

Republic of Liberia

PUBLIC PROCUREMENT AND CONCESSIONS COMMISSION

**GUIDELINES FOR THE PROCUREMENT OF INTERNET
CONNECTIVITY**

DECEMBER, 2018

1. Purpose

The purpose of these guidelines is to provide guidance to MACs on how the procurement process for Internet Connectivity shall be carried out, payments made and service monitored.

2. Applicable Legal Framework

The guidelines are subordinate to, and shall be applied within, the confines of the Public Procurement and Concessions Act, 2010 as amended.

3. Scope of Coverage

The guidelines cover an end-to-end process, from identification and definition of needs, to contracting and performance evaluation.

4. Defining needs for Internet Connectivity

The MACs shall complete Section 6 of the Standard Bidding Documents, Statement of Requirements, with the technical specifications for the internet connectivity required by the entity. Indicative Technical requirements have been included as a guide; however, requirements in Section 6.4 Items 4, 5 and 8 cannot be lowered and Items 6 and 7 cannot be increased. Other Items may be customized based on the varied needs of the MAC.

The technical specifications shall be prepared by person(s) who are technically competent in Information Technology, and shall reflect the requirements of the MACs. Care shall be taken not to under or over specify, as this shall subsequently have an impact on the final price. Annex 1 provides guidance on estimating bandwidth requirements. The Provider may also do their own assessment.

Where the MACs do not have such technical competence in house to prepare technical requirements for Internet Connectivity, they shall consult the Public Procurement and Concessions Commission or MOPT CIO Office for guidance.

5. Solicitation of ISPs

The MACs shall utilize the available methods of procurement for solicitation of the ISPs in accordance with Part V, Article 46 of the Public Procurement and Concessions Act, 2010 as amended.

Libtelco shall be the sole Internet Service Provider for the Government of Liberia, where they provide service. The MOPT CIO Office shall issue the annual Request for Quotation on behalf of MACs where Libtelco is the ISP. Procuring entities may purchase from other Internet Service Providers if:

- a. Services are not available by Libtelco

- b. Libtelco service levels in the Service Level Agreement have fallen below the stipulated standards for 4 of 6 months. In this instance the service provision from the new ISP would cover the balance of the fiscal year only
- c. In the prior year (b) above was applied

Annex 2 provides the step by step process leading to internet procurement.

6. Evaluation of Proposals for Internet Connectivity

The evaluation methodology to be used for the evaluation of bids for Internet Connectivity shall be the Technical Compliance Selection (TCS) methodology.

The Technical Compliance Selection methodology recommends the lowest priced bid, which is eligible, compliant and substantially responsive to the technical and commercial requirements of the Bidding Document, provided that the Bidder is determined to be qualified to perform the contract satisfactorily.

The evaluation shall be conducted in three sequential stages –

- (a) a preliminary examination to determine the eligibility and administrative compliance of bidders;
- (b) a detailed evaluation to determine the technical responsiveness of the eligible and compliant bids; and
- (c) a financial comparison to compare costs of the eligible, compliant, responsive bids received and determine the best evaluated bid.

Failure of a bid at any stage of the evaluation shall prevent further consideration of the bidder at the next stage of evaluation.

The bid with the lowest evaluated price, from among those which are eligible, compliant and substantially responsive shall be the best evaluated bid.

The prices quoted by the Bidder for provision of internet connectivity shall not exceed the pre-negotiated rates established by the PPCC and MOPT for Libtelco, the price ranges listed in the Public Procurement and Concessions Commission (PPCC) Common User Items or rate guidance that may be provided in the annual Budget Circular.

The Standard Bidding Documents for Procurement of Internet Connectivity provides a detailed description of how the evaluation methodology shall be applied, and the corresponding evaluation criteria that shall be applied at every stage of evaluation.

Where the Procuring Entities have no technical expertise to conduct bid evaluation, they shall contact PPCC which shall together with the eGovernment Technical Working Group, within the Ministry of Post & Telecommunications CIO Office, designate a technical person to assist in bid evaluation.

The Evaluation Report for Provision of Internet Connectivity provides a guide for evaluators on how to document the results of the evaluation.

7. Negotiations (*where applicable*)

Depending on the need and the unique circumstance, it may be necessary to hold negotiations before finalization of the contract award.

Negotiations shall relate to any or a combination of the following:

- agreement on the components of the draft Service Level Agreement;
- finalizing the payment terms and/or payment arrangements;
- minor alteration of the technical details of the required Internet Connectivity;
- a change of volumes of bandwidth required (either increase or decrease);
- agreeing final delivery or work schedules to accommodate any changes required by the MACs;
- the proposed customer support and or staffing;
- inputs required from the MAC; and
- clarifying details that were not apparent or could not be finalized at the time of bidding.
- possibility of price adjustments.

Negotiations shall not be conducted to:

- substantially change the technical quality or details of the required Internet Connectivity, including the tasks or responsibilities of the ISP; or
- substantially alter anything which formed a crucial or deciding factor in the evaluation of the ISP.

8. Preparing Contracts for Internet Connectivity

MOPT shall enter one contract for all MACs connected to Libtelco as defined in their RFQ. MACs shall prepare contract documents for the successful bidders not within Libtelco's service area. The Standard Bidding Documents contain the General Conditions of Contract as well as the Special Conditions of Contract.

The General Conditions of Contract shall be read in conjunction with the Special Conditions of Contract and other documents listed therein, and these shall be the complete document expressing all the rights and obligations of the parties to the contract.

The General Conditions of Contract shall not be altered. Any changes and complementary information, which may be needed, shall be introduced only through the Special Conditions of Contract for purposes of providing contract-specific information in relation to corresponding clauses in the General Conditions of Contract.

In preparing the Special Conditions of Contract, the following aspects shall be checked:

- (a) Information that complements provisions of the General Conditions of Contract shall be incorporated.
- (b) Amendments and/or supplements to provisions of the General Conditions of Contract, as necessitated by the specific requirements for the Internet Connectivity shall also be incorporated.

The “General Conditions of Contract” are Contract documents and will, therefore, form part of the Contract. The Special Conditions of Contract shall also form part of any resulting Contract for provision of Internet Connectivity.

9. Service Level Agreements (SLA)

As part of contracting, MACs shall prepare a Service Level Agreement to be annexed to the main Contract for the Provision of Internet Connectivity.

The Service Level Agreement shall be part of a contract and shall define the Internet Connectivity Services that the Internet Service Provider shall provide and the required level or standard for the services.

The SLA shall include the following, among other things:

- the objectives to be achieved in the provision of the Internet services;
- a detailed description of the service deliverables;
- a definition of the performance standards the MACs expect in the provision of the internet services by the Internet Service Provider, including but not limited to availability, reliability, customer support and associated turnaround times;
- a mechanism for ongoing reporting for purposes of measuring the expected performance standards;
- a remedial mechanism and compensation regime where performance standards are not achieved;
- a mechanism for review and change to the service levels over the course of the contract; and
- the right to the MACs to terminate the contract where performance standards fall consistently below an acceptable level.

The Contract for the Procurement of Internet Connectivity provides a draft Service Level Agreement (SLA). This shall be customized by the MACs to reconcile with the full description of the specific statement of requirements for the Internet Connectivity.

10. Guidance on Suspension of Internet Service for Non-Performance

The SLA, within the contract, establishes the performance standards required by the Internet Service Provider. The contract provides that a MAC may, by written notice, suspend payments to

the Provider, if they fail to perform any of their obligations under the Contract. All MACs are responsible for monitoring SLA performance requirements, including those connected to Libtelco.

If the Provider does not meet performance standards for thirty days after notification for remedy, a notice of suspension of payments should be sent re-specifying the nature of the failure and requesting the Provider to remedy the failure within a period not more than thirty days. A confirmation of receipt of this notice is required.

The Ministry of Finance and Development Planning and PPCC are to be notified in writing when the invoice for month two is received that the provider should not be paid until the failure is remedied. Note that the invoice should include the contracted reduction based on the SLA.

11. Guidance on Termination of Internet Service for Non-Performance

The SLA, within the contract, establishes the performance standards required by the Internet Service Provider. The contract provides that if, after 6 Months from the effective date of the contract, the service levels in the SLA have fallen below the stipulated standards for 4 of 6 months, the MAC shall terminate the contract with the provider. This written Notice of Termination should be made 30 days before the end of Month 6. A confirmation of receipt of this notice is required.

Once the Notice of Termination is issued, the MAC may solicit other ISPs for the provision of service to enable services to be available from a new ISP for Month 7. The contract with the new ISP shall cover the balance of the fiscal year only.

Annex 1: Internet Bandwidth Capacity Assessment Tool

Use this tool to determine the bandwidth requirements of an institution

Name of Institution: _____							
Current total bandwidth: _____							
Current Internet Service Provider (ISP): _____							
Number of Computer Users: _____							
Number of computer users with internet access: _____							
Estimated internet bandwidth: _____							
INTERNET USAGE TYPE: Kindly select all options that applies to your institution							
	Explanation	Yes or No					
Basic email	Exchange, Google App, Webmail, etc.						
Regular browsing	Basic internet /web browsing, research, etc.						
Social media	Facebook, Twitter, Instagram, etc..						
Live streaming videos and audios	Training portals online, etc..						
Online meeting with video and audio conferencing	WebEx, WSDM, etc..						
Remote connectivity and management via the internet	Remote desktop with CALs, Real VNC, etc..						
Online storage, backup and restore	MS Azzure, OneDrive, DropBox, Carbonite, etc.						
VoIP and PABX telephone systems	Cisco UCM, Asterix, Elastix, etc.						
CCTV online systems	Milestone, Oliella, Prynvision, etc.						
Some Files Download	Email attachments, SharePoint docs, standalone antivirus updates, etc.						
Internet QoS application	Bandwidth management with Cyberoam, Sonic WALL, Mikrotik, etc.						
Large Files Downloads	WSUS, EPO definition downloads, etc.						
Cloud Based Resourcing (If YES please state below)	iDrive, Apple iCloud Drive, MS Azzure, OneDrive, DropBox, Carbonite, etc.						
Details:							
Multiple Devices Per User	A user with laptop, desktop, smart phone and tablet in use as the same time						
Intense Internet Base Application	CRMs and ERP systems, online banking portals, etc.						
On the scale of 1 to 5 kindly describe your satisfaction with current internet bandwidth? (1=Very Poor, 2=Poor, 3=Medium, 4=Good, 5 Very Good)	<table border="0"> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> </tr> </table>	1	2	3	4	5	
1	2	3	4	5			
Based on the all answers above, how would you classify the majority of your internet users? (Place an 'X' next to only one below)							
1. Light Users							
2. Medium Users;							
3. Heavy Users;							

Legend

Condition	Weight	Details
Light	1.00	Basic internet browsing
Moderate	1.20	Online researching and training.
Multimedia	1.35	Audio virtual meeting and conferencing and also automated online resource management systems.
Heavy User	1.50	Online storage and backup and restore, remote management and software /application updates and maintenance.

Bandwidth Calculator

(Note: All information below is for example purposes only)

MACs Name	(A) Total Number Of Users	(B) Usage Category from Legend (Weight)	Estimated Bandwidth Requirements* (A)x (B) x (.125)	Unit of Bandwidth
XYZ Big Ministry	500	1	62.5	MB
TLS Agency	200	1.5	37.5	MB
ABC Commission	75	1.35	12.7	MB
GPE Ministry	400	1.2	60	MB
MOB Agency	20	1	2.5	MB

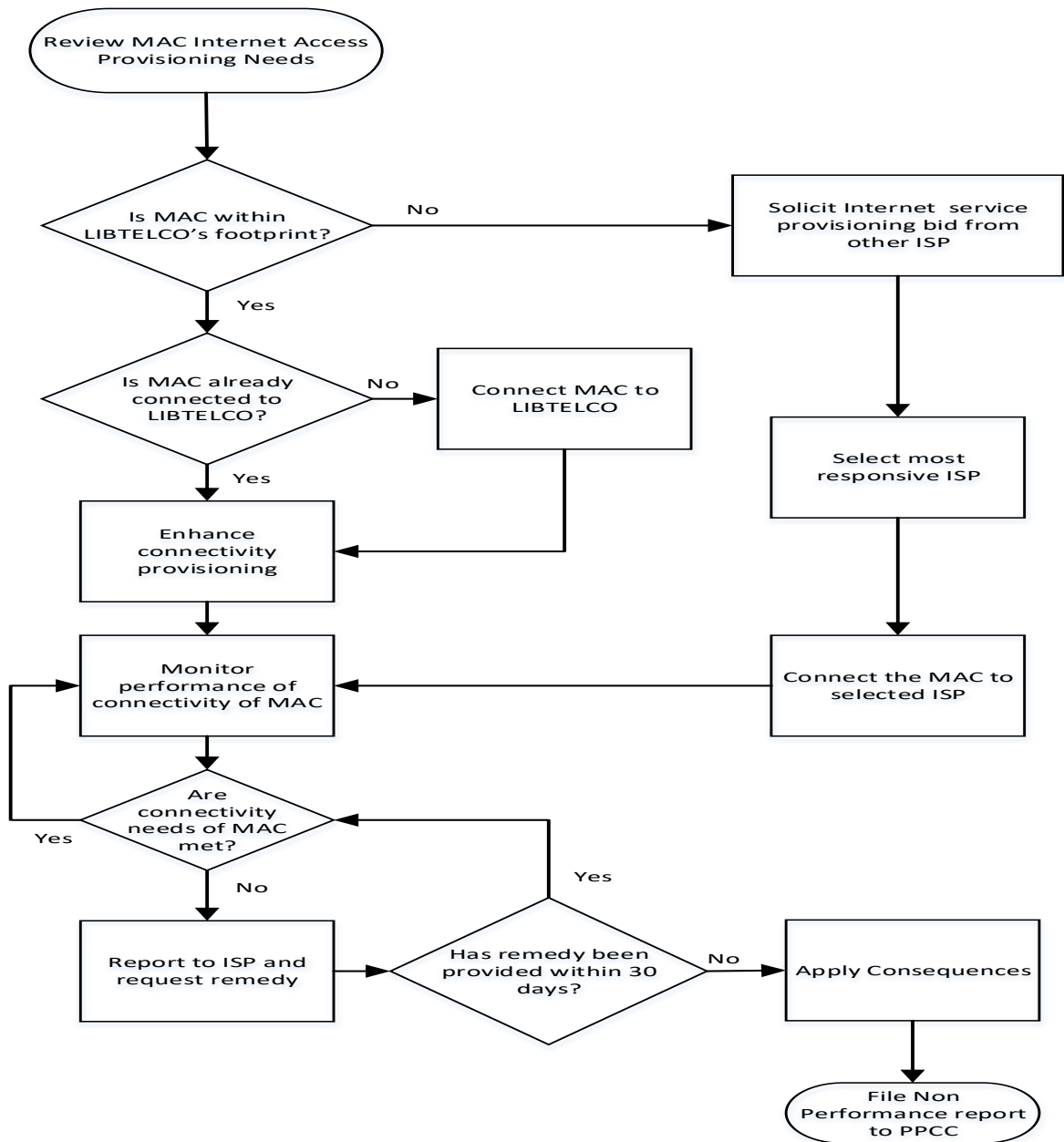
*Estimated Bandwidth Requirements are calculated by multiplying the number of users by the Usage Weight by .125mb.

Annex 2: Path to Connectivity

The processes and decisions to consider in the procuring and provisioning of Internet service.

The below flowchart demonstrates a graphic for the individual procedures to be followed and decisions to be made. The documents listed are within the Standard Bidding Document for Procurement of Internet Connectivity on the PPCC website. Below is an illustrated flowchart with descriptions following.

Flowchart Illustration MAC Connectivity



1. Review MAC Internet Access Provisioning Needs

For the MAC to procure and provision internet service or enhance existing connectivity provisioning it needs to review MAC internet access provision needs with guidance of the Internet Bandwidth Capacity Assessment Tool and Statement of Requirements, within the Standard Bidding Documents for Procurement of Internet Connectivity on the PPCC website. Both documents help the MACs determine its bandwidth requirement and type of service the MAC may require.

2. Is MAC located in Libtelco Footprint/Coverage Area?

If the MAC is already a customer of the designated Government Internet Service Provider (GISP), Libtelco, it is automatically implied that the MAC is located within the network coverage area of the GISP. If the MAC is not an existing Libtelco customer, it must consult them to determine if they are within network coverage. This network coverage includes coverage of the anticipated CSquared Metro Fiber Ring, as Libtelco will have the ability to expand their coverage through the CSquared Metro Fiber. If the MAC is within the coverage of the Libtelco, it can begin the process of Connectivity Provisioning or enhancing existing connection with Libtelco. If the MAC is not within the network coverage of Libtelco, it will need to begin the process to Solicit Internet Service provisioning bids from other ISPs.

YES – MAC is located in Libtelco Coverage Area

Is MAC already connected to Libtelco?

YES - Enhance Connectivity Provisioning

For MACs already connected to Libtelco, this step will require enhancing existing connectivity. The enhancement could include such things as migrating from microwave radio to fiber, altering bandwidth to reflect MAC actual need, entering into new contract with Libtelco, etc.

As Libtelco is the Government's Internet Service Provider, the process for providing Internet service to the MACs will not be done by competitive bidding. It will be a sole source process with only Libtelco being requested to offer a quotation for Internet Services to MACs by MOPT, based the Statement of Requirements and pre-negotiated rates provided by the PPCC and MOPT.

The following documents: These Guidelines, the Statement of Requirements, Contract for Procurement of Internet (within the Standard Bidding Documents for Procurement of Internet Connectivity), the PPCA and Evaluation Report for Provision of Internet Connectivity will provide useful guidance for this step.

NO - Connect the MAC to Libtelco

If the MAC is within the coverage of Libtelco but without existing connection, there will be the need to connect the MAC to the Libtelco. The result of the process will be a new connection.

As Libtelco is the Government's Internet Service Provider, the process for providing Internet service to the MACs will not be done by competitive bidding. It will be a sole source process with only Libtelco being requested to offer a quotation for Internet Services to MACs based the Statement of Requirements and pre-negotiated rates provided by the PPCC and MFDP.

These Guidelines and the Contract for Procurement of Internet (with attention to the appendices) will provide useful guidance.

NO – MAC is not located in Libtelco Footprint/Coverage Area

Solicit Internet service provisioning bid from other ISPs

MACs outside the coverage of Libtelco will not be restricted in the selection of their ISP. They have freedom to solicit bids from the market for the provision of Internet service. The key document to guide this process is the Standard Bidding Document for Procurement of Internet Connectivity and Internet Bandwidth Capacity Assessment Tool.

Select most responsive ISP

The selection of suitable ISP must be consistent with the PPCA. These Guidelines and the Evaluation Report for Provision of Internet Connectivity document will be useful for this process. The prices quoted by the Bidder shall not exceed the price ranges listed in the Public Procurement and Concessions Commission (PPCC) Common User Items, specific rate guidance provided by PPCC and MOPT or in the annual Budget Circular.

Connect the MAC to selected ISP

The outcome of selecting a suitable ISP is to connect the MACs to the ISP. These Guidelines, the Contract for Procurement of Internet (with attention to the appendices) will provide useful guidance.

3. *Monitor Performance of Connectivity of the MAC*

MACs must measure performance and support service received from the Provider under the Contract for the Provision of Internet service. The IT or other staff at the MAC must monitor network availability and reliability. The Provider's response to curative maintenance should be constantly documented.

The Contract for Procurement of Internet includes a Service Level Agreement (SLA) which provides guidelines on how the MAC can effectively monitor the Provider to ensure a reliable service. These documents also provide guidance to the MAC on how to resolve disputes around service delivery.

Are connectivity needs of MAC met?

YES – Continue to monitor performance

If the ISP performance is acceptable and satisfactory, the MAC continues to measure performance to ensure that it is aligned to the agreed and expected target as set in the contract and SLA documents

NO – Report to ISP and request remedy

Documented notification to be sent to the ISP of suspension of payment and requesting remedy the failure in 30 days.

Has remedy been provided in 30 days:

YES – Continue to monitor performance

NO – Apply Consequences

If the Provider does not meet satisfy performance standards for thirty days after notification for remedy, a notice of suspension of payments should be sent re-specifying the nature of the failure and requesting the Provider to remedy the failure within a period not more than thirty days. A confirmation of receipt of this notice is required.

The Ministry of Finance and Development Planning and PPCC are to be notified in writing when the invoice for month two is received that the provider should not be paid until the failure is remedied.

If the Provider does not meet satisfactory performance standards for 4 of 6 months, the MAC **shall** terminate the contract with the provider. This written Notice of Termination should be made 30 days before the end of Month 6.

Once the Notice of Termination is issued, the MAC may solicit other ISPs for the provision of service to enable services to be available from a new ISP for Month 7. The contract with the new ISP shall cover the balance of the fiscal year only.

File Non-Performance report to PPCC

A letter reporting the non-performance is to be issued to PPCC when Notice of Termination issued.