



**Independent Communications Authority of South Africa**

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**TERMS OF REFERENCE FOR A PANEL OF ICT REGULATORY  
EXPERTS TO SUPPORT THE INDEPENDENT  
COMMUNICATIONS AUTHORITY OF SOUTH AFRICA  
(ICASA) IN THE EXECUTION OF ITS REGULATORY  
MANDATE**

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**1. BACKGROUND AND SCOPE**

- 1.1 ICASA is mandated to regulate broadcasting, electronic communications and postal matters in the public interest and to achieve the objects set out in the underlying statutes in terms of section 2 of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000 ("the ICASA Act")).
- 1.2 Because of the research or data that is not readily available and regulatory and technical assistance/ advice which may be required from time to time in order to perform its function, ICASA seeks to appoint a panel of ICT regulatory experts to provide such assistance on an ad hoc basis.
- 1.3 The role of the ICT regulatory experts will be to assist, advise and support ICASA in executing its mandate. The panel of ICT regulatory experts may also be drawn upon to assist the Authority with ad hoc projects not included in the Strategic Plan and or Annual Performance Plan, as and when they

develop.

- 1.4 ICASA shall, as and when necessary, request the panel of ICT regulatory experts to provide assistance, advice and or support to ICASA.

## **2. SPECIFICATIONS/TERMS OF REFERENCE**

- 2.1 ICASA shall as and when necessary, request the panel of ICT regulatory experts to help, advice and or support ICASA in the following areas:

- a) Data validation.
- b) Statistical model validation.
- c) Research papers or presentations.
- d) Review of draft research papers or presentations.
- e) Data collection tolls/Portal.
- f) Act as an expert on economic and technical issues relevant to the ICASA's work; and
- g) The panel is also expected to assist ICASA with a full range of issues relating to:
  - i. Regulatory and competition economics.
  - ii. Regulatory cost accounting, cost analysis and cost modelling.
  - iii. Regulatory compliance monitoring and management.
  - iv. Regulatory consumer protection and advocacy; and
  - v. Engineering, licensing, numbering, type-approval, spectrum, and other technical related matters.

- 2.2 All appointments must be prepared to work at rates not exceeding those prescribed by the office of the Auditor-General or the Department of Public Service and Administration (DPSA).

- 2.3 The panel of ICT regulatory experts will be expected to, during and on completion of individual projects, present to the EXCO, Council Committees, Council, and the project teams responsible for the respective projects on findings, conclusions, and recommendations.

2.4 The panel of ICT regulatory experts will be required to:

2.4.1 Provide ICASA with reliable data or information that will contribute towards the growth and development of the South African ICT Sector.

2.4.2 Provide ICASA with research papers or presentations on technology, customers, competitors, economics, costing and trends analysis.

### **3. PERIOD OF ASSIGNMENT**

3.1 The panel shall be appointed for a period of three (3) years.

### **4. PERFORMANCE MEASURE**

4.1 The performance measures will be specified per identified requirement and project and will be closely monitored by ICASA.

### **5. BRIEFING SESSION**

5.1 A non-compulsory briefing session will be held within 10 days from the date of publication of the tender.

### **6. BID EVALUATION**

6.1 The received bids will be evaluated on the 90/10 procurement principle as per the Supply Chain Management Policy and the relevant Treasury Regulations.

6.2 The bidder will be evaluated on (a) submission of the required documents; (b) functionality and (c) price/BB-BEE. Only bidders who meet the cut-off score of 70 out of 100 points for functionality will be considered further for price evaluation. Please see table 1 below:

Content Bid Functionality: Table 1

No	Category (Cut-off 70)	Points
A.	Price	90
B.	BBBEE Status Level Contribution	10
	<b>TOTAL</b>	<b>100</b>
C.	<b>Functionality: Pre-qualification criteria (cut-off 70%)</b>	
	<b>Functional Proposal</b>	
	<p>Capacity and experience in ICT regulatory matters in South Africa.</p> <ul style="list-style-type: none"> <li>No experience in ICT Research in South Africa = 1</li> <li>Less than one years' experience in ICT Research in South Africa = 2</li> <li>Two to three years' experience in ICT Research in South Africa = 3</li> <li>Four to five years' experience in ICT Research in South Africa = 4</li> <li>Greater than five years' experience in ICT Research in South Africa = 5</li> </ul>	<b>30</b>
	<p>Experience in drafting reports and recommendations and in descriptive and quantitative impact evaluation techniques (i.e. data collection, econometric modelling, counterfactual impact assessment, etc)</p> <ul style="list-style-type: none"> <li>No experience in drafting reports and recommendations and in descriptive and quantitative impact evaluation techniques = 1</li> <li>Less than one years' experience in drafting reports and recommendations and in descriptive and quantitative impact evaluation techniques = 2</li> <li>Two to three years' experience in drafting reports and recommendations and in descriptive and quantitative impact evaluation techniques = 3</li> <li>Four to five years' experience in drafting reports and recommendations and in descriptive and quantitative impact evaluation techniques = 4</li> <li>Greater than five years' experience in drafting reports and recommendations and in descriptive and quantitative impact evaluation techniques = 5</li> </ul>	<b>30</b>
	<p>Provision of at least four references where regulatory ICT expert advisory or similar work has been conducted</p> <ul style="list-style-type: none"> <li>No reference provided =1</li> <li>One reference provided =2</li> <li>Two references provided =3</li> <li>Three references provided = 4</li> <li>Four or more references provided =5</li> </ul>	<b>30</b>

	<p>Experience of proposed team.  Demonstrate experience and qualifications of the proposed team including a team leader, the experience must be emphasised on ICT regulatory matters. (Attach CVs with contactable references where ICT research have been successfully rendered)</p> <ul style="list-style-type: none"> <li>• Zero to one year ICT regulatory experience =1</li> <li>• Two to three years ICT regulatory experience = 2</li> <li>• Four to five years Ex ICT regulatory experience = 3</li> <li>• Six to seven years ICT regulatory experience = 4</li> <li>• Eight years and above ICT regulatory experience =5</li> </ul>	<b>10</b>
<b>TOTAL FOR FUNCTIONALITY PRE-QUALIFICATION CRITERIA</b>		<b>100</b>