

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



Ministry of Climate Change, Environment and Energy
Republic of Maldives

**DIGITAL MALDIVES FOR ADAPTATION, DECENTRALIZATION AND
DIVERSIFICATION (D'MADD) PROJECT
P177040**

TERMS OF REFERENCE

for

**Hiring a Firm for Technical Assistance to conduct a detailed assessment of the
gaps in the enforcement regulatory framework for a competitive, open-
access broadband market**

Reference No: MV-MoECCT-DMADD-361221-CS-QCBS

Issued on:

03/26/2024

Advertisement No.:

(IUL)438-DMADD/438/2024/129

1. INTRODUCTION

The Digital Maldives for Adaptation, Decentralization and Diversification (D'MADD) Project (P177040), aims to support the Maldives in its digital transformation. The D'MADD project is funded by a grant from the World Bank and is implemented by the Ministry of Climate Change, Environment and Energy (MoCCEE). The key stakeholders include the National Centre for Information Technology (NCIT), the Communications Authority of Maldives (CAM) and the Department of National Registration (DNR).

The project will assist the government in laying the legal and regulatory foundations for the digital economy and the provision of digital services, fostering the growth of high-quality and reasonably priced Internet services, and fostering trust in digital transactions and service delivery. Hence, the project will fund technical assistance to strengthen legal and regulatory frameworks in such areas as data protection, cybersecurity and cybercrime, electronic transactions, and identification, and provide support for their operationalization through enhancing institutional capacity and developing pertinent roadmaps, strategies, and other tools and guidance.

The proposed Project aims to support the use of digital technologies to decentralize, diversify and to adapt to climate change. The project objective is to enhance the enabling environment for the digital economy in Maldives, to improve identification for in-person and remote service delivery, and to leverage data and analytics for a green, resilient, and inclusive development. It is designed around three components and the proposed activities are conceived following the country's priorities and funding needs in the medium term. The components are as follows:

Component 1: Enabling environment for improved digital connectivity and competitiveness

- 1.1. Improving regulatory frameworks, oversight, and enforcement for a competitive broadband market
- 1.2. Empowering public institutions for digital transformation in Government

Component 2: Digital identification for improved online and in-person service delivery

- 2.1. Legal and institutional enablers and safeguards for secure data and identity management
- 2.2. Modernizing of the foundational ID system and credential
- 2.3. Strengthening the digital authentication ecosystem

Component 3: Digital technologies and data platform for climate resilience

- 3.1. Establishing a climate data platform
- 3.2. Leveraging digital technologies and tools for climate adaptation

2. BACKGROUND

The Maldives telecommunications services market is made up of two players Dhiraagu and Ooredoo Maldives, both providing all telecommunication services under universal licenses and a 3rd service provider Focus Infocom. Focus Infocom is an ISP mainly focused on providing internet services only in the capital Male'. Dhiraagu had been the only telecom service provider in the country until the competition was introduced in 2003 with the licensing of Focus Infocom as the second internet service provider. Ooredoo Maldives started their service in 2005 under the name of Wataniya Telecom Maldives when they were licensed as the second mobile operator. They expanded their services to provide nationwide mobile internet services from very early on and began providing fixed broadband services when they were issued with an additional ISP license. In an effort to develop and enhance the communication services in Maldives, the 4th Licence was awarded to Starlink Services Maldives, a company incorporated by the SpaceX Corp, to provide its Starlink internet services in Maldives.

Broadband coverage is nationwide with mobile broadband available on every single island and fixed broadband covering about 80% of the population. While older fixed broadband services were rolled out over a cable network, currently fixed broadband over fibre is available in about 40% of the islands and growing.

Internet service providers provide a wide-ranging variety of packages providing speeds from 5 Mbps to 200 Mbps with different data allowances and benefits. With the ever-increasing demand from the public for enhanced quality of internet services at lower prices, CAM is keen to ensure that what is being delivered to the public is what is stated by the service providers.

Therefore, CAM plans to monitor the quality of broadband services in the country on a regular basis and publish the results thereby building public confidence in the services.

The D'MADD project requires the services of a consultancy firm to study the regulatory enforcement for a competitive broadband market and propose solutions for the CAM (Full details provided in Scope of Work and Deliverables).

The ToR will support the subcomponent: (1.1) Improving regulatory frameworks, oversight, and enforcement for a competitive broadband market.

3. OBJECTIVE

The objective of this assignment is to establish a comprehensive monitoring and reporting framework for the Communications Authority of Maldives (CAM), ensuring that the infrastructure and service providers fulfil their commitments. This involves identifying the necessary resources and equipment, including training required for the personnel to operate such equipment to enable consistent monitoring of broadband services throughout the country. Additionally, the assignment includes developing and updating regulatory frameworks to promote open access and fair competition in the telecommunications industry. Furthermore, recommendation of detailed capacity building programs would need to be designed and implemented to enhance the oversight and enforcement capacity of CAM staff, enabling effective regulation and monitoring of the sector.

4. SCOPE OF WORK

The proposed scope of work will be conducted by an international telecom strategy, legal, regulatory and competition, planning and policy expert team with previous in-depth knowledge and experience supporting governments in similar telecom planning and transformation programs. The Firm is expected to undertake at least 3 missions over the course of the assignment in The Maldives and spend enough time in the country to gather necessary information, conduct interviews and present key deliverables. During stays in the Maldives the consultant will work directly with CAM and, the MoCCEE in providing the support needed to facilitate the study and conduct the required workshops. The following scope of work outlines in general, the activities and responsibilities expected from the firm to successfully achieve the stated deliverables in Section 5.

4.1. Assess the situation of competition (eg: level of dominance) in all broadband relevant markets and appraise the existing regulatory frameworks (*de jure* and *de facto*) related to the telecommunications industry as a whole.

- Identify main regulatory and competitive bottlenecks all along the broadband value chain and areas for improvement and develop updated blueprint regulatory frameworks to promote open access and fair competition in service and/or infrastructure.
- Review of Service Level Contracts (SLA) between infrastructure and service providers and their customers that outline the quality and performance standards of the service. Identifying provisions that ensure the infrastructure and service providers fulfil their commitments and maintain service quality.
- Collaborate with relevant stakeholders, industry experts, and legal advisors to ensure the updated frameworks align with industry regional and global best practices and legal requirements for the enforcement of a competitive broadband market.

4.2. Design a comprehensive framework that outlines the processes and methodologies for monitoring and reporting on service provide commitments.

- Establish standardized reporting formats to ensure consistent and structured data collection.
- Define key performance indicators (KPIs) and metrics to measure infrastructure and service providers' performance and compliance.
- Determine reporting intervals and establish guidelines for timely reporting by infrastructure and service providers.

4.3. Assess the oversight and enforcement capacity of CAM staff and Identify gaps in their knowledge and skills and Develop training program outline, containing course overview, learning objectives and course content to enhance the skills and knowledge of staff members involved in monitoring and reporting.

- Recommend training programs that address these gaps and enhance the staff's ability to effectively enforce regulations and monitor ISP activities.
- Develop a plan for implementing the recommended training programs and ensure they are tailored to the specific needs of CAM staff.
- Identify the necessary resources and equipment required for effective monitoring of broadband services throughout the country.
- Determine the appropriate monitoring tools, software, and hardware needed for accurate and reliable data collection.
- Assess the current infrastructure and identify any gaps that need to be addressed to enable consistent monitoring.
- Identify the training requirements for CAM personnel to operate the monitoring equipment effectively to ensure that personnel are adequately trained to handle the monitoring equipment and interpret the collected data accurately.

5. DELIVERABLES AND TIMELINE

Based on the above-described general scope of work for this assignment, in close coordination with PMU and CAM, Consultant shall be responsible for delivering the below outputs:

| Deliverables | Duration |
|--|-------------------------|
| <p>5.1. Deliverable 1: Conduct stakeholder consultations (eg: Focus group interviews) and workshop / seminar (workshop 1/2) to gather facts, concerns and ideas of the stakeholders involved to prepare the items required for Deliverable 2 and provide the Assessment report of the situation of competition</p> | <p>60 calendar days</p> |
| <p>5.2. Deliverable 2: Comprehensive framework that outlines the processes and methodologies for monitoring and reporting on service provider commitments, including but not limited to, standardized reporting formats and tools to collect data from ISPs. These formats must include specific metrics, performance indicators, and reporting intervals and have detailed information on the ISP service performance, network infrastructure, and compliance with regulatory requirements. These formats are to be validated with the stakeholders by conducting a validation workshop (workshop 2/2).</p> | <p>60 calendar days</p> |
| <p>5.3. Deliverable 3: Provide the ToR containing generalized technical specification sheet of the equipment and software required to conduct quality of service monitoring.</p> | <p>15 calendar days</p> |
| <p>5.4. Deliverable 4: Assessment report of the oversight and enforcement capacity of CAM staff, Knowledge and skills gap and develop training program outline (high level), containing course overview, learning objectives and list of topics.</p> | <p>45 calendar days</p> |

The consultant is to provide a detailed timeline, with sub tasks and milestones for the deliverables specified above. The total duration for the Assignment will be 180 calendar days from the date of signing the agreement. The timeline should be included in the bid proposal for the consultancy.

6. PAYMENT SCHEDULE

The consultancy firm shall be paid as follows upon completion of each of the deliverables as listed below.

| Stages of Work | Percentage of Payment (%) |
|--|---------------------------|
| Advance Payment Upon submission of Advance Payment Guarantee/ Bond | 10% |
| Deliverable 1 | 25 % |
| Deliverable 2 | 25% |
| Deliverable 3 | 10% |
| Deliverable 4 | 30% |

7. INTELLECTUAL PROPERTY

All information pertaining to this project (documentary, audio, digital, cyber, project documents, etc.) belonging to the client, which the Consultancy Firm with a team may come into contact within the performance of his/her, duties under this consultancy shall remain the property of the D'MADD PMU who shall have exclusive rights over their use. Except for purposes of this assignment, the information shall not be disclosed to the public nor used in whatever manner without written permission of the D'MADD PMU. All the material used in the project should be provided to the client with copyrights.

8. INSTITUTIONAL ARRANGEMENTS, REPORTING AND SUPERVISION

- 8.1. The consultant will work under the guidance and direction of the CAM and Project Manager of the D'MADD PMU.
- 8.2. The consultant will work in a place agreed with the D'MADD PMU and will be required to take part in all the relevant meetings.
- 8.3. All reports and other documents shall be submitted as stipulated in the deliverables and all reports will be submitted as drafts and upon review by the CAM and D'MADD PMU, the Consultant shall revise the draft reports/ documents. Once the revised reports/documents are accepted by the CAM and the D'MADD PMU they will be termed as final reports.
- 8.4. All draft documents should be in Microsoft Word and all final documents in Adobe Acrobat format.
- 8.5. All materials developed under this program shall be approved by the CAM and D'MADD PMU.

- 8.6. The Consultant shall ensure that all outputs are delivered on time, and in accordance with the time frame and requirements stated in the proposal at the highest quality.
- 8.7. The D'MADD PMU and CAM will facilitate the hosting venue and refreshment for the 2 Workshops stipulated in (5.1) and (5.2) and in person meetings during the visit of the consultancy firm as well as online meetings.

9. REQUIREMENTS OF THE FIRM

- 9.1. Minimum five (5) years of proven experience related to telecom planning and transformation programs supporting quality of service (QoS). Additionally, the firm should have been involved in crafting strategies; policies; legal, regulatory and competition frameworks.
- 9.2. Minimum of three (3) successfully completed projects related to assessing and monitoring QoS of the Internet.
- 9.3. Minimum of one (1) successfully completed project related to developing regulatory frameworks for enforcing QoS of the Internet.

10. REQUIRED EXPERTISE OF THE CONSULTANTS

The study will be conducted by a team of consultants including expertise in international telecom, planning and policy, legal, regulatory and competitive analysis and framework, accounting, financial and economic analysis.

10.1. Project Manager:

Education: Degree in Business, Project Management, or related field.

Experience: At least 10 years of proven track record of managing complex projects, preferably within the telecommunications sector.

10.2. Telecommunications Consultant:

Education: Degree in Telecommunications Engineering, Computer Science, or related field.

Experience: At least 10 years of experience in the telecommunications industry, with a focus on broadband technologies and regulatory affairs.

10.3. Market Analyst:

Education: Degree in Business, Economics, or related field.

Experience: At least 5 years of experience in market analysis, preferably within the telecommunications sector. Knowledge of competitive market dynamics and pricing strategies is required.

10.4. Quality Assurance (QA) Specialist:

Education: Degree in Computer Science, Information Systems, or related field.

Experience: At least 5 years of experience in QA, preferably within the telecommunications sector. Familiarity with ISPs and broadband technologies is necessary.

10.5. Regulatory Affairs Specialist:

Education: Degree in Law, Business Administration, or related field.

Experience: At least 7 years of experience in regulatory affairs, preferably within the telecommunications sector. Knowledge of local and international telecom regulations is essential.

Note: Key Experts will not be evaluated at the shortlisting stage.

11. REQUIRED DOCUMENTS

11.1. The firm is expected to demonstrate past experience, provide references and documented proof that it meets the above requirements.

12. SUBMISSION

12.1. The deadline for submission of the Expression of Interest is before *10:00AM* on *25th April 2024*.

12.2. You may submit your bid proposal through email, postal mail or by hand-delivering them in sealed envelopes addressed to the Purchaser.

Project Manager
Digital Maldives for Adaptation, Decentralization and Diversification
Project (D'MADD)
Ministry of Climate Change, Environment and Energy
NCIT Building
No 64, Kalaafaanu Hingun, Male' 20064, Republic of Maldives
Tel: +(960)330-2253
Email: procurement.dmadd@environment.gov.mv