



# **AMENDMENT No. 1**

**SPECTRUM MANAGEMENT AUTHORITY**

**REQUEST FOR PROPOSAL**

**Licence in the 700 MHz Spectrum (Band 13)  
(SMA – RFP700-2021-02-01)**

**...Shaping Your Future with Wireless...**

**AMENDMENT No. 1**  
**Request for Proposal**  
**Licence in the 700 MHz Spectrum (Band 13)**  
**RFP#: SMA – RFP700-2021-02-01**

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The Spectrum Management Authority (SMA) hereby issues **Amendment No. 1** to the Request for Proposal (RFP)# SMA - RFP700-2021-02-01 issued on 2021 February 09 for the award of a Licence in the 700 MHz Spectrum Band 13.

**IMPORTANT NOTE**

Please note the Government of Jamaica Electronic Procurement (GoJEP) system will no longer be utilized for this RFP and as such all references made to the GoJEP and its related website are no longer valid. Consequently, this Amendment is aimed at directing all interested persons to the new system which will be used for “*Clarifications*” and the submission of the “*Technical and Financial Proposals*”.

**The SMA hereby advises of the revision of the following sections:**

- 1) Section I: Request for Proposal for The Award of 700 MHz (Band 13)
- 2) Section III: Instructions to Bidders (*First Paragraph*)
- 3) 3.9 Clarification, Amendment and Withdrawal of RFP
- 4) 3.12 Submission, Sealing, and Marking of Proposals
- 5) 3.13 Confidentiality
- 6) 3.14 Opening of Technical Proposals
- 7) 3.18 Public Opening of Financial Proposals
- 8) 3.27 The close of the RFP
- 9) Section V: Bidding Data Sheet
- 10) Appendix 4: GoJEP Quick Guide (*To Be Removed from the RFP*)

**The aforementioned sections have been revised and now read as follows:**

## Section I: Request for Proposal for The Award of 700 MHz (Band 13)

### Important Notice

This Request for Proposal ("RFP") is prepared by the Spectrum Management Authority (SMA) in connection with the proposed award of a Spectrum Licence in the 700 MHz frequency band and bears reference number, *SMA-RFP-700-2021-02-01*.

It is made available on the express understanding that it will be used for the sole purpose of assisting the recipient of this RFP in deciding whether it wishes to proceed with a further investigation of possible participation in the process. This RFP is not intended to form any part of or influence any investment decision or other evaluation or any decision to participate in the RFP and should not be considered as a recommendation by the SMA or its advisers to any recipient of this RFP to participate in the RFP. Each recipient of this RFP must make its own independent assessment of the potential value of the licence after making such investigation as it may deem necessary in order to determine whether to participate in the RFP.

While the information contained in this RFP is believed to be accurate as at the time of publication, it has not been independently verified. Neither the SMA, nor any of the SMA's respective directors, officers or employees make any representation or warranty (express or implied) nor accept, nor will accept, any responsibility or liability as to, or in relation to, the accuracy or completeness of the information contained in this RFP or any other written or oral information made available to any interested party or its advisers. Any liability in respect of any such information or any inaccuracy in this RFP, or omission from this RFP, is expressly disclaimed. In particular, but without prejudice to the generality of the foregoing, no representation or warranty is given as to the achievement or reasonableness of any future projections, estimates, prospects or returns contained in this RFP. This RFP does not constitute an offer nor the basis or any part of any contract which may be concluded in relation to the Award Process or in respect of any award of Spectrum Licences.

Recipients of this RFP shall not construe the content of this RFP, or any other communication by or on behalf of the SMA or any of its advisers, as financial, legal, tax or other advice. Accordingly, each recipient of this RFP should consult its own professional advisers as to financial, legal, tax and other matters concerning any potential participation in the RFP.

This RFP is available on the SMA's website, [www.sma.gov.jm](http://www.sma.gov.jm) under the **Title - Request for Proposal 700 MHz**.

Following the issue of this RFP, the SMA reserves the right to make available additional relevant information through the publication of further documentation. All requests for information will be handled in accordance with the Access to Information Act, 2000.

Questions received from Parties responding to the RFP will be published anonymously on the SMA's website in whole or in part. The identity of those asking the questions will not be published and requests for confidentiality of subject material will be considered in accordance with the need for transparency in the conduct of the evaluation of bids. It will be the responsibility of each interested party to check the SMA's website for updates.

## Section III: Instructions to Bidders

The Bidder is required to submit two (2) sets of documents, the Technical and Financial Proposals (hereinafter referred to together as “the Proposal”), by the Close of the RFP. The Bidder will submit its Proposals by placing them within a designated Tender Box located at the SMA’s office. The Technical and the Financial Proposals, are to be placed in two (2) separately labelled and sealed envelopes. The Proposals will be assessed in three (3) stages:

1. The Pre-Qualification Stage
2. Evaluation of the Technical Proposals
3. Opening of the Financial Proposals

### 3.9 Clarification, Amendment and Withdrawal of RFP

A prospective Bidder requiring any clarification of the RFP shall submit such requests to the SMA to the email address: [rfp700frequency@sma.gov.jm](mailto:rfp700frequency@sma.gov.jm). The requests must be received prior to the cut off for clarifications period as stated in the BDS. The SMA shall provide its response to all those who have acquired the RFP directly from it, including a description of the inquiry but without identifying its source.

Should the SMA deem it necessary to amend the RFP as a result of a clarification or the pre-Proposal meeting, it shall do so in accordance with the procedure set out in this subparagraph.

At any time prior to the close of the RFP, the SMA may, for any reason, whether on its own initiative or in response to a clarification requested by a prospective Bidder, amend the RFP. Later amendments on the same subject modify or replace earlier ones.

Amendments will be issued through the SMA’s website, [www.sma.gov.jm](http://www.sma.gov.jm).

In order to afford prospective Bidders reasonable time in which to take the amendment into account in preparing their proposals, the SMA may, at its discretion, extend the deadline for the submission of proposals, in which case, the SMA will notify all Bidders in writing of the extended deadline for the submission of proposals, pursuant to this RFP.

If the clarification results in the RFP becoming materially inaccurate the SMA shall withdraw and reissue the RFP. Bidders who obtained these original documents will be permitted to participate without penalty.

The deadline for submission of requests for clarification is two (2) weeks after the publishing of the RFP.

### 3.12 Submission, Sealing, and Marking of Proposals

The Bidder shall submit its Proposals in hard copies to the SMA's office located at the address specified in the BDS. A total of six (6) sets of documents must be submitted, one (1) original document, clearly marked "**ORIGINAL**" and five (5) copies, each clearly marked "**COPY**". It is the Bidder's responsibility to ensure that all sets of documents are identical. In the event of any variation, the content of the "**ORIGINAL**" document will be regarded as the Bidder's official submission.

The Proposals shall be typed or written in permanent ink and shall be signed by a person duly authorized to sign on behalf of the Bidder, verified with a company stamp in the presence of a named witness. All pages must also be initialled by the authorized person. This authorization shall consist of a power of attorney as set out in Appendix 8 and shall be attached to the Proposal.

Any interlineations, erasures, or overwriting shall be valid only if they are signed or initialled by the person signing the Proposal.

Proposals shall be submitted in hard copy as specified in the **BDS**.

Bidders submitting proposals shall follow the procedures as described on in the BDS.

### 3.13 Confidentiality

Information relating to the examination, evaluation, comparison, and post-qualification of Proposals, and recommendation of the award, shall not be disclosed to Bidders or any other person(s) not officially concerned with such process until publication of the Award.

Any effort by a Bidder or any person to influence the SMA in the examination, evaluation, comparison, and post-qualification of the proposals or spectrum award decisions, shall result in the rejection of its Proposal.

Notwithstanding this Clause 3.13, from the time of Proposal opening to the time of Award, if any Bidder wishes to contact the SMA on any matter related to the bidding process, it must do so using the email address: [rfp700frequency@sma.gov.jm](mailto:rfp700frequency@sma.gov.jm).

### 3.14 Opening of Technical Proposals

The SMA shall conduct the Proposal Opening in public at the address, date and time specified in the **BDS**. The envelope with the Financial Proposal shall remain sealed and securely stored with a reputable public Auditor or independent authority until they are opened in accordance with clause 3.18 of the RFP.

For the Bidding process, the Proposal Opening team, appointed by the SMA shall prepare a Proposal Opening Report that shall include, as a minimum: (i) the name and the address of the Bidder (ii) the presence or absence of a duly sealed envelope with the Financial Proposal;

(iii) any modifications to the Proposal submitted prior to Proposal submission deadline; and  
(iv) any other information deemed appropriate or as indicated in the **BDS**. A copy of the report will be distributed to all Bidders who submitted a Proposal.

Envelopes marked “WITHDRAWAL” shall be opened and read out and the envelope with the corresponding Proposal shall not be opened but returned to the Bidder. If the withdrawal envelope does not contain a copy of the “power of attorney” confirming the signature as a person duly authorized to sign on behalf of the Bidder, the corresponding Proposal will be opened. No Proposal withdrawal shall be permitted unless the corresponding withdrawal notice contains a valid authorization to request the withdrawal and is read out at Proposal opening.

Envelopes marked “MODIFICATION” shall be opened and read out with the corresponding Proposal.

No Proposal modification shall be permitted unless the corresponding modification notice contains a valid authorization to request the modification and is read out at Proposal opening. Only envelopes that are opened and read out at Proposal opening shall be considered further.

All other envelopes shall be opened one at a time, reading out: (i) the name and the address of the Bidder; (ii) the presence or absence of a duly sealed envelope with the Financial Proposal; (iii) any modifications to the Proposal submitted prior to Proposal submission deadline; and (iv) any other information deemed appropriate or as indicated in the **BDS**.

The SMA shall preserve the original copy of the Proposal Opening Report.

The Bidders’ representative(s) who are present shall be requested to sign the attendance sheet. A copy of the Report shall be distributed to all Bidders who submitted proposals within the timeline specified for the closing of this RFP in the **BDS**.

### **3.15 Late Bids**

The SMA shall not consider any Proposal that arrives after the deadline for submission of Proposals. The Bid submission must be placed into the **Tender Box** on or before the closing time indicated in the **BDS**. At the time for the close of Bids the Tender Box will be closed.

Late submissions will be automatically rejected by the RFP Officer, who shall be appointed by the SMA. Bidders are therefore urged to submit their proposals in hard copies at least two (2) hours prior to the close of submission time.

The SMA will not be held liable for Proposals that are not submitted on time. Persons requiring clarification are required to submit their queries within the designated timeline via the email address specified in the **BDS**.

### 3.18 Public Opening of Financial Proposals

Financial Proposals will only be opened in relation to those designated as Qualified Bidders.

After the technical evaluation is completed, the SMA shall notify those Bidders whose Proposals were considered non-responsive to the RFP or did not meet the minimum qualifying technical score (and shall provide information relating to the Bidder's overall technical score, as well as scores obtained for each criterion and sub-criterion) that their Financial Proposals will be returned unopened after completing the selection process.

The SMA shall simultaneously notify in writing the Qualified Bidders of the date, time and location for the opening of the Financial Proposals. The opening date should allow the Qualified Bidders sufficient time to make arrangements for attending the opening. The Qualified Bidder's attendance at the opening of the Financial Proposals is optional and is at the Bidder's choice.

The Financial Proposals will be **opened publicly** in the presence of the authorised representatives of those Bidders whose Proposals have passed the Minimum Technical Score. At the opening, the names of the Bidders, and the overall technical scores, including the break-down by criterion, shall be read aloud. The Financial Proposals will then be inspected to confirm that they have remained secured and unopened. These Financial Proposals shall be then opened, and the bid prices read aloud and recorded. Copies of the record shall be sent to all Bidders who submitted Proposals.

The company bidding the highest amount will be confirmed as the Winner of the RFP.

### 3.27 The close of the RFP

The closing time and date for the submission in response to this RFP and also the time for the opening the Technical Proposal are indicated in the BDS.

## 8.4 Appendix 4: GoJEP Quick Guide

This section is no longer considered to be part of the RFP, as such please ignore.

## 5 Section V: Bidding Data Sheet

The following specific data for the 700 MHz Mobile Licence to be granted shall complement, supplement, or amend the provisions in the RFP. **Whenever there is a conflict, the provisions herein shall prevail over those in RFP**

| RFP Clause Reference              | A. General  |
|-----------------------------------|---|
| RFP 1.1                           | The issuing entity is: <a href="#">Spectrum Management Authority (SMA)</a>  |
| RFP 1.1                           | The name and identification number of the RFP are:<br><a href="#">SMA-RFP-700-2021-02-01</a>  |
| RFP 1.3                           | The number, identification and names of the lot comprising this RFP are:<br><a href="#">Band 13 (2 x 10MHz) of the 700 MHz mobile band.</a>   |
| RFP 1.3                           | Bidding will be conducted in accordance with <a href="#">the provisions of the GOJ Public Procurement Act (2015), The Public Procurement Regulations, 2018.</a>   |
| RFP 2                             | Prequalification of Bidders will be undertaken.   |
| RFP 2                             | <b>Overseas and National Bidders</b> will be required to obtain a valid Tax Compliance Certificate (TCC) to qualify for the bid. <b>It is required upon bid submission.</b><br><br>For more information on acquiring a TCC please visit <a href="http://www.jamaicatax.gov.jm">http://www.jamaicatax.gov.jm</a>                                   |
| RFP 2.1                           | The Project is: <a href="#">Roll-Out and Implementation of Network in the areas specified in Appendix 6 of the RFP.</a>   |
| <b>B. Instructions to Bidders</b> |   |
| RFP 3                             | <a href="#">As in RFP or Amendment No. 1.</a>   |
| <b>C. Preparation of bids</b>     |   |
| RFP 3.3                           | The language of the bid shall be in <b>English.</b><br><br>Any documentation received in other languages is to be accompanied by the English translation. If not, the translation will be requested, failure to supply the requested translation in the given timeline will result in the document being disqualified from the Bidder's proposal. |
| RFP 3.4                           | The Bidder shall submit the following additional documents in its bid:<br>1. All appropriate Bid Submission Forms as detailed in the RFP and for these purposes shall comprise the following documents:   |



|         |   |
|---------|---|
|         | <ul style="list-style-type: none"> <li>a. Form 1 - Company Information Requirements</li> <li>b. Form 2 - Qualification Information</li> <li>c. Form 3 - Legal Information</li> <li>d. Form 4 - Client Reference Form</li> <li>e. Form 5 - Bid-Securing Declaration</li> <li>f. Form 6 - Technical Proposal Submission Form (TECH-1)</li> <li>g. Form 6 - Bidder's Organization and Experience (TECH-2)</li> <li>h. Form 6 - Description of Approach, Methodology and Roll-Out plan (TECH-3)</li> <li>i. Form 6 - Organisational Structure, Team Composition and Curriculum Vitae (TECH 4)</li> <li>j. Appendix 1: Financial Proposal - Bid Form (Separate Envelope)</li> <li>k. Appendix 2: Bidder Compliance Certificate</li> <li>l. Appendix 3: Irrevocable Letter of Undertaking</li> <li>m. Appendix 8: Power of Attorney</li> <li>n. Schedule of Requirements Forms (as required)</li> </ul> <p>2. Detailed technical proposal including the technical requirements and the financial information.</p> <p>3. Other Supporting Documentation</p>                                      |
| RFP 3.5 | Alternative proposals <i>shall not</i> be considered.   |
| RFP 3.5 | <p>The Proposal shall conform to the “<i>Two-Envelope System</i>” and shall have two (2) envelopes, clearly labelled: “Technical Proposal” and “Financial Proposal”.</p> <p>Within each envelope a total of six (6) sets of documents must be included, one (1) original document, clearly marked “<b>ORIGINAL</b>” and five (5) copies, each clearly marked “<b>COPY</b>”. Proposals must be duly signed by an authorized Officer of the Company with the appropriate company seal/stamp affixed.</p> <p><b><u>Technical Proposal</u></b></p> <p>The Technical Proposal is to demonstrate the qualifications, competence, and capacity of any bidder to execute the requisite functions of the Spectrum Licence.</p> <ul style="list-style-type: none"> <li>• Bidders shall submit an original (so marked) and five (5) copies of equal content of the Technical Proposal.</li> <li>• The original and each copy of the Technical Proposal shall contain the Eligibility Criteria Documents, Client References and Technical Proposal Standard Forms as specified in the RFP.</li> </ul> |

|  |  |
|--|--|
|  | <p><b><u>Financial Proposal</u></b></p> <p>The Financial Proposal should contain the amount in US Dollars which the Bidder proposes to pay for the acquisition of the Spectrum Licence as described in this RFP.</p> <ul style="list-style-type: none"> <li>• Bidders shall submit an original (so marked) and five (5) copies of equal content of the Financial Proposal.</li> <li>• The original and each copy of the Financial Proposal shall contain the Financial Proposal Standard Forms as specified in the RFP.</li> </ul>   |
| <p><b>RFP 3.6</b><br/><b>RFP 3.7</b></p> | <p>The bid validity period shall be <b>One Hundred and Eighty (180)</b> days from deadline for submitting bids which is the 5<sup>th</sup> day of September, 2021.</p>   |
| <p><b>RFP 3.9</b></p>                    | <p>All clarifications must be submitted to the email address mentioned below which has been designated for this purpose. No Bids must be forwarded to this email address. Any Bids or Proposal sent to this address will be automatically rejected.</p> <p>Clarifications, questions, or comments regarding the RFP must be addressed and emailed to:</p> <p>Attention: <b>Managing Director</b><br/><b>Spectrum Management Authority</b><br/><b>13-19 Harbour Street,</b><br/><b>Kingston.</b><br/><b>Jamaica W.I.</b></p> <p>Email Address: <b><a href="mailto:rfp700frequency@sma.gov.jm">rfp700frequency@sma.gov.jm</a></b></p> <p>Email Subject: <b>SMA-RFP-700-2021-02/01</b></p> <p><u><i>Emails shall be used as PRIMARY method of clarification.</i></u></p> <p><b>The deadline for receipt of clarification is Tuesday, February 23, 2021, at 4:00 p.m., Jamaica Time (UTC-5).</b></p> |
| <p><b>RFP 3.12</b></p>                   | <p>Bids will be submitted by way of <b>hardcopy</b> in the <b>Tender Box</b> provided by the Spectrum Management Authority at 13 - 19 Harbour Street, Kingston.</p>  |

## D. Submission and Opening of Bids

RFP 3.12

### Proposal Packaging and Labelling Instructions

The Proposal shall conform to the “*Two-Envelope System*” and shall have two (2) envelopes, sealed and clearly labelled: “Technical Proposal” and “Financial Proposal”.

- 1) An envelope with The Financial Proposal shall contain one (1) original document, clearly marked “ORIGINAL” and five (5) copies, each clearly marked “COPY”. This envelope shall bear the name and address of the Bidder. The envelope shall be clearly marked with the words as follows:-

**RFP For Licence in the 700 MHz Spectrum (Band 13)  
Financial Proposal  
Spectrum Management Authority  
13 - 19 Harbour Street  
Kingston, Jamaica.**

**DO NOT OPEN ON DAY OF TENDER OPENING**

- 2) An envelope with The Technical Proposal shall contain one (1) original document, clearly marked “ORIGINAL” and five (5) copies, each clearly marked “COPY”. This envelope shall bear the name and address of the Bidder. The envelope shall be clearly marked with the words as follows:-

**RFP For Licence in the 700 MHz Spectrum (Band 13)  
Technical Proposal  
Spectrum Management Authority  
13 - 19 Harbour Street  
Kingston, Jamaica.**

|                        |   |
|------------------------|---|
|                        | <p>3) The sealed envelopes described in paragraphs (1) and (2) above should then be placed inside another sealed envelope. This outer envelope should NOT bear the name OR address of the Bidder. In the event the submission is declared late, the outer envelope only will be opened to identify the Bidder and the inner contents returned to that Bidder unopened. This envelope should be addressed as follows:</p> <div style="border: 1px solid black; padding: 10px; text-align: center; margin: 10px auto; width: fit-content;"> <p><b>RFP For Licence in the 700 MHz Spectrum (Band 13)</b><br/> <b>Managing Director</b><br/> <b>Spectrum Management Authority</b><br/> <b>13 - 19 Harbour Street</b><br/> <b>Kingston, Jamaica.</b></p> </div> <p>Bidders shall submit their Bids by hard copy in the Tender box provided at the office of the Spectrum Management Authority, located at 13 - 19 Harbour Street, Kingston, Jamaica.</p> |
| <p><b>RFP 3.12</b></p> | <p>For bid submission purposes, the Issuing Entity's address is:</p> <p><b>Spectrum Management Authority</b><br/> <b>13 - 19 Harbour Street,</b><br/> <b>Kingston</b><br/> <b>Jamaica.</b></p> <p>The deadline for the submission of bids is:</p> <p>Date: <b>March 9, 2021.</b><br/> Time: <b>1:00 p.m., Jamaica Time (UTC-5)</b></p> <p>Proposals should be placed in the <b>Tender Box</b> on or before the closing time of 1:00 p.m. Please note that all late Proposals will be rejected.</p> <p><b>ALL BIDS MUST HAVE THE REQUIRED SIGNATURES AND SUPPORTING DOCUMENTATION.</b></p>   |
| <p><b>RFP 3.14</b></p> | <p>The Proposal Opening shall take place on:</p> <p>Date: <b>March 9, 2021.</b></p> <p>Time: <b>2:30 p.m., Jamaica Time (UTC-5)</b></p> <p>Venue: <b>The location for the Proposal Opening will be announced via the SMA's website, <a href="http://www.sma.gov.jm">www.sma.gov.jm</a>.</b></p>   |
| <p><b>RFP 3.14</b></p> | <p>Proposal opening will be done by way of public opening at the venue to be announced via the SMA's website.</p>   |

| <b>E. Evaluation and Comparison of Bids</b> |  |
|---|--|
| <b>RFP 3.15</b>                             | Alternative times for completion <i>are not</i> permitted.   |
| <b>RFP 3.17</b>                             | Evaluation of Technical Proposals.   |
| <b>RFP 3.21</b>                             | <i>The Bidder shall be required to quote in United States Dollars.</i><br><b>The Bidder's price should be quoted in United States Dollars (USD).</b>   |
| <b>RFP 3.24</b>                             | <p><b>A Deposit of 50%:</b></p> <ol style="list-style-type: none"> <li>1. <b>Made into the Issuing Entity's bank account. <u>OR</u></b></li> <li>2. <b>In the form of an Irrevocable Letter of Undertaking in form of the document in RFP - Appendix 1</b></li> </ol> <p><b>Failure to comply with either 1 or 2 above will result in the rejection of the Bidder's proposal.</b></p>  |
| <b>F. Award of Licence</b>                  |  |
| <b>3.26</b>                                 | <p>The Winner of the RFP will be assigned the spectrum in accordance with the conditions set out herein.</p> <p>The Deposit paid by that Bidder will be immediately released or demanded.</p> <p>The Winner of the RFP must commit to pay the outstanding balance in ten (10) equal instalments over the first ten (10) years of their licence commencing one year after the date of the award or the date stated in the Spectrum Licence. They will be informed of the payment dates by the SMA.</p> <ul style="list-style-type: none"> <li>• Pass the OUR Due Diligence process.</li> <li>• Be granted the relevant Telecommunications Licences by the OUR.</li> <li>• Bidders must observe the aggregate spectrum cap of 120 MHz.</li> </ul> <p>In the event an incumbent is declared the Winner of the RFP, it will be required to relinquish other spectrum with similar technical characteristics (i.e. low band for low band) that is above the established cap. The frequencies to be relinquished will be determined by the SMA in consultation with the entity and must be relinquished no later than nine (9) months after the award of the 700 MHz licence.</p> <p>Where frequencies are to be relinquished in accordance with the cap the pro-rated value of the spectrum being relinquished will be used to offset the spectrum price to be paid by the Successful Bidder. The pro-rated value would be based on the licensing fee paid at the time of acquisition of the spectrum being relinquished and the validity period remaining on the Spectrum Licence.</p> |
| <b>RFP 3.25</b>                             | If the highest amount has been offered by two or more Qualified Bidders then the process will move to a break the tie by a coin toss following on the agreement of the tied Bidders as to whether heads or tails constitutes the Winner of the RFP.  |

**Please note that ALL other clauses, terms and conditions remain the same.**