



OPEN INTERNATIONAL TENDER

EXPRESSION OF INTEREST (EOI) TENDER FOR PROVISION OF CONSULTANCY SERVICES TO UNDERTAKE A STUDY ON ASSESSMENT OF COMPETITION IN THE TELECOMMUNICATION SECTOR

1.0 INTRODUCTION

The Communications Authority of Kenya (CA) is established to license and regulate information and communications services in Kenya, pursuant to Sections 5 and 25 of the Kenya Information and communications act, 1998 and as amended in 2013. With respect to regulation of competition, the authority derives its statutory powers from Sec 23 (2) (b) and part VIC of the Act. In this regard, Section 84R of the Act gives the Authority the mandate to promote, develop and enforce fair competition and equality of treatment among the licensees.

Presently, many of the regulatory and competition issues that arise in Telecommunication sub-sector relate to barriers to entry and dominance at the various stages of production or supply chain. To clearly get insight of the market status and facilitate decision-making in prescribing proportionate and appropriate regulatory actions, the Authority aims to undertake a market analysis of the levels and status of competition in the sub-sector. This will assist the Authority in identifying and developing the key market interventions necessary to facilitate continued growth and economic efficiency in the sector, while promoting sustainable investments, access and affordability.

The Authority therefore, wishes to undertake a provision of consultancy services to undertake assessment of Competition in the Telecommunication sector. The Eoi should be in English and any attached documents that are not in English must have English translation notarized by a Notary Public.

2.0 SCOPE OF SERVICES

The consulting firm shall adhere to the Terms of Reference stated below and where necessary expand the scope;

- Identify the relevant markets (sub-markets) within the Telecommunication sub-sector, the number of players that exist and their respective market shares;
- Establish the levels and extent of competition in the identified Telecommunication markets; and determine dominant players, and those with significant market power (SMP).
- Identify the market barriers, if any, which prevent or restrict entry, competition and the growth of the players.
- Provide a proposal on the best ways by which the identified barriers and factors considered a hindrance to growth can be considerably minimized or eliminated; and
- Review existing policy, legal and regulatory frameworks on competition and recommend appropriate changes to enhance their effectiveness;
- To establish any anticompetitive behavior and evaluate the extent this has helped players entrench dominance in the telecommunication sub-sector.
- Identify specific stimulus that can be injected in the Internet/Data sub-segment in order to ensure that there is effective competition, accessibility, affordability and growth.
- Recommend the optimal or appropriate and proportionate regulatory remedies to the competition issues identified within the existing regulatory and legal framework.
- Recommend any other relevant intervention(s) that would go along towards enhancing effective management of competition in the telecommunication subsector in Kenya.

3.0 DOCUMENTS TO BE SUBMITTED

Expressions of Interest (EOI) from qualified firms must be accompanied by copies of the following documents:

- Company profile (company history, contacts, services and affiliations);
- Certificate of business incorporation/registration of the firm;
- A valid tax compliance certificate from the firm's domicile country;
- Two copies of the expression of interest (EOI) documents (Original and a copy
- Provide details of at least three (3) consultancy services of similar nature undertaken in the last five (5) years, in line with the ToRs indicated above;
- Provide reference letters from at least three organizations mentioned in 5 above with contact persons where services of a similar nature have been undertaken;
- Demonstration of financial capability in carrying out the consultancy work by attaching audited accounts for the last three (3) years;
- A Description of a proposed methodology, plan and schedule of implementation of the proposed project.

4.0 CLARIFICATION

The interested parties may request for clarification on this Expression of Interest up to five (5) days before the Eoi submission date. Any request **for clarification** must be sent in writing by paper mail or electronic mail to the address/email here below. Firm is requested to register using the mail shown below for the purposes of issuing responses of clarifications as appropriate.

5.0 SUBMISSION OF EOI

Expressions of Interest (EOI) documents should be submitted in plain, sealed envelopes clearly marked: **CA/PROC/EOI/05/2015-2016 - "Expression of Interest (EOI) tender for provision of consultancy services to undertake a study on assessment of competition in the telecommunication sector in Kenya"**. The EOI documents should be deposited in the CA Tender Box situated on the ground floor of CA Centre along Waiyaki Way and addressed as below so as to reach us on or before **14th October, 2015 at 2.30 P.M.**

Secretary

Tender Committee

Communications Authority of Kenya (CA)

P.O. Box 14448, Nairobi 00800

Tel: +254 (020) 4242000

Mobile: +254 703-042000

Email: tenders@ca.go.ke

Website: www.ca.go.ke

Note: The above-mentioned information can be accessed at IFMIS Supplier Portal (<http://supplier.treasury.go.ke/site/tenders.go/index.php>) and our website.

Bids shall be opened soon thereafter at the Commission's 1st floor Meeting Room 2, CA Centre, at 2:30pm in the presence of the bidders representative(s) who choose to attend.