements outlined in Clause 2 of the RFP;
- (2) A detailed evaluation of the Bidders' Technical Proposal, which includes the Financial Information as stated in Section Clause 3.10 of the RFP. Bidders shall attain a minimum technical score of 70 points to move to the next stage of assessment.
- (3) A Financial Proposal, OUR Due Diligence and risk assessment of the Bidders.

All offers that comply with all instructions given in the RFP document will be ranked according to the following weightings with the highest total being the most preferred:

- Technical Competence - 70%
- Financial Information - 30%

### Eligibility Assessment

Interested Bidders must provide information establishing that they are qualified to perform the above services, including proof of experience in carrying out similar projects. Bidders wishing to be pre-qualified for this project must demonstrate the ability to satisfy the eligibility criteria below.

- (1) The Bidder must be the holder of, have applied for or include in the response an application for the grant of the requisite Telecommunications Licence(s) issued by the responsible Minister;<sup>5</sup> which permits the holder to offer mobile services to the public or to own or operate a mobile network.
- (2) A declaration that the Bidder has not been assigned existing spectrum such that the further assignment of the 700 MHz licence would result in the licensee exceeding the relevant spectrum cap.

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<sup>5</sup> For application procedures see <https://www.our.org.jm/ourweb/>

- (3) A declaration that the Bidder is not connected with other Bidder(s) or existing operators.
- (4) Establish the constitution or legal status, place of registration, and principal place of business; written power of attorney of the signatory of the RFP to commit the Proposer. Valid Tax Compliance Certificate (TCC). (*Please see Form 1 - Company Information Requirements*)

### **Important Note - Assessment**

The Eligibility Section of this evaluation is mandatory and only the bids that satisfy the eligibility requirements will be short-listed for the detailed Technical Proposal Assessment. The bids that do not satisfy the eligibility requirements will be deemed as ineligible and will be disqualified.

### **Technical Proposal Assessment**

This stage involves the evaluation of both the technical and financial information provided by the Bidder. The evaluation shall take into account the competence and experience of the Bidders' technical team as well as the financial standing and projections of the Bidder. The determination shall be based on the Bidder's fulfilment of the following categories of requirements as stated in Clause 3.10 of the RFP:

- Technical Competence
- Financial Information

### **TECHNICAL COMPETENCE**

In accordance with Clause 3.10, of the RFP, it was requested that the Bidders submissions include the several pieces of documentation which will be assessed as follows and scored as set out in the Evaluation Matrix herein.

### **Qualification and Experience of Key Personnel**

The Bidder must demonstrate that its key personnel are qualified and/or have sufficient experience. There must be technical and operational evidence of the following:

- How the knowledge and experience of the company officers meets the stipulated criteria;
- Curriculum Vitae (CVs) for the senior officers of the company and copies of relevant academic certificates and professional qualifications;
- Planning a mobile network;
- Running the business aspects of a mobile network particularly finances, marketing and customer care; and
- Management of a company of a similar size.

### **Description of the Proposed Service**

The Bidder shall identify, and give clear and precise descriptions or, the telecommunications service(s) for which the licence application is made. The description of the proposed services shall include:

- How the service(s) will generally be utilised by target users (eg. Residential, small businesses, other service providers). Provide practical examples as necessary.
- How the service(s) will be delivered end to end. The technical means by which a customer will access the service must be clear. It must also be made clear whether the Bidder will be deploying its own network to provide the service(s) or if it will rely primarily on wholesale facilities of other licensees.
- The intended coverage areas upon launch of the service(s).
- The expected service(s) launch date.

### **Description of Network/Network Diagram**

The Bidder shall submit an appropriately labelled high-level diagram showing the network facilities that it proposes to deploy. The key network elements illustrated in the network diagram must be identified by make and model. To the extent practicable, the network illustration shall be presented in a manner that the following can be clearly identified:

- The network connection paths, for the relevant telecommunications services, from points (subscribers, networks etc) of origin to the destination (subscribers, networks, etc.). Where applicable, customer premises equipment must be shown on the network diagram.
- The main switching/service hosting sites, other points of presence and transmission routes as well as the major network communications link - wired (copper or fibre) or wireless - between nodes.
- Value added service(VAS) platforms as well as key operational and support systems (eg. Billing, DNS, DHCP servers).
- Where appropriate, any facilities/infrastructure in the network that are not owned by the Bidder.
- How the network will be interconnected with other public telecommunications networks.
- Where the network facilities are located (within or outside of Jamaica).

### **Description of Network Plan**

The network description shall also outline:

- The intended geographic coverage of the network upon the commissioning of the facilities taking into account - population density, project scalability, use of existing infrastructure, and improved reliability.
- The type of radio spectrum to be used.
- The implementation schedule showing that the Bidder is able to meet the geographic rollout and timescales.



- Use of appropriate technologies for the provision of wide-scale voice and mobile broadband services.
- Use of infrastructure with the capacity to scale up in order to meet potential future needs, including an increase in number of premises and other future capacity constraints on the network.
- Use of infrastructure and network solutions components to manage and recover from failures and degradation and the ability to resolve these issues.

## **FINANCIAL INFORMATION**

In this section, the Bidder will be evaluated based on its majority compliance with the financial information requirements as set out in Clause 3.10 of the RFP. The Bidder should provide information in response to the following matters below.

- (1) The Bidder must detail their expected income from the network, and the GoJ must be satisfied that these are reasonable. Details should include:
  - Anticipated revenues (based on the average revenue per user).
  - Anticipated uptake that results in New Connections, year over year, within five (5) years of Network Rollout.
- (2) The Bidder must pay a returnable Deposit and a non-fundable application fee in the sum of Seventy Thousand Jamaican Dollars (J\$70,000.00) (Provide evidence of payment by or before the bid submission time).
- (3) The Bidder must supply information demonstrating their financial viability with respect to the current project which shall include:
  - Spending plans for the network which satisfy the following criteria with supporting documentation.
  - Demonstrate that the network will be built to the required standards at the lowest cost possible.
  - Include infrastructure capital and operational costs, expected operational expenses.
  - Expected capital costs in relation to project design and expected maintenance costs.
- (4) Audited Financial statements (for the three most recent financial years) and/or Cashflow projections (for five (5) years), with validated evidence of the company's ability to finance the roll-out of its network e.g. confirmation and/or comfort letters from their respective Financial Institution(s).

## EVALUATION MATRIX

This section sets out the approach regarding how the SMA shall use to information required in the sections above to evaluate bids and qualify Bidders. The Bidder shall provide all the information requested in the format of the prescribed forms as indicated.

### Prequalification Evaluation Checklist

Item	Mandatory Requirements	Response	
1	Certificate of Incorporation	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2	Memorandum of Association (if applicable)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3	Articles of Association	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4	Particulars of Bidders (company address, name of Principal Bidder etc)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5	Valid Tax Compliance Certificate (TCC)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6	Certificate of Good Standing	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7	Completed Sealed and signed Financial Proposal	Yes <input type="checkbox"/>	No <input type="checkbox"/>
8	Holder or provisionally recommended for grant of Telecommunications Licence(s) which permits the holder to offer mobile services to the public or to own or operate a mobile network	Yes <input type="checkbox"/>	No <input type="checkbox"/>
9	Holder of Domestic Mobile Spectrum Licence	Yes <input type="checkbox"/>	No <input type="checkbox"/>
10	Declaration of spectrum assignment	Yes <input type="checkbox"/>	No <input type="checkbox"/>
11	Declaration that Bidder is not affiliated with another Bidder or existing operator	Yes <input type="checkbox"/>	No <input type="checkbox"/>
12	Litigation History	Yes <input type="checkbox"/>	No <input type="checkbox"/>
13	Financial Information	Yes <input type="checkbox"/>	No <input type="checkbox"/>
14	Payment of non-refundable application fee	Yes <input type="checkbox"/>	No <input type="checkbox"/>

**Technical Proposal Evaluation Sheet**

Evaluation Criteria	Maximum	Score
<p><b>Incentive for New Entrant</b></p> <ul style="list-style-type: none"> <li>- Bidder must not have operated a mobile network in Jamaica at any point in time (10)</li> <li>- Otherwise (0)</li> </ul>	<b>10</b>	
<p><b>Adequacy and timeliness of proposed service rollout in meeting requirements set out in the RFP</b></p> <p><b>For new entrants,</b> After forty-eight (48) months, proposed rollout plan satisfies the following:</p> <ul style="list-style-type: none"> <li>I. 95% population coverage of the entire country at a minimum download data rate of two (2) Mbps under peak traffic conditions. <span style="float: right;"><b>7</b></span></li> <li>II. 95% population coverage of communities classified as unserved or underserved at a minimum download data rate of 2 Mbps under peak traffic conditions. <span style="float: right;"><b>10</b></span></li> <li>III. Service launch date of no more than twelve (12) months after grant licence <span style="float: right;"><b>3</b></span></li> </ul> <p style="text-align: center;"><b>OR</b></p> <p><b>For incumbents,</b> After 24 months, proposed rollout plan satisfies the following:</p> <ul style="list-style-type: none"> <li>IV. 95% population coverage of the entire country at a minimum download data rate <span style="float: right;"><b>7</b></span></li> </ul>	<i>Max - 20</i>	

<p>of 2 Mbps under peak traffic conditions.</p> <p>V. 95% population coverage of communities classified as unserved or underserved at a minimum download data rate of 2 Mbps under peak traffic conditions</p> <p>VI. Service launch date of no more than six (6) months after grant licence</p> <p><i>(&gt;=95% population coverage = 10 points, &gt;75% population coverage = 6 points, &lt;50% population coverage = 3 points)</i></p>	<p>10</p> <p>3</p>	
<p><b>Adequacy and quality of the proposed Network Plan &amp; Diagram in meeting the requirements set out in RFP</b></p> <ul style="list-style-type: none"> <li>- Backhaul network plan designed to illustrate an efficient reuse of frequencies such as not to cause any harmful interference.</li> <li>- Access network designed to illustrate an optimum frequency re-use plan.</li> <li>- Bidders must submit geographic coverage maps showing proposed service areas.</li> </ul> <p><i>(Points will awarded for the use of channel plans which follow ITU-R regulations, efficient frequency reuse, adherence to path length or any other spectrum</i></p>	<p><b>Max - 20</b></p> <p>10</p> <p>7</p> <p>3</p>	

<p><i>engineering technique that will enable spectral efficiency)</i></p>		
<p><b>Experience and Qualifications of key personnel that will be assigned to the project:</b></p> <p><b>I. ICT Specialist/Technical Lead:</b></p> <ul style="list-style-type: none"> <li>• Post Graduate degree in ICT, Computer Science, Engineering or related field;</li> <li>• At least 10 years’ experience in the telecommunications sector, with practical experience in designing and deploying a mobile network.</li> </ul> <p><b>II. Project Management Specialist:</b></p> <ul style="list-style-type: none"> <li>• Professional Certification in project management (PMP or equivalent cert.)</li> <li>• At least seven (7) years’ experience managing projects of a similar nature, size and value.</li> </ul> <p><b>III. Financial Resource:</b></p> <ul style="list-style-type: none"> <li>• Post Graduate degree and/or equivalent professional certification (CPA/ACCA)</li> <li>• At least ten (10) years’ experience working in a senior role in the field of accounting and finance.</li> </ul> <p><i>(Post Graduate degree = full pts (50% of allocated pts); or Bachelor’s degree = 25% of allocated pts; or equivalent certification.</i></p> <p><i>(Actual years of experience/ required years of experience) x weight [50% of allocated pts]</i></p>	<p><b>Max - 20</b></p> <p>10</p> <p>6</p> <p>4</p>	

<p><b>Ability of Bidder to adequately finance the proposed project</b></p> <p>Is the company considered a viable or a going concern entity?</p> <ul style="list-style-type: none"> <li>- <i>Examine the audit opinion in the company's audited financial statements, or the statement from the independent auditor on the company's 5-year cashflow projection.</i></li> </ul> <p>Does the company have adequate capital to roll out its planned network?</p> <ul style="list-style-type: none"> <li>- <i>Examine the confirmation statements or comfort letters from the financial institution(s) to confirm the adequacy of the company's required financing.</i></li> </ul> <p>Does the company's 5-year cashflow projection indicate that its projected operating and capital expenditures are comprehensive and reasonable for the roll-out?</p> <ul style="list-style-type: none"> <li>- <i>Review the 5-year cashflow projection in addition to the statement from the independent auditor for confirmation of same.</i></li> </ul> <p>Does the company's 5-year cashflow indicate that the projected revenue is deemed reasonable and adequate to cover its operational and capital expenditures.</p> <ul style="list-style-type: none"> <li>- <i>Review the 5-year cashflow projection in addition to the statement from the independent auditor for confirmation of same.</i></li> </ul>	<p><b>Max - 30</b></p> <p>5</p> <p>10</p> <p>7</p> <p>8</p>	
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## FORM 1 - COMPANY INFORMATION REQUIREMENTS

The SMA will examine the submissions and verify the required mandatory pieces of information regarding the company's status have been submitted by the Bidder. The documentation must include:

1. Certified Copies of relevant documents of incorporation for relevant jurisdiction:

For incorporation of Jamaican companies which took effect prior to February 2004:

- a) Certificate of Incorporation
- b) Memorandum of Association
- c) Articles of Association

For incorporation of Jamaican companies which took effect subsequent to February 2004:

- a) Certification of Incorporation
- b) Articles of Incorporation

2. Other particulars of Bidder, including:

- a) Address of company's registered office,
- b) Name of principal Bidder (must be a Director of the Company) and contact details including telephone and fax numbers as well as e-mail address(es)
- c) Name of company's Technical Officer and contact details including telephone and fax numbers as well as e-mail address(es).

- 3. A detailed list of the shareholders inclusive of the absolute and percentage value of shareholdings and organizational chart showing the relationship between the shareholders and any connected person.
- 4. A detailed list of all current and former Directors of the Company, including dates and positions.
- 5. Certificate of Good Standing from the Companies Office of Jamaica
- 6. Completed Bidder Compliance Certificate - witnessed in the presence of a Justice of the Peace or Notary Public (See Form Appendix 2, RFP).

### Important Note

Overseas Bidders will be allowed to submit the equivalent of these required documents from their jurisdiction. For example, company documents such as those stated in **1(a), 1(b), 1(c) and 5**.

## FORM 2 - QUALIFICATION INFORMATION

### 1. BIDDER'S IDENTITY

• Name: \_\_\_\_\_

• Address: \_\_\_\_\_

• Tel/Fax: \_\_\_\_\_

• E-mail: \_\_\_\_\_

• Contact Person: \_\_\_\_\_

• Authorized signatory

Name: \_\_\_\_\_ Signature \_\_\_\_\_

### 2. THE COMPANY, ITS OFFICERS AND PRINCIPALS OF THE BIDDER OR ANY OF THEM:

Item	Mandatory Requirements	Response	
1	Have been convicted of an offence in Jamaica or elsewhere involving dishonesty, within the five years immediately preceding the commencement of this RFP or have been charged with, any offence under the Telecommunications Act?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2	Is an undischarged bankrupt?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3	Is not solvent or the subject of winding up proceedings.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4	The company's affairs are being managed or administered by a Court?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5	Has the company previously been assigned spectrum such that the further assignment of the 700 MHZ licence would result in the licensee exceeding the relevant spectrum cap?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

### 3. PREVIOUS ASSIGNMENT OF SPECTRUM

- If your answer is "Yes" for item 5 above, please outline the details of your situation. Explain \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## FORM 3 - LEGAL INFORMATION

### 1. CONNECTED PARTIES

Item		Response (Yes/No)
1.	Are you connected to any other Bidder?	
2.	Are you connected to any existing operator(s)?	

### 2. LITIGATION HISTORY

The Bidder shall state whether or not there is any litigation or arbitration resulting from contracts completed or under execution by it over the last five (5) years and provide accurate information in connection. A consistent history of awards against the Bidder may result in failure of application.

The following questions pertain to both the business entity and to individuals in your organization while they were directors, officers, employees or otherwise associated with the organization. If the answer to any question is yes, please explain the circumstances and the final outcome. Additional explanations and documents may be attached on a separate sheet.

- a) Has your organization/individual ever been named as a target in a criminal investigation conducted by law enforcement of any country?
- b) Has your organization/individual ever been indicted for bid rigging, collusion, bribery or any anti-competitive conduct?
- c) Has your organization/individual ever been a party to criminal litigation regarding breach of the Telecommunications Act or any other associated policy?
- d) Has your organization/individual ever been found liable in any civil proceeding under a jurisdiction's anti-trust statute?
- e) Has your organization/individual ever been a party to criminal litigation involving an alleged violation of business enterprise laws or regulations?
- f) Has your organization/individual ever been suspended or debarred, either permanently or temporarily, from bidding on or contracting for any government Telecommunications projects?
- g) Are there any suspension or debarment proceedings presently pending against your organization/individual?
- h) Has any civil action been instituted against a performance or payment bond written by a surety on which you (or any of your officers) were named as a principal?
- i) Has any jurisdiction ever terminated or suspended a contract or licence granted to your

organization by reason of default?

- j) Has any public body ever declined to award you a bid on the basis of a finding that your organization was not a responsible Bidder? If yes, provide details on a separate sheet.

### **3. LETTER OF AUTHORIZATION**

The Bidder shall provide a letter of authorization containing the following statement:

The Spectrum Management Authority, its directors and authorized representatives are hereby authorized to conduct any enquiries or investigations to verify the statements, documents and information submitted in connection with this application and to seek clarification from our bankers, affiliates, associates and clients regarding any financial and technical aspects. This Letter of Authorization will also serve as authorization to any individual or authorized representative of any institution referred to in the supporting information, to provide such information deemed necessary and requested by you to verify statements and information provided in this application or with regard to the resources, experience and competence of <Name of Company>.

## FORM 4 - CLIENT REFERENCE FORM

The Managing Director  
Spectrum Management Authority  
13-19 Harbour Street  
Kingston, Jamaica West Indies

Name of Company for which reference is being provided:

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Address:

---

Location Served:

---

Duration of Contract:

---

### Ratings Points:

Excellent = 10, Good = 8, Satisfactory = 5, and Unsatisfactory = 0.

1. How was standard of the overall quality of service offered?

Excellent	Good	Satisfactory	Unsatisfactory
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. How reliable is the service that was provided?

Excellent	Good	Satisfactory	Unsatisfactory
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. How responsive is the company to complaints or system problems?

Excellent	Good	Satisfactory	Unsatisfactory
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. How would you rate the overall customer service initiatives of the company?

Excellent	Good	Satisfactory	Unsatisfactory
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. Being compared to established industry standards, how current is the infrastructure and products of the network?

Excellent	Good	Satisfactory	Unsatisfactory
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. How is the quality of service provided during unfavorable weather?

Excellent	Good	Satisfactory	Unsatisfactory
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. Is the system fully functional during the loss grid power?

Excellent	Good	Satisfactory	Unsatisfactory
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8. Do you currently engage this company? Yes ( ) No ( )

9. Please give comments on the performance of this company

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Name of person providing reference




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Signature\_\_\_\_\_

Company\_\_\_\_\_

Title\_\_\_\_\_

Contact No. \_\_\_\_\_

FORM 5 - BID-SECURING DECLARATION

<INSERT COMPANY LETTER HEAD>

*[The bidder shall fill in this Form in accordance with the instructions indicated.]*

Date: *[date (as day, month and year)]*

Ref No.: SMA -RFP700-2021 //02/01

To: Managing Director  
Spectrum Management  
Authority  
13-19 Harbour Street  
Kingston  
Jamaica W.I.

We, the undersigned, declare  
that:

We understand that, according to your conditions, bids must be supported by a Bid- Securing Declaration.

We accept that we will automatically be suspended from being eligible for bidding in any contract with the issuing entity for the period of time of *Three Years (3)* starting on *the date of expiration of our bid validity period of one hundred and eighty (180) days as set out in the BDS*, if we are in breach of our obligation(s) under the bid conditions, because we:

- a. have materially modified or withdrawn our bid during the period of bid validity specified in the BDS; **OR**
- b. if a bidder does not accept a correction of errors in accordance with RFP Clause 3.9;

OR

- c. having been notified of the acceptance of our bid by the SMA during the period of bid validity, fail or refuse to fulfill the obligation to apply for and secure the requisite licences once the bid is accepted.

We understand this bid Securing Declaration shall expire if we are not the successful bidder, upon the earlier of (i) our receipt of your notification to us advising of the name of the successful bidder; or (ii) twenty-eight days (28) after the expiration of our bid.

Name: \_\_\_\_\_

In the capacity of: \_\_\_\_\_

Signature: \_\_\_\_\_

Duly authorized to sign  
**the quotation for and on** \_\_\_\_\_  
behalf of:

**Date on:**

Day                      Month                      Year

Corporate Seal (where appropriate)

**[THE REMAINDER OF THIS PAGE IS LEFT INTENTIONALLY BLANK]**

## 7 Section VII. Technical Proposal - Standard Forms

[Notes to Bidder shown in brackets [ ] throughout Section VII provide guidance to the Bidder to prepare the Technical Proposal; they should not appear on the Proposals to be submitted.]

### 7.1 Checklist of Required Forms

Required for FTP or STP[*], (✓)		FORM	DESCRIPTION	Page Limit
FTP	STP			
✓	✓	TECH-1	Technical Proposal Submission Form.	✓
		Power of Attorney	See Appendix 8 of the RFP	✓
✓		TECH-2	Bidder's Organization and Experience.	
✓	✓	TECH-3	Description of the Approach, Methodology, and Rollout Plan	
✓	✓	TECH-4	Organisational Structure, Team Composition, Key Experts Inputs, and attached Curriculum Vitae (CV)	

**All pages of the original Technical and Financial Proposal shall be initialled by the same authorized representative of the Bidder who signs the Proposal.**

## Form 6 - TECH-1: Technical Proposal Submission Form

[Company Location, Date]

To: **The Managing Director  
Spectrum Management Authority  
13-19 Harbour Street  
Kingston, Jamaica West Indies**

Dear Sirs:

We, the undersigned, offer to provide rollout and implement the project [associated with the award of the RFP and assigning of the 700MHz in connection with the SMA-RFP700-2021-02-01](#) in accordance with your Request for Proposal dated February 9, 2021 and our Proposal.

We are hereby submitting our Proposal, which includes this Technical Proposal and a Financial Proposal sealed in a separate envelope. We hereby declare that:

- (a) All the information and statements made in this Proposal are true and we accept that any misinterpretation or misrepresentation contained in this Proposal may lead to our disqualification by the SMA.
- (b) Our Proposal shall be valid and remain binding upon us for the bid validity period as specified in the **BDS**.
- (c) We have no conflict of interest in accordance with the RFP or Public Procurement Act, 2015 or the Public Procurement Regulations, 2018.
- (d) We meet the eligibility requirements as stated in RFP - 3/Pre-Qualification Checklist, and we confirm our understanding of our obligation to abide by the Government's policy in regard to prohibited practices as per RFP/Bidder's Compliance Declaration.
- (e) Our Proposal is binding upon us.
- (f) We hereby agree that in competing for (and, if the award is made to us, in executing and maintaining) the rollout plan, we undertake to observe the laws against fraud and corruption, including bribery, in force in Jamaica. We hereby agree



that in competing for (and, if the award is made to us, in executing) the project, we undertake to observe the laws against fraud and corruption, including bribery, in force in Jamaica.

**We undertake**, if our Proposal is accepted and the license awarded, to initiate the project related to the assignment no later than the timelines set out in the bidding data sheet and the conditions of the licence **and shall provide reports within thirty (30) days** of the end of each rollout obligation as stipulated in the licence such reports are to be submitted to the Managing Director of the SMA.

We understand that the SMA is not bound to accept any Proposal that the SMA receives. We understand that the SMA may cancel the RFP at any time prior to the acceptance of the successful Proposal or after the successful Proposal is accepted if

- (i) the Bidder presenting the Proposal is disqualified under the Public Procurement Act, 2015 or regulations;
- (ii) the RFP is cancelled;
- (iii) the Bidder presenting the successful Proposal is excluded on the grounds of corruption, unfair competition and a conflict of interest; or
- (iv) the RFP, the Proposal or the Bidder contravenes or is otherwise not compliant with the provisions of the Public Procurement Act, 2015.

Authorized Signature **[In full and initials]**: \_\_\_\_\_

Name and Title of Signatory: \_\_\_\_\_

Name of Bidder (company's name): \_\_\_\_\_

In the capacity of: \_\_\_\_\_

Address: \_\_\_\_\_

Contact information (phone and e-mail): \_\_\_\_\_

## **Form 6 - TECH-2: Bidder's Organization and Experience**

**[For Full Technical Proposal Only]**

Form 6 - TECH-2: a brief description of the Bidder's organization and an outline of the recent experience of the Bidder that is most relevant to the assignment. For each assignment, the outline should indicate the names of the Bidder's Key Experts.

### **Bidder's Organization**

[1. Provide here a brief description of the background and organization of your company.]

## Form 6 - TECH- 3: Description of Approach, Methodology, and Roll-out Plan.

[For Full Technical Proposal Only]

Form 6 - TECH-3: a description of work plan for performing the assignment, including a detailed description of the proposed methodology .

[Suggested structure of your Technical Proposal (in FTP format):

### 1. Technical Approach and Methodology:

- i. A description of the proposed service. The Bidder shall identify, and give clear and precise descriptions or, the telecommunications service(s) for which the licence application is made. The description of the proposed services shall include:
  - How the service(s) will generally be utilised by target users (eg. Residential, small businesses, other service providers). Provide practical examples as necessary.
  - How the service(s) will be delivered end to end. The technical means by which a customer will access the service must be clear. It must also be made clear whether the Bidder will be deploying its own network to provide the service(s) or if it will rely primarily on wholesale facilities of other licensees.
  - The intended coverage areas upon launch of the service(s).
  - The expected service(s) launch date.
- ii. A detailed description of the network and a network diagram. The key network elements illustrated in the network diagram must be identified by make and model. To the extent practicable, the network illustration shall be presented in a manner that the following can be clearly identified:

- The network connection paths, for the relevant telecommunications services, from points (subscribers, networks etc) of origin to the destination (subscribers, networks, etc.). Where applicable, customer premises equipment must be shown on the network diagram.
  - The main switching/service hosting sites, other points of presence and transmission routes as well as the major network communications link - wired (copper or fibre) or wireless - between nodes.
  - Value added service (VAS) platforms as well as key operational and support systems (eg. Billing, DNS, DHCP servers).
  - Where appropriate, any facilities/infrastructure in the network that are not owned by the Bidder.
  - How the network will be interconnected with other public telecommunications networks.
  - Where network facilities are located (within or outside of Jamaica).
- iii. The Bidder must supply a network plan which provides a detailed description of the key elements (identified by make and model) illustrated in the network diagram will function to provide the proposed service(s). The network description shall also outline:
- The intended geographic coverage of the network upon the commissioning of the facilities taking into account - population density, project scalability, use of existing infrastructure, and improved reliability.
  - The type of radio spectrum to be used.
  - The implementation schedule showing that the Bidder is able to meet the geographic rollout and timescales.

- Use of appropriate technologies for the provision of wide-scale voice and mobile broadband services.
- Use of infrastructure with the capacity to scale up in order to meet potential future needs, including an increase in number of premises and other future capacity constraints on the network.
- Use of infrastructure and network solutions components to manage and recover from failures and degradation and the ability to resolve these issues.

iv. The financial information referred to above shall include:

- Their spending plans for the network and which satisfy the following criteria with supporting material.
- Demonstrate that the network will be built to the required standards at the lowest cost possible.
- Include infrastructure capital and operational costs, expected operational expenses.
- expected capital costs in relation to project design, and expected maintenance costs.
- Audited Financial statements and/or Cashflow projections for five (5) years and validated ability of financing e.g. comfort letter from your Financial Institution.
- The Anticipated income referred to above shall include:
  - i. Anticipated revenues (based on the average revenue per user);

- ii. Anticipated uptake that results in New Connections, year over year, within five years of Network Rollout.

2. **Roll-out Plan:** The Licensee is to utilise the assigned spectrum for the deployment of commercial voice and wireless broadband services as follows:

**New entrant**

- At least 15% population coverage within 12 months.
- At least 30% population coverage within 24 months.
- At least 60% population coverage within 36 months.
- At least 95% population coverage within 48 months.

In addition, the Licensee is to utilise the assigned spectrum for the deployment of wireless broadband services within the Communities specified herein at Appendix A titled Unserved and Underserved Communities (“Supplied List”). Coverage to these areas must be rolled out at the same rate as coverage for the general population, namely:

- At least 12 months cover 15% of Communities on the Supplied List (i.e., 32 Communities)
- At least 24 months cover 30% of Communities on the Supplied List (i.e., 64 Communities)
- At least 36 months cover 60% of Communities on the Supplied List (i.e., 127 Communities)
- At least 48 months cover 95% of Communities on the Supplied List (i.e., 201 Communities)

Or

**Incumbents**

- At least 50% population coverage within 12 months.
- At least 95% population coverage within 24 months.

### 3. Organization and Staffing

Qualification and experience of key personnel - the Bidder must demonstrate that its key personnel are qualified and/or has sufficient experience. There must be technical and operational evidence of the following:

- a. How the knowledge and experience of the company officers meets the stipulated criteria;
- b. CVs for the senior officers of the company and copies of relevant academic certificates and professional qualifications;
- c. Planning a mobile network;
- d. Running the business aspects of a mobile network particularly finances, marketing and customer care; and
- e. Management of a company of a similar size.

#### **EXPLANATORY NOTE:**

- a. **Technical Approach and Methodology.** Please explain your understanding of the objectives of the assignment as outlined in the RFP, the technical approach, and the methodology you would adopt for implementing the tasks to deliver the expected output(s), and the degree of detail of such output
- b. **Roll-out Plan.** [Please outline the plan for the implementation of the main activities/tasks of the assignment, their content and duration, phasing and interrelations, milestones (including interim approvals by the SMA), and tentative delivery dates of the rollout schedule reports. The proposed rollout plan should be consistent with the technical approach and methodology, showing your understanding of the RFP and ability to translate them into a feasible working plan. A list of the interim and final reports to be delivered as proof of rollout obligations.
- c. **Organization and Staffing.** [Please describe the structure and composition of your Key Experts (Technical Lead, Finance Resource and relevant technical staff.)]

## Form 6 - TECH-4 Organisational Structure, Team Composition and Curriculum Vitae (CV)

- i. Please describe the Organisational Structure and Team Composition of your Key Experts

[insert information here with supporting organizational chart or other evidence]

- ii. Curriculum Vitae (CV)

Position Title and No.	[e.g., K-1, TEAM LEADER]
Name of Expert:	[Insert full name]
Date of Birth:	[day/month/year]
Country of Citizenship/Residence	

**Education:** [List college/university or other specialized education, giving names of educational institutions, dates attended, degree(s)/diploma(s) obtained]

**Employment record relevant to the assignment:** [Starting with present position, list in reverse order. Please provide dates, name of employing organization, titles of positions held, types of activities performed and location of the assignment, and contact information of previous clients and employing organization(s) who can be contacted for references. Past employment that is not relevant to the assignment does not need to be included.]

Period	Employing organization and your title/position. Contact information for references	Country	Summary of activities performed relevant to the Assignment
[e.g., May 2005-present]	[e.g., Ministry of ....., advisor/Bidder to...  For references: Tel...../e-mail.....; Mr. B, deputy minister]		

**Membership in Professional Associations and Publications:**



**Language Skills (indicate only languages in which you can work):**

---

**Adequacy for the Assignment:**

Detailed Tasks Assigned on Bidder’s Team of Experts:	Reference to Prior Work/Assignments that Best Illustrates Capability to Handle the Assigned Tasks

**Experts contact information:** [address ....., e-mail....., phone.....]

**Certification:**

I, the undersigned, certify that to the best of my knowledge and belief, this CV correctly describes myself, my qualifications, and my experience, and I am available to undertake the assignment in case of an award. I understand that any misstatement or misrepresentation described herein may lead to my disqualification or dismissal by the SMA, and/or sanctions by the Government.

[day/month/year]

---

Name of Expert  
Date

Signature

[day/month/year]

---

Name of authorized  
Date

Signature

Representative of the Bidder

[the same who signs the Proposal]

(i) This CV correctly describes my qualifications and experience

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

(ii) I am employed by the [Name of Company]

I certify that I have been informed by the company that it is including my CV in the Proposal for the [Licensing of the 700 MHz, Band 13]. I confirm that I will be available to carry out the assignment for which my CV has been submitted in accordance with the implementation arrangements and schedule set out in the Proposal.

OR

[If CV is signed by the firm's authorized representative and the written agreement attached]

I, as the authorized representative of the company submitting this Proposal for the [Licensing of the 700 MHz, Band 13], certify that I have obtained the consent of the named expert to submit his/her CV, and that I have obtained a written representation from the expert that s/he will be available to carry out the assignment in accordance with the implementation arrangements and schedule set out in the Proposal.

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## 8 APPENDICES

### 8.1 Appendix 1: Financial Proposal - Bid Form

#### Company X Letterhead

(Date)

The Managing Director  
Spectrum Management Authority  
13-19 Harbour Street  
Kingston.

#### Re: RFP for the Licence in the 700MHz Band in Jamaica

Dear Sirs,

(Name of Company) hereby bids US\$ \_\_\_\_\_ for 20 MHz of spectrum in the 700MHz band in Jamaica as set out below.

In the event of a successful bid, (Name of Company) agrees that its deposit will be applied against the total price.

The outstanding balance will be paid in ten (10) equal instalments over the first ten (10) years of their licence commencing one year after the date stated in the spectrum licence.

[Name of Company] agrees to complete the regulatory procedures required to fulfil the conditions of licensing and the award of the 700MHz spectrum.

Spectrum Block	Bid Amount (US\$)
Band 13	

The signed Bidder's Compliance Certificate is attached.

Yours Sincerely,

\_\_\_\_\_  
(Name of Authorizing Officer)

\_\_\_\_\_  
(Signature of Authorizing Officer)

## 8.2 Appendix 2: Bidder Compliance Certificate

The Bidder certifies and undertakes that:

- i. The Authorized Officers of the Bidder have read and understood the relevant legislation and the information published in relation to the RFP.
- ii. The Bidder is legally capable of bidding in the RFP and has in place all necessary consents, permissions and board approval for this purpose, save those which, by virtue of legal or regulatory process, are not obtainable until after the results of the RFP are known and the Bidder further understands that it will bear the risk of failure to obtain such consents, permissions and approvals that are not obtainable until after the results of the RFP are known.
- iii. The Bidder understands and will be legally capable of satisfying its obligations under the terms and conditions of the Licence granted pursuant to the RFP.
- iv. The Bidder is not the subject, and none of its Directors, officers or representatives are the subject, of a criminal investigation or proceedings in Jamaica or abroad which might reasonably be expected to affect adversely their business or materially affect the Bidder's ability to bid in the RFP or to satisfy the terms of any Licence awarded pursuant to the RFP, and that there is no reason to believe that such investigations or proceedings might occur during the RFP.
- v. The Bidder has not entered and will not enter into any agreements or arrangements of any kind with any competitor regarding the amount to be bid, the spectrum being bid for, or bidding strategies.
- vi. The Bidder is not connected, as defined in the Telecommunication Act, to any other participant in the RFP.

- vii. The Bidder understands and will abide by the Aggregate Spectrum Cap Policy.
  
- viii. The following Officer(s) representing the Bidder in the RFP have been duly and properly delegated by the Bidder to act and they have the authority and power to bind the Bidder in the transaction.
  - 1.
  - 2.
  - 3.

SWORN to by the said (Name of Declarant) )  
At )  
In the Parish of ) -----  
This day of 2021 ) (Signature of Declarant)

Before me:-

-----  
Notary Public/ Justice of the Peace for the Parish of

### 8.3 Appendix 3: Irrevocable Letter of Undertaking

The letter of undertaking must conform to the template below for the applicant's bid to be considered in the RFP.

#### IRREVOCABLE LETTER OF UNDERTAKING

##### The Bidder

[Name]  
[Address]  
[Post code]  
[Country]

##### At the request of Beneficiary

Spectrum Management Authority (SMA)  
13-19 Harbour Street  
Kingston  
Jamaica

##### We, the undersigned Bank

[Name]  
[Address]  
[Post code]  
[Identification/registration number]  
[Country]

*UNDERTAKE* in favour of the Bidder's obligations of 50% of the Minimum Bid resulting from the RFP of a licence in the 700 MHz band in Jamaica **up to and including an amount of** Seven Million Five Hundred Thousand United States Dollars, USD7,500,000.00.

##### On Demand Undertaking

The Bank shall irrevocably and on demand from the SMA pay to the SMA the requested sum up to and including the above amount. The demand shall be made in writing. The written demand shall be signed by the Managing Director of the SMA. The Bank shall not be entitled to any other examination or documentation of the claim. The undertaking of the Bank is independent and unconditional in relation to the SMA.

##### Payment and interest

The Bank shall effect payment of the amount required within five (5) days of receipt of a demand. After this time, if the required sum has not been paid, the Bank shall pay default interest of 6% per annum until payment is effected.

**Law and jurisdiction**

This Undertaking shall be subject to the laws of Jamaica.

The agreed venue for any litigation with respect to this Undertaking shall be courts of Jamaica.

**Validity**

This Undertaking shall remain valid for Two Hundred and Ten (210) days from **March 9, 2021**, that is, until October 5, 2021.

**Enforcement clause**

The Bank agrees that a judicial decision made by a Jamaican court shall be directly enforceable in relation to the Bank.

Date: \_\_\_\_\_

Bank: \_\_\_\_\_

Signature of person(s) entitled to sign for the bank:

\_\_\_\_\_  
\_\_\_\_\_

Full name(s) and title(s):

\_\_\_\_\_  
\_\_\_\_\_

Telephone number(s): \_\_\_\_\_

\_\_\_\_\_



## 8.4 Appendix 4: GoJEP Quick Guide

### How to Create a competition on the Electronic Government Procurement System.

- Click on create new competition
- Enter the relevant competition information line by line and ensure that the fields with a red asterisk (\*) are filled, such as title, description, procurement type, procurement method, procurement technique, number of stages, CPV codes, funding source, clarification, bid submission and bid opening deadline, and indicate if the contract will be awarded in lots.
- Click on create competition workspace, and then click ok in the pop up box.
- Click homepage for your next task
- We work from the last task first at this stage, so we click on the task to finalise competition's core information.
- At this point you can double check the information you had entered just now, and if everything is correct you click on save changes. Then click on homepage for your next task.
- Click on the task to Associate PO/TC, and then add your two opening officers and a lead evaluator. If the RFP coordinator is the lead evaluator, then we click the drop down beside their name and change the role to PO/TC+PO/ESR.
- Click on the task for define workflow. If the suppliers will be required to submit one document that is downloaded from the system and examined then a score is returned by the lead evaluator, when we get to this section offline should be selected for the evaluation criteria and the assigning of scores tasks, while all other tasks would be set as online, after this we click ok.
- Then we click on homepage for the next task, which is to publish the contract notice.
- Click on the task, but before we complete the notice we need to add the contract documents so click on contract documents then click add contract documents, fill out the areas with a red asterisk, select final and save the changes and click ok.
- Click on notice, then click on create notice, then select the radio button below select and click on forms module, then we click on next twice, on the third page you will enter an expected delivery time and click next for the other four pages that pop up, then we save final.

- Then we click publish notice, and the competition will be out for all to see

### **Answering Clarifications**

- When suppliers send clarifications in the system, the RFP coordinator will receive a task to answer clarification request.
- To answer this clarification request the RFP coordinator must click on the task to answer clarification request, then select the clarification you wish to answer by clicking the radio button to the far left of the table, then click on view clarification.
- When an appropriate response to the clarification has been developed, we click on edit/answer request, Select the recipients of the clarification, this should be all users associated with the competition. After typing your response to the clarification and attaching the necessary documents we click on save. The next step is to click the radio button below select in the far left corner of the table and then click publish to make both the question and answer for the clarification is visible to all the users associated with the competition.

### **Addendum**

In the event that an error was made in the development of the RFP or we want to adjust any aspect of the RFP such as the quantity of any item to be delivered. For Example we had issued a RFP for the supply and delivery of 25 desktop Computers, however further meetings revealed that it was necessary to procure 30 rather than 25. We could issue an addendum to adjust the amount of computers to be supplied under the RFP.

### **RFP Opening**

- When the date for RFP opening has been reached the first opening officer logs into the system and will have a task to unlock bids; click on the task, then set the exchange rate if it's a foreign exchange RFP, If there were bids received offline (via email) this officer would scroll to the end of the page and click update list with offline bids. If there are no offline bids this opening officer should click on the check box beside supplier name in the table, this will result in the check box beside the name of each supplier who submitted a proposal being checked, then click on "confirm bids opening" then ok.
- The second opening officer would click on "confirm bids opening" then ok; after this there should be a page where we can download the RFP opening record, however if we do not see the bid opening space, there should be an option to check again; we click on check again until the bid opening space which includes the RFP opening record to appear for review.

**RFP Evaluation**

- The lead evaluator clicks on the yellow box below uploaded file for each supplier, after downloading the file submitted by each supplier this would be taken to the evaluation committee meeting where the proposals will be scored. The lead evaluator would then return to the system and enter the price proposed for each supplier, upload the scanned evaluation report which was produced from the evaluation committee meeting, then click on save final and click ok. Then we click on homepage for the next task which is to conclude evaluation, click on the task then enter the comment for the suppliers if any, at this time we ensure that we pass the supplier who was selected in the evaluation committee meeting and click on save.
- The next task will be to announce the evaluation results, and this is where we are required to send a message to the suppliers who were successful for the evaluation stage, create the message and send to the suppliers. The next step will include ending the standstill period then lick ok and the next task will be to post standstill ranking, at this point if no changes are to be made we click on save, then ok. Click on the task to award contract, then save, then ok.
- When the supplier accept the contract ward the next step is to publish the contract award notice, click on the task to publish contract award notice, then click on create notice, click the radio button directly below select then click forms module at the bottom right of the pop up box, then click next, next , next, then click save final.
- At this point we select the notice to be published by clicking the radio button beside that notice and below select in the table, then we click publish notice and then ok.

**NB:** this is not to be considered as advice and bidders are encouraged to read and familiarize themselves with the information on the GoJEP website.

## 8.5 Appendix 5: Specimen Licence



GOVERNMENT OF JAMAICA  
SPECTRUM MANAGEMENT AUTHORITY

Lic# SL-

The Telecommunications Act  
Spectrum (Successful Bidder) Licence, 2013

**Whereas (Successful Bidder)** is eligible for the grant of a Spectrum Licence under the Telecommunications Act.

**Whereas** pursuant to section 23 (4) of the Telecommunications Act the Minister may grant a Spectrum Licence to the holder of a Domestic Mobile Carrier or a Domestic Mobile Service Provider Licence; and pursuant to section 23 (1) of the Act, on the recommendation of the Authority, grant a licence authorizing the use of such portion of the spectrum as may be specified therein.

**NOW THEREFORE** in accordance with sections 23 (1) of the Telecommunications Act, the Minister with principal responsibility for telecommunications **HEREBY GRANTS** the following Spectrum Licence.

**Licence Term:** From **2021 February** to **2036 December** **15 year(s)**

**Period of Validity:** From **2021 February X** to **2036 February X**

The Licensee is hereby licensed to use portions of the electromagnetic spectrum as set forth in the following schedule for the term of this Licence and subject to the provisions of the Telecommunications Act and the terms and conditions attached hereto.

Dated 2021 February X

**Hon. Daryl Vaz, M.P.**  
**Minister of Science, Technology, Energy and Mining**

SCHEDULE

Mobile Station Transmit Frequency Range (MHz)	Base Station Transmit Frequency Range (MHz)

**Short Title**

This Licence may be cited as “**Spectrum (Successful Bidder) Licence, 2021**”

**Interpretation**

In this Licence, unless the context otherwise requires:

“Convention” means the International Telecommunication Convention of Nairobi, 1982 and the General and Administrative Regulations thereof and includes any Convention and any Regulations which may from time to time be in force in substitution thereof or amendment thereto and to which the Government of Jamaica is a party

“International Radio Regulations” means the Radio Regulations annexed to the Convention and includes any Regulation made in the amendment, in addition to or substitution for the said Radio Regulations;

“Licence” means the **Spectrum (Successful Bidder) Licence 2021**.

“Licensed Spectrum” means the spectrum set forth in the Schedule.

“Licensee” means **Successful Bidder and any successors or assigns of that Company**.

“Minister” means the Minister who, for the time being, has principal responsibility for the regulation of telecommunications and includes any person or body to whom the Minister has delegated his or her powers in relation to Spectrum Management.

“Telecommunications Act” means the Telecommunications Act of 2000, as may be amended from time to time, and a reference to the Telecommunications Act includes each Regulation, Rule or other Instrument made pursuant to that Act.

“Authority” means the Spectrum Management Authority.

Except where specifically provided for in this Licence, expressions in this Licence have the same meanings as under the Telecommunications Act.

**Grant of Licence**

3.1 Subject to the Terms and Conditions set out herein, the Licensee is hereby licensed to use those portions of the electromagnetic spectrum as set forth in the Schedule in the most efficient manner that is technically and economically

feasible for the term of this Licence and subject to the provisions of the Telecommunications Act and this Licence.

3.2 The Licensee is to utilise the assigned spectrum for the deployment of commercial voice and wireless broadband services as follows:

**New entrant**

- At least 15% population coverage within 12 months.
- At least 30% population coverage within 24 months.
- At least 60% population coverage within 36 months.
- At least 95% population coverage within 48 months.

In addition, the Licensee is to utilise the assigned spectrum for the deployment of wireless broadband services within the Communities specified herein at Appendix A titled Unserved and Underserved Communities (“Supplied List”). Coverage to these areas must be rolled out at the same rate as coverage for the general population, namely:

- At least 12 months cover 15% of Communities on the Supplied List (i.e., 32 Communities)
- At least 24 months cover 30% of Communities on the Supplied List (i.e., 64 Communities)
- At least 36 months cover 60% of Communities on the Supplied List (i.e., 127 Communities)
- At least 48 months cover 95% of Communities on the Supplied List (i.e., 201 Communities)

Or

**Incumbents**

- At least 50% population coverage within 12 months.
- At least 95% population coverage within 24 months.

In addition, the Licensee is to utilise the assigned spectrum for the deployment of wireless broadband services within the areas specified herein at Appendix A titled Unserved and Underserved Communities (“Supplied List”). Coverage to these areas must be rolled out at the same rate as coverage for the general population, namely:

- At least 12 months cover 50% of Communities on the Supplied List (i.e., 100 Communities)

- At least 24 months cover 95% of Communities on the Supplied List (i.e., 201 Communities)

#### Data Rate

4. The Licensee is to provide at a minimum download data rate of two (2) Mbps under peak traffic conditions at the deployment requirements specified above at clause 3.2.

#### Non-Observance

- 5.1 If the Licensee fails to fulfil the deployment conditions specified in 3.2, the Authority shall:
- Impose liquidated damages of J\$3,000,000.00 when it confirms that the conditions have not been met.
  - Impose a further sum of J\$5,000,000.00 every subsequent month where the conditions are not met.
  - If the conditions still have not been met six months after the first charge the SMA has the right to suspend or revoke the licence.

The maximum rollout timelines are 12 months, 24 months 36 months and 48 months following the licence award the Licensee shall provide the Authority with a list of the Communities they have covered in order to meet the service roll-out requirements given in Clause 3.2. For the purposes of this section, 95% of residents in those Communities should receive mobile services from the Licensee at a signal strength of - 105 dBm or higher. For the remaining duration of the licence, 95% of residents in the list of covered Communities supplied by the Licensee at 48 months should receive mobile services from the Licensee at a signal strength of - 105 dBm or higher.

#### Duration and Renewal of Licence

- 6.1 This Licence shall be renewable subject to the Licensee's record of compliance with the terms and conditions of the spectrum licence, and the provisions of the Act or any regulations made thereto.
- 6.2 This Licence has a term of fifteen (15) years, subject compliance with the terms and conditions contained herein.

#### Scope of Rights in Spectrum

7. This Licence does not grant to the Licensee any property right in the Electro-magnetic Spectrum or right to use the spectrum except in accordance with the terms of this Licence.

#### Harmful Interference

8. Pursuant to Section 63A(1) of the Telecommunications Act, the Licensee shall comply with any request or directive issued by the Minister to ensure that the activities of the Licensee do not cause Harmful Interference to the lawful operation of any other Licensed Spectrum user.

#### Frequencies

- 9.1 Authorisation of the use of any frequency by the Licensee may be withdrawn by the Minister after one month's notice to the Licensee if such frequency remains unused by the Licensee for six consecutive months. However, at the written request of the Licensee, an extension may be granted on such terms as the Minister deems necessary to ensure efficient utilisation of the spectrum. For the avoidance of doubt, no extension of use will be permitted without the Minister's approval.
- 9.2 Changes in location of Licensed Facilities, emission, power or use of aerial systems relating to the use of the Licensed Spectrum shall only be made by the Licensee in accordance with the approval of the Minister except that:
- i) Changes that do not increase the likelihood of Harmful Interference are permitted; and
  - ii) A suitable alternative frequency may be assigned at any time by the Minister for transmission at any point to replace and release any frequency set forth in the attached schedule hereto in order to ensure a more efficient use of the frequency spectrum. Notwithstanding the foregoing, the Minister will endeavour to provide reasonable notice and shall consult with the Licensee where changes to the assignment are to be undertaken.

#### Call Signs

10. Whenever rendered necessary in order to secure compliance with the International Radio Regulations, or to identify a source of interference with any other facility lawfully operated the Minister may:

- i) by notice in writing to the Licensee assign call signs to all of the stations operated by the Licensee; and

### **Fees**

11. The Licensee shall be required to pay Spectrum Licence Fees in relation to all allocations of Spectrum, and Spectrum Regulatory Fees pursuant to Section 26 of the Telecommunications Act to cover the reasonable operating costs of the Authority.

11.2 The Licensee shall be required to pay Spectrum Licence as follows: (a) one-off upfront payment that shall be payable prior to or upon the issuance of the licence ('Upfront Payment') and (b) further equal payments each due and payable 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2031 ('Additional Payments')

11.3 The Licensee shall be required to pay annual Spectrum Regulatory Fee, as invoiced, upon the start of provision of services to the public.

11.4 The Minister may review the fees pursuant to Section 23(7) of the Telecommunications Act.

### **Modification of Licence**

12. This Licence may be modified in writing at any time upon approval by the Minister.

### **Revocation or Suspension of Licence**

13. i) This Licence may be revoked or suspended in accordance with Section 23A of the Telecommunications Act; or  
ii) if the assigned frequency remains unused for six (6) consecutive months.

### **Assignment or Transfer of Licence**

14. This Licence shall not be assigned or transferred.

### **General**

15. The Licensee shall ensure at all times that:

- i) The Licensee complies with all all obligations under the Telecommunications Act thereunder;
- ii) no legal impediment exists which would disqualify the Licensee from continuing to hold the Licence and that the Licensee satisfies all other legal requirements to hold the Licence;

ii) in the same or another notice as aforesaid direct that the call signs so assigned shall be announced in such manner as may be authorised in such notice.

iii) the Licensee has the technical qualifications to fully perform the obligations attaching to the Licence; and the Licensee satisfies any and all financial requirements, as imposed pursuant to the Act;

iv) the Licensee adheres to all the directions of the Authority;

v) the Licensee is not directly or indirectly connected to or in anyway affiliated with another licensee of the 700 MHz band without the prior approval of the Minister.

15. Any notice or other document required or authorised to be served upon the Licensee under the Telecommunications Act or this Licence, may be served by registered post to the Licensee's registered office or by dispatching it to the Licensee's registered office by courier.

16. This Licence and the terms and conditions hereof, shall constitute the entire grant of the Licence and supersede any prior Licences, permits or undertakings.

17. If a provision of or part to this Licence is deemed unlawful or unconstitutional, the remainder of this Licence shall remain valid and enforceable.

18. To the extent that this Licence refers to specific parts or sections of the Telecommunications Act, such parts or sections shall be deemed renumbered in this Licence according to any such renumbering of those parts or sections in the Telecommunications Act, as a result of the amendment of that Act.

19. The Licensee shall comply with the regulations made pursuant to the Telecommunications Act and to the Laws of Jamaica

## 8.6 Appendix 6: List of Unserved & Underserved Communities ("Supplied List")

Name	Parish	Population
Mount James	St. Andrew	3593
St. Peter's	St. Andrew	1249
Mavis Bank	St. Andrew	5792
Irish Town	St. Andrew	2080
Content Gap	St. Andrew	1249
Bloxborough	St. Andrew	799
Cane River	St. Andrew	213
Bito	St. Andrew	375
Woodford	St. Andrew	3878
Town Head	Westmoreland	573
Bath Mountain	Westmoreland	874
Delveland	Westmoreland	2464
Strawberry	Westmoreland	1829
Mount Stewart	Westmoreland	988
Roaring River	Westmoreland	584
Paul Island	Westmoreland	770
Amity	Westmoreland	1225
Struie	Westmoreland	280
St. Leonards	Westmoreland	702
Belvedere	Westmoreland	1196
Seaford Town	Westmoreland	893
Ashton	Westmoreland	951
Beaufort	Westmoreland	113
Cairn Curran	Westmoreland	406
Dundee	Westmoreland	456
Ferris	Westmoreland	778
Enfield	Westmoreland	534
Berkshire	Westmoreland	870
Leamington	Westmoreland	381
Cave	Westmoreland	716
Kentucky	Westmoreland	522
Mearnsville	Westmoreland	1347
Content	Westmoreland	1256
New Works	Westmoreland	1198
Beeston Spring	Westmoreland	1173
Bog	Westmoreland	647
Morgans Forest	Clarendon	1617
Colonels Ridge	Clarendon	1168
Pennants	Clarendon	1825
Cumberland	Clarendon	2555
Thompson Town	Clarendon	5863
Beckford Kraal	Clarendon	3354

Name	Parish	Population
Part of Banana Ground	Clarendon	574
Rock River	Clarendon	4049
Part of Banana Ground	Clarendon	574
Turners	Clarendon	1919
Moores	Clarendon	1047
Richmond Park	Clarendon	1571
Sedge Pond	Clarendon	656
Race Course	Clarendon	4055
Banks	Clarendon	1541
Longwood	Clarendon	1089
Alley	Clarendon	1050
Rocky Point	Clarendon	5148
Portland Cottage	Clarendon	2665
Richmond Park	Clarendon	1571
Dawkins	Clarendon	785
Mount Airy	Clarendon	405
Haddington	Hanover	2096
Cascade	Hanover	1207
Askenish	Hanover	1830
Chambers Pen	Hanover	806
Pondside	Hanover	445
Dias	Hanover	2260
Copse	Hanover	733
Maryland	Hanover	783
Pell River	Hanover	254
Cash Hill	Hanover	713
Kendal	Hanover	1489
Good Intent	Manchester	2217
Hibernia	Manchester	1555
Harry Watch	Manchester	1555
Bethany	Manchester	1013
Evergreen	Manchester	529
Mile Gully	Manchester	2412
Litchfield	Manchester	1205
Maidstone	Manchester	1667
Part of Banana Ground	Manchester	502
Mike Town	Manchester	2908
Ellen Street	Manchester	653
Lancaster	Manchester	1492
Plowden	Manchester	2401



Name	Parish	Population
Marlie Hill	Manchester	1761
Black Hill	Portland	1919
Balcarres	Portland	819
Tranquility	Portland	623
Fairfield	Manchester	477
Fruitfulvale	Portland	2366
Bangor Ridge	Portland	1359
Durham	Portland	573
Fellowship	Portland	1891
Spring Hill	Portland	1216
Windsor Forest	Portland	3079
Windsor	Portland	1924
Moore Town	Portland	1317
Comfort Castle	Portland	2259
Manchioneal	Portland	2168
Skibo	Portland	1073
Swift River	Portland	1440
Claverty Cottage	Portland	388
Beecher Town	St. Ann	906
York Castle	St. Ann	622
Inverness	St. Ann	1424
Discovery Bay	St. Ann	6708
Chester	St. Ann	528
Mount Zion	St. Ann	1727
Gibraltar	St. Ann	2265
Epworth	St. Ann	898
Lime Tree Gardens	St. Ann	1270
St. D'Acre	St. Ann	3069
Alva	St. Ann	2165
Madras	St. Ann	1488
Watt Town	St. Ann	1649
Alderton	St. Ann	742
Blackstonedged	St. Ann	3187
Calderwood	St. Ann	4587
River Head	St. Ann	970
Aboukir	St. Ann	1610
Bensonton	St. Ann	2655
Macknie	St. Ann	3501
Pear Tree Grove	St. Catherine	879
Redwood	St. Catherine	3606
Troja	St. Catherine	1750
Riversdale	St. Catherine	4475
Lluidas Vale	St. Catherine	5689
Harewood	St. Catherine	1900
Point Hill	St. Catherine	5807

Name	Parish	Population
Ginger Ridge	St. Catherine	1856
Browns Hall	St. Catherine	6241
Watermount	St. Catherine	1655
Bellas Gate	St. Catherine	658
Barton	St. Catherine	2676
Elderslie	St. Elizabeth	1620
Quick Step	St. Elizabeth	294
Merrywood	St. Elizabeth	134
Mulgrave	St. Elizabeth	547
Thornton	St. Elizabeth	4035
Ginger Hill	St. Elizabeth	2610
Retirement	St. Elizabeth	479
Pisgah	St. Elizabeth	2093
Springfield	St. Elizabeth	1086
Brighton	St. Elizabeth	2294
Carisbrook	St. Elizabeth	1475
Middle Quarters	St. Elizabeth	2965
Newton	St. Elizabeth	725
Burnt Savannah	St. Elizabeth	3243
Fullerswood	St. Elizabeth	1470
Myersville	St. Elizabeth	21
Pondside	St. Elizabeth	506
Barbary Hall	St. Elizabeth	866
Watchwell	St. Elizabeth	2184
Red Bank	St. Elizabeth	1541
Newell	St. Elizabeth	814
Treasure Beach	St. Elizabeth	3435
Aberdeen	St. Elizabeth	988
Orange	St. James	2774
Friendship	St. James	465
Unity Hall	St. James	1102
Tower Hill/Moy Hall	St. James	1584
Summer Hill	St. James	1315
Flagstaff	St. James	1071
Mount Horeb	St. James	1717
Maroon Town	St. James	479
Seven Rivers	St. James	1895
Vaughnsfield	St. James	1216
Cambridge	St. James	4595
Flamstead	St. James	1510
Catadupa	St. James	2493
Mocho	St. James	547
Garlands	St. James	534
Retrieve	St. James	515
Niagara	St. James	710
Stonehenge	St. James	1457

Name	Parish	Population
Arcadia	St. James	370
Maldon	St. James	1626
Mason Hall	St. Mary	866
Mango Valley	St. Mary	762
Bonnygate	St. Mary	2632
Lucky Hill	St. Mary	1210
Woodpark	St. Mary	1857
Guys Hill	St. Mary	884
Epsom	St. Mary	962
Annotto Bay	St. Mary	5669
Woodside	St. Mary	960
Broadgate	St. Mary	1210
Flint River	St. Mary	1010
Enfield	St. Mary	2665
Baxter Mountain	St. Mary	466
Friendship Gap	St. Mary	328
Brainerd	St. Mary	1570
Hagley Gap	St. Thomas	1666
Cedar Valley	St. Thomas	522
Johnson Mountain	St. Thomas	349

Name	Parish	Population
Rowlandsfield	St. Thomas	911
Mount Lebanon	St. Thomas	1430
Ramble	St. Thomas	781
Jones Pen	St. Thomas	1649
Spring Bank	St. Thomas	307
Wheelerfield	St. Thomas	974
Sunning Hill	St. Thomas	539
Llandewey	St. Thomas	513
Font Hill	St. Thomas	954
Pamphret	St. Thomas	526
Rio Bueno	Trelawny	1600
Samuels Prospect	Trelawny	901
Brampton	Trelawny	411
Stewart Town	Trelawny	993
Alps	Trelawny	478
Ulster Spring	Trelawny	1803
Wilson's Run	Trelawny	859
Joe Hut	Trelawny	532

## 8.7 Appendix 7: OUR Licence Application Requirements

- Application Procedures for Telecommunications Licences
- Application Requirements for Telecommunications Licences

**OFFICE OF UTILITIES REGULATION  
TELECOMMUNICATIONS ACT, 2000**

## **PROCEDURES FOR PROCESSING APPLICATIONS FOR LICENCES**

Pursuant to Part III of the Telecommunications Act, 2000 (the Act), the Office of Utilities Regulation (the OUR/Office) is empowered to receive and process applications for a licence and to make recommendations to the Minister in relation to such applications. These procedures set out the process by which the Office will solicit and process applications for licences and provide recommendation to the responsible Minister for issuance of licences under the Act.

## **INITIATING THE LICENSING PROCESS**

The licensing process is initiated when the Minister with portfolio responsibility for telecommunications, issues a directive pursuant to the Act, specifying the number and type of licences to be issued. To date, Ministerial Directives have been issued with the following effect:

<b>TYPE OF LICENCE</b>	<b>NO. OF LICENCES TO BE ISSUED</b>
Data Service Provider	100
Domestic Carrier	Unlimited
Domestic Voice Service Provider	Unlimited
Free Trade Zone Carrier	No longer being issued
Free Trade Zone Service Provider	No longer being issued
International Carrier	Unlimited
International Service Provider	Unlimited
International Voice Service Provider	Unlimited
Internet Service Provider	100
Internet Service Provider/Subscriber	
Television Operator	Unlimited
International Submarine Cable Facility	as specified in each Directive

## **APPLICATION FORMS**

Digital copies of the relevant application forms may be downloaded from the OUR's website at [www.our.org.jm](http://www.our.org.jm).

## COMPLETION AND SUBMISSION OF APPLICATIONS

- Applicants are required to complete an application in the prescribed form, that is, Form 1 - Application for Carrier or Service Provider Licence, along with Applicant Licence Verification Form 1 for submission to the Office. All applications should be submitted along with the receipt evidencing payment of the prescribed fees to the OUR. A receipt evidencing delivery of application will be given for each application submitted to the OUR.
- Receipts evidencing delivery of application will be emailed to applicants who submit applications by registered post.
- Where applicable, applications are received by the OUR on a continuing basis.
- All applications and supporting material should be submitted in English. Each application must state that it is being submitted pursuant to the Request for Proposals.
- Applicants must submit **one (1)** copy of each application and **one (1)** copy each of the supporting documentation. The Office reserves the right to request additional copies of applications and supporting documentation.
- Additional information may be requested by the OUR or submitted by the applicant in respect of any application at any time before making its recommendations to the Minister.
- With the exception of applications for International Submarine Cable Facility licence and such other classes of licence as may be determined by the responsible Minister and the fees for which are determined at the issuance of a directive, each application must be accompanied by a non-refundable application fee of J\$70,000.000. A separate fee is payable in respect of each application. This payment shall be made by wire transfer payable to the OUR.
- Applicants should note the disclosure requirements of the Act and any rules and regulations made pursuant to the Act. The OUR strongly recommends that applicants rely on independent legal advice in preparing applications and prior to their submission to the Office.

- Applicants are required to notify the Office of any change to the information submitted with the application. Notification should be done within fifteen (15) working days after the deadline for the submission of applications.
- Applicants are required to meet all costs arising from (a) the preparation and submission of applications, (b) providing any additional information requested and (c) the processing of each application including responding to public comments and attending at, and making submissions to the Office concerning these applications. The Office, the Office of the Prime Minister and the Government of Jamaica will not accept responsibility or liability for such costs, regardless of whether a licence is granted.

## PROCESSING OF APPLICATIONS

- The Act requires that Applicants for licences be published in a national newspaper and interested parties allowed thirty (30) days for submitting comments to the OUR.
- All applications and supporting documentation become the property of the OUR upon submission. The OUR reserves the right, subject to the relevant and applicable confidentiality provisions of the legislation, to make public the names of corporate entities which have submitted applications as well as such information about the contents of the applications as it deems appropriate. Subject to the relevant confidentiality provisions of the legislation, members of the public and other interested parties will have the right to inspect all applications and supporting documentation and to submit comments to the OUR.
- All supporting material submitted with individual applications which may contain sensitive/confidential information concerning business or commercial or financial affairs should be submitted along with the application in a sealed envelope marked "**Confidential Information**". Where the OUR proposes to disclose any such information, it will give the Applicant reasonable notice and an opportunity to make representations to the OUR before the Office makes a final decision on disclosure of such information.
- An evaluation of the Application is conducted by the OUR to determine eligibility for the issuance of a licence. The evaluation process is conducted in accordance with the provisions of the OUR's revised Due Diligence Policy. The OUR reserves the right to conduct further discussions with, and request further and better particulars from the applicants if necessary.

- Applicants should be prepared to send a representative(s) to the offices of the OUR to discuss their applications and supporting documentation, if requested by the OUR.

## RECOMMENDATIONS OF LICENCES

- The Office shall prepare a report setting out its recommendation for acceptance or rejection of each application. This report is submitted to the Minister for his consideration.

## ISSUANCE OF LICENCES

- Pursuant to the Act, the Minister may upon receipt of a recommendation from the Office, either grant the licence, refer the recommendation back to the Office for further consideration; or refuse to grant the licence. In the event of a refusal, the Minister shall as soon as practicable give written reasons for such refusal.
- Licences granted by the Minister are issued by personnel in the Minister's Office. The Office maintains a register of all applications for licences and all licences granted pursuant to the Act, in electronic form.

## OUR MONITORING REGIME

Pursuant to the Act and as indicated in the Due Diligence Policy, during the term of a licence, the Office may in its own discretion, carry out such due diligence as it deems necessary to ensure that a licensee maintains the basis of the grant of licence.

### **Application Requirements for Telecommunications Licences**

All applicants for a Telecommunication Licence will be required to provide information as set out in the Application Requirements, Renewal Application Requirements, Technical Requirements for Telecommunications Licence documents and the Due Diligence Policy.

## Application Requirements for Telecommunications Licences

All Applicants for a Telecommunication Licence will be required to provide information including but not limited to:

### 1. COMPANY DATA

Certified Copies of relevant documents of incorporation for relevant jurisdiction, viz:

- ▶ *For incorporation of Jamaican companies which took effect prior to February 2004:*
  - Certificate of Incorporation
  - Memorandum of Association
  - Articles of Association
  
- ▶ *For incorporation of Jamaican companies which took effect subsequent to February 2004:*
  - Certification of Incorporation
  - Articles of Incorporation

A. Other particulars of applicant, including -

- (a) address of company's registered office,
- (b) name of principal applicant (must be a Director of the Company) and contact details including telephone & fax numbers as well as e-mail address,
- (c) names, businesses, addresses and dates of appointment of the directors, the chief executive officer and the company secretary.

B. A detailed list of the addresses and country of domicile and shareholdings of all shareholders holding more than 10% of any class of shares in the company. Contact information including telephone number, facsimile number and email addresses.

C. Name and address of any person or organization acting on behalf of the applicant (contact in Jamaica). Contact information including telephone number, facsimile number and email addresses.

D. Name and contact information of the Company's auditors.

E. If the applicant has been incorporated for longer than eighteen months, attach the audited financial statement for period ending not later than one year prior to the date of this application.

F. Details of the network or service. Information should at a minimum, include:



A clear description of the service to be provided in accordance with section F1 of the application.

- Detailed description of the network and the functions to be performed by key network components.
- The Applicant's network has to be differentiated from the other operators' in the network diagram.
- The attached diagram needs to coincide with what has been described in the narrative.
- The diagram must show and the narrative describes the functions of the key network elements of the Applicant's network. Network elements such as routers, etc., must be clearly represented with type designations.
- Where necessary, show detail in the way of the local arrangements for termination of calls for handing off to the local carriers. This should include the type of equipment and if the equipment will be hosted by an existing Carriers, show the co- location facility showing any interconnection with the company in Jamaica or whether it will be at another facility etc.
- The network diagram representations must be appropriately labelled and should show where network facilities are located (within or outside of Jamaica).

G. Completed Declaration of Applicant Form.

## 8.8 Appendix 8 - Power of Attorney

### Express Authorization

As Chief Executive Officer/Chairman of <NAME OF COMPANY>. I hereby affirm express authorization and grant this Power of Attorney to <NAME OF REPRESENTATIVE> to represent <NAME OF COMPANY>, with offices located at <ADDRESS OF COMPANY>, to sign and initial all aspects of the Proposal and Engagement relative to Request for Proposal, SMA-RFP700-2021-02-01 for Spectrum Management Authority (SMA) located at 13- 19 Harbour Street, Kingston, Jamaica West Indies, and to enter into negotiations, sign contract and obligate the company, as may be appropriate.

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Name and Title of Authorized Representative

## 8.9 Appendix 9 - Nominated Bank Account - Wire Instructions

<b>United States Dollar</b>	
Wire Instructions:	
Intermediary or Correspondent Bank	Citibank N.A. 111 Wall Street, New York, NY 10043 Swift: <b>CITIUS33</b> ABA# <b>021000089</b>
Beneficiary Bank	First Global Bank Limited BIC: <b>FILBJMKN</b> 28-48 Barbados Avenue, Kingston 5, Jamaica W.I.
Beneficiary Name	Spectrum Management Authority
Beneficiary Account	990753100799
<b>NB: A bank charge of US\$20.67 will be deducted by the beneficiary bank for each incoming wire. Please therefore add US\$20.67 to the amount being sent for each wire transfer transaction. To ensure that intermediary bank charges are not deducted from the funds being sent, all clients are advised to instruct their remitting bank as follows: "Remitter to cover all fees."</b>	

### Optional

**NB: FGB's Account with Citibank N.A. is 36206959**

### WIRE INSTRUCTIONS

When sending international wires to an FGB account instructions should include the beneficiary's name, address, branch and account number. FGB account numbers should be formatted as branch code + account number e.g. 990751234567

FGB's Branch Codes are as follows: 99075 – New Kingston: 99080 – Montego Bay: 99082 – Manor Park: 99084 – Mandeville: 99085 – Liguanea