

INVITATION TO REGISTER INTEREST AND SUBMIT A DRAFT UNIVERSAL SERVICE PLAN AS A UNIVERSAL SERVICE PROVIDER UNDER THE COMMUNICATIONS AND MULTIMEDIA (UNIVERSAL SERVICE PROVISION) REGULATIONS 2002 FOR THE INSTALLATION OF NETWORK FACILITIES AND DEPLOYMENT OF NETWORK SERVICE FOR THE PROVISIONING OF PUBLIC CELLULAR SERVICES AT THE UNIVERSAL SERVICE TARGETS UNDER THE JALINAN DIGITAL NEGARA (JENDELA) PHASE 1 INITIATIVE

Questions & Answers

No.	Questions	Answers
1	<p>According to your draft plan (Ref:MCMC/USPD/PDUD(01)/JENDELA_P1/TC/11/2020(05)), referring to page 19, item number 4.1 (b)(ii), it is required for the company to have a minimum of 5 years of experience/license. However, our concern is regarding our eligibility to participate in this tender, as we have been a Network Facilities Provider (NFP) license holder only by Company since 2017.</p> <p>Although we was established in 2017, we would like to bring to your attention that our personnel including Managing Directors, Engineers & Finance have been involved in MCMC Universal Service Plan (USP) since 2010 for various clients in Project Management and Full Turnkey works.</p>	<p>The eligibility criteria were decided by the Commission based on merit (the numbers and cost estimated) to deliver the required work. Taking into consideration and the importance of the project to the nation under the current post Covid-19 situation, the key factor for the success of this project heavily relies on the use of 900MHz and the experience of the interested licensee(s) for the provisioning of Public Cellular Services. Nonetheless, the successful licensee(s) are required to appoint other NFP(I) licensee(s) for the construction of towers as stated under sub clause 3.7(4) of the RFP. This will provide opportunities for other licensees to participate in the project, if they hold the required licence have expertise and capabilities for the passive infrastructure solution.</p>

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	<p>Some of our projects include Time 3 Phase 1 & 2(Project Management), Time 3 Extension Phase 1,2 & 3(Full Turnkey), Ubiquitous (U1) (Site Survey for Tender Participation), and lastly the NFCP2 which we were previously involved in the Site Surveys of more than 200 sites in Sabah, Kedah, Johor, Perak and Terengganu.</p> <p>As our expertise in the Telecommunication industry are tracked back for the past 25 years, we would like to seek your kind consideration for us to participate in the tender.</p> <p>We also believe that MCMC appraised according to the expertise personnel in the company instead of the company itself.</p>	
2	<p>The Interested Licensee shall meet the following eligibility requirements:</p> <p>“Be an existing assignment holder of radio spectrum for the provisioning of public cellular services in Malaysia for 4G using 900MHz band;”</p> <ul style="list-style-type: none"> • Thus the above eligibility criteria allows only for licensees which holds the assignment to participate and become the Designated Universal Service Provider (DUSP)? • Does this means that registration of interest is only limited to company(s) holding an existing assignment of radio spectrum which according to MCMC website is limited only to 4 companies currently? (refer to 	<p>Please refer to clause 3.7(4) of the RFP to see how non radio spectrum assignment holders can indirectly participate.</p>

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	<p>https://www.mcmc.gov.my/en/legal/registers/cma-registers/register-of-spectrum-assignments/spectrum-assignments-for-900mhz-band).</p> <ul style="list-style-type: none"> • Does that mean only the companies listed in link below qualify to submit and RFP? https://www.mcmc.gov.my/en/legal/registers/cma-registers/register-of-spectrum-assignments/spectrum-assignments-for-900mhz-band • Are non-assignment holder allowed to collaborate with assignment holder and participate as DUSP? • Does the RFP allow a collaboration between non-spectrum holder and a spectrum holder to register an interest? Or is any collaboration solely limited to appointment by the Designated Universal Service Provider (spectrum holder) towards the non-spectrum holding NFP(I) company for purpose of undertaking installation of towers and ancillaries? (per Item 3.7.4). • For the the Registration of Interest (ROI) requirement, as we are not the existing assignment holder of any radio Spectrum, are we eligible to register our interest if we have collaboration/partnership agreement with other Interested Licensee/Licensee who is an existing assignment holder of radio spectrum? 	

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	<ul style="list-style-type: none"> It required existing assignment holder, meaning only service operators can participate? NFP and NSP holder only is not qualified, isn't it? 	
3	<p>For <u>submission of ROI</u>, in the event we are required to quarantine for 14 days upon arrival at KL (depart from Kota Kinabalu, Sabah - KKIA), we shall definitely miss the <u>closing date</u> (3 December 2020), do we have other option?</p>	<p>The method of submission is maintained as per the RFP.</p>
4	<p>We are a registered NFP license holder under the MCMC would like to seek your assistance pertaining to the USP JENDELA Phase 1 Registration of Interest as follows:-</p> <ul style="list-style-type: none"> Eligibility to participate for players that have NFP license only Eligibility to participate for players that have both NFP and NSP license but not active. 	<p>Please note that any attempt to unduly influence the decision of this tender exercise is not acceptable conduct and can result in legal repercussions. You are strongly advised to read clauses 4.2 to 4.3 of the Invitation (RFP) that has been issued. The RFP is a legally binding document.</p>
5	<p>Under Section III, Clause 4.1 (b) i, why do the Interested Licensee need to be <u>an existing assignment holder</u> of 900MHz band radio spectrum whereas this specification was no listed as a requirement under NFCP2 tender?</p>	<p>As stated in the NFCP 2 cancellation notice, the changes are necessary to, amongst others, to enhance the specifications of NFCP 2 to improve coverage, speed, and quality of connectivity for end-users under the current post Covid-19 situation. Therefore, the Commission has a right to determine the eligibility criteria it deems necessary for the provisioning of service under the USP Regulations 2002. This is a separate and distinct tender exercise. The Commission has no legal obligation to replicate any eligibility requirements without proper consideration.</p>

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6	Under Section V, Clause 18.1, why is the Performance Bond amount need to be specified at <u>twenty percent (20%)</u> compared to 10% as required in NFCP2 tender?	As provided under sub-regulation 5(2)(h) of the Communications and Multimedia (Universal Service Provision) Regulations 2002, the Commission may impose any criteria or conditions necessary for the implementation of a project. The percentage required is decided by the Commission to ensure proper management of the legal risks the Commission is exposed to in a project that has a high element of public interest.