

Request for Proposals (RFP)
Asia-Pacific Economic Cooperation (APEC)
Telecommunications & Information Working Group

Enhancing broadband development and internet usages for improving networks and services in APEC member economies. (TEL03/2009A)

This request for proposal is for a consultancy to undertake the following:

1. Carry out a compilation of available information and studies related to broadband technologies and infrastructure;
2. Develop a survey to gather necessary information from APEC member economies on broadband development and internet usage;
3. Gather, process data and perform an analysis about broadband development in the APEC region that can be used by operators and investors;
4. Research on public-private partnerships for investments in broadband development, and on the policies and measures applied for promoting these amongst APEC member economies;
5. Analyze legal, political and social contexts of APEC economy members for the implementation of public policies in broadband development and internet usages;
6. Identify best practices in broadband development and internet usages for strengthening governance and provide recommendations to facilitate the implementation of these policies;
7. In coordination with the Project Overseer, participate in a workshop to report on the research undertaken and present key findings and recommendations;
8. Submit a final report, provide an electronic copy thereof to the APEC Secretariat for dissemination and placement on the APEC Website, and identify other channels for dissemination of the report to a wider range of stakeholders.

Objectives of the project

The project seeks to:

- i. Provide relevant information to investors and policy makers in order to promote investment in broadband development and internet usages;
- ii. Strengthen governance in member economies through broadband development and internet usages; and
- iii. Enhance capacity building in broadband development and internet usages.

Background

APEC Telecommunications and Information Working Group

The Telecommunications and Information Working Group (TEL) was formed in 1990. It is committed to improving telecommunications and information infrastructure and to facilitating free trade and investment and sustainable development in the region. The current work of TEL is accomplished by three steering groups, which propose, implement and monitor projects and activities to advance the TEL mandates and overall goals of APEC. Each steering group addresses a specific priority area: Liberalization; ICT Development; and Security and Prosperity.

APEC Telecommunication Ministers (TELMIN)

In 1998, the APEC Ministerial Meeting on the Telecommunications and Information Industry (TELMIN) called upon the TEL to explore the development of broadband information infrastructures, stressing the need to extend broadband capabilities to rural and underserved areas.

This was reiterated in 2002 when TELMIN underscored the need to focus on broadband technology for economic growth. Noting the e-APEC Strategy and the TEL Digital Divide Blueprint for Action, Ministers also tied broadband efforts to the Ministers' and Leaders' call to resolve digital divide issues of universal access to ICTs.

In 2005, TELMIN adopted the Lima Declaration which includes "Key Principles for Broadband Development in the APEC Region" and which states:

"To meet the Bogor and Brunei Goals and other benchmarks for timely development set by Leaders, the APEC TEL Ministers recommend a new objective of universal broadband access. To attain this objective, economies are encouraged to develop and implement domestic broadband policies."

In that document, APEC ministers recognized that information and communication technologies support economic prosperity in APEC and the development of the Asia Pacific Information Society. Ministers also recognized that broadband connectivity has become an essential component of these technologies.

In 2008, TELMIN reflected on the challenges for APEC economies and reaffirmed continued efforts to turn challenges into opportunities with a view to making a contribution to digital prosperity for the wider economic and social development of APEC economies. APEC Ministers remarked on the importance of promoting universal access for the development of the economies. They specifically outlined the following challenges and strategies:

Challenges and Strategies to Promote Universal Services

"Ensuring universally accessible ICT infrastructure and services to bridge the digital divide is crucial to our future social and economic prosperity. We applauded the remarkable progress made in the APEC region by individual member economies towards achieving the Brunei Goal of universal Internet access by 2010. We further asked the TEL to encourage economies to continue their efforts to expand the reach of networks with the ambitious goal of achieving universal access to broadband by 2015.

"To achieve our common goals, we encouraged intensified efforts to support effective universal service strategies that are appropriate to each economy. These efforts should include innovative policies, regulatory frameworks and programs to meet the needs of unserved or underserved communities using ICT in a sustainable manner."

This project responds to the above goals and instructions from Ministers to bridge the digital divide by promoting universal access through broadband investment in the APEC region.

This project also responds to a key area in the APEC Digital Prosperity Checklist. The Digital Prosperity Checklist calls on "member economies to more deeply engage in building information and communications technologies (ICT) infrastructure and capacity to support strong efforts made in reaching the Brunei Goals on Internet access in the region". The Checklist outlines specific actions or steps economies could take in six key areas that would enable them to promote the use and development of ICTs as catalysts for economic growth and development, as well as the benefits associated with each action. One of these six key areas refers to infrastructure and ICT applications:

"Applications

1. Promote customer-centric e-government supported by backend software and systems, and other collaborative Internet tools, organized around the needs of individual government agencies and bureaus. This would include providing information regarding regulations and policies, including documentation, online."

Tasks of Consultant

The consultant will:

Carry out a compilation of available information and studies on broadband development and internet usage

1. Look into and include statistics provided by economies at TEL meetings and studies done by ITU, APT, OECD, ESCAP, CEPAL (e-LAC), LACNIC, AHCIET, REGULATel and others organizations or associations as baseline on broadband coverage and internet usage in the region;

2. Review other studies and investigations carried out within the APEC region related to broadband, broadband investment, infrastructure and technologies in telecommunication services.
3. Carry out a data compilation and analysis of available information about broadband development, focusing on wireline technologies (xDSL, FTTx, HFC, etc); and wireless technologies (Wimax, technology mobile 3G y 4G -LTE, etc).

Develop a survey to gather necessary information from APEC member economies on broadband development and internet usage

4. Develop an electronic questionnaire in order to gather information from APEC economies on broadband development and internet usage;
5. Identify an appropriate survey respondent in each APEC economy in cooperation with the APEC Secretariat and the Project Overseer.
6. Circulate the survey amongst APEC economies member, for their comments and corrections. (Its design will have included sex-disaggregated questions).
7. Receive and check all the information and data from the survey

Gather and process data and perform analysis about broadband development in the APEC region for use by operators and investors

8. Identify the main actors in public and private sector in broadband investment in APEC member economies;
9. Analyze the statistics and process data related to PC penetration and internet usage and broadband penetration in APEC member economies;
10. Determine investment indicators of broadband development (ICT infrastructure deployment and technologies), highlighting the difference between fixed line and the wireless broadband, and also niche technologies, and other services like the VoIP;
11. Undertake a statistical comparison of broadband investments in developed economies with broadband investments in developing economies ;

Research on public-private partnerships for investment in broadband development and policies and measures applied for promoting it amongst APEC member economies;

12. Identify the main regulatory policies in the telecommunication sector in APEC region, targeted to facilitate the access to infrastructure of incumbent operators in order to promote market liberalization and pro-competition policies on investment in broadband development;
13. Describe how APEC economies are addressing the following regulatory mechanisms for promoting access to the incumbent's infrastructure: ULL, line sharing, bitstream access, naked ADSL and resale.
14. Analyze cases of public-private partnerships for investment in the broadband development in the region and the policies and measures applied for promoting it amongst APEC member economies;
15. Evaluate dynamics of alliances, mergers, vertical integrations and acquisitions between operators and key agents in the APEC economies that have favoured the development of broadband.
16. Describe how the APEC economies are focusing on strategies to promote broadband, highlighting the difference between strategies inter-platform and intra-platform and identify the policies undertaken to promote broadband development through technologies 3G and the forthcoming technology 4G;

17. Focus on how the APEC economies are addressing the following issues: infrastructure sharing, facilitation of access network deployment (local governments), anticompetitive use of in-building wiring by incumbent's operators;
18. Analyze best practices of spectrum management targeted to promote the development of wireless broadband and how APEC economy members treat the topic related to the "digital dividend".

Analyze legal, political and social contexts of APEC economy members for the implementation of public policies on broadband development and internet usages;

19. Carry out a diagnosis on economies' political and social context for the implementation of public policies that could encourage broadband development and internet usages;
20. Make an assessment of the legal framework in which stakeholders will be interacting, including the regulatory aspects, legal issues and conditions related to public tenders on infrastructure and technologies services related to broadband development;
21. Review and analyze the scheduled commitments for investment on telecommunication services and of current offers under the General Agreement on Trade in Services (GATS) and under any completed Free Trade Agreements (FTAs), within the APEC region or between APEC member economies, focusing on topics regarding investment infrastructure for broadband and other related services;
22. Analyze current national strategies or documents such as a national broadband plan, or sectoral policies or guidelines on promoting broadband access in APEC member economies.

Identify best practices in broadband development and internet usages for strengthening governance and provide recommendations to facilitate the implementation of these policies;

23. Identify best practices in the region in public policies promoting broadband development and internet usages for reducing social, political and economic gap, taking into account gender issues to promote inclusion and reduce the digital divide;
24. Identify the principal measures or policies of APEC member economies to spread the usage of internet and PC penetration and determine the role of regulators in bringing broadband to the masses.
25. Assess the feasibility of consumption of such internet applications in all member economies and their less developed and rural areas, and review the key policies that allow the roll out of broadband networks in these underserved areas.
26. Describe the impact of the broadband development and internet usages over citizenship and governance, emphasizing on how broadband development and internet usages change the dynamics of interaction between citizens and the state;
27. Provide recommendations for dealing with obstacles in the implementation of policies that promote development of broadband and internet usages for reducing social, political and economical gap based on best practices that have been identified;

In coordination with Project Overseer, participate in a workshop to report on the research undertaken and the key findings and recommendations

28. Participate in a workshop to report on the research done and the key findings and recommendations on broadband development and internet usage in the APEC region
29. Recommend to Project Overseer suitable panelists to participate in the workshop on broadband development and internet usage

Submit a final report to TEL, provide an electronic copy thereof to the APEC Secretariat, and identify other channels for dissemination of report.

30. Submit a final **report***, that must include an Executive Summary; Introduction; Main Body (Parts I, II, III, IV); Conclusions, Glossary and Appendices;
31. Provide an electronic copy of the report to the APEC Secretariat for dissemination and placement on the APEC Website;
32. Identify other channels for dissemination of the report to a wide range of stakeholders, including women groups.

***The Report**

It is important that the report is user friendly and complies with APEC guidelines on publications and nomenclature. The report will be structured as follows:

Executive summary. The summary of the report should be no more than 5 pages long and include a list of the economies that responded to the survey.

Introduction. This section will provide an overview of the purpose of the survey and the rationale for the project.

Part I

- Cover a review of studies and investigations related to broadband, emphasizing on the studies carried out within the APEC region.
- Include data compilation and analysis of available information about broadband development, focusing in wireline technologies (xDSL, FTTx, HFC, etc); and wireless technologies (Wimax, technology mobile 3G y 4G -LTE, etc).
- Include indicators of broadband penetration, identifying the main actors in the public and private sectors in broadband development.
- Determine investment indicators of broadband (ICT infrastructure deployment and technologies) within the APEC region, highlighting the difference between fixed line and the wireless broadband, and also niche technologies, and other services like the VoIP.
- Statistical comparison of broadband investments in developed economies with broadband investments in developing economies.

Part II

- Cover key updated information about market liberalization and pro-competition policies targeted to encourage investments in broadband development, identifying the main regulatory policies in the telecommunication sector in APEC region, targeted to facilitate access to infrastructure of incumbent operators, including a research about the following regulatory mechanisms: ULL, line sharing, Bitstream access, naked ADSL and resale.
- Analysis of public-private partnerships for investment in broadband development and the policies and measures applied for promoting these policies amongst APEC member economies;
- Include an evaluation of dynamics of alliances, mergers, vertical integrations and acquisitions between operators and key agents in the APEC economies that promote the development of broadband.
- Description of the strategies in APEC member economies to promote broadband, highlighting the difference between strategies inter-platform and intra-platform and the policies undertaken to promote broadband development through technologies 3G and the next technology 4G.
- Focus on how the APEC economies are addressing the following issues: infrastructure sharing, facilitation of access network deployment (local governments), anticompetitive use of in-building wiring by incumbent's operators and analysis of the best practices of spectrum management targeted to promote

the development of wireless broadband and how APEC member treat the topic related to the “digital dividend”.

Part III

- Diagnosis of economies’ political and social contexts for the implementation of public policies that could encourage broadband development and internet usages.
- Assessment of the legal framework in which stakeholders will be interacting, including the regulatory aspects, legal issues and conditions related to public tenders on infrastructure and technologies services related to broadband development;
- Review of scheduled commitments for investment on telecommunication services and of current offers under the General Agreement on Trade in Services (GATS) and under any completed Free Trade Agreements (FTAs), focusing on topics related to broadband investment and internet usages.
- Analysis of national strategies, or documents such as a national broadband plan, or sectoral policies targeted to promote broadband access in APEC member economies.

Part IV

- Identification of best practices in the region in public policies promoting broadband development and internet usages for reducing social, political and economic gap, taking into account gender issues to promote inclusion and reduce the digital divide including principal measures or policies of APEC member economies to spread the usage of internet and PC penetration.
- Include the role of regulators in bringing broadband to the masses.
- Assessment of consumption feasibility of such internet applications in all member economies and their less developed and rural areas, as well as remote and rural broadband coverage (universal service); review the key policies that allow the roll out of broadband networks in these underserved areas.
- Description of the impact of broadband development and internet usages over citizenship and governance, emphasizing on how broadband development and internet usages change the dynamics of interaction between citizens and the state.

Conclusionhis section should include the key findings of the research and survey on broadband development and internet usages in the region.

It should also include suggestions and recommendations for dealing with obstacles in the implementation of policies that promote development of broadband and internet usages for reducing social, political and economical gap based on best practices that have been identified.

Glossary. The glossary will include definitions of all key terms used in the report.

Appendices. The following appendices will be attached to the report: the survey instrument; a comprehensive list of respondents, including the name of the agency and relevant contact details; survey results of each individual economy in a standardised format to be agreed with the Project Overseer; the national plan or strategies for broadband development and other relevant documents.

The consultant in coordination with the Project Overseer will establish a Reference Group constituting of representatives of telecommunication investment authorities of interested economies. The Reference Group will engage with the Project Overseer, by email and/or teleconference to provide advice on project deliverables.

Contact

Alejandro Moscol Salinas

Head officer of International Affairs
 Department of International Relations
 Telf. +51 1 225 13 13/ Ext. 2491
 Address: Calle la Prosa 136, San Borja, Lima 41- Peru **Timetable & Deliverables**

The proposed timetable for the completion of each stage of the project is as follows:

Deadline for submission of proposals to the Project Overseer	20 August 2010
Proposal evaluation and selection of consultant	27 August 2010
Finalisation and distribution of questionnaire	30 September 2010
Submission to PO of Part I	30 October 2010
Submission to PO of Parts II and III	30 November 2010
Submission to PO of Part IV	30 December 2010
Submission to PO of complete draft report	30 January 2011
Presentation of report at TEL meeting	TEL43
Submission to PO of final report	30 April 2011

Qualifications of Consultant

Consultants wishing to tender for this project should present a proposal to the Project Overseer by close of business, 5 pm (local Lima time), **20th August 2010**.

In assessing whether a proposal represents best value for money in regards to all costs, fees, allowances and charges associated with the delivery of services, the Bidding Committee would consider the following evidence supplied by tenderers of their suitability to undertake the specified objectives/duties in this RFP, amongst others:

- demonstrated experience and expertise in undertaking consultancy studies/economic research on broadband investment in the APEC region;
- demonstrated experience in participation in events within the telecommunication sector;
- demonstrated expertise on topics related to broadband and investment in broadband development in the APEC region;
- publication of papers or articles, etc., in specialized journals.
- knowledge about organizations within the telecommunication sector;
- knowledge about the APEC structure and issues related to the Telecommunications and Information Working Group (TEL);
- an outline of the approach to the task and the methodologies to be applied (these should demonstrate that the consultant has a clear understanding of the consultancy);
- an outline of the costs associated with development and implementation of the project;
- evidence of the capacity to deliver high quality products on time and within budget; and
- contact details of referees.

Budget

A budget of US\$40,000 is available for this consultancy to complete the above tasks.

The consultant is required to prepare a detailed itemised budget in submitting their proposal, including a specification of:

- consultancy fees and administrative support charges, with unit cost and the number of hours/days proposed to be devoted to the project; and

- administrative costs associated with the project, such as postage and communication, equipment and materials
- Travel expenses for consultant to attend the workshop will be reimbursed by the APEC Secretariat, subject to signing a separate undertaking by the traveller prior to the workshop and in line with APEC travel regulations.

Submission of Proposals

The Bidder shall lodge one original and three copies of its detailed Proposal. An electronic version should also be submitted at the same time. Decisions will be taken on the basis of the original hard copy written Proposal. In the event of any discrepancy between the original and copy thereof, information contained in the original shall be accepted as correct and shall prevail over any statements contained in the copies. Proposals shall be enclosed in a sealed envelope or package, clearly labelled and lodged via registered mail or courier by 5.00 pm (local Lima time) on **20 August 2010** (the "Closing Time") at the following address –

Alejandro Moscol Salinas
Head officer of International Affairs
International Relations Department of OSIPTEL
Postal Address: Calle la Prosa 136, San Borja, Lima-Perú
Tel.: +511 225-1313
e-mail: amoscol@osiptel.gob.pe

Proposals lodged in any manner other than as detailed in this paragraph shall be deemed to be invalid and will be excluded from consideration.

CONTRACT

If the Proposal of the Bidder is accepted by the APEC Secretariat, the Bidder shall execute a contract in a standard form ("the Contract") within the time period specified by the APEC Secretariat.

ACCEPTANCE OF PROPOSALS

The APEC Secretariat reserves the right to accept any or no Proposal, or any part of parts of a proposal, at its sole discretion.

ADDENDA TO REQUEST FOR PROPOSALS

The APEC Secretariat may, at its sole discretion, vary the Request for Proposals before the Closing Time.

Conditions of this Request for Proposals

1. APEC PREFERENCE PROGRAM

It is the policy of APEC to award contracts to firms from Member Economies when this can be done consistent with an expectation of efficient performance of the Contract, at prices no higher than are obtainable elsewhere, and which can be done without restricting competition. If subcontractors are used, the Contractor shall use its best efforts to place subcontracts in accordance with this policy.

2. ASSIGNMENT

Assignment of the Contract or any benefit arising thereunder or any interest therein will be grounds for terminating the Contract at the option of the APEC Secretariat.

3. CHANGES TO SCOPE OF CONTRACT

The terms of the Contract may be varied only by written agreement between the APEC Secretariat and the Contractor.

4. CONTRACTOR LIABILITY FOR PERSONAL INJURY AND/OR PROPERTY DAMAGE

The Contractor indemnifies and holds harmless the APEC Secretariat for loss or damage or injury suffered by any person, however and wherever caused, by the Contractor, its employees, agents and contractors during the performance of the Contract.

5. DEFAULT

5.1. In the event of a Default by the Contractor, the APEC Secretariat shall write to the Contractor setting out the Default. If the Contractor fails to remedy the Default within the time specified in writing by the APEC Secretariat, the APEC Secretariat may forthwith terminate the Contract without prejudice to the rights of any parties accrued to the date of termination.

5.2. A Default means any breach of a condition of the Contract or any substantial breach of a warranty in the Contract, including, but not limited to:

- (a) failure to perform the Contract within the agreed time, or
- (b) failure to deliver equipment of adequate capability, quality or reliability.

6. DISPUTES

In the event of any dispute concerning the meaning to be given to any term in the Contract, a determination by the APEC Secretariat in writing as to the meaning shall be final and conclusive.

7. EXAMINATION OF RECORDS

The APEC Secretariat, or its designated representative, shall have access to the Contractor's directly relevant books, documents, papers, and other records involving transactions related to the Contract. This access shall commence from the date of signing of the Contract and shall continue for a period of 3 years following the completion of the Contract.

8. RIGHTS IN DATA - GENERAL

The APEC Secretariat shall be deemed the owner of, and shall be deemed to have full rights (including copyright) in all data, regardless of form, format, or media, resulting from performance of the Contract, all data regardless of form, format, or media, used in performing the Contract; all data delivered under the Contract constituting manuals or instructional and training material; all processes delivered or furnished for use under the Contract; and all other data delivered under the Contract.

Subject to the prior written approval of the Executive Director of the APEC Secretariat ("the Executive Director"), the Contractor may have the right to use, release to others, reproduce, distribute, or publish any data first produced or specifically used by the Contractor in the performance of the Contract. For example, the information may be used to promote economic development with any benefits accruing to the originator.

The APEC Secretariat may deliver to the Contractor data necessary for the performance of the Contract. Title to APEC Secretariat furnished data remains with the Secretariat. The Contractor must use any data which it receives from the APEC Secretariat only in connection with the Contract.

To the extent it receives or is given access to data necessary for the performance of the Contract which contains restrictive markings, the Contractor shall treat the data in accordance with such markings unless otherwise specifically authorized in writing by the Executive Director.

The Contractor shall not disclose any information received or generated under the Contract, unless its release is approved in writing by the Executive Director and shall assert any privilege allowed by law to defend vigorously the APEC Secretariat's rights to confidentiality.

9. SUSPENSION OF WORK

The Executive Director may, at any time, by written order to the Contractor, suspend all, or any part, of the work, if any, being carried out by the Contractors, its officers, employees, agents or subcontractors, for a period of up to 90 days after the order is delivered to the Contractor, and for any further period as the circumstances may require at the discretion of the Executive Director. Upon receipt of the order, the Contractor shall immediately comply with its terms and take all reasonable steps to minimize the costs incurred by the stoppage relevant to the work covered by the order. Any associated adjustment to the Contract price and/or time for completion will be negotiated between the Executive Director and the Contractor.

10. TERMINATION FOR CONVENIENCE OF THE SECRETARIAT

The Executive Director, by written notice and without giving any reasons therefor, may terminate this Contract, in whole or in part as he sees fit by issuing a Notice of Termination. If this Contract is terminated, the rights, duties, and obligations of the parties, including compensation to the Contractor, shall be negotiated between the Executive Director and the Contractor, but in no event shall it exceed the total value of the Contract.

After receipt of a Notice of Termination and except as directed by the Executive Director, the Contractor shall immediately stop work as specified in the notice.

After termination, the Contractor shall submit a final termination settlement proposal to the Executive Director in the form and with the certification prescribed by the Executive Director. If the Contractor fails to submit the termination settlement proposal within the time allowed, the Executive Director may determine, on the basis of information available, the amount, if any, due to the Contractor because of the termination and shall pay the amount so determined.

11. LANGUAGE

All drawings, documents, information, correspondence, test reports and such like items shall be in the English language.