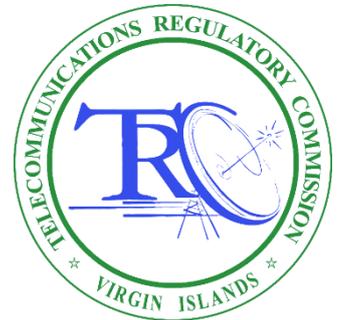


12/01/2022

Request for Proposals

Revision of Telecommunications Legislative Framework



Telecommunications Regulatory Commission
LEGAL DEPARTMENT

Confidentiality Statement

All information in this document is provided in confidence for the sole purpose of enabling your firm to provide a proposal to the Telecommunications Regulatory Commission of the Virgin Islands (**Commission**) in relation to the work outlined in this Request for Proposal (**RFP**) and shall not be used for any other purpose. This information shall not be published or disclosed wholly or in part to any other party (including sub-contractors) without the Commission's prior written permission and shall be held in safe custody.

These obligations shall not apply to information which is published or becomes publicly known and available.

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Introduction

The Commission is seeking the services of a consultant to review and revise the telecommunications legislative framework for the Virgin Islands. Accordingly, the Commission is now accepting submissions in response to this Request for Proposals.

The remainder of this RFP outlines the scope of services which is being sought by the Commission, respective deliverables and the requirements for a proposal in response to this RFP, as well as outlining the evaluation criteria that the Commission will use as the basis for selecting the successful consultant.

Organisational Background

The Commission is a statutory body with responsibility for the development and regulation of the telecommunications services industry in the Virgin Islands. To fulfill this mandate, the Commission is tasked with promoting the systematic development of telecommunications throughout the Virgin Islands, pursuant to section 6(r) of the Telecommunication Act, 2006 (**Act**).

Accordingly, the Commission has deemed it appropriate to facilitate a thorough review and revision of the telecommunications legislative framework with a view to establishing its impact on the Territory and identifying areas for improvement, in light of the development of the telecommunications sector since its enactment.

It is the Commission's aim, at the end of this project, to have a clear and informed understanding of the deficiencies of its legislative framework, identified areas for improvement, and a new regime for the Virgin Islands.

Legislative Framework

The legislative framework for the regulation of the telecommunications services industry, as applicable to this RFP are as follows:

- The Telecommunications Act 2006 (No. 10 of 2006), which established the Commission to license, regulate and develop the telecommunications services industry in the Virgin Islands.
- The Telecommunications (Amendment) Act 2010, which amends the 2006 Telecommunications Act.
- The Telecommunications (Licences and Fees) Order made July 12, 1977 under section 6 of the Telecommunications Act 1951, which outlines the fees associated with various radiocommunications services.
- The Telecommunications Rules, dated June 1, 1951, made under section 18 of the Telecommunications Act 1951, which outlines the rules as applicable to various radiocommunications services.
- The Telecommunications (Side Band Restrictions) Rules, made January 3, 1975 under section 18(2)(e) of the Telecommunications Act 1951, which outlines the restrictions as applicable to double-side band transmitting equipment.

Scope of Services

The Commission is undertaking a review of the telecommunications legislative regime with a view to ensuring that the relevant laws are current, modern, reflect international best practices and promote the systematic development of telecommunications throughout the Virgin Islands.

In this regard, the Commission is requesting proposals from a consultant for the purpose of revising and drafting telecommunications legislation (**Project**). Specifically, the selected consultant will benchmark the global competitive landscape to recommend opportunities to improve the telecommunications legislative and regulatory infrastructure in the Territory, update the current legislative and regulatory infrastructure to be compliant with international standards and best practices and modernise the Cap 171 legislation.

The Project will include review, analysis and consultation with the Commission and its project team at various phases to be agreed between the Commission and the selected consultant.

The scope of work for this Project includes the following:

- A detailed impact assessment of the current telecommunications legislative framework to identify areas of deficiency and improvements to make the regime fit for purpose.
- Assessment of the Virgin Islands specific circumstances along with regional and international standards and best practices that should inform the new telecommunications legislative framework.
- Development of a new telecommunications legislative framework.
- Regulatory impact assessment outlining the effect that the new telecommunications legislative framework will have on the telecommunications services industry and its stakeholders.

Deliverables

The Deliverable as applicable to this RFP are as follows:

- A proposal outlining the work to be carried out on the Project and the proposed timeline/schedule. This is to be reviewed by and agreed with the Commission before the commencement of work.
- Progress reports covering such areas and at intervals to be agreed with the Commission.
- A report outlining the proposed revisions to the Act, based upon findings and issues that are identified during the impact assessment, and outlining the effect that the proposed revisions will have on the telecommunications services industry and its stakeholders as identified during the regulatory impact assessment.
- A first draft of the revised Act and attendant statutory documents.
- A consultation document to solicit stakeholder views on the objectives that the Commission hopes to achieve with the Project.
- A consultation document to invite comments on the draft of the revised telecommunications legislative framework.

- Two consultation reports, in the form of Final Statements by the Commission, summarising responses received for the consultations referred to above and the Commission's position in relation to those responses.
- A second draft of the proposed telecommunications legislative framework, after having receiving comments from the Commission, and the industry, as necessary.
- A final draft of the new proposed telecommunications legislative framework.

The consultant will be required to submit, for approval, the schedule for completion of the deliverables indicated above and a corresponding payment schedule, as may be applicable.

Consultancy Bid

Consultants submitting proposals to undertake the Project are expected to demonstrate general and specific competency in the execution of projects of a similar nature. The consultant shall be a qualified legal practitioner or industry professional, who has experience in reviewing and drafting legislation. The consultant must be able to demonstrate that his/her style of drafting a legislative framework is fit for application in the Virgin Islands. Additionally, consultants shall submit CVs indicating relevant experiences and qualifications.

The Consultant, in his/her offer, shall provide a description of the methodologies and resources that will be drawn on to conduct the exercise including man days, timeframes and travel details (if applicable) to meet intended consultancy objectives.

RFP Submission Guidelines & Requirements

The following submission guidelines and requirements apply to this RFP:

- All consultants must comply with these RFP Submission Guidelines & Requirements when submitting a response. Failure to comply with these guidelines & requirements may result in disqualification.
- Only qualified consultants with prior experience on projects such as this should submit proposals.
- Proposals must be signed by a representative that is authorised to commit the consultant.
- If the consultant has a standard set of terms and conditions, it must be submitted with the proposal. All terms and conditions will be subject to negotiation.
- Proposals must be received by the deadline specified below to be considered.
- The Commission may ask the consultant, at the consultant's expense, to answer queries, make presentations or attend formal meetings in relation to the proposal.
- The Commission is not responsible for any costs or expenses the consultant may incur in the preparation of the consultant's response or in anticipation of a formal written contract.
- The Commission may not award a contract to the consultant for the whole or any part of its requirement.
- The Commission reserves the right to reject any response to the RFP which is not submitted in accordance with the instructions set out in the RFP or delivered after the return date.

RFP & Project Timelines

The following represents the projected schedule for the RFP. These dates are subject to change by the Commission at any time and consultants will be notified as soon as is reasonably practicable if any such changes occur.

Activity	Due Date
Request for Proposal Issuance	12 January 2022
Deadline for Submission of Final Proposal to the Commission	9 February 2022
Contract Award/Notification to Unsuccessful Bidders	9 March 2022

The requisite date for completion of the Project is to be agreed upon with the Commission. Nonetheless, we encourage consultants to include in their submissions the time within which they propose to complete the Project, recognising that this is a priority item for the Commission.

Evaluation Criteria

The Commission will rate proposals in accordance with the following criteria:

- Responsiveness to the guidelines and requirements set out in this RFP;
- Relevant past performance/experience;
- Cost of the consultancy;
- Time required to complete the scope of work;
- Proposed Contract Terms and Conditions; and
- Any additional information (requested as a part of this RFP).

Submission of Documents

Consultants are invited to submit their proposal by email to: Mr. Guy L. Malone, Chief Executive Officer, gmalone@trc.vg copied to Mr. George Lewis, Chief Operations Officer, glewis@trc.vg.

Additionally, all queries regarding this RFP must be made in writing to the Telecommunications Regulatory Commission, to: Mrs. Chantal L. Flax-Ward, cflax-ward@trc.vg. Answers to questions will be made available on a confidential basis to all other parties who may be responding to this RFP.