



Telecommunications &
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Regulator

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UAP Goods and Services Tender 8 - Internet Services

TELECOMMUNICATIONS AND RADIOCOMMUNICATIONS REGULATOR

Request for Proposals (RFP)

MULTIPLE TENDERS - INTERNET SERVICES TO SELECTED SCHOOLS

TENDER NO: TFS-08.14

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Issued by the Telecommunications and Radiocommunications Regulator

UAP Goods and Services Tender 8- INTERNET SERVICES

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1 INVITATION FOR TENDER

1.1 Introduction

- 1.1.1 Vanuatu has liberalised its telecommunications market in 2008 and has undergone a significant transformation in accordance with the Government policy to stimulate the national economy. One of the policies of the Government is the Universal Access Policy (UAP). This policy aims to provide telecommunications internet services into rural and unserved areas that are not commercially viable for operators to provide telecommunications services.
- 1.1.2 As a means of expanding demand, maximising impact and learning important lessons in how best to harness the use of information and communications technologies for the furtherance of Vanuatu's development goals, TRR has embarked on three pilot projects. One of them, Tablets for Students, will make 7 inch Android tablets available to students in 7 schools located throughout Vanuatu. Another, the Computer Lab and Internet Community Centre programme, will see an initial installation of computer labs in 15 schools throughout the country.
- 1.1.3 TRR is seeking to assist schools in obtaining internet access for all 22 schools.
- 1.1.4 The schools in question face a number of distinct and in some cases unique circumstances. ISPs are encouraged to use the information provided, and their own experience working throughout the country, to decide whether and how to formulate a response pertaining to particular sites.
- 1.1.5 In the interests of expediting the process and reducing the time and labour required, TRR is consolidating all 22 requests for proposals into a single tender.**
- 1.1.6 ISPs are likewise encouraged to provide a single submission, including sufficient detail to allow the evaluation of each site proposal individually and on its own merits.**
- 1.1.7 TRR is responsible for carrying out the Tender.
- 1.1.8 Tendering will be conducted through the Open and Competitive Tendering procedures in accordance with TRR's Tendering Guidelines and Procedures (as amended) as approved by the Tenders Board Pursuant to the requirement of the Telecommunications and Radiocommunications Regulations Act 2009.
- 1.1.9 Tenders will be evaluated and Contracts will be awarded to the Bidder that, having met or surpassed the established technical criteria, provides best value.

1.2 Administrative information

- 1.2.1 Bidders may obtain further information and inspect the Tendering Documents at the address below between the hours of 8.30 am – 11.30am and 1:30 pm - 4:30 pm. A complete set of Tendering Documents in English may be obtained by interested Bidders on the submission of a written application to the following address;

Telecommunications & Radiocommunications Regulator (TRR)

First Floor

Rossi Ocean Walk Building

Lini Highway

Port Vila

Vanuatu

or

E-mail: enquiries@trr.vu

TRR office will be closed for Christmas and the New Year holidays on the 19th of December 2014 until 5th of January 2015. Tender documents can be accessed only from the TRR website (www.trr.vu)

- 1.2.2 **Closing Date:** Completed Technical Bids must be emailed to jobs@trr.vu and Financial Bids delivered to TRR at the above address by **4:30 pm on 23 January, 2015.**

2 REQUIREMENTS

2.1 Eligible Bidders

- 2.1.1 This RFP is open to bids from telecommunications license holders (Licensees), as of the date of issuance of this tender. A list of telecommunications license holders is located at <http://www.trr.vu/index.php/en/telecom-industry/licenses/telecommunications-licence>

2.2 Bidder registration

- 2.2.1 All interested bidders must register their Company Name, Postal Address, Representative, email and Telephone number at the Office of the TRR if they intend to submit a response to this RFP.
- 2.2.2 Bidders can register their details by emailing it to TRR's email address or writing to TRR marking their Registration "CLICC & TFS Pilot Project Registration".
- 2.2.3 Bidders must include in their registration a list of all sites for which they propose to provide internet service.

2.3 Discussions with Bidders

- 2.3.1 TRR will make staff available to respond to questions by Registered Bidders before Bidders submit their bids. The discussions are intended to provide an opportunity for Registered Bidders to ask questions and to seek more clarification on the Tender documents and project as a whole.
- 2.3.2 TRR will not accept any questions or queries submitted by any Bidders who have not registered.

2.4 Tender documents

- 2.4.1 The Tendering Documents should be read in conjunction with any addendum issued.
- 2.4.2 TRR is not responsible for the completeness of the Tendering Documents and their addenda, if they were not obtained directly from the address indicated in the Tender Invitation Form.
- 2.4.3 The Bidder is expected to examine all Instructions contained in this RFP, Forms, Annexes and other information if the Regulator sees fit to instruct Bidders during the tender. Failure to furnish all Information required by this RFP or to submit a Bid that is not in accordance with this RFP will be at the Bidder's risk and may result in rejection of its Bid as being **Non-Compliant**.
- 2.4.4 If a Registered Bidder requires any clarification, the Bidder must notify the Regulator in writing (preferably by email).
- 2.4.5 TRR will respond in writing to any request for clarification that it receives earlier than **the Closing Date**. No questions or clarifications will be accepted after this time.
- 2.4.6 At any time prior to the Closing Date, the Regulator may amend the Tendering Documents by issuing an addendum.
- 2.4.7 Any addenda issued in this way will be part of the Tendering Documents and will be communicated by email to all Registered Bidders.
- 2.4.8 To give Registered Bidders reasonable time in which to take an Addendum into account in preparing their tenders, the Regulator may, at its discretion, extend the Closing Date.

2.5 Preparation of Bids

- 2.5.1 The Bidder must bear all costs associated with the preparation and submission of its Bid, and TRR shall not be responsible or liable for those costs, regardless of the conduct or outcome of the tendering process.

- 2.5.2 The Bid, and all correspondence and documents related to the Bid exchanged by the Bidder and TRR must be written in English. Supporting documents and printed literature furnished by the Bidder may be in another language provided they are accompanied by an accurate translation of the relevant passages into English.

2.6 Tender Validity

- 2.6.1 Bids must indicate a **Tender Validity Period**.
- 2.6.2 The tender validity period will end no sooner than **October 31, 2015**.
- 2.6.3 Bids must remain valid for the **Tender Validity Period**. A tender valid for a shorter period may be rejected by the Evaluation Committee as non-compliant.
- 2.6.4 In exceptional circumstances, prior to the expiration of the Tender Validity Period, the Evaluation Committee may request Bidders to extend the period of validity of their tenders. The request and the responses must be made in writing. A Bidder agreeing to the request will not be required or permitted to modify its tender.

2.7 Cost statement / financial submission

- 2.7.1 Licensees may submit some or all of their proposals as zero-cost to the school. In such a case, TRR will consider this commitment in the upcoming levy assessment of 2015/2016 as a 'Play' commitment towards the implementation of the Government of Vanuatu's Universal Access Policy. TRR conducts its UAP levy assessment annually to determine the UAP's 'Players' and 'Payers'. (2014 Levy assessment can be obtained from this link <http://www.trr.vu/index.php/en/telecom-industry/universal-access/universal-access-policy/205-universal-access-policy-levy>)
- 2.7.2 Licensees must clearly indicate for each site whether they wish to have it considered under the 'Play' option.
- 2.7.3 In the event of the 'Play' option being invoked, Bidders must include a detailed, itemised cost estimate with each site submission. This includes the cost of internet bandwidth subscription for the 2015 calendar year.

2.8 Insurance

- 2.8.1 The successful Bidder must maintain or cause to be maintained on behalf of itself and all material and subcontractors to whom the successful bidder has subcontracted in relation to the construction and provision of the Services at all times during the Term of this Agreement, in a form and with insurers acceptable to TRR.
- 2.8.2 The insurance provided must be effective with valid and enforceable policies issued by reputable insurance companies that are acceptable to TRR.
- 2.8.3 Insurance certificate must be provided to TRR which covers all equipments, projects and personal engaged in this project within 60 days of the Effective Date.

2.9 Confidentiality

- 2.9.1 Persons obtaining or receiving this tender and any documents issued in relation to the tender process acknowledge their confidentiality and may use the tender and such documents only for the purpose of preparing the Tender.
- 2.9.2 Bids will be treated as confidential. TRR will not disclose contents except:
- a) as required by law;
 - b) for the purpose of investigations by other government authorities having relevant jurisdiction;
 - c) to external advisers of MIPU engaged to assist with the Tendering Process; or
 - d) general information from Bidders required to be disclosed by government policy.

2.10 Complaints about the Tender process

- 2.10.1 Any complaint about the tender or the tender process must be submitted to the Regulator in writing promptly upon the cause of the complaint arising or becoming known to the Bidder. The written complaint must set out:

- a) the basis for the complaint (specifying the issues involved);
 - a) how the subject of the complaint (and the specific issues) affect the person or organisation making the complaint;
 - b) any relevant background information; and
 - c) the outcome desired by the person or organisation making the complaint.
- 2.10.2 Any complaint submitted that relates to the conduct or performance of TRR or the manner in which TRR has handled the Tender Process must also be copied to the Chairman of the Universal Access Grant Review Committee (GRC).

2.11 Bids

- 2.11.1 All Bids become the property of TRR. Bidders will retain all ownership rights in any intellectual property contained in their Bid. The submission of a Bid does not transfer to TRR any ownership interest in the Bidder's intellectual property rights, or give TRR any rights in relation to the Bid, except as expressly set out below.
- 2.11.2 Each Bidder, by submission of their Bid, is deemed to have licensed TRR to reproduce the whole, or any portion, of their Bid for the purposes of enabling TRR to evaluate the Bid.

2.12 Publicity

- 2.12.1 A Bidder receiving the Tendering Documents must not make any public statement in relation to the tender, the tender process, the Bidder's response, or the Bidder's participation in the tender without TRR prior written consent.

2.13 Status of Bid

- 2.13.1 Each Bid constitutes an irrevocable offer by the Bidder to TRR to provide the services on the terms and conditions of the Contract (subject to the Statement of Compliance, if any), and represents acceptance by the Bidder of all terms and conditions, and procedural requirements of this tender, as set out in these tendering documents.
- 2.13.2 A Bid must not be conditional on:
- a) board approval of the Bidder or any related body corporate of the Bidder being obtained;
 - b) the Bidder conducting due diligence or any other form of enquiry or investigation;
 - c) the Bidder (or any other party) obtaining any regulatory approval or consent;
 - d) the Bidder obtaining the consent or approval of any third party, other than any planning permissions e.g. to erect masts or infrastructure sharing; or
 - e) the Bidder stating that it wishes to discuss or negotiate any commercial terms of the contract.

- 2.13.3 TRR may, in its absolute discretion, disregard any Bid that is, or is stated to be, subject to any one or more of the conditions detailed above.

2.14 TRR's Right

- 2.14.1 Subject to the Laws of Vanuatu TRR reserves the right, in its absolute discretion at any time, to:
- a) cease to proceed with, or suspend the tender process;
 - b) alter the structure and/or the timing of the Tendering Documents or the tender process;
 - c) vary or extend any time or date specified in these Tendering Documents for all or any Bidder or other persons;
 - d) terminate the participation of any Bidder or any other person in the tender process;
 - e) require additional information or clarification from any Bidder or any other person or provide additional information or clarification;
 - f) negotiate with any one or more Bidder and allow any Bidder to alter its Tender;
 - g) call for new Tenders;
 - h) reject any Tender received after the Closing Date;
 - i) reject any Tender that does not comply with the requirements of these Tendering Documents; or

j) consider and accept or reject any alternative responses.

2.15 Submission and opening of Bids

- 2.15.1 Bidders must submit their technical proposal by email in pdf or similar format to jobs@trr.vu before the Closing Date.
- 2.15.2 It is the responsibility of the Bidder to ensure that their responses to the RFP have reached TRR before the Closing Date.
- 2.15.3 Any queries regarding this RFP should be addressed to the address set out in Section 1 of this RFP.

2.16 EVALUATION PROCESS AND OUTCOME

2.16.1 TRR will award tenders individually: one for each of the 22 schools listed in ANNEX D. Evaluation and selection will be made on a site-by-site basis.

- 2.16.2 An Evaluator will evaluate proposals submitted by Bidders, and present his or her recommendations to the UAP Grant Review Committee (the Committee).
- 2.16.3 The Committee will evaluate the proposals according to the criteria provided by the Evaluator.
- 2.16.4 TRR reserves the right, at its sole discretion, to accept any proposal it chooses in full or part, negotiate with any responding Bidders, and accept any alternative proposals.

2.17 GOVERNING LAW

- 2.17.1 This tender and the tender process are governed by the laws applying in the Republic of Vanuatu. Each Bidder must comply with all applicable laws in preparing and lodging its Tender and in taking part in the Tender process.

3 ANNEX A – TECHNICAL REQUIREMENTS

3.1 Basic requirements and considerations

- 3.1.1 Internet service should be available on a 24-hour basis, subject only to reasonable interruptions in service.
- 3.1.2 ISPs will provide sufficient hardware and materials to connect with a local subnetwork possessing a pool of non-externally routable addresses. For example, this might consist of a two-interface router, one interface designated for WAN (i.e. internet) access, the other for LAN (i.e. local) access. It should be possible to connect to the LAN interface either via WiFi (i.e. 802.11 b/g/n) or via 10/100/1000 Mbps cable.
- 3.1.3 Hardware devices should consume relatively low power. Battery-powered operation is desirable, but not required. In cases where an external power source is required, the average number of Watts should be indicated, along with typical peak amperage.
- 3.1.4 All hardware must be ready to implement IPv4.
- 3.1.5 All hardware must be ready to implement IPv6.
- 3.1.6 The costs and equipment necessary for the provision of power for any hardware devices located at a distance of 10 metres or more from the mains power source at the site of the computer lab or tablet storage facility should be integrated into the bid. Exceptions may be considered, if justified.

3.2 Bandwidth & Speeds

- 3.2.1 ISPs should provide **broadband** internet capacity as defined in the Universal Access Policy and related regulation and legislation. Exceptions may be considered where no viable alternatives exist. *(Refer to the following link on TRR's Determination on the UAP Broadband Speed Provisions <http://www.trr.vu/index.php/en/telecom-industry/universal-access/universal-access-policy/423-determinations>). All broadband internet connections must comply with the guidelines outlined in the Broadband speeds Determination.*
- 3.2.2 TRR prefers an unlimited use subscription scenario for schools, as this creates an enabling environment, encouraging students, teachers and community members to maximise their uptake.
- 3.2.3 TRR prefers a symmetrical bandwidth structure (i.e. equal uplink and downlink speed), as a means of encouraging local content creation and sharing.

3.3 Location

- 3.3.1 Internet services will be required at the locations listed in Annex D below.
- 3.3.2 Additional school location information will be made available on request.

4 ANNEX B - TECHNICAL SELECTION CRITERIA

TRR will be considering the following technical criteria when considering submissions

1. **Bandwidth capacity**
2. Ease of maintenance and support for equipment

- Suitability to physical location, local environment

5 ANNEX C – OTHER SELECTION CRITERIA

TRR will award tenders individually: one for each of the 22 schools listed in ANNEX D. Selection will be made on a site-by-site basis.

TRR will be considering the following other selection criteria when considering submissions

- Cost of installation
- Cost of maintenance over a 12 month period
- Subscription type
- Subscription cost

6 ANNEX D – LIST OF SCHOOL LOCATIONS

The following is a list of precise locations of all selected CLICC and TFS candidate sites.

Site Name	Long	Lat	Island	Province
Arep School	167.54659	-13.87283	Vanua Lava	TORBA
Sulua School	168.10535	-15.16771	Maewo	PENAMA
St Anne	167.07401	-15.0403	Santo	SANMA
Matevullu College	167.16901	-15.3835	Santo	SANMA
Loukatai School	169.253722	-19.514454	Tanna	TAFEA
Sarakata Primary School	167.17081	-15.51047	Santo	SANMA
Ambaebulu School	167.98183	-15.29517	Ambae	PENAMA
Torgil RTC	167.98613	-15.27909	Ambae	PENAMA
St Patrick's College	167.96379	-15.27755	Ambae	PENAMA
College d'Orap	167.34351	-15.97059	Malekula	MALAMPA
College de walarano	167.37398	-15.98973	Malekula	MALAMPA
Lambubu School	167.3989	-16.165	Malekula	MALAMPA
Lamap Schools	167.80449	-16.42603	Malekula	MALAMPA
Eles Center School	168.386319	-17.481816	Nguna	SHEFA
Tafea College	169.255811	-19.4807706	Tanna	TAFEA
Arep School	167.54659	-13.87283	Vanua Lava	TORBA
Matevullu College	167.16901	-15.3835	Santo	SANMA
Venie Mataipevu	166.836	-15.5452	Santo	SANMA
Merei Center School	166.78128	-15.59691	Santo	SANMA
Ambaebulu School	167.98183	-15.29517	Ambae	PENAMA
Epi High School	168.167237	-16.59165	Epi	SHEFA
Lycee LAB	168.314406	-17.726184	Efate	SHEFA

7 ANNEX E: BIDDER FORMS

7.1 Forms

7.1.1 This document outlines what forms are required to be submitted by the bidders. Included in this word document are the following Technical forms:

- a) TECHNICAL FORM 1: BID Overview
- b) TECHNICAL FORM 2: Prior Experience

7.2 TECHNICAL FORM 1: BID Overview

<p>Name of Bidder: <i>provide your companies full legal name here</i></p>	
<p>In case of JV, legal name of each party: <i>insert legal name of each party in JV</i></p>	
<p>Bidder's place of Business Registration: <i>insert actual Country of Business Registration. If you are not registered as a company in Vanuatu please outline your intentions to do so here.</i></p>	
<p>Bidder's Legal Address/Registered Office in Country of Registration:</p>	
<p>Details of Bidder's shareholders or other owners as at the date of submitting the Tender</p>	
<p>Name of Telecom Licence of Licensee: <i>should license be obtained post contract award please note this here</i></p>	
<p>Authorised Representative & Contact Person Name: <i>please name one person only</i></p>	
<p>Telephone & email address of Key Contact:</p>	

7.3 TECHNICAL FORM 2: Prior Experience

Please use the table below to provide details for similar projects that you have delivered in the past. You may repeat this table, for multiple projects, as many times as you wish.

Country		Client	
Date		Duration of Project	
Description of Service Delivered			
Description of Technology Utilised			
Current Status of Service delivered			

8 ANNEX F: DRAFT STANDARD CONTRACT

**DRAFT CONTRACT KEY
TERMS**

**UAP/ICT PROGRAMES
SERVICE/GOODS AGREEMENT**

Between

**THE TELECOMMUNICATIONS AND RADIOCOMMUNICATIONS
REGULATOR**

F/1 Rossi Ocean Walk Building, Lini Highway, P.O Box 3547, Port Vila, Vanuatu
[hereinafter referred to as “**TRR**”]

And

XXXXXXXX

KEY LIST OF TERMS, INTER ALIA, INCLUDES:

- 1. PARTIES**
- 2. CONSIDERATION**
- 3. GENERAL PROVISIONS**
- 4. AGREED DOCUMENTS**
- 5. GENERAL CONSTRUCTION**
- 6. GOVERNING LAW**
- 7. COMMENCEMENT AND TERM**
- 8. SERVICES/GOODS**
- 9. INSURANCE**
- 10. PROJECT ADMINISTRATION**
- 11. FORCE MAJEUR**
- 12. TERMINATION**
- 13. DISPUTE RESOLUTION**
- 14. SCHEDULES**