

REQUEST FOR PROPOSALS AND TERMS OF REFERENCE

Request for Proposals (RFP) and Terms of Reference (TOR) for consultancy services to establish technical standards for FM radio broadcasting in The Bahamas

1. Introduction

The Utilities Regulation and Competition Authority (URCA) is the regulator for the electronic communications sector (ECS) in The Bahamas. URCA's powers and responsibilities for the ECS have been established under the Communications Act, 2009 (Comms Act). The ECS comprises fixed and mobile telecommunications services, spectrum, numbering and broadcasting (which includes radio broadcasting and pay television).

URCA regulates FM radio broadcasting in The Bahamas through the allocation, monitoring and management of radio spectrum assigned to radio broadcasters under an URCA issued licence. URCA is mandated to ensure that radio spectrum is managed and used in a manner that is, *inter alia*, economically efficient and facilitates the evolution of new technologies and electronic communications services while taking into account investment in existing equipment configured for specific radio spectrum and the cost of migration to other radio spectrum.

URCA considers the establishment of technical standards for FM radio broadcasting as critical to the discharge of its statutory mandate to ensure the effective and efficient allocation, management and use of spectrum for FM radio broadcasting in The Bahamas. URCA is therefore seeking the services of a consultant to assist in establishing such standards.

2. Background

The FM radio broadcasting landscape in The Bahamas has grown significantly since the establishment of the new regulatory regime in September, 2009. Private participation in FM radio broadcasting has now developed into a highly competitive industry, particularly in New Providence, with the increased potential for harmful interference between FM radio broadcast stations. The importance of establishing robust technical standards to govern FM radio broadcasting throughout the islands of The Bahamas is therefore heightened.

The allocation of spectrum by URCA for FM radio broadcast in The Bahamas has been aligned with general recommendations by the ITU for Region 2. As such, URCA considers it important for technical standards for FM radio broadcast in The Bahamas to also be established in accordance with international best practice and technical standards established for Region 2.

URCA's progress to date regarding the development of FM radio broadcast technical standards for The Bahamas has been, *inter alia*, the Public Consultation¹ on proposed technical standards (the First Consultation) to which URCA has received responses from interested parties and key stakeholders. URCA considers the eventual implementation of technical standards for FM radio broadcasting in The Bahamas to be a regulatory measure of public significance which requires stakeholder engagement through its consultative process.

URCA has noted that there are significant concerns expressed by interested stakeholders and considers it appropriate at this stage, particularly having regard to the time that has elapsed, to revisit the issue through a further consultation prior to reaching and implementing a Final Decision.

3. Objective

The main objective of this consultancy, therefore, is to conduct a review of the proposed technical standards for FM Radio Broadcasting in The Bahamas and the responses received by URCA to the First Consultation, make recommendations to URCA for changes to the proposed technical standards, to assist URCA with the development of a further consultation on the standards, and to assist URCA with the review of responses to such further consultation and development of a Final Decision. This would help URCA with achieving its statutory mandate to further the interest of consumers by promoting competition in the radio broadcasting market and in particular "*to promote the optimal use of state assets, including radio spectrum*"².

URCA is also keen to ensure that it develops the necessary expertise among its regulatory team to effectively implement and enforce the technical standards and to this end, URCA expects the Consultant to work closely with the URCA team thereby ensuring knowledge transfer to the URCA team.

4. Specific Terms of Reference for Consultancy Services

Given the above, URCA is now seeking consultancy services to conduct a review of the proposed technical standards for FM Radio Broadcasting in The Bahamas and the responses received by URCA

¹ Technical Standards Framework for FM Radio Broadcasting in The Bahamas Consultation Document ECS 07/2015 which can be viewed at: <http://www.urcabahamas.bs/wp-content/uploads/2017/02/ECS-07-2015-Technical-Standards-Framework-for-FM-Broadcasting-in-The-Bahamas-2.pdf>.

² Communications Act, 2009 s.4(a)(iv)

to the Public Consultation to the end of establishing a robust technical standards framework for FM radio broadcasting that is consistent with international best practice and fit for purpose throughout the islands of The Bahamas. In particular, the Consultant would be required to carry out, in co-operation with the URCA team, the following tasks:

- (i) review of the proposed technical standards for FM Radio Broadcasting in The Bahamas and the responses received by URCA to the First Consultation;
- (ii) assist with developing a further Consultation document having regard to the responses received to the First Consultation, for URCA's publication;
- (iii) assist with preparation of a draft Statement of Results and Final Decision document consequential to the public consultation process which incorporates the comments and recommendations of respondents; and
- (iv) make recommendations to URCA on final technical standards for FM radio broadcasting in The Bahamas.

5. Deliverables and outputs

Working in close liaison with the URCA appointed team, the following key deliverables and outputs are expected from the Consultant:

- Report on the proposed technical standards under the First Consultation and the comments submitted in response thereto;
- Report to URCA on recommendations for a further Public Consultation document;
- Report to URCA on comments by respondents to the Public Consultation document;
- Review and advise URCA on draft Statement of Results and Final Decision; and
- Recommendations to URCA on revised technical standards.

6. Reporting and Accounting

The Consultant will report directly to URCA's Director of Electronic Communications. The primary point of contact for the Consultant for day-to-day activities will be the Regulatory Advisor - Legal from the URCA team.

The Consultant will regularly interact with and advise URCA's Director of Electronic Communications of the progress on the work in relation to the establishment of technical standards for FM Radio Broadcasting in The Bahamas. The Consultant will produce written status reports/updates as required by the Chief Executive Officer and/or the Director of Electronic Communications.

Deliverables and outputs will be monitored and evaluated by URCA's Director of Electronic Communications.

7. Submission of Proposals for Consideration

URCA advises that **time is of the essence with the completion of this project**. Therefore, interested persons are requested to submit a proposal to URCA for the works to be carried out in accordance with this TOR. The proposal should be submitted to URCA by 16 March 2018. URCA will make its selection on its assessment of the following criteria:

- Technical Suitability
- Proposed Work Plan
- Financial Proposal

URCA intends to make its selection of a preferred consultant by 30 March 2018 and will notify all interested parties of the result by no later than 2 April 2018. URCA reserves the right to select any or to cancel this process and the proposed works.

Proposals should contain the following information:

- a. Technical Capability (curriculum vitae submission); and
- b. Work Plan.

The URCA draft 2018 Annual Plan signals Term 2 of 2018 as the completion date of the work towards the establishment of FM radio standards for The Bahamas. URCA considers four (4) months as a reasonable timeline for the completion of this project. As such, the Consultant would be expected to develop and submit, as part of the proposal, a comprehensive work plan that sets out milestones in anticipation of 31 July 2018 as the completion date for the project. In this regard, URCA considers it important to note that URCA's consultation processes require, at a minimum, a single round of written consultation of no less than thirty (30) calendar days.

8. Financial Proposal

The prospective Consultant is expected to provide a fixed price financial proposal of the Consultant's fees and estimated expenses for consideration by URCA. The proposals should take into account the work expected to be involved in the completion of each deliverable and provide for phased payment by URCA within no less than thirty (30) business days of its acceptance of each deliverable.

9. Contract

The prospective Consultant shall submit a draft contract for URCA's consideration, which must be consistent with the terms of service contained in the submitted proposal. URCA will review the contract and the final terms and conditions of the contract will be subject to URCA's approval.

10. Miscellaneous

URCA reserves the right to:

- a) reject any or all proposals for failure to meet the requirements contained herein or for any other reason which in URCA's sole discretion renders the proposal unsuitable;
- b) waive any technicalities; and
- c) select the proposal which in URCA's sole discretion, best meets URCA's requirements.

This RFP creates no obligation (legal or otherwise) on the part of URCA to award a contract or to compensate the respondent for any costs incurred during proposal presentation, response, submission, presentation, or oral interviews. URCA also reserves the right to negotiate further with any respondent to the RFP. Respondents should not rely upon the opportunity to alter their qualifications during any discussions.