

EXPRESSION OF INTEREST (EOI)

**Title of Consulting Service: THE DEVELOPMENT OF
DRAFT REGULATION/DIRECTIVE FOR
REGULATION OF IT PARK AND DATA CENTRE**

Method of Consulting Service: National

**Project Name : THE DEVELOPMENT OF DRAFT REGULATION/DIRECTIVE
FOR REGULATION OF IT PARK AND DATA CENTRE**

EOI : 01-ITPDC-NTA-2023

Office Name: Nepal Telecommunications Authority

Office Address: Kathmandu Kathmandu

Funding agency : Internal Resources

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A. Request for Expression of Interest

Request for Expression of Interest

Government of Nepal (GoN)

Name of Employer: Nepal Telecommunications Authority

Date: 07-04-2023 13:00

Name of Project: THE DEVELOPMENT OF DRAFT REGULATION/DIRECTIVE FOR REGULATION OF IT PARK AND DATA CENTRE

1. Government of Nepal (GoN) has allocated fund toward the cost of THE DEVELOPMENT OF DRAFT REGULATION/DIRECTIVE FOR REGULATION OF IT PARK AND DATA CENTRE and intend to apply portion of this fund to eligible payments under the Contract for which this Expression of Interest is invited for National consulting service
2. The Nepal Telecommunications Authority now invites Expression of Interest (EOI) from eligible consulting firms (“consultant”) to provide the following consulting services: Formulate regulation/directive for standard, operation and regulation of IT Park and Data Center
3. Interested eligible consultants may obtain further information and EOI document free of cost at the address Nepal Telecommunications Authority,only EGp during office hours on or before 23-04-2023 12:00 or visit e-GP system www.bolpatra.gov.np/egp or visit the client’s website <https://nta.gov.np/en/home/>
4. Consultants may associate with other consultants to enhance their qualifications.
5. Expressions of interest shall be delivered online through e-GP system www.bolpatra.gov.np/egp only EGp on or before 23-04-2023 12:00
6. In case the last date of obtaining and submission of the EOI documents happens to be a holiday, the next working day will be deemed as the due date but the time will be the same as stipulated.
7. EOI will be assessed based on Qualification 50.0 %, Experience 40.0 %, and Capacity 10.0 % of consulting firm and key personnel. Based on evaluation of EOI, only shortlisted firms will be invited to submit technical and financial proposal through a request for proposal.
8. Minimum score to pass the EOI is 60

B. Instructions for Submission of Expression of Interest

Instructions for Submission of Expression of Interest

1. Expression of Interest may be submitted by a sole firm or a joint venture of consulting firms and the maximum number of partners in JV shall be limited to three.
2. Interested consultants must provide information indicating that they are qualified to perform the services (descriptions, organization and employee and of the firm or company, description of assignments of similar nature completed in the last 7 years and their location, experience in similar conditions, general qualifications and the key personnel to be involved in the proposed assignment).
3. This expression of interest is open to all eligible consulting firm/person/ company/ organization.
4. In case, the applicant is individual consultant, details of similar assignment experience, their location in the previous 4 years and audited balance sheet and bio data shall be considered for evaluation.
5. The assignment has been scheduled for a period of 4 Months. Expected date of commencement of the assignment is 03-04-2023.
6. A Consultant will be selected in accordance with the QCBS method.
7. Expression of Interest should contain following information:
 - (i) A covering letter addressed to the representative of the client on the official letter head of company duly signed by authorized signatory.
 - (ii) Applicants shall provide the following information in the respective formats given in the EOI document:
 - EOI Form: Letter of Application (Form 1)
 - EOI Form: Applicant's Information (Form 2)
 - EOI Form: Work Experience Details (Form 3(A), 3(B) & 3(C))
 - EOI Form: Capacity Details (Form 4)
 - EOI Form: Key Experts List (form 5).
8. Applicants may submit additional information with their application but shortlisting will be based on the evaluation of information requested and included in the formats provided in the EOI document.
9. The Expression of Interest (EOI) document must be duly completed and submitted by electronically only using the forms and instructions provided by the system.
10. The completed EOI document must be submitted on or before the date and address mentioned in the "Request for Expression of Interest". In case the submission falls on public holiday the submission can be made on the next working day. Any EOI Document received after the closing time for submission of proposals shall not be considered for evaluation.

C. Objective of Consultancy Services or Brief TOR

TERMS OF REFERENCE (TOR)
FOR
CONSULTANCY SERVICES
ON
THE DEVELOPMENT OF DRAFT REGULATION/DIRECTIVE FOR
REGULATION OF IT PARK AND DATA CENTRE

1. Introduction

Nepal Telecommunications Authority (NTA) is the regulator of the Government of Nepal (GoN) for the development of the Telecommunications sector and has been established as per Telecommunications Act, 2053. It has the responsibility to make the Telecommunications service reliable, affordable and accessible to all the citizens of Nepal.

It is a development that brings together office spaces, residential areas, and retail developments in order to enhance the operations of technical corporations, thereby providing various benefits and economies of scale to each individual business entity. The ultimate objective of an IT park is to provide an environment that will enable the localization of various tech-related companies.

IT parks are able to perfectly integrate row houses, residential complexes, villas, as well as low-rise and high-rise apartments with commercial and convenience establishments, clubs and resorts, and various facilities that make living and working as comfortable as possible. All of these amenities are ideally supposed to help in attracting investors and to promote the setting up of various businesses, ensuring that they get all they need to thrive and reach their operating objectives.

- Advancement of technology
- Attraction of investment
- Establishment of companies
- Creation of employment

Usually, IT parks take some land space, and there is usually a lot of consideration given to them in order to thrive and work towards their full potential.

Data Center is a centralized location where a group of computing and networking-related equipment is concentrated for various purposes like collecting, storing, processing, distributing, or allowing access to a large amount of data in a very organized manner.

Investing in a high-end Data Center is a very important step in building any online product. The best website design and development team on hand for building the product will not be possible without support of a well-known data center company and it will be impossible for becoming a nationally or internationally recognized product. The Data Center is a vital component for any business for web hosting their crucial business data and applications. So, it is needed to invest in choosing the best Data Center in Nepal and need investment in hosting online product there. Nowadays websites and application are hosting data in foreign hosting companies like Hostgator, Hostinger, Bluehost and many more. Data that are hosting on these platforms can be at risk and data can be compromised and breached at any time. They can use our data and can play with us. So, it's better to place our data within the country by hosting our sites and application in a trusted data center in Nepal.

Actually, this Data Center and its technologies are not new technology to this world but still, it is new in our country and there is no regulation for Data Center standard and operation. There are only a few trusted Data Centers and computing services in Nepal. Most of the Data Centers in Nepal are private data centers.

So, it is necessary to formulate regulation for standard, operation of trusted IT parks, Data Center and computing services in Nepal.

2. Objective

The objective of this assignment is to formulate regulation/directive for standard, operation and regulation of IT Park and Data Center.

3. Scope of Work

The consultant should prepare a regulation of IT Park and Data Center. In particular, the following tasks need to be executed:

- a) To study explore and analyze the existing Related Acts, Regulations and Policies of Nepal
- b) To study and make necessary provision based on best international practice regarding the regulation for standard and operation of IT Park and Data Center.
- c) To study existing legislative provision of Nepal concerning this assignment

- d) To develop the regulation for standard and operation of IT Park and Data Center based on international practice in Nepali and English Language in compliance with the Nepal Government's standard legal format.

4. Key deliverables

- (a) Regulation/directive for standard, operation and regulation of it park and data center.

5. Company/Consultant Requirement

The consulting firm should meet the following criteria.

- i. Should be registered with VAT.
- ii. Must submit the Company/Business/Firm Registration and TAX clearance certificate of fiscal year 2078/79.
- iii. Must have worked in IT related sector and should have at least 5 years experience in IT related sector.

6. Qualification and Experience of Experts:

The consulting firm shall include at least the key following personnel to carry out the assignment.

S.N.	Expert	Qualification	Experience	Estimated man-month (no. of personnel × total no. of months)
1	Team Leader	Master's degree in IT/Management with experience in ICT related project/Policy Making	<ul style="list-style-type: none"> ● At least 15 years of experience in ICT related specially in Policy making activities ● Exposure to international practices in Information and Communication Technologies. ● Good management, leadership, presentation and communication skills. ● Experienced in Nepal's ICT domains. 	1 x4

2.	Senior ICT Researchers	Master's degree in IT/Management with experience in ICT related project/Policy Making	<ul style="list-style-type: none"> At least 10 years of professional experience in a related field 	1 x4
3.	Legal	Master's Degree in Law.	At least 10 years of experience in ICT related field specially on Policy making	2 x4

7. Duration of Study:

Four months, effective from the signing of the contract.

8. Reporting to:

The consultant will report to the Focal point as designated by NTA

9. Deliverables

- a) The consultant shall submit the inception report within 15 days from the date of the contract.
- b) The consultant shall submit the mid-term report within 60 days from the date of the contract.
- c) The consultant shall submit the draft Final report within 90 days from the date of the contract.
- d) The consultant shall submit the final report within 120 days from the date of the contract.

10. Payment of Schedule

S.N.	Activities	Payment
1	Submission of Inception Report and upon its approval	10%
2	Submission of the Mid-term Report and upon its approval	20%
3	Submission of the Draft Final Report and upon its approval	30%
3	Submission of Final report and upon its approval	40%

11. **Consultation and Presentation**

The consultant shall consult and conduct workshop with stakeholders during the formulation of regulation and shall involve various relevant stakeholder in the consultation meeting including Ministry of Communication and Information Technology (MoCIT), NTA, Department of Information Technology (DoIT), Service Providers, Civil Society etc. prior to submission of the draft final report and final report.

MoCIT/NTA will facilitate the consultant to conduct the consultation as applicable.

D. Evaluation of Consultant's EOI Application

Evaluation of Consultant's EOI Application

Consultant's EOI application which meets the eligibility criteria will be ranked on the basis of the Ranking Criteria.

i) Eligibility & Completeness Test

Sl. No.	Criteria Title	Compliance
1	Corporate Registration	
2	Tax Clearance/Tax Return Submission	
3	VAT/PAN Registration	
4	EOI Form 1: Letter of Application	
5	EOI Form 2: Applicants Information Form	
6	EOI Form 3: Experience (3(A) and 3(B))	
7	EOI Form 4: Capacity	
8	EOI Form 5: Qualification of Key Experts	
9	In case of a natural person or firm/institution/company which is already declared blacklisted and ineligible by the GoN, any other new or existing firm/institution/company owned partially or fully by such Natural person or Owner or Board of director of blacklisted firm/institution/company; shall not be eligible consultant.	
10	If the corruption case is being filed to Court against the Natural Person or Board of Director of the firm/institution /company or any partner of JV, such Natural Person or Board of Director of the firm/institution /company or any partner of JV shall not be eligible to participate in procurement process till the concerned Court has not issued the decision of clearance against the Corruption Charges.	

ii) EOI Evaluation Criteria

A. Qualification

Sl. No.	Criteria	Minimum Requirement
1	Team Leader	Qualification and Experience as per TOR
2	Senior ICT Researcher	Qualification and Experience as per TOR
3	Legal Experts	Qualification and Experience as per TOR

Score: 50.0

B. Experience

Sl. No.	Criteria	Minimum Requirement
1	General Experience of consulting firm	i. Should be registered with VAT. ii. Must submit the Company/Business/Firm Registration and TAX clearance certificate of fiscal year 2078/79
2	Specific experience of consulting firm within last 7 years. In case of person, specific experience of the person within last 4 years.	iii. Must have worked in IT related sector and should have at least 5 years experience in IT related sector

Score: 40.0

C. Capacity

Sl. No.	Criteria	Minimum Requirement
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Sl. No.	Criteria	Minimum Requirement
1	Financial Capacity.	Minimum Average Annual Turnover NRs 60,00,000

Score: 10.0

Minimum score to pass the EOI is: 60

Note : If the corruption case is being filed to Court against the Natural Person or Board of Director of the firm/institution /company or any partner of JV, such Natural Person or Board of Director of the firm/institution /company or any partner of JV such consultant's proposal shall be excluded during the evaluation.

E. EOI Forms & Formats

E. EOI Forms & Formats

Form 1. Letter of Application

Form 2. Applicant's information

Form 3. Experience (*General, Specific and Geographical*)

Form 4. Capacity

Form 5. Qualification of Key Experts

Standard EOI Document

1. Letter of Application

(Letterhead paper of the Applicant or partner responsible for a joint venture, including full postal address, telephone no., fax and email address)

Date:

To,

Full Name of Client: _____

Full Address of Client: _____

Telephone No.: _____

Fax No.: _____

Email Address: _____

Sir/Madam,

1. Being duly authorized to represent and act on behalf of (hereinafter "the Applicant"), and having reviewed and fully understood all the short-listing information provided, the undersigned hereby apply to be short-listed by **[Insert name of Client]** as Consultant for **[Insert brief description of Work/Services]**.
2. Attached to this letter are photocopies of original documents defining:
 - a) the Applicant's legal status;
 - b) the principal place of business;
3. **[Insert name of Client]** and its authorized representatives are hereby authorized to verify the statements, documents, and information submitted in connection with this application. This Letter of Application will also serve as authorization to any individual or authorized representative of any institution referred to in the supporting information, to provide such information deemed necessary and requested by yourselves to verify statements and information provided in this application, or with regard to the resources, experience, and competence of the Applicant.
4. **[Insert name of Client]** and its authorized representatives are authorized to contact any of the signatories to this letter for any further information.¹
5. All further communication concerning this Application should be addressed to the following person,

[Person]

[Company]

[Address]

[Phone, Fax, Email]
6. We declare that, we have no conflict of interest in the proposed procurement proceedings and we have not been punished for an offense relating to the concerned profession or

¹ Applications by joint ventures should provide on a separate sheet, relevant information for each party to the Application.

Standard EOI Document

business and our Company/firm has not been declared ineligible.

7. We further confirm that, if any of our experts is engaged to prepare the TOR for any ensuing assignment resulting from our work product under this assignment, our firm, JV member or sub-consultant, and the expert(s) will be disqualified from short-listing and participation in the assignment.
8. The undersigned declares that the statements made and the information provided in the duly completed application are complete, true and correct in every detail.

Signed :

Name :

For and on behalf of (name of Applicant or partner of a joint venture):

Standard EOI Document

2. Applicant's Information Form

(In case of joint venture of two or more firms to be filled separately for each constituent member)

1. Name of Firm/Company:
2. Type of Constitution (*Partnership/ Pvt. Ltd/Public Ltd/ Public Sector/ NGO*)
3. Date of Registration / Commencement of Business (*Please specify*):
4. Country of Registration:
5. Registered Office/Place of Business:
6. Telephone No; Fax No; E-Mail Address
7. Name of Authorized Contact Person / Designation/ Address/Telephone:
8. Name of Authorized Local Agent /Address/Telephone:
9. Consultant's Organization:
10. Total number of staff:
11. Number of regular professional staff:

(Provide Company Profile with description of the background and organization of the Consultant and, if applicable, for each joint venture partner for this assignment.)

Standard EOI Document

3. Experience

3(A). General Work Experience

(Details of assignments undertaken. Each consultant or member of a JV must fill in this form.)

S. N.	Name of assignment	Location	Value of Contract	Year Completed	Client	Description of work carried out
1.						
2.						
3.						
4.						
5.						
6.						
7.						

Standard EOI Document

3(B). Specific Experience

Details of similar assignments undertaken in the previous seven years

(In case of joint venture of two or more firms to be filled separately for each constituent member)

Assignment name:	Approx. value of the contract (in current NRs; US\$ or Euro) ² :
Country: Location within country:	Duration of assignment (months):
Name of Client:	Total No. of person-months of the assignment:
Address:	Approx. value of the services provided by your firm under the contract (in current NRs; US\$ or Euro):
Start date (month/year): Completion date (month/year):	No. of professional person-months provided by the joint venture partners or the Sub-Consultants:
Name of joint venture partner or sub-Consultants, if any:	Narrative description of Project:
Description of actual services provided in the assignment: Note: Provide highlight on similar services provided by the consultant as required by the EOI assignment.	

Firm's Name: _____

² Consultant should state value in the currency as mentioned in the contract

Standard EOI Document

3(C). Geographic Experience

Experience of working in similar geographic region or country

(In case of joint venture of two or more firms to be filled separately for each constituent member)

No	Name of the Project	Location (Country/ Region)	Execution Year and Duration
1.			
2.			
3.			
4.			
5.			
6.			
7.			

Standard EOI Document

4. Capacity

4(A). Financial Capacity

(In case of joint venture of two or more firms to be filled separately for each constituent member)

Annual Turnover	
Year	Amount Currency

- **Average Annual Turnover**

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(Note: Supporting documents for Average Turnover should be submitted for the above.)

Standard EOI Document

4(B). Infrastructure/equipment related to the proposed assignment³

No	Infrastructure/equipment Required	Requirements Description
1.		
2.		
3.		
4.		
5.		

³ Delete this table if infrastructure/equipment for the proposed assignment is not required.

Standard EOI Document

5. Key Experts *(Include details of Key Experts only)*

(In case of joint venture of two or more firms to be filled separately for each constituent member)

SN	Name	Position	Highest Qualification	Work Experience (in year)	Specific Work Experience (in year)	Nationality
1						
2						
3						
4						
5						

(Please insert more rows as necessary)

CURRICULUM VITAE (CV)

Position Title and No.	{e.g., K-1, TEAM LEADER}
Name of Firm	<i>Insert name of firm proposing the expert</i>
Name of Expert:	{Insert full name}
Date of Birth:	{day/month/year}
Citizenship	

Education: {List college/university or other specialized education, giving names of educational institutions, dates attended, degree(s)/diploma(s) obtained}

Employment record relevant to the assignment: {Starting with present position, list in reverse order. Please provide dates, name of employing organization, titles of positions held, *type of employment (full time, part time, contractual)*, types of activities performed and location of the assignment, and contact information of previous clients and employing organization(s) who can be contacted for references. Past employment that is not relevant to the assignment does not need to be included.}

Period	Employing organization and your title/position. Contact information for references	Country	Summary of activities performed relevant to the Assignment
[e.g., May 2005-present]	[e.g., Ministry of, advisor/consultant to... For references: Tel...../e-mail.....; Mr. Bbbbbb, deputy minister]		

Membership in Professional Associations and Publications:

Language Skills (indicate only languages in which you can work): _____

Adequacy for the Assignment:

Detailed Tasks Assigned on Consultant's Team of Experts:	Reference to Prior Work/Assignments that Best Illustrates Capability to Handle the Assigned Tasks
{List all deliverables/tasks as in TECH- 5 in which the Expert will be involved}	

Expert's contact information: (e-mail....., phone.....)

Certification:

I, the undersigned, certify to the best of my knowledge and belief that

(i) This CV correctly describes my qualifications and experience

(ii) I am not a current employee of the GoN

(iii) In the absence of medical incapacity, I will undertake this assignment for the duration and in terms of the inputs specified for me in Form TECH 6 provided team mobilization takes place within the validity of this proposal.

(iv) I was not part of the team who wrote the terms of reference for this consulting services assignment

(v) I am not currently debarred by a multilateral development bank (In case of DP funded project]

(vi) I certify that I have been informed by the firm that it is including my CV in the Proposal for the {name of project and contract}. I confirm that I will be available to carry out the assignment for which my CV has been submitted in accordance with the implementation arrangements and schedule set out in the Proposal.

(vii) I declare that Corruption Case is not filed against me.

I understand that any willful misstatement described herein may lead to my disqualification or dismissal, if engaged.

_____ Date: _____
[Signature of expert] Day/Month/Year

_____ Date: _____
[Signature of authorized representative of the firm] Day/Month/Year

Full name of authorized representative:
