

# **TENDER FOR THE PROVISIONING OF CONSULTANCY SERVICES ON STRATEGIC REVIEW OF THE COMMUNICATIONS MARKET**

**(MCMC/MRD/CAD(01)/CommMarket/TC/02/19(01))**

## **Questions & Answers**

No.	Questions	Answers
1	<p>We noticed in our review of the tender documentation that on page 4 of the tender, Section 3 is listed twice – under both the Technical Submission (at 11.a.ii) and the Financial Submission (at 11.b.i.) headings. Could you please confirm if this is intentional?</p> <p>It also appears that section 5 is missing from those lists. Could you please clarify where it should rightly sit?</p>	<p>In section 3, it mentions that the Tenderer is required to provide information on the team that may take this consultancy services. This information detail shall be listed in Appendix D and E of the Tender Document. Appendix E shall be submitted in Technical Submission whereas Appendix D shall be submitted in Financial Submission. Hence, we listed Section 3 in both technical &amp; financial submissions requirement.</p> <p>If you read in Appendix A, it stated that the Tenderer need to submit the Statement of Compliance to the Section 4 and Section 5 of the Tender Document. Hence, Appendix A has covers Section 5 and shall be submitted in financial submission.</p>
2	<p>Paragraph 22.1 of the Tender specifies that  <i>“The Tenderer shall deposit with MCMC a sum of Ringgit Malaysia Ten Thousand only (RM10,000.00).”</i></p> <p>We wish to make a bank transfer for this amount. However, our bank does not deal in Malaysian Ringgit. We propose to transfer an equivalent amount in GBP at the current exchange rate. We would add an extra increment to ensure that the amount received by MCMC is equal to or greater than RM10,000.</p>	<p>Yes, an international tenderer may transfer the tender deposit via a Telegraphic Transfer (T.T) from your own banker to our banker (CIMB Bank Malaysia) using an amount in GBP which is equivalent to RM10,000 and not lesser than that.</p> <p>If the amount is lesser than RM10,000 due to the conversion rate at the time of the transfer is made, you are requested to make an additional payment of the remaining amount earliest possible.</p> <p>The remaining amount <b><u>MUST be received by MCMC before tender closing date and time (before 12.00pm 18 March 2019).</u></b></p>

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		Please note that the T.T process might require minimum of 5 working days for CIMB Bank Malaysia to receive the money & notify MCMC.												
3	<p>a) Can you please conform the level of withholding tax that our company would be subject to? Our company is UK registered company and has no Malaysian connections.</p> <p>b) Are there any other taxes that will be applied and how much are they?</p>	<p>a) As the UK registered company, please be advise that if you are awarded with this tender, you need to submit the Certification of Tax Resident from UK tax authority that certify your company as the resident of UK with the meaning of the tax agreement between UK and Malaysia. The withholding tax that applicable will be based on the UK/Malaysia Double Taxation Agreement with the following rates:-</p> <table border="1"> <thead> <tr> <th>No</th><th>Item</th><th>Rate (%)</th></tr> </thead> <tbody> <tr> <td>1</td><td>Interest</td><td>10</td></tr> <tr> <td>2</td><td>Royalties</td><td>8</td></tr> <tr> <td>3</td><td>Technical Fee</td><td>8</td></tr> </tbody> </table> <p>b) As applicable in UK/Malaysia Double Taxation Agreement</p>	No	Item	Rate (%)	1	Interest	10	2	Royalties	8	3	Technical Fee	8
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1	Interest	10												
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3	Technical Fee	8												
4	The tender requests copies of the proposal on a CD. Can this be substituted by USB memory stick?	All softcopy proposal shall only use CD.												
5	Should the financial proposal include expenses or should these be separate to the consulting fees? Travel costs from Europe are significant. Appendix F and Appendix G have no entry for expenses.	All expenses including travel cost shall form part of the consulting fees and therefore must be detailed out and included in Appendix F.												
6	The tender notes that the Consultant should conduct discussions with operators (paragraph 4.1.1). We assume that these would relate to the five largest operators in Malaysia (DiGi, Celcom, Maxis, UMobile, Telekom Malaysia). Can the MCMC confirm that this would be the case.	The main operators in the fixed markets are Telekom Malaysia, Maxis and TIME, while for mobile are Celcom, DiGi, Maxis and U Mobile. We expect the Consultant to conduct discussions with the main operators. If MCMC feels that there is a need to discuss with other operators, these will be												

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		scheduled accordingly. However, we do not anticipate meetings with more than 10 operators. These meetings will be facilitated by MCMC.
7	Given the potential delays in couriering the documents, is it permissible to submit the proposal electronically by the due date, and follow up with hard copy and CDs shortly after	<p>Please note that MCMC only accept the proposal in hardcopy and CDs as has been stated in Clause 5 &amp; 6 of Important Instruction in the Tender Document:</p> <p>5. <i>The Tenderer shall submit the tender submission using two (2) separate envelopes and at the top right hand corner of the envelope stamped 'Technical Submission' and 'Financial Submission' respectively. Each of them must be in a sealed envelope.</i></p> <p>6. <i>In addition to the hardcopy, a copy of the tender submission (Financial and Technical) shall be submitted in softcopy via 2 Compact Discs ("CD"), which are clearly stamped 'FINANCIAL CD' and 'TECHNICAL CD' on the respective CD covers."</i></p> <p>Therefore, <b><u>tenderer must ensure that all proposal ( hard copy &amp; soft copy) safely reached MCMC on or before 12.00 pm on 18 March 2019.</u></b></p>
8	<p>Paragraph 9 of the "Important Instruction" notes that <i>"The Tenderer is prohibited from displaying or including its name in the Technical Submission. Failure to comply with this may invalidate the Tenderer's tender submission."</i></p> <p>a) Does this mean that the submission envelope should <b>not</b> display or include the name of the tenderer, but that reference can be made to the tenderer in the text of the technical submission (for example when describing the tenderer's experience, or the experience and qualifications of the tender's team). In practice it may be difficult to draft the sections setting out the tenderer's experience without referring to the tenderer directly.</p>	<p>a) The submission envelope shall not display or include the name/logo of the tenderer, be it for technical or financial submission. Tenderer's name or logo also shall not be displayed or included in any part of the technical submissions. In describing the tenderer's experience and qualifications, tenderer must always ensure that they do not mention company's name and prefer to replace the name by mentioning "our company or we". The same apply for the consultant curriculum vitae.</p> <p>b) Yes. The tenderer's name/logo can only be included in <u>financial submission ONLY</u>.</p>

No.	Questions	Answers
	b) Does the prohibition on displaying or including the name of the tenderer apply to the Appendixes to the technical submission (as well as the main sections of the technical submission).	
9	<p>Paragraph 11 of the “Important Instruction” notes that the tenderer’s response to Section 3 should be included in both the technical AND financial submission. Can we clarify whether this implies:</p> <p>a) That the tenderer’s response to section 3 should be duplicated in both the technical AND financial submission; or,</p> <p>b) there are some elements of the tenderer’s response to Section 3 that can be included in the technical submission and other elements that should be included in the financial submission, but would not be duplicated in both submissions; or,</p> <p>c) The tenderer’s response to Section 3 can be included in either the technical OR the financial submission but would not be duplicated in both submissions.</p>	<p>In Paragraph 10.1 of section 3, it mentions that the Tenderer is required to provide information on the team that may take this consultancy services. This information detail shall be listed in Appendix D (for CV of the Project Team) and Appendix E (on list of all personnel who shall undertake the consultancy) of the Tender Document.</p> <p>Appendix D shall be submitted in Financial Submission whereas Appendix E shall be submitted in Technical Submission. Hence, we listed Section 3 in both technical &amp; financial submissions requirement.</p>
10	Can MCMC provide further information on the extent of consultation that is likely to be required during the public inquiry phase – in particular, the number of briefing and clarification sessions or other presentations that the consultant will be required to attend, and the expected duration of each of these sessions/presentations?	During the public inquiry phase, usually there will be one clarification sessions which takes half a day, depending on the number of questions received. We do not anticipate to have more than one session unless there is a need to do so.
11	Does MCMC propose to use any formal information gathering powers to collect information from the operators and other stakeholders as part of this engagement?	From past experience, the operators have been cooperative in providing information to the Commission. However, if there is a need, MCMC will use powers provided under the Communication and Multimedia Act to gather the necessary information.
12	We currently have audited financial statements for 2016 and 2017. The audit of our 2018 Financial Statements will be completed in May 2019 – at which point we would be very happy to submit these. Given this, could we submit only 2 years’ worth of Audited Financial Statements	Tenderer shall require to submit the audited financial statement from 2015, 2016 & 2017 with latest 3 months Bank Account Statement. However, if your company is incorporated only in 2016 & therefore did not have the audited financial statement for 2015, please submit the audited

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	(for 2016 and 2017) without risking disqualification from the Tender process?	financial statement from 2016 & 2017 with latest 3 months Bank Account Statement. Please ensure that all the details required under Appendix D is completed.
13	We would be grateful if you could also explain the difference in information required between Previous Work Conducted (page 35 of the Tender document) and The List of Experiences (page 37 of the Tender Document).	Previous Work Conducted form part of the Financial Submission whereby tenderer can mentioned the company's name & amount of the project. The List of Experiences form part of the Technical Submission where tenderer can elaborate in detail on their previous experiences that similar to this tender & shall ensure that no company's name or stamped appeared there. Name of the previous client is compulsory.
14	The tender document mentions that some lawyers shall be part of the project team. Have you identified any specific part of the project that would require the support of lawyers, and if yes could you kindly provide any example(s)?	The strategic review is mainly related to competition, it would be useful to have lawyers with competition/antitrust background. In addition, during the public inquiry, there could be legal issues that are raised by respondents, which may require some legal arguments.
15	Have you already defined which operators will be included in the information gathering phase / discussions, and if yes, how many of them	The main operators in the fixed markets are Telekom Malaysia, Maxis and TIME, while for mobile are Celcom, DiGi, Maxis and U Mobile. We expect the Consultant to conduct discussions with the main operators. If MCMC feels that there is a need to discuss with other operators, these will be scheduled accordingly. However, we do not anticipate meetings with more than 10 operators. These meetings will be facilitated by MCMC.
16	In regards to Appendix D, "Form for Business Profile", we presume that the financial details need be provided only by the lead contractor, not by subcontractors. Please let me know if this would be acceptable.	Kindly be inform that Appendix D is to be completed by the consultant who is participating in this tender.