

GOVERNMENT OF MONGOLIA

Terms of Reference

Provision of Consulting Services for the Implementation of the New Licensing Policy of CRC

Background

The Communications Regulatory Commission (CRC) of Mongolia, the communications regulator and executing agency for this assignment is responsible for licensing in ICT sector of Mongolia. Recently, CRC faces the necessity to review and revise the licensing policy and regulation framework due to the advent of convergence in telecommunications and broadcasting markets.

With this advent of convergence, many countries have been modifying their telecommunications regulations to support the development of convergent services and the expansion of markets and competition with the objective of promoting the provision of new and innovative services, the reduction of prices and an increase of efficiency in the provision of services, as well as increasing the variety of offerings for subscribers.

Traditional regulatory systems focused primarily on the specific means of telecommunications or on the specific service provided by the operator. Regulatory frameworks were often based on wireline, wireless or broadcasting services or were divided into local and long distance markets. Now, with converged networks and services, such distinctions are no longer practical. Therefore, reforms directed at adapting traditional regulatory systems to convergence are necessary.

These reforms around the world had great impact on diverse aspects of telecommunications regulation but above all on service licensing and the rights and obligations of providers.

Thus, CRC is seeking consultant(s) to assist it in determining the required reforms of licensing policy and procedures to implement convergence.

Objective of the assignment

The main objective of this assignment is for a consultant team to work with CRC to provide practical implementation assistance, training and capacity building aimed at helping CRC with review, revision and implementation of policy and regulatory changes for licensing in a converging environment.

Prior technical assistance projects in the telecom sector financed by EBRD and other agencies have produced significant data and analysis relating to the telecom sector in Mongolia. The consultant will use all relevant material from these reports and will ensure that there is no duplication of study or analysis in this respect. CRC will supply copies of the output of the prior projects; however, the responsibility for obtaining all other relevant work is with the consultant.

The consultant will consider and assess the consequences and impact on different market segments of implementing the new licensing policy.

The consultant will organize and facilitate a study tour for CRC officials in 2 countries out of the following 5 Asian countries which have successfully implemented converged licensing regime.

1. South Korea
2. Singapore
3. Malaysia
4. Taiwan
5. Hong Kong

The study tour could be organized as 2 groups of officers to 2 countries or 1 group to 2 neighboring or nearby countries. CRC will bear the study tour expenses (transportation, accommodation, etc.) of CRC officers. The consultant will prepare the scope and agenda/program of the study tour. After the completion of the study tour, the consultant together with the group will have a discussion and make a brief report with comparison of different country experiences.

Scope of work

The Consultant shall undertake the following tasks:

- a) prepare a detailed overview of the existing licensing legislative framework in Mongolia including all relevant documents; laws, rules and procedures, license classifications, and terms and conditions and then make an international comparison. It should include any necessary revisions to the licensing regulations, together with a written commentary and annotation explaining the importance, necessity for and consequences of the particular revisions being implemented;
- b) develop the general and specific methodology and possible templates for the converged/unified/ licensing regime
- c) advise on the reform directed at adapting traditional regulatory systems to convergence. To recommend licensing procedures guide, setting out the practice and sequence attached to the licensing process. This procedures manual should ensure the necessary safeguards of transparency, objectivity and non-discrimination in the execution of the licensing process;
- d) advise on building an adaptive regulatory framework by adopting a technology neutral approach and administratively simplified and flexible unified licensing regime.
- e) suggest the appropriate licensing model (or review and adapt any available licenses, where appropriate) identifying the rights and obligations that need to be attached to the various licenses;
- f) conduct workshop for CRC staff to introduce the suggested licensing regime and explain and discuss the revisions in detail. Participants to the workshop will include government officials and selected stakeholders from private sector and civil society, as well as other parties identified by the Government as having an interest. The consultant will have full responsibility for organizing this workshop, securing the location and inviting the relevant participants. The consultant will be expected to cover all relevant expenses (though not local participants expenses). The consultant

will be required to prepare a brief report at the conclusion of this task detailing the implementation;

Deliverables

The key deliverables of the consultancy will be:

- Report describing an evaluation of the existing licensing regime comparing to regulatory organizations of other countries
- Templates for the converged/unified licensing regime
- Draft and final recommendation paper detailing procedures/regulations and guidelines for adapting the traditional regulatory systems to convergence.
- Consultation report
- Completion report

Expertise required from the consultant (consultant qualifications)

The Consultant is expected to be a firm or consortium with experts in the Telecom and ICT sector with a good understanding of legal, financial, and economic aspects of the sector and will be selected based on experience and capacity in carrying out this type of work. The consultant will demonstrate proven experience in providing services of a similar nature. In particular, the consultant shall demonstrate experience in providing consultant services on licensing related issues. The consultant should have competencies in the area of Telecom and/or ICT engineering and service provision. In order to ensure that the consultants have adequate knowledge of and insight into the licensing policy situation in Mongolia, it is encouraged that the consultancy team includes experts with local expertise and experience. The firm could join with Mongolian company or expert.

The following are the expected minimum qualifications:

- The consultants' team shall consist of Telecommunications Expert and Layer with at least 10 years of experience in the Telecommunication policy
- At least 10 years experience in regulations of the Licensing policy;
- Strong writing, communication and facilitation skills; and fluency in English.

Timetable and administrative requirements

The indicative budget for this assignment is \$220,000 (lump-sum), which will cover the fees, workshops, travel and subsistence expenses, and all additional related expenses of the consultant.

The consultant is expected to provide services for a period spread over 4-6 months and is expected to visit Mongolia twice during this period.

Timing / Deadline	Deliverable	Payment Schedule (%)
Contract signature + 4 weeks	Report of evaluating existing legislative framework and	20

	procedures	
Contract signature + 8 weeks	Study tours completed	20
Contract signature + 10 weeks	Templates for the converged /unified/ licensing regime and draft recommendation paper	20
Contract signature + 13 weeks	Workshop and consultation report	20
Contract signature + 16 weeks	Final recommendation paper and report	20

The consultant will report to CRC who in turn will

- Facilitate coordination with other consultants, relevant government departments and agencies and sector stakeholders, including the private sector, as appropriate;
- Facilitate access to reports, information, and data as appropriate and in a timely manner; and
- Provide office space and local administrative support.

The consultant will provide 5 hard copies and an electronic copy of the final version of each deliverable to the client in English with a translation in Mongolian. One copy of each deliverable will be provided to the World Bank in hard copy and electronic format in English. Draft versions of deliverable will be submitted electronically and successive versions of reports and other documents will be marked to show changes from the previous draft. Final approval of all outputs and deliverable, linked to payments to the consultant is the responsibility of CRC.