



هيئة تنظيم الاتصالات
Telecommunications Regulatory Authority

**Award of Individual Mobile Telecommunications Licences and associated
Frequency Licences for the delivery of mobile telecommunications
services in the 900, 1800, 2100 and 2600 MHz frequency bands in the
Kingdom of Bahrain**

ITT Document

17 March 2013

Ref: TOD/0313/026

Purpose: to set out the changes to the invitation to tender (ITT) on the award of Individual Mobile Telecommunications Licences and associated Frequency Licences, as consulted upon.

Invitation to Tender (ITT) – Amendments to the ITT

The table below sets out amendments made to the ITT in response to Registrant enquiries, all such amendments being **highlighted** in the column headed “Revised wording”.

| Reference | Original wording | Revised wording | Response to question on ITT |
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| Section 14.3 | “... and verify that the Initial Bank Guarantee is in accordance with the requirements of Annex 2.3, Part C. In the event that such Initial Bank Guarantee is not in accordance with the requirements of Annex 2.3, Part C or in the event that the Initial Bids, if they were to be Successful Bids, would result in an aggregate spectrum holding that would exceed the Spectrum Cap, the Authority shall, at its discretion, be entitled to (a) permit the Registrant to resolve this non-compliance within a time period specified by the Authority; or (b) disqualify such Registrant by written notice.” | “... and verify that the Initial Bank Guarantee is in accordance with the requirements of Annex 2.3, Part C B . In the event that such Initial Bank Guarantee is not in accordance with the requirements of Annex 2.3, Part C B or in the event that the Initial Bids, if they were to be Successful Bids, would result in an aggregate spectrum holding that would exceed the Spectrum Cap, the Authority shall, at its discretion, be entitled to (a) permit the Registrant to resolve this non-compliance within a time period specified by the Authority; or (b) disqualify such Registrant by written notice.” | Round 1 1.3 |
| Numbered paragraphs of Annex 4, Part C | “...the outstanding IMTL Licence Fee instalments (“Guarantee”) shall be payable to the Telecommunications Regulatory Authority (“Authority”) upon its written demand through the following 3 withdrawals: 1. 1st withdrawal: 20% of the value of the IMTL Licence Fee, rounding up to the nearest whole Bahraini Dinar, being [] BHD, payable to the Authority and valid for one year and four months from 01 January 2014; 2. 2nd withdrawal: 20% of the value of the IMTL Licence Fee, rounding up to the nearest whole Bahraini Dinar, being [] BHD, payable to the Authority and valid for one year and four months from 01 January 2015 ; | “...the outstanding IMTL Licence Fee instalments (“Guarantee”) shall be payable to the Telecommunications Regulatory Authority (“Authority”) upon its written demand through the following 3 withdrawals: 1. 1st withdrawal: 20% of the value of the IMTL Licence Fee, rounding up to the nearest whole Bahraini Dinar, being [] BHD, payable to the Authority and valid for one year and four months from 01 January 2014 or until receipt of written confirmation from the Authority that the Authority has received in cleared funds the relevant IMTL Licence Fee Instalment in accordance with Schedule C of the Licence (whichever is earlier); | Round 1 2.2 |

| Reference | Original wording | Revised wording | Response to question on ITT |
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| | 3. 3rd withdrawal: 20% of the value of the IMTL Licence Fee, rounding up to the nearest whole Bahraini Dinar, being [] BHD, payable to the Authority and valid for one year and four months from 01 January 2016.” | 2. 2nd withdrawal: 20% of the value of the IMTL Licence Fee, rounding up to the nearest whole Bahraini Dinar, being [] BHD, payable to the Authority and valid for one year and four months from 01 January 2015 or until receipt of written confirmation from the Authority that the Authority has received in cleared funds the relevant IMTL Licence Fee Instalment in accordance with Schedule C of the Licence (whichever is earlier); 3. 3rd withdrawal: 20% of the value of the IMTL Licence Fee, rounding up to the nearest whole Bahraini Dinar, being [] BHD, payable to the Authority and valid for one year and four months from 01 January 2016 or until receipt of written confirmation from the Authority that the Authority has received in cleared funds the relevant IMTL Licence Fee Instalment in accordance with Schedule C of the Licence (whichever is earlier).” | |
| Final paragraph of Annex 4, Part C | “The law and courts applicable to this Guarantee shall be those of the Kingdom of Bahrain. This Guarantee will come into force from [insert effective date of the Licence] and will be valid for the applicable periods outlined above.” | “The law and courts applicable to this Guarantee shall be those of the Kingdom of Bahrain. This Guarantee will come into force from [insert effective date of the Licence] on the date upon which the Authority issues the Licence to [insert name of Bidder] and will be valid for the applicable periods outlined above.” | Round 1 2.3 |
| Paragraph 3 of Annex 4, Part B | “We hereby agree that we shall not be discharged or released from this Guarantee by any arrangement between the Licensee and the Authority or by any alteration in the obligations imposed on the Licensee or by any forbearance by the Authority, unless and until the Authority issues a decision in writing that unconditionally releases the Licensee from the obligation to maintain this performance bond in effect no earlier than four (4) years and nine (9) months after the effective date | “We hereby agree that we shall not be discharged or released from this Guarantee by any arrangement between the Licensee and the Authority or by any alteration in the obligations imposed on the Licensee or by any forbearance by the Authority, unless and until the Authority issues a decision in writing that unconditionally releases the Licensee from the obligation to maintain this performance bond in effect no earlier than four (4) years and nine (9) months after the effective date | Round 1 2.4 |

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| | of the Licence, in accordance with Schedule A, paragraph 3 of the Licence.” | of the Licence, in accordance with Schedule A, paragraph 3 4 of the Licence.” | |
| Paragraph 1 of Annex 4, Part B | “...in the event that a Licence is awarded to [Name of the Bidder] (“Licensee”), a sum of not less than three million Bahraini Dinars (3) million BD (“Guarantee”) shall be payable to the Telecommunications Regulatory Authority (the “Authority”) upon its written demand if the Licensee fails to meet the Licence obligations as incorporated in Schedule A of the Licence awarded.” | “...in the event that a Licence is awarded to [Name of the Bidder] (“Licensee”), a sum of not less than three million Bahraini Dinars (3) million BD (“Guarantee”) shall be payable to the Telecommunications Regulatory Authority (the “Authority”) upon its written demand if the Licensee fails to meet the Licence obligations as incorporated in Schedule A of the Licence awarded.” | Round 1 2.5 |
| Paragraph 2.1(c) of Annex 5 | ““Invitation to Tender Document” means the document published by the Authority on 24 January 2013, describing the tender process used to award and grant this mobile telecommunications licence (new form) and the associated frequency licence to the licensee...” | ““Invitation to Tender Document” means the document published by the Authority on 24 28 January 2013, describing the tender process used to award and grant this mobile telecommunications licence (new form) and the associated frequency licence to the licensee...” | Round 2 1.4 |
| Paragraph 7.4 (a) of Annex 3 | “Where a Bidder’s Activity Points in Round t are more than Eligibility Percentage multiplied by its Eligibility Points in Round t, then the Bidder’s Eligibility Points in Round t+1 equals its Eligibility Points in Round t, where the Eligibility Percentage means the threshold which the Authority will apply in determining a Bidder’s eligibility in the second and subsequent Round of the Electronic Auction Stage, and which will be set initially at 80% in the Electronic Auction Stage and which may be amended subsequently at the discretion of the Authority, pursuant to paragraph c.)”7.4 | “Where a Bidder’s Activity Points in Round t are more than or equal to the Eligibility Percentage multiplied by its Eligibility Points in Round t, then the Bidder’s Eligibility Points in Round t+1 equals its Eligibility Points in Round t, where the Eligibility Percentage means the threshold which the Authority will apply in determining a Bidder’s eligibility in the second and subsequent Round of the Electronic Auction Stage, and which will be set initially at 80% in the Electronic Auction Stage and which may be amended subsequently at the discretion of the Authority, pursuant to paragraph c.)”7.4 | Round 2 2.7 |
| Paragraph 7.5 of Annex 3 | “The number of Activity Points earned by a Bidder in Round t are equal to: (a) the Lot Points on the Lots where a Bidder places a Bid in Round t; | “The number of Activity Points earned by a Bidder in Round t are equal to: (a) the Lot Points on the Lots where a Bidder places a Bid in Round t and where it was not identified as the | Round 2 2.8 |

| Reference | Original wording | Revised wording | Response to question on ITT |
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| | (b) plus Lot Points on Lots where the Bidder is identified as the Standing Bidder at the end of Round t-1.” | Standing Bidder at the end of Round t-1; (b) plus Lot Points on Lots where the Bidder is identified as the Standing Bidder at the end of Round t-1.” | |
| Paragraph 7.6 of Annex 3 | “If a Bidder’s Activity Points earned in Round t are less than the Eligibility Points of the Bidder at the start of Round t multiplied by the Eligibility Percentage, then the Bidder’s Eligibility Points in Round t+1 are automatically reduced in accordance with paragraph 7.4(b) unless: (a) it actively places a Waiver during Round t; or (b) a Waiver is applied passively, which shall be the case where the Bidder makes no Bids in Round t and it has remaining Waivers available.” | “If a Bidder’s Activity Points earned in Round t are less than the Eligibility Points of the Bidder at the start of Round t multiplied by the Eligibility Percentage, then the Bidder’s Eligibility Points in Round t+1 are automatically reduced in accordance with paragraph 7.4(b) unless: (a) it actively places a Waiver during Round t; or (b) a Waiver is applied passively, which shall be the case where the Bidder makes no Bids in Round t and it is not a Standing Bidder on any Lots in Round t and it has remaining Waivers available.” | Round 2 2.9 |
| Paragraph 9.5 of Annex 3 | “A Waiver can be used in the following ways: a) Actively , where the Bidder actively chooses to use a Waiver in addition to or instead of Bids; or b) Passively , where the Bidder does not place any Bids in which case the Auction Software Platform will automatically apply a Bidder’s Waiver (if one is available) until none is left.” | “A Waiver can be used in the following ways: a) Actively , where the Bidder actively chooses to use a Waiver in addition to or instead of Bids; or b) Passively , where the Bidder does not place any Bids and it is not a Standing Bidder on any Lots in that Round in which case the Auction Software Platform will automatically apply a Bidder’s Waiver (if one is available) until none is left.” | Round 2 2.9 |

The table below sets out amendments made to the ITT pursuant to Public Notice No.4 issued by the Authority on 17 March 2013, all such amendments being **highlighted** in the column headed “Revised wording”. In addition to these amendments, all references in the ITT to the participation of Non-Incumbent Operators shall, pursuant to Public Notice No.4, be disregarded for the purposes of interpreting the ITT and any rights pertaining thereto shall be deemed null and void with immediate effect.

| Reference | Original wording | Revised wording |
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| Section 1.4 | “Any interested party that wishes to obtain the right to use any of the frequencies specified in Section 3.1 below, is invited to participate in the Auction in accordance with the provisions of this ITT.” | “Any interested party Incumbent Mobile Operator that wishes to obtain the right to use any of the frequencies specified in Section 3.1 below, is invited to participate in the Auction in accordance with the provisions of this ITT.” |
| Paragraph 1.1 of Annex 2.2 | <p>“Each Registrant shall provide to the Authority the following information as part of its Pre-Qualification Documentation in Envelope A. In providing this information, Registrants shall identify clearly the material provided in response to each requirement, delineating the information provided into separate sections and sub-sections for each requirement and the information provided thereto:</p> <p>(...)</p> <p>(e) information required in relation to paragraph 1.1(b) of Annex 2.1 as described in paragraph 1.3 of this Annex 2.2; and</p> <p>(f) information required to satisfy the requirements of paragraph 1.1(d) of Annex 2.1, as described in paragraph 1.7 of this Annex 2.2.”</p> | <p>“Each Registrant shall provide to the Authority the following information as part of its Pre-Qualification Documentation in Envelope A. In providing this information, Registrants shall identify clearly the material provided in response to each requirement, delineating the information provided into separate sections and sub-sections for each requirement and the information provided thereto:</p> <p>(...)</p> <p>(e) information required in relation to paragraph 1.1(b) of Annex 2.1 as described in paragraph 1.3 of this Annex 2.2; and</p> <p>(f) information required to satisfy the requirements of paragraph 1.1(d) of Annex 2.1, as described in paragraph 1.7 of this Annex 2.2; and</p> <p>(g) a copy of the most recent version of the individual mobile telecommunications licence held by the Registrant (including any modifications approved by the Authority).”</p> |

A revised Auction Timetable, including milestones and key dates, is set out below in substitution of the Auction Timetable set out in Section 4.4 of the ITT. The revised Auction Timetable incorporates those dates referred to in Public Notice Nos. 1 and 3 issued by the Authority on 7 and 14 March 2013 respectively. The Authority shall notify Registrants of additional dates and times relating to subsequent phases of the licence award process, including the Auction Phase, in due course.

| Item | Deadline date and time |
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| Publication of ITT by the Authority and issue of Schedule B Notifications to the Incumbent Mobile Operators by the Authority | 28 January 2013 |
| Registration period for interested parties, including payment of the Registration Fee | 29 January 2013 to 18 March 2013 |
| Deadline for submission of questions by Registrants relating to ITT | 4.00pm on 28 February 2013 |
| Publication by the Authority of answers to questions submitted in relation to ITT | 17 March 2013 |
| Registrant submission of: <ol style="list-style-type: none"> 1. Pre-Qualification Documentation as set out in Annex 2.2 (to be submitted in Envelope A); and 2. additional documentation as set out in Annex 2.3 (to be submitted in Envelope B) | 4.00pm on 21 March 2013 |