

Response to Queries against Consultant Hiring RFP/Contract for

Spectrum Auction for Next Generation Mobile Services (Last Updated 11<sup>th</sup> November 2013)

<b>S. No.</b>	<b>Page No.</b>	<b>Reference Clause in RFP</b>	<b>Clause Description</b>	<b>Query</b>	<b>PTA Response</b>	<b>Response Date</b>
1.	51	Annexure III (Project Tentative Timeline)	Number of Days to Complete Work	Can the project timeline, set out in Annexe III of the RFP, be amended? In particular, we note that should bidding take place via electronic software, additional time may be required to prepare/customize the software once the IM has been finalized	PTA is relying on expert assistance from CONSULTANT. Please quote your System/Software showing software available with proven record. Minimum additional time required to prepare/customize the software, if bidding is done via electronic software, shall be mentioned by the CONSULTANT in his proposal	29 <sup>th</sup> October 2013
2.	12	4.1 ELIGIBILITY CRITERIA(a) Spectrum Auction Expertise	Should also be an expert on Spectrum Refarming	Please clarify if the project is expected to require consideration of spectrum release and re-farming between licensees	As specified in the RFP, the CONSULTANT should be an expert in the said field. No release of Spectrum re-farming between licensees.	29 <sup>th</sup> October 2013

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3.	12	Section 4.1 Eligibility Criteria	shall own or have access rights to a state-of-the-art WAN/ Internet based secure, reliable, expert auction system (hardware, software, firmware, links etc) for actual use during auction by PTA as well as bidding investors	Does PTA intend to carry out the Auction electronically as PTA's previous Information Memorandum IM 8211, 8217 included provision for a physical open outcry auction	The present RFP doesn't refer to the quoted IM's. The CONSULTANT should meet all requirements in the current RFP.	29 <sup>th</sup> October 2013
4.	19	Section. 7.1.3. Fees and Payment	PTA or the CONSULTANT may identify more number of blocks of spectrum subsequent to the completion of first round of auction process; the PTA at its sole discretion may ask the successful CONSULTANT to conduct a second round of auction within the contract period	Should a second auction be required, will additional consultancy and software support fees associated with second auction be agreed with the consultant	No, because Section 7.1.3 of the RFP states that PTA may ask the CONSULTANT to conduct a second round of auction within the contract period	29 <sup>th</sup> October 2013
5.	22	Section8. Terms of Reference	Meet all requirements of the GoP Policy directive of October 7, 2013 and suggest essential improvements	The quantity and range of spectrum available in the auction will affect the type of auction that is used and hence the methodology & cost of the assignment. Please therefore clarify if any spectrum other than the 2*30MHz in the 1900/2100MHz band is available for assignment in this auction	The Consultant may identify more blocks of spectrum after meeting with concerned authorities and should have the capability to complete the assignment.	29 <sup>th</sup> October 2013

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6.	51	Annexure III (Project Tentative Timeline)	Number of Days to Complete Work	The number of days from the date of appointment of Consultant to the Announcement of Winners of the Spectrum Auction is 67 days.	Yes	30 <sup>th</sup> October 2013
7.	9	3.2 (c) DELIVERABLES	Detailed valuation of the reserve and base price for multiple blocks	We understand that the valuation of the Spectrum has already been undertaken by PTA. We believe that the valuation & identification of block size can have an impact on the Auction Design. This might delay the overall process of the Auction	The CONSULTANT should be capable of performing valuation for reserve and base price.	30 <sup>th</sup> October 2013
8.	9	3.2 (e) DELIVERABLES	Arranging road shows if considered necessary by GoP/PTA, attended by prospective Telecom investors/Operators.	PTA needs to specify the number of road shows to be conducted & the countries where the same is to be conducted. Also the scope of the Consultant with respect to the road shows is to be defined. This will have an impact on the costing of the Consultant.	The CONSULTANT may identify the number of road shows and the countries where they are to be conducted. However, its cost will not be part of the main financial bid and would be arranged as per actual expenditure if requested	30 <sup>th</sup> October 2013
9.	10	3.5 PROCEDURE FOR SUBMISSION OF PROPOSALS	The prospective CONSULTANT may participate via video link, provided the request is made 3 days prior to pre bid conference.	Pre-bid meeting date is not mentioned in the RFP document.	Pre-bid meeting when planned, its date will be communicated.	30 <sup>th</sup> October 2013

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10.	12	4.1 ELIGIBILITY CRITERIA(a) Spectrum Auction Expertise	Should also be an expert on Spectrum Refarming	Refarming of Spectrum comes under the Technical Aspect of the Telecom sector and is related to the Policy decision. Ideally should not be related to this particular clause.	As specified in the RFP, The CONSULTANT should be an expert in the said field	30 <sup>th</sup> October 2013
11.	12	4.1 (b) Spectrum Valuation Expert	The Expert should possess experience in Econometric Modeling & spectrum auctioning.	We believe that the said Expert will be provided by us. Please confirm.	Yes, the CONSULTANT should possess requisite experience	30 <sup>th</sup> October 2013
12.	12	4.1 (c) Telecommunications Legal / Policy Expert.	The expert should be aware of legal issues in the telecom, IT and emerging technologies	We believe that in the context of the upcoming auction of Spectrum for PTA, Valuation Experts & Legal/ Policy Experts might not be required as PTA would have already completed the due diligence. If YES, the asking for the same criteria from the Consultant will enhance the cost from the Consultant side. If NO, then the timeline duration of 67 days might be short to complete all these activities.	The requirement is as stated in clause 4.1(c) of the RFP	30 <sup>th</sup> October 2013
13.	32	I.B. FIRM'S REFERENCES	All items mentioned in the ToR Section 9 shall also be responded.	RFP does not contain Section 9.	ToR is given in Section 8	30 <sup>th</sup> October 2013

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14	29	8.9 Ineligibility and disqualification	The CONSULTANT shall stipulate that it is not presently affiliated with or otherwise receiving financial compensation from any existing telecom licensee, its parent or holding company in Pakistan, or form any prospective local or foreign investor who has a plan to participated in the above mentioned auctions. Non compliance and breach of this stipulation shall result in the immediate disqualification of the CONSULTANT. The CONSULTANT will declare conflicts of interest, if any, with this Consultancy.	We are currently executing consulting engagements for, and receiving financial compensation from a 'parent/ holding' company of one of the existing telecom licensee in Pakistan. While these consulting engagements are not being executed in Pakistan, the question is whether we can submit the bid in response to this RFP or are we ineligible as per section 8.9	All interested CONSULTANTS of international repute who are considering to submit their proposals for this consultancy shall determine their eligibility viz-a-viz conflict of interest themselves before deciding to submit their proposals. PTA will evaluate all the proposals after the proposal submission deadline	1 <sup>st</sup> November 2013
15	20	Section 7.4 Confidentiality	The company shall take adequate and timely measures to ensure that information provided through it as part of this agreement shall be kept confidential, secure and protected. The company shall ensure that adequate safeguards are built into the auction system.	Does 'company' refers to CONSULTANT	Yes, the word company refers to CONSULTANT	1 <sup>st</sup> November 2013

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16	10	3.5 Procedure for submission of proposals	Payment of non-refundable processing fee to PTA from abroad	What is PTA IBAN for swift telegraphic transfer?	PTA IBAN for swift telegraphic transfer is: PK-31 NBPA 1628 0014 00000111	5 <sup>th</sup> November 2013
17	6	2.6(a) Information for CONSULTANTS	Circumstances set forth for hiring of CONSULTANT	“... We would like this clause to be removed from the RFP so no future legal hindrances may arise once the project starts.	PTA stands by its RFP titled “HIRING OF CONSULTANT(S) for Spectrum Auction for Next Generation Mobile Services in Pakistan In-line with Government of Pakistan (GoP) Policy No.1-1/2013-DT dated 7 <sup>th</sup> October, 2013” and its related addendums and Q&A’s issued.	11 <sup>th</sup> November 2013*
18	19	7.1.3 Fees and Payment	Fees and payment to be made to the CONSULTANT	“...terms of the contract must be fixed, not subject to arbitrary and discretionary changes. What happens to the performance bank guarantee if such a clause is used?”	This situation for those instances clearly mentioned in the RFP clause 7.1.3. In remotest situations, if the project is suspended in whole the Performance Bank Guarantee (see Appendix H of RFP) shall be released subject to no breach on the part of CONSULTANT.	11 <sup>th</sup> November 2013*

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19	20	7.2 Performance bank Guarantee	Performance Bank Guarantee to be submitted by successful CONSULTANT	“... with consultant having to pay cost on his own to be reimbursed later, why is this performance guarantee required? Why isn't an international standard of 2% - 5% PBG being followed? ...”	As per clause 39 of Public Procurement Rules 2004 (Pakistan)	11 <sup>th</sup> November 2013*
20	9	Contract Clause 2.6.4 Liquidated Damages	Liquidated damages imposed on the CONSULTANT if it fails to perform	What if there are delays from PTA or GoP?	Refer to clauses 2.6.2, 2.6.3 of the contract	11 <sup>th</sup> November 2013*
21	17	Contract Clause 6.4	Payment schedule	Please explain this in detail?	The clause is clear	11 <sup>th</sup> November 2013*

*\*Responses are only clarifications without changing any aspect of the RFP*