

# Terms of Reference

COUNTRY	Republic of the Union of Myanmar
IMPLEMENTING AGENCY	Ministry of Transport and Communications
NAME OF THE PROJECT	Telecommunications Infrastructure Services Rural Projects
SECTOR	Telecommunications
SERVICES	Consultant Firm
CONTRACT TYPE	Consultancy Contract Time based
DURATION OF ASSIGNMENT	12 months
DUTY STATION	Nay Pyi Taw, Myanmar

## 1. Background

The Government of the Union of Myanmar is in the process of planning telecommunications sector reforms in order to:

- (i) increase access to quality of telecommunication services;
- (ii) make services affordable for Myanmar citizens; and
- (iii) develop the required Information and Communication Technologies (ICT) infrastructure in Myanmar that will facilitate inclusive growth and poverty reduction.

The Ministry of Transport and Communications - MOTC is undertaking a phased approach to achieve its stated targets for the telecommunications sector. On October 8, 2013, the President of the Myanmar signed the Telecommunications Law, which repealed the Myanmar Telegraph Act, 1885, and the Myanmar Wireless Telegraph Act, 1934. Well planned implementation of Governmental decisions is leading to a change in Myanmar's telecommunications market structure. Myanma Posts and Telecommunications - MPT's long lasting monopoly is being replaced by a partially competitive market structure consisting of multiple operators (Ooredoo, Telenor, MPT and Mytel).

The main objective of this assignment is to provide support to Board of Trustee of USF under MOTC for the design of Myanmar's Universal Service strategy and for its implementation in a number of pilot areas to accelerate the development of rural telecommunications (voice and internet) infrastructure and services in locations that are unlikely to attract sufficient private investment.

One of the objectives pursued by the Law is to give more opportunity to the general public for the use of telecommunication services by expanding the telecommunication network throughout the entire country and facilitating the development of the Myanmar telecommunication sector. In particular, the Law provides MOTC the ability to establish various mechanisms to fulfill Universal Service Obligations, including the establishment of a Universal Service Fund.

The general objective of the Universal Service strategy is to enable every citizen of Myanmar, including those who live in rural and remote parts of the countryside, to have the opportunity of accessing telecommunications services. The focus will initially be on addressing communities, areas or target services such that an initial one-time subsidy is sufficient to incentivize a private sector provider to commence services and to continue providing them commercially in the long term.

The Government has received financing from World Bank assistance to implement the Government's Universal Service policy. As a Rural Pilot Project, it is started with four Townships namely; Hpasawng in Kayah State, Sidoktaya in Magway Region, Minbya and Ann in Rakhine State with the help of World Bank. The bidding is limited national bidding to four Nationwide Telecommunications licensed operators - Ooredoo, Telenor, MPT and Mytel in Myanmar by following the World Bank Procurement Regulations and Government Tender Directive 1/2017. Even though all the Operators participated in the Bidding process, PTD was able to award eligible bidder for only two townships; Minbya and Ann in Rakhine State as per the rules and regulations of Tender.

PTD selected Myanma Posts and Telecommunications - MPT for Minbya Township and Telenor Myanmar Limited for Ann Township as the bid Winners.

## **2. Objective**

The main objective of this assignment is to provide support to Board of Trustee of USF under MOTC for the implementation in a number of areas to accelerate the development of rural telecommunications (voice and internet) infrastructure and services in locations that are unlikely to attract sufficient private investment in Myanmar.

## **3. Summary of Tasks**

The consultants will provide support to carry out the following tasks:

### **❖ Implement the Universal Service strategy for Rural Project**

Specifically, the consultants will provide technical assistance support for:

- (i) detailed design of programs to be financed;
- (ii) identification and prioritization of sites to be subsidized;
- (iii) support Board of Trustee of USF in bidding the subsidies;
- (iv) support the monitoring and evaluation of results; and
- (v) support the dissemination of the results.

## **4. Description of Activities**

Implement the Universal Service strategy for Rural Project. The consultants will provide technical assistance support for:

- (i) identification and prioritization of sites to be subsidized;
  - a select the sites according to the rural telecommunications infrastructure assessment, to the strategy and to the criteria agreed with Board of Trustees of USF;
- (ii) detailed design of pilots to be financed;
  - a conduct economic analysis;
  - b establish implementation/contracting and verification arrangements,
  - c define a financial management scheme;
  - d establish procurement and disbursement aspects of the output based aid subsidies for the pilots;
  - e document procedures in a manual, and build capacity within PTD officials;
- (iii) support Board of Trustee of USF in bidding for Rural Project;
  - a design the subsidy bidding process;
    - i. define the outreach and public information activities required (e.g., information campaign, project launch event and bidders conference);
    - ii. define the prequalification requirements, if such a phase is necessary;
    - iii. define the eligibility criteria for participation in the competitive bidding processes;
    - iv. define the securitization options for the bids and for the award;
    - v. define whether it will be a one-stage or a two-stage process;
    - vi. define the technical specifications and technical bid evaluation matrix;
    - vii. define the bid evaluation criteria in addition to the subsidy required, if any;
    - viii. define the procedures to obtain required licenses and spectrum allocations, whether prior to or concurrent with participation in the bidding process;

- ix. define the special regulatory conditions and benefits, if any, in particular with regards to interconnection, tariffs, infrastructure sharing, regulatory fees, service reselling, and approach to retail service provision;
  - x. propose an outline of bidding documents, and necessary contracts; and
  - xi. propose a calendar for the bidding process, including key milestones;
  - b. carry out a demand study and an estimation of the maximal allowed subsidy;
  - c. discuss the detailed design – the consultants shall organize and conduct an internal workshop with PTD key staffs in order to discuss the proposed detailed design prior to final drafting of the bidding documents;
  - d. develop bidding documents and contracts;
  - e. support Board of Trustees of USF in launching the bidding process;
    - i. support and guidance in the project launch and in marketing the opportunity to domestic and international operators, including organization of a pre-bid conference;
    - ii. conduct the pre-qualification phase, if required;
    - iii. support the creation and maintenance of the data room;
    - iv. answer queries at and after the bidders' conference, if required; and
    - v. organize and conduct the opening of proposals in an open and transparent manner;
  - f. support Board of Trustees of USF in evaluating, awarding the subsidies, and contracting the winning bidder;
    - i. conduct the initial review for completeness of the proposals;
    - ii. conduct a detailed technical evaluation of proposals;
    - iii. apply the bid evaluation rules for the selection of a winning bid;
    - iv. draft a detailed evaluation report and award recommendation;
    - v. negotiate with the winning bidder of the award of the contract, the process of providing the subsidy and award of any required licenses, if applicable;
    - vi. provide support in certifying the initial disbursement upon the award of the contract;
  - g. document procedures for evaluation of bids in a manual, and build capacity within PTD officials;
- (iv) support the monitoring and evaluation of results;
- a. support Board of Trustee of USF in evaluating in monitoring and evaluation of Rural Project's results
    - i. deliver a plan for the monitoring of compliance and disbursements against the delivery of the specified outputs;
    - ii. provide support in the project monitoring and evaluation phase;
  - b. develop a monitoring and evaluation system;
    - i. develop a certification method;
    - ii. develop objective certification criteria; and
    - iii. develop testing procedures, forms and related documentation;
  - c. document procedures in a manual, and build capacity within PTD officials;
- (v) support the dissemination of the results;
- a. prepare a completion report that summarizes the key findings and lessons of experience. The lessons will be used to derive recommendations to improve the bidding process and to refine the Universal Service strategy; and
  - b. conduct a workshop in Myanmar to discuss findings and lessons with all stakeholders;

## 5. Deliverables

This consultancy will take about 12 months to complete from the date of signing the agreement between the client and the consultants.

The following table provides a summary of the main deliverables required and estimated timing:

No.	Date	Description of Deliverable
1	Contract signing + 1 months	(i) Report on detailed design of programs to be financed.
		(ii) Report on identification and prioritization of sites to be subsidized.
		(iii) Final Bidding Package and Guide on the Bidding Launch and Evaluation.
2	Contract signing + 4 months	(i) Bid and Evaluation Report and recommendation of award. (ii) Draft negotiated contract.
	Contract signing + 10 months	(i) Monitoring and Evaluation Plan and final report on the Bidding Process (ii) Guide for the monitoring and evaluation of results
4	Contract signing + 11 months	(i) Certification Report on 80% of the target installations completed
5	Contract signing + 12 months	(i) Completion Report and Workshop in Myanmar

All deliverables will be sent to the Board of Trustees of USF. Electronic copies will suffice but physical copies (five copies) are encouraged, especially for Board of Trustees of USF. All deliverables must be in English. Draft versions of deliverables will be submitted electronically and successive versions of reports and bidding documents will be marked to show changes from the previous draft. Final approval of all outputs and deliverables, linked to payments to the consultant, is the responsibility of the Board of Trustees.

## 6. Counterparts

The primary client of this consultancy will be the Board of Trustees. However, the consultants may interact with other governmental bodies as the current sectorial regulatory authority, PTD (Posts and Telecommunications Department), or its expected successor, MCC (Myanmar Communications Commission). The consultants will report to the Board of Trustees who in turn will

- facilitate coordination with other consultants, relevant government departments and agencies and sector stakeholders, including the private sector;
- facilitate access to reports, information, and data as appropriate and in a timely manner; and
- provide local administrative support.

The consultants must have at least 5 to 10 years prior experience in dealing with Universal Service around the world especially in the region of Asia. Relevant regional and international experience of Universal Service will be an added advantage.

**7. Interested Consultants may also obtain further information (if required) at the address given below, during office hours from 09:00 to 16:30 hours:**

Expressions of interest and resumes must be delivered in a written form to the address below (in person, or by mail, or by fax, or by e-mail) by August 5, 2019. **The Expression of Interest should not exceed 20 pages.**

Attn:

Director General  
Office No. (2), Posts and Telecommunications Department.  
Ministry of Transport and Communications  
Nay Pyi Taw, Myanmar  
Telephone: +95 67 3407225  
Fax phone: +95 67 3407216  
E mail: [dg@ptd.gov.mm](mailto:dg@ptd.gov.mm)  
cc: [kyawoo@ptd.gov.mm](mailto:kyawoo@ptd.gov.mm) and  
[usodepartment.ptd@gmail.com](mailto:usodepartment.ptd@gmail.com)

The detail information and requirements can be seen in the Request for Expression of Interest and it can be downloaded at PTD Website: <https://www.ptd.gov.mm>.

If any question regarding with the REoI is arised, please contact to:

U Kyaw Oo (Director)  
Universal Service Obligation Division,  
Office No. (2), Posts and Telecommunications Department,  
Ministry of Transport and Communications (MoTC),  
Nay Pyi Taw, Myanmar  
Phone: +95 67 3407294  
Fax Ph: 067 3407539  
Email: [kyawoo@ptd.gov.mm](mailto:kyawoo@ptd.gov.mm)  
Web site: [www.ptd.gov.mm](http://www.ptd.gov.mm)

Expressions of interest, including detailed Resumes must be delivered (by E-Mails) by 5<sup>th</sup> August, 2019, to the E-Mail IDs as given below:

[dg@ptd.gov.mm](mailto:dg@ptd.gov.mm) and  
cc: [kyawoo@ptd.gov.mm](mailto:kyawoo@ptd.gov.mm) and  
[usodepartment.ptd@gmail.com](mailto:usodepartment.ptd@gmail.com)