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UAP INTERNET SERVICE PROVISION TENDER

TELECOMMUNICATIONS AND RADIOCOMMUNICATIONS REGULATOR

Request for Proposals (RFP)

PROVISION OF INTERNET SERVICES TO SELECTED SCHOOLS

Issue Date: 10 July, 2017

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UAP INTERNET SERVICES TENDER

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1 INVITATION FOR TENDER

1.1 Introduction

1.1.1 The Telecommunications and Radiocommunications Regulation Act No.30 of 2009 was enacted and formally established the Telecommunications and Radiocommunications Regulator's (TRR) Office. The TRR, under Part 4: of the Act (Universal Access), has the mandate to set about improving service and infrastructure to the underserved and unserved areas of Vanuatu. The Government Policy on the Universal Access has a requirement of meeting the 98% of the Population Coverage in Vanuatu, by the 1st of January, 2018.

1.1.2 In 2015 TRR embarked on three pilot projects, which were; the establishment of a Computer Laboratory and Internet Community Centre (CLICC), Provision of Tablet for Students (TFS) and a grant to establish an Internet Community Senta (ICS). The three programs have been successfully completed and the CLICC and TFS sites are due to be handed over to the respective government ministry by the 1st of January 2018.

Prior to the handover, the TRR is making sure that the responsible ministry has budget identified and allocated in order to ensure internet services are operational following handover.

1.1.3 Additional to the 19 CLICC sites are two (2) further sites which will be provisioned with internet services as part of the existing grant monies. This RFP seeks quotations for the provision of internet services at these 2 schools.

1.1.4 Bidders are encouraged to provide a single submission, including sufficient detail to allow the evaluation of each site proposal individually and on its own merits.

1.1.5 TRR is responsible for carrying out the Tender.

1.1.6 Tendering will be conducted through the Open and Competitive Tendering procedures in accordance with TRR's Tendering Guidelines and Procedures (as amended) and as approved by the Tenders Board Pursuant to the requirement of the Telecommunications and Radiocommunications Regulations Act 2009.

1.1.7 Tenders will be evaluated and Contract will be awarded to the bidder that, having met or surpassed the established technical criteria, provides best value and has the ability to support and maintain the services.

1.2 Administrative Information

1.2.1 Bidders may obtain further information and inspect the Tendering Documents at address below between the hours of 8:30am – 11:30am and 1:30pm – 4:30pm. 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

Email: bradpartridge@trr.vu or
hansonwaki@trr.vu

- 1.2.2 Closing Date: Completed Technical Bids must be emailed to bradpartridge@trr.vu or hansonwaki@trr.vu and Financial Bids delivered to TRR at the above address by 4pm on 11 August, 2017.

2 REQUIREMENTS

2.1 Eligible Bidders

- 2.1.1 This RFP is open to bids from telecommunications licence 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 provided on "1.2.1" or writing to TRR marking their Registration;

Internet Service Provision

For

CLICC and TFS – New Contract

Additional School Service Provision

- 2.2.3 Bidders must include in their registration a list of all sites for which they propose to provide internet services.

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 at the Bidder's risk and may result in rejection of its Bid as being Non-Compliant.
- 2.4.6 Any addenda issued in this way will be part of the Tendering Documents and will be communicated by email to all Registered Bidders.
- 2.4.7 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 will 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 November 10, 2017.
- 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 may consider this commitment in the upcoming levy assessment of 2016/2017 as part of its contribution to “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 in the next period of UAP Levy.
- 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 2017 calendar year.

2.8 Submission of Application

- 2.8.1 Technical proposal and Financial Proposal are to be submitted separately.
- 2.8.2 The Bidder may submit their technical proposal by email in PDF format to bradpartridge@trr.vu or hansonwaki@trr.vu or deliver it at the TRR Premises at the address as specific in 1.2.1 above before the Closing Date.
- 2.8.3 The Bidder must submit their Financial Proposal in a sealed envelope, duly marking the envelope as “Financial Proposal”. The envelope must:
 - i. Bear the name and address of the Bidder
 - ii. Bear a warning “Do Not Open before the time and date for tender opening set by the TRR”

- 2.8.4 The Bidder may send its Financial Proposal by post to TRR at the following address or any other manner where TRR think necessary:

“CONFIDENTIAL”

The Telecommunications and Radiocommunications Regulator

P O Box 3547

Port Vila

Vanuatu

- 2.8.5 It is the responsibility of the Bidder to ensure that their responses to the RFP have reached TRR before the Closing Date

- 2.8.6 Any queries regarding this RFP should be addressed to the address set out in Section 1 of the RFP.

2.9 Insurance

- 2.9.1 The successful Bidder must maintain or cause to be maintained on behalf of it all materials and subcontractors to whom the successful bidder has subcontracted in relation to the construction and provision of the Services at all time during the Term of this Agreement, in a form and with insurer acceptable to TRR.

- 2.9.2 The insurance provided must be effective with valid and enforceable policies issued by reputable insurance companies that are acceptable to TRR

- 2.9.3 Insurance certificate must be provided to TRR which covers all equipment, projects and personal engaged in this project within 60 days of the Effective Date.

2.10 Confidentiality

- 2.10.1 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.

- 2.10.2 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. General information from Bidders required to be disclosed by government policy.

2.11 Complaints about the Tender Process

- 2.11.1 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 writer complaint must set out:

- a. The basis for the complaint (specifying the issue involved),
- b. How the subject of the complaint (and the specific issues) affect the person or organisation making the complaint,
- c. Any relevant background information; and
- d. The outcome desired by the person or organisation making the complaint.

2.12 Bids

2.12.1 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.

2.12.2 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.

2.13 Publicity

2.13.1 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.

2.14 Status of Bid

2.14.1 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.

2.14.2 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.

2.14.3 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.

2.15 TRR's Rights

2.15.1 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. Terminated the participation of any Bidder or any other person in the tender process,
- e. Require additional information or clarification form 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 this Tendering Documents; or
- j. Consider and accept or reject any alternative responses.

2.16 Evaluation Process and Outcome

- 2.16.1 TRR will award tenders individually; one for each of the 2 new schools listed in ANNEX D and the existing Schools in ANNEX E. Evaluation and selection will be made on a site-by-site basis.
- 2.16.2 A Committee will evaluate proposals submitted by Bidders, and present his or her recommendation to the Regulator.
- 2.16.3 The Committee will evaluate the proposals according to the criteria.
- 2.16.4 TRR reserve 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 Laws

- 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 services.
- 3.1.2 ISPs will provide sufficient hardware and materials to connect with a local subnetwork possessing a pool of non-externally routable address. 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 IPv6.
- 3.1.5 The costs and equipment necessary for the provision of power for any hardware devices located at a distance of 10 meters 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.
- 3.1.6 Bidders should identify the ability and the process to provide information on content accessed (ie website lists) and content filtering, especially pornographic and other inappropriate material. As part of this ability Bidders should clearly outline:
- How they would go about providing information on content accessed (ie management reports) and the ability to access this information online by appropriately delegated people,
 - How they would go about content filtering,
 - What software application or hardware is utilised to perform the task,
 - The scalability of the solution, and
 - The incremental cost (if any) of providing such a service.
- 3.1.7 As the majority of the sites are in rural or fringe areas, fault reporting and communication is critical for the sites to understand the possible consequences of any outages. Bidders should clearly outline their fault reporting process and procedures that will be communicated and used by all sites for such activities.
- 3.1.8 As part of the process outlined above, Bidders should clearly identify;
- The appropriate method for contacting the helpdesk with respect to faults
 - What type of information will be required and provided (ie a tracking number)from/to the site to enable tracking and auditing of the fault rectification process,
 - What the likely timeframes are for common faults at each of the sites,

- What issues the Bidder sees with the rectification procedures,
- How they may be able to support the site towards rectification,
- What technical support staff are available in the local area to assist in fault rectification, and
- What restitution is available for prolonged outages

3.2 Bandwidth & Speeds

- 3.2.1 Bidders 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 Determinations.
- 3.2.2 TRR requires 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. However if alternative delivery mechanisms require asymmetric bandwidth structures, this will not be a disadvantage if appropriately defined and configured.

3.3 Location

- 3.3.1 Internet services will be required at the locations listed in Annex D and Annex E below.
- 3.3.2 Additional school and 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 service
3. Suitability to physical location, local environment
4. Ability to report on and/or filter content

5 ANNEX C – OTHER SELECTION CRITERIA

TRR will award tenders individually: one for each of the 2 schools listed in ANNEX D and ANNEX E below. Selection will be made on a site-by-site basis.

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

1. Cost of installation (if any)
2. Subscription type
3. Subscription cost
4. Support process

6 ANNEX D – LIST OF NEW SITE LOCATIONS

The following is a list of new schools selected and their locations

#	Site Name	Long	Lat	Island	Province
1	Sanlang Centre School	167.451993	-13.902795	Vetibosos, Vanua Lava Banks	Torba
2	South West Bay School	167.446453	-16.481031	Malekula	Malampa

7 ANNEX E – LIST OF EXISTING SITES LOCATIONS

The following is a list of the existing CLICC/TFS schools. The Average monthly traffic is calculated from March 2016 until May 2017 and is the combined traffic (outbound and inbound).

#	Site Name	Island	Province	Long	Lat	Current Speed	Service	Average Monthly Traffic (Gb's)
1	Arep School	Vanua Lava, Banks	Torba	167.54659	-13.87283	4Mbps unlimited	FWA	40.7
2	Sulua School	Maewo	Penama	168.10535	-15.16771	10Mbps unlimited	VSAT	204.1
3	St Anne Primary School	Santo	Sanma	167.07401	-15.0403	4Mbps unlimited	FWA	93.4
4	Matevulu College	Santo	Sanma	167.16901	-15.3835	10Mbps	VSAT	375.5
5	Loukatoi School	Tanna	Tafea	169.253722	-19.514454	2Mbps unlimited	FWA	51.2
6	Sarakata Primary School	Santo	Sanma	167.17081	-15.51047	4Mbps unlimited	FWA	67.6
7	Ambaebulu School	Ambae	Penama	167.98183	-15.29517	4Mbps unlimited	FWA	146.6
8	Torgil RTC	Ambae	Penama	167.98613	-15.27909	10Mbps unlimited	VSAT	162.4
9	St Patrick's College	Ambae	Penama	167.96379	-15.27755	4Mbps unlimited	FWA	198.1
10	College d'Orap	Malekula	Malampa	167.34351	-15.97059	No current service		
11	College de Walarano	Malekula	Malampa	167.37398	-15.98973	2Mbps	FWA	118.9
12	Lambubu School	Malekula	Malampa	167.37398	-16.165	10Mbps unlimited	VSAT	246.7

#	Site Name	Island	Province	Long	Lat	Current Speed	Service	Average Monthly Traffic (Gb's)
13	Lamap School	Malekula	Malampa	167.80449	-16.42603	4Mbps unlimited	FWA	46.2
14	Eles Centre School	Nguna, Efate	Shefa	168.386319	-17.481816	2Mbps unlimited	FWA	58.7
15	Tafea College	Tanna	Tafea	169.255811	-19.4807706	4Mbps unlimited	FWA	180.5
16	Venie Mataipevu	Santo	Sanma	166.836	-15.5452	10Mbps unlimited	VSAT	111.4
17	Merei Centre School	Santo	Sanma	166.78128	-15.59691	10Mbps unlimited	VSAT	151.8
18	Epi High School	Epi	Shefa	168.167237	-16.59165	4Mbps unlimited	FWA	118.9
19	Lycee LAB	Port Vila, Efate	Shefa	168.314406	-17726184	6Mbps unlimited	FWA	424.5

8 ANNEX F – BIDDER FORMS

8.1 Forms

8.1.1 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

8.2 TECHNICAL FORM 1: BID OVERVIEW

Name of Bidder: <i>Provide your companies full legal name here</i>	
In case of JV, legal name of each party: <i>Insert legal name of each party in JV</i>	
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>	
Bidder's Legal Address / Registered Office in Country of Registration:	
Details of Bidder's shareholders or other owners as at the date of submitting the Tender:	
Name of Telecom Licence of Licensee:	
Authorised Representative & Contact Person Name: <i>Please name one person only</i>	
Telephone & email address of Key Contact:	

8.3 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			

**DRAFT CONTRACT KEY TERMS
UAP/ICT PROGRAMES
INTERNET SERVICE 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

XXXXXXXXXXXX

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