

Clarification from NTA on the queries raised by Applicant

S. No.	RFA Reference Clause	Provision of RFA	Queries	Clarification from NTA
1	Definition	Large Infrastructure” means towers higher than seven (7) metres....	Under definition "Large Infrastructure", does that mean if the telecom tower structure below 7m does not need NTA approval to construct?	Yes, but by authorized licensee/Service Provider.
2	Clasuse 30.2 (F) (IV)	...and the estimated compensation payable for the land.	What does compensation payable for land refer to?	charge for lease/aquire of land to instal/operate the infrastructure
3	Annex I, (3) (ii)	Place and region for erecting the infrastructures...	We need to have Service Provider requirement on new plan site in order to provide rollout plan based on province and long/lat as new site to be build is base on Service Provider coverage requirements.	The applicant shall submit the Network rollout plan as applicable as required
4			Any tax exemption for importing infrastructure such as Tower and Power Solutions to NEPAL?	The taxation as per prevailing laws of Nepal will be applicable.
5			What is the process involved to import infrstructure such as tower and power solutions to NEPAL?	As per prevailing laws of Nepal.
6	Annex I, (4)	Documents to be included with Application....	Do we need to propose a Nepalese organization for this bid?	Not necessary to incorporate Nepalese organization prior to application by the applicant.
7	Annex I(4) (iii)	Commitment to meet the standards set out by concerned agency so as not to cause	We need to provide commitment letter to follow standard set out by agency that our deployment of Telecommunication will not effect public health?	Tha applicant shall submit document as comittment to meet the standard as applicable.
8	Annex I(4) (iv)	Economic and Technical Study Report and Operational Work Plan	From operational work plan do we refer to Operation and Maintenance plan of Telecommunication network?	Need to submit operational work plan of telecom infrastructure service.

9	Annex I(4) (v)	Plan for continuation of Infrastructure Services even at times of Disaster	Kindly elaborate what kind document we need to submit?	It refers business continuity plan during and after disaster such as earthquake, floods, landslide etc
10	Annex I(4) (vi)	Matters as specified by the Government of Nepal through notices in the Nepal Gazette	Kindly elaborate what kind document we need to submit?	The document /Information as required in the RFA Annex 14(vi) need to be submitted as applicable
11	Part V clause 30.2 (d)	Equipment. ...	To prove equipment are field proven, is it ok to provide undertaking letter from Applicant?	The document/information relating to the equipment to be used for construction and operation of Telecommunications infrastructure shall be included as applicable to indicate the equipment as field proven
12			Apart from NTA approval before can build a site, what other approval are required?	Necessary approval might be applicable as per provisions of applicable laws of Nepal (e.g. Clearance from Civil Aviation Authority of Nepal in specific cases, Local Government Authority etc.). In Future NTA can prescribe standard working procedure in relation to construct/operate/manage large infrastructure with one window Approval in coordination with other related entities.
13	Part III, clause 6.7	There are more than 6000 towers in operation in Nepal	What is the number of tower breakdown by district?	The existing tower information and planned sites for national microwave backbone available in NTA is provided in website www.nta.gov.np .
14	Part III, clause 5.3	The population of Nepal is approximately 28.46 million. The annual population growth....	What is the population by district?	Please refer link: www.cbs.gov.np

15	Part III, clause 6.4	The fixed telephone subscriber base as of 14 April, 2017 stands over 684,265. Subscribers	What is mobile penetration by district?	Please see the available statistics of latest NTA MIS Report in website www.nta.gov.np
16			In post 5 years, how many tower license intended to be issued? Does It affect long plan of investors to be viewed as long term investment	It depends upon the performance of existing telecommunications infrastructures service providers and as requirement at that time.
17	Clause 9.2(d)	Operate Telecommunications Infrastructure Service so as to comply with the minimum standards.....	Any ITU standard being referred specifically?	ITU standard as applicable.
18	Clause 9.3.1(iv)	If at the site proposed to construct large infrastructure, a telecommunications infrastructure....	Please clarify.	If there is already sharable large infrastructures, no additional duplication is permitted in general as per Sub-Rule 4 of Rule 11.
19	Clause 9.3.4	Need to make Infrastructure Data public....	What will be the data/description to be made available to public?	The description shall be made available to inform the Infrastructure Seeker and General Public the necessary information and as specified by NTA if applicable.
20	Clause 9.3.5 (iv)	Irrespective of whatever is mentioned in sub-clause (i) above, a Licensee may not	What happens if Towercos want to realign this presence and swap tower for efficiency purposes?	Rule 13 shall be complied by the Infrastructure service provider.
21	Clause 14 (iii)	Applicant shall give a breakdown of the number of Towers planned to be constructed....	To acquire or build, this will be projection but in recently what happens the numbers Is different and towers still achieve at least 200 by 2 years.	Construction and/or acquire by lease/buy of 200 towers by 2 years is minimal requirement. The applicant shall include the proposed no. of towers in its network rollout plan.
22	Clause 14 (vi)	For each of the sub-sections 14 (i), (ii), (iii), (iv), and (v) a classification....	Towers deployment designed/ follow with SPs instead.	The Network Rollout plan is expected to know plan for development and expansion of Telecommunications Infrastructure in all seven provinces as applicable.

23	Clause 15 (i)	Shared Infrastructure Usage Charge (SIUC) applicable for sharing between Licensee	SIUC will be fixed as per mutual agreement but 30.2 (g) requested to include.	It is expected to submit tentative SIUC to include its business plan to ensure sustainable service operation.
24	Clause 25.1	Nepalese Participation....	What are identities that licensee to prove that board participation? Identity card?	The applicant shall include attested copy of Citizenship/Company Incorporation Certificate (letter of authorization) with commitment to invest at least 20% Nepali investment.
25	Clause 25.3	Organization details, Technical Expertise, Reports, Operational Plans, and Commitment....	How detailed is technical study report? How detailed is operation plan?	The Technical Study Report and Operational Plan shall be submitted as applicable.
26	Clause 25.3 (v) & (vi)	In case of Infrastructures using Radio Frequency, details shall be provided as applicable. And Applicant shall provide a Commitment Letter indicating...	Towers does not use RF. How does this apply for submission?	RF information is not applicable since the Licensee is only allowed to construct and operate passive telecommunication infrastructure.
27	Clause 30.2 (d)	Equipment....	Please clarify infrastructure equipments.	The equipment related to Telecommunications Infrastructure as applicable.
28	Clause 30.2(f) (iii)	a description of franchise arrangements that the Applicant proposes to use, if any	What is franchise agreement?	As applicable
29	Clause 31(ii)	Projection of Demand and Supply of the Service.	What is the projection of demand and supply of the Service?	The projection of demand & supply of telecom infrastructure service shall be included as applicable.
30	Clause 31(vii)	Percentage use of domestic resources and plan to knowledge transfer	Any target for government to achieve for domestic resources?	The domestic resources shall be used as per relevant laws of Nepal as applicable.
31	Clause 31(viii)	Useful life and yearly maintenance requirements	What does RFA required for useful life & yearly maintenance requirements?	The useful life and yearly maintenance of the infrastructure shall be included in AFL as applicable.

32	Clause 31(ix)	Nature of technical snag that may occur	What is technical snag?	As applicable.
33	Clause 25.3 (viii)	Evidence of having constructed at least 5,000 (Five Thousand) Telecommunications related Towers and operated and managed at least 10,000 (Ten Thousand) such Towers.	Evidence of having constructed at least 5,000 (Five Thousand) Telecommunications related Towers and operated and managed at least 10,000 (Ten Thousand) such Towers - as per RFA we need to provide certified letter from Competent Authority, what kind of authority letter will be valid? as construction of towers are for Telecom operators which are private bodies, so which authority shall certify it?	Proof document issued from relevant authorized entity/client needs to be submitted for which NTA should be sufficiently convinced.
34	Clause 25.3.(a) (ix)	Evidence of having managed at least 5,000 (Five Thousand) Telecommunications Towers that can be shared by two or more service providers.	Evidence of having managed at least 5,000 (Five Thousand) Telecommunications Towers that can be shared by two or more service providers. - As per RFA we need to provide letter from competent authority? Which authority shall certify it? As we all these towers belong to private entity. Does undertaking letter from applicant suffice purpose?	Proof document issued from relevant authorized entity/client needs to be submitted for which NTA should be sufficiently convinced.
35	Clause 25.5	Black List....	Does the license to build tower in respective countries applicant claim to have experience fulfil requirement? Else please provide details of what kind of certificate and which authority shall we approach for it?	Evidence that the applicant has not been black listed by telecom regulatory authority or by any other competent government entity of the concerned country as Self Declaration by the applicant and from concerned entity of the respective country as required in point no. 6 of compliance check list of Annex IV of RFA shall be included as applicable.

36	30.2 a (ii) and 30.2 (b)	Where the Licensee proposed by the Applicant is not legally.... and Information Regarding Compliance with Nepalese Participation.....	For Nepalese participation, as per RFA if Licensee is not legally constituted yet. Then we shall submit signed and agreed MoU. However in 30.2 (b) RFA mention we need to provide legal document to prove Licensee will comply Nepalese participation. Which kind of Legal document we need to provide? since Licensee is not legally constituted yet.	The applicant shall include document/ information as required by clause 30.2 of the RFA.
37	Clause 33.10	Pre-Application Meeting....	For the pre-bid meeting to be held on December 1st, it is our understanding that only applicants who have officially purchased a copy of the RFA will be permitted to take part in the pre-bid discussions. Please clarify that this is the case.	Pre-Application meeting was held on the prescribed date and time within the scope of RFA .
38	Clause 9.3, 14, 15 (iv) and 18 (iii)	NTA Approvals....	With respect to approvals from the NTA for infrastructure construction and Involvement of the regulatory in commercial engagement (section 9.3, 14, 15 (iv), 18 (iii) etc.), we request the following modifications:	
39			i. The commercial arrangements between Mobile Network Operators ("MNOs," and, each, an "MNO") and Independent Tower Company (ITC) should not be subject to regulation on tariffs and pricing.	The commercial arrangement between MNO and ITC should be fixed between the parties on the terms and conditions mutually agreed upon or on the terms and conditions determined by the Authority, if such agreement could not be reached

40			<p>ii. An applicant who is awarded a license under this RFA to construct, own, operate and manage tower sites should be permitted to operate those sites in accordance with market demand, within the norms set by the NTA (from a reporting perspective) at the time of issuance of the license. Those provisions limiting the general business operation in this regard should be removed.</p>	<p>The licensee shall construct, own, operate and manage tower sites as per the provisions of RFA, Rules and Act as applicable. NTA is however cautious not to imposed any provisions limiting the general business operation.</p>
41	Clause 10.1	Service Provider Sharing...	<p>As per clause 10.1 (i), a Service Provider can enter into an agreement with either a Licensee or another Service Provider and engage in sharing activities. This clause would materially negatively impact the Licensee's entire business. We therefore request that the NTA remove this clause from the RFA and suggest that, until this license issuance process is completed, no MNO or any other entity should be allowed to construct new towers, and, post license issuance, no sharing should be permitted by and between the MNOs.</p>	<p>The service provider/licensee shall operate the related telecom service as per the provisions of RFA, Rules and Act.</p>
42	Clause 22 (3) and (4)	Royalty fee and Rural Telecom Development Fund (RTDF).	<p>We recommend that the Licensee shall pay the royalty fee and RTDF contribution equal to two percent (2%) of its 'adjusted gross revenue' and not 'gross revenue' as currently suggested in the RFA. Since power / energy bills are typically a pass through to the MNO, the licensed ITC should be permitted to deduct that amount from its gross revenue.</p>	<p>The licensee shall pay the Royalty and RTDF as specified in the RFA and Rules.</p>

43	Clause 30.2(e) and 26	Network Descriptions and Equipment....	We request that Clause 30.2 (e) and 26 be removed as they are not applicable to ITCs.	The applicant shall submit the network description as required by Clause 30.2(e) of RFA complying the Clause 26.
44	Clause 37	Performance Guarantee...	We request that Clause 37 be removed. ITCs should not be held liable for failure to construct infrastructure where there is no market demand from the MNOs. As previously noted, as a general matter, ITCs would not build towers with zero tenancy.	The Successful Applicant shall comply the provision of Clause 37 of the RFA.
45	Definition and Clause 25.3	Organization details....	We request NTA to allow an applicant to list the name of a Nepalese company, subject to satisfactory completion of due diligence by the applicant in their sole discretion, with the applicant being permitted to change the local Nepalese company named in the Application at any time, without limitation or requirement to provide reason or cause, with no penalty or disqualification.	As per Sub-Rule (2) of Rule 5 and Sub-Rule (3) of Rule 10, the applicant shall provide personal information or company profile including Investor's shareholding detail record. Clause No. 24.1(b) of the RFA specifies 20% local invest/shares requirement as eligibility requirement. It is essential to submit the local partner information as required by RFA. NTA has the right either to accept or reject the proposed local partner without substantial deviation of the provision of RFA and Rules assuring RFA Clause 24.1 (b) and (d) taking into account equal or better qualification/experience. The Foreign Investment Act and Company Act and Regulation will prevail as applicable.
46			Additional Clarifications. We would further request your clarifications on those RFA Clauses set forth in the chart below.	

Part IV, A (ii)	Incorporation/Registration as a Legal Entity: The successful....	The window of forming a Legal Entity shall be increased to 180 days from the current 90 days. This request is keeping into consideration the various procedural compliances required etc.	The successful applicant shall comply the provision of Part IV A(ii) and Clause 36.8 of the RFA for Incorporation/Registrtrtion as Legal Entity.
Part IV, B, 9.2(a)	Provide Telecommunications Infrastructure Services to Service Providers by	Request NTA to publish the standards referred	NTA can prescribe the standard pursuant to Section13 (f) & Section 14 of the Act from time to time. It is required to comply the relevant ITU standard as applicable.
Part IV, B, 9.2(d)	Operate Telecommunications Infrastructure Service so as	Request NTA to publish the specific standards referred in the context of Telecom Infrastructure Service	NTA can prescribe/publish the standard pursuant to Section 13 (f) & Section 14 of the Act from time to time. It is required to comply the relevant ITU/recognized international standard by the Licensee as applicable.
Part IV, B, 9.2(g)	Licensee shall, by construction or acquisition, be in possession of at least two hundred (200)	A period of 90-180 days should be allowed from the date of License issued, post which this criterion should be applied. The required timeframe of 90-180 days should be viewed as a stabilization period for the company to fully commence its operations.	The licensee shall comply the provision of Part IV B, 9.2 (g) as conditions of licensee as prescribed in Rule 7.
Part IV, B, 13	Exclusivity....	Since the telecom infra business is very Capital expenditure intensive business, it is requested for the exclusive rights to be for a minimum of 10 years	It shall be as per the provision of Part IV B Clause 13 and as prescribed in the Rules.

Part IV, B, 14	Network Roll-out Plan....	An Applicant can share the projection for tower rollout. However, giving a year-wise breakdown in terms of constructed towers, to be acquired or obtaining on lease during this Application process will be practically impossible. It is requested to exclude this condition from the submission. Also, unless and until a TowerCo Licensee enters into an agreement with the Service provider to provide tower rollout for them, the Service Provider will not share their detailed rollout plan, as required in sub clause (v) of this clause. Hence, we request to remove this clause for AFL.	The applicant shall submit its network rollout plan as required by the applicable provision of the RFA
Part IV, B, 16	To be Allowed Sharing as per the Agreement....	The earlier agreement between the service provider and the sharing party shall be valid only up to its due date. Post the due date, the service provider and the licensee shall agree on a new SIUC, as per mutual agreement between the concerned parties.	The licensee shall comply the provision of Part IV B, 16 of the RFA.
Part IV, B, 18	Need to Construct Infrastructure....	The Licensee should have the liberty to take a business call w.r.t. development of a telecom infra site and the NTA should not 'force' the Licensee for the same	The licensee shall comply the provision of Part IV B, 18 of the RFA
Part V, 25.2 (2)	Evidence(s) of Financial strength, Capital & Investment shall include....	An Applicant should be allowed to submit his past financials and proven ability to fund the project. The detailed breakdown into equity funding, debt funding etc. should be considered only at the time of AFL. All such matters require Board approval and a detailed project plan, which is practically impossible to get in such a short span of time.	The licensee shall comply the provision of Part V, 25.2(2).

Part V, 30.2 (a) (ii)	Where the Licensee proposed by the Applicant is not legally constituted....	Applicant can undertake to comply with condition of minimum 20% participation of Nepalese Citizen, however flexibility should be there for not naming the envisaged partner during the application process. To enter into any partnership in a foreign country required certain due diligence to be carried out of the proposed partner and the process takes time. Therefore, putting binding commitment at time of Application will be a bit challenge to address.	The licensee shall comply the provision of Part V, 30.2(a)(ii).
Part V, 30.2 (g)	Shared Infrastructure Usage Charge (SIUC)....	It is too early to submit a document such as Proposed Shared Infrastructure Usage Charge (SIUC) which must be prepared in accordance to the clauses in the RFA. A Licensee will enter into any such business arrangement with a Service Provider only once it has procured the License.	The SIUC shall be fixed as per provision of Clause 15 of RFA on the terms and conditions mutually agreed upon or as determined by the Authority, if such agreement could not be reached. It is expected to submit estimated SIUC to include in its business plan to ensure sustainable service operation.
Part V, 30.3	Comments of the Applicant....	Does this mean that we can submit conditional bid	It is optional to submit comment of the applicant as required by Clause 30.3 of the RFA as applicable.
Clauses 24.2, 24.3, 25.3 (c) (iii) and 25.3 (d)	The applicant shall have the following Eligibility Conditions in relation to Technical competence and Experience....	Please confirm that the Applicant can rely upon the credentials of its Group Company(s) for fulfilling the eligibility conditions mentioned in the RFA and such Group Company(s) need not hold any equity stake in the Licensee entity directly.	The credentials of its Group Company(s) for fulfilling the eligibility conditions mentioned in the RFA and such Group Company(s) having no equity stake in the Licensee entity directly is not eligible.

Clause 25.3 (a) (vi)	Applicant shall provide a Commitment Letter indicating its willingness to meet....	The requirements here are open ended and we request that they should be specified upfront.	It is required to provide commitment letter indicating its willingness as per provision of Clause 25.3(a) (vi) as applicable. Since the Licensee is not allowed to use RF Equipment by itself, it is just required to assist to the Service Provider for the compliance of the RF Standard through alignment of Passive infrastructure if applicable
Clause 25.2 (1)	Evidence(s) to demonstrate that the Applicant has been in profit for the last three years....	Please specify what documents can be submitted as evidence that will fulfil the requirements under these	The document as required by Clause 25.2(1) needs to be submitted indicating the applicant is in Profit for last three years.
Clauses 30.2 (a) (xi)-(xiii)	If the Licensee proposed by the Applicant is or will be a company that is specially created for the purpose of submitting an AFL pursuant to...	Please clarify the following statement - that is willing to guarantee the performance of the Licensee". Does the shareholder(s) of the Licensee entity needs to guarantee its performance?	Since the applicant has to have commitment to operate the telecommunication infrastructure service, its shareholder having at least 15% share shall have the responsibility including the performance.
Clause 30.2 (a) (xiii) first bullet:	Documentation that clearly demonstrates that the Licensee...	This clause will not be applicable if the Licensee is not incorporated at the time of AFL submission.	Clause 30.2 (a) (xiii) first bullet is applicable.
Annex- IV, Si. No. 6 and 7	Evidence that Applicant has not been Black-listed by any...	What documents can be submitted as evidence that will fulfil the requirements under these clauses.	Self declaration of the Applicant and Evidence issued from concerned government entity indicating that the Person/Company hasnot been blacklisted valid at the time of Submission AFL
Annex- IV, Si. No. 8	Evidence that Nepalese citizens own a minimum of 20% (twenty per cent) of the total investments	In case where the Licensee will be incorporated post the AFL and prior to award of the license please clarify how this requirement will be satisfied.	Evidence assuring at least 20% of the total investment by the Nepalese citizen/s shall be included in the AFL.

47	<p><u>Clause 9.1</u></p> <p>Scope of Work & <u>Clause 9.1</u> Licensed Service</p>	<p>Licensee shall be required to operate Telecommunication Infrastructure Service throughout the country through construction and operation of Telecommunications Infrastructures included but not limited to Large Infrastructures (Towers, Optical Fibre).</p>	<p>Only once in the tender the one of the main Infrastructure requirement of fibre optic N/W is mentioned. Nowhere else the lead players in the fibre N/W domain are being considered eligible.</p>	<p>The AFL shall be submitted as per the Provisions of the RFA issued from the NTA</p>
48	<p><u>Clause 24.2</u></p> <p><u>(a) & (b)</u></p> <p>Eligibility Conditions in relation to Technical competence and Experience</p>	<p>The applicant shall have the following:</p> <p>(a) The applicant shall have experience having construction of at least 5,000 (Five Thousand) Telecommunications related Towers and operated and managed at least 10,000 (Ten Thousand) such Towers.</p>	<p><u>Practice in Similar Nature of Tender in other Countries:</u></p> <p>The applicant shall have either of the two experience:-</p>	<p>The AFL shall be submitted as per the Provisions of the RFA issued from the NTA.</p>

		(b) The applicant shall have experience of having managed at least 5,000 (Five Thousand) Telecommunications Towers that can be shared by two or more service providers.	(a) Construction of at least 5,000 (Five Thousand) Telecommunications related Towers/ and operated and managed at least 10,000 (Ten Thousand) such Towers or (b) <u>Laid an optical fibre N/W in excess of 10,000 Km</u>	
49	<p><u>Clause 9.2</u></p> <p>(g)</p> <p>Provision of Service</p>	<p>Licensee shall, by construction or acquisition, be in possession of at least <u>two hundred (200) telecommunication towers within two (2) years</u> of obtaining License.</p>	<p><u>Practice in Similar Nature of Tender in other Countries:</u></p> <p>The applicant shall have either of the two experience:-</p> <p>(a) Licensee shall, by construction or acquisition, be in possession of at least two hundred (200) telecommunication towers within two (2) years of obtaining License.</p> <p>or</p> <p>(b) <u>Will roll out OFC N/W for two thousand (2000) Km within two (2) years of obtaining License.</u></p>	The AFL shall be submitted as per the Provisions of the RFA issued from the NTA
	<u>Clause 14</u>	(i) As provided by Section 9.2 (g), the Licensee is required to be in possession of at least two hundred (200) Towers within two (2) years of obtaining the License, be it by construction or by acquisition.	<u>Practice in Similar Nature of Tender in other Countries:</u>	

(i) to (vi)

Network Roll-out Plan

(ii) Applicant shall submit its Network Roll-out Plan for first two years and the subsequent three (3) years for a total period of five years after obtaining the License.

(iii) Applicant shall give a breakdown of the number of Towers planned to be constructed, and the number of towers planned to be acquired by buying or obtaining on lease.

(iv) The plan shall demonstrate year-wise increase of the number of Towers to be constructed or acquired by buying or obtaining on lease.

(v) Applicant shall also submit its projection of the number of Tower to be developed at the request of Service Providers, as provisioned in Section 9.2 (c)

Everywhere in the clause the OFC of **2000 Km to be added as an OR condition.**

(i) As provided by Section 9.2 (g), the Licensee is required to be in possession of at least two hundred (200) Towers/**two thousand (2000) Km OFC** within two (2) years of obtaining the License, be it by construction or by acquisition.

(ii) Applicant shall submit its Network Roll-out Plan for first two years and the subsequent three (3) years for a total period of five years after obtaining the License.

(iii) Applicant shall give a breakdown of the number of Towers/**two thousand (2000) Km OFC** planned to be constructed, and the number of towers/**two thousand (2000) Km OFC** planned to be acquired by buying or obtaining on lease.

The AFL shall be submitted as per the Provisions of the RFA issued from the NTA

(vi) For each of the sub-sections 14 (i), (ii), (iii), (iv), and (v) a classification shall be submitted indicating the geographical locations of the proposed sites with the intention of providing good coverage of telecommunication services across all the seven states of Nepal.

(iv) The plan shall demonstrate year-wise increase of the number of Towers/**two thousand (2000)** **Km OFC** to be constructed/laid or acquired by buying or obtaining on lease.

(v) Applicant shall also submit its projection of the number of Tower/OFC to be developed at the request of Service Providers, as provisioned in Section 9.2 (c)

(vi) For each of the sub-sections 14 (i), (ii), (iii), (iv), and (v) a classification shall be submitted indicating the geographical locations of the proposed sites with the intention of providing good coverage of telecommunication services across all the seven states of Nepal.

51	Clause 24.2 (c)	The clause 24.2 (c) under “Instruction to Applicants” indicates that the applicant shall have experience of having construction or operation telecommunications infrastructure in at least two countries, in case the Applicant is a foreign national.	With respect to the same clause 24.2(c), for bidder’s qualification, we would like to request the clarification from your esteem office, whether this tender shall allow two companies in consortium or in Joint Venture (JV) where one company meets all the criteria as asked in clause no. 24.2 (a), 24.2 (b), 24.3 but has only experience in one country and another company who exhibits similar qualifications and experience in one country too. If both companies join in consortium, does this tender qualify them as require by the clause 24.2 (c).	Need to comply the Provision of clause 24.2(c) with evidence of having experience of construction or operation telecommunications infrastructure in at least two countries, in case the Applicant is a foreign national.
52	1. Definations	“Quality of Service” means the criteria for the Telecommunications Infrastructure Services as determined by the NTA	We couldn't find details description on " Quality of Service " criteria for the Telecommunications Infrastructure Services. Could you please Clarify Quality of Service " criteria for the Telecommunications Infrastructure Services?	It means standard of telecommunication infrastructure Service. NTA can prescribe the service standard pursuant to Clause 13 (f) of the Act from time to time. It is required to comply the relevant ITU standard by the Licensee as applicable.

53	Clause 6.7	<p>There are more than 6000 towers in operation in Nepal having ownership of different 5 voice operators which includes both ground based and roof top based towers. Majority of the them are roof top based towers. Nepal Telecom has more than 3200 towers, Ncell has more than 2600 towers, UTL has more than 170 towers, Smart Telecom has more than 300 tower and Nepal Satellite has more than 100 towers.</p>	<p>It says- more than 6000 towers are in Operation in Nepal. Is it possible to have the latest data on the total no. of towers from each existing operator with clarity on the total no. of roof based and ground based towers from them?</p>	<p>The existing tower information and planned sites for national microwave backbone available in NTA is provided in website www.nta.gov.np.</p>
54	Clause 9.2 Provision of Service:	<p>(a) Provide Telecommunications Infrastructure Services to Service Providers by constructing such telecommunications infrastructure complying with the standard as specified by the NTA.</p>	<p>Where could we find the details description on the Standard set for Telecommunications Infrastructure Services ? Standard details as Specified by NTA is missing. Could NTA clarify this?</p>	<p>The licensee shall comply the standard of telecommunication infrastructure as prescribed by NTA pursuant to clause 13 (f) of Act.</p>
55		<p>(b) Repair & fix free of cost such infrastructure to bring it back to the quality as set by the NTA, when infrastructure provided as per sub-clause (a) above is out of order.</p>	<p>Where could we find the details description on the quality as set for Telecommunications Infrastructure Services by NTA? Could NTA clarify those?</p>	<p>The licensee shall comply the standard of telecommunication infrastructure as prescribed by NTA pursuant to clause 13 (f) of Act.</p>

56	Clause 9.3.5	(i) Licensee may, at a mutually agreed value, buy or obtain on lease telecommunications infrastructure under the possession of a Service Provider with Infrastructure	<p>If Service Provider cannot buy the infrastructure from Licensee or Service provider with Infrastructure, then it should lease it.</p> <p><u>Query:1</u></p> <p>What are the criteria for Lease agreement? Who will set this criteria?</p> <p><u>Query:2</u></p> <p>With this provision, if service provider with infrastructure may choose not to sell but lease the infrastructure. Is there any limit on the percentage of share of sell and lease to the service provider? If the majority of towers are on lease, Would it be economical to the TISP License Service provider on a long run?</p>	<p></p> <p>The licensee can lease/buy telecom infrastructure from service Provider with Infrastructure on terms and conditions mutually agreed as applicable.</p> <p></p> <p>There is no limit on percentage of share of sale/lease of infrastructures. The Licensee can adopt the appropriate business modality within the scope & terms and conditions prescribed in the Rules & Act.</p>
57	Clause 10	(i) A Service Provider may enter into agreement with a Licensee or another Service Provider with Infrastructure and engage in sharing activities.	What are the guideline or criteria for these agreement? Who will set the Criteria?	The infrastructure seeker can enter into agreement upon the applicable condition mutually agreed complying the provisions of the Rules.

58	Clause 25.2(2) (i)		One of the requirements of the tender is to provide a capital expenditure plan. Since we have no official information as to how many or what size of tower we are to build we can only align this to what is stated as per the License requirements, which is to ensure we have 200 tower sites built within the first two years. The capital expenditure plan can only provide the tangible information on those requirements. However we still do not have enough information on the type and size and or location of towers.	The applicant shall submit application as required in RFA.
59			Have all operators been approached with the fact that the NTA will now prevent them from building their own sites ? How has this been taken? Are they happy?	GON has already issued the Rules to open the license to provide Telecommunications Infrastructure service. Obeying of instructions from NTA and provisions of Rules and Act is duty of the operators.
60			Since all the operators who have sites at the moment have licenses to build, will these licenses be revoked? If not what is stopping each of them forming site sharing agreements on their own between each other's sites?	After issuance of license to operate Telecommunications Infrastructure service through this RFA process, operators cannot build large infrastructure as per the provision of Sub-Rule (2) of Rule 3.
61	Clause 2.4	The NTA intends to issue two (2) licenses to two Successful Applicants pursuant to this RFA.	Can we clarify how the two licenses will be split? This will have a massive impact on one of the license holders. They need to be separated somehow either geographically but with equal opportunity for each licensee.	Both licensee will have same scope of work through out the country to make healthy and competitive market for the benefit of the people and country.
62			Are concessions/exemptions available on the importing of towers and steel work for customs and duties?	Prevailing laws of Nepal will be applicable on the importing of Towers and steel work for customs and duties.

63	Clause 14	Network Rollout Plan....	<p>(i) We can only provide planned information at high level as mentioned previously aligned to the 200 site requirement.</p> <p>"Applicant shall give a breakdown of the number of Towers planned to be constructed, and the number of towers planned to be acquired by buying or obtaining on lease. "</p> <p>How do we know how many towers we are going to build without first understanding what the build plans are from the operators? What shall we based the plan on?</p> <p>(ii) For each of the sub-sections 14 (i), (ii), (iii), (iv), and (v) a classification shall be submitted indicating the geographical locations of the proposed sites with the intention of providing good coverage of telecommunication services across all the seven provinces of Nepal. This section also? It is impossible for us to answer this without understand build plans, operators requirements, operators buy in and understanding etc. Please can you advise on suggested number of sites that require building in which regions. A thorough on the ground assessment and audit would be required to do this with collaboration</p>	<p>The applicant shall submit its network rollout plan as required by the applicable provision of the RFA.</p>
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64	Clause 15	Fixing share infrastructure usage charge....	<p>(i) NTA shall, for this purpose, bring out necessary guidelines in order to fix the SIUC. These guidelines shall be abided by the concerned Licensee and the Service Provider.</p> <p>Is it possible to share what this guideline is and how what dimension it is set against?</p>	NTA determines the applicable Guidelines in order to fix SIUC Pursuant to Sub-Rule(4) of Rule 18 and make available to the Licensee.
65	Clause 33.8	Closing Date for Submission of AFL - The sealed Application package shall be delivered to the NTA at the address specified in section 33.6 not later than 15:00 Hrs, Nepal Standard Time (NST), on 12-17-2017.	Closing Date for Submission of AFL is requested to extend.	The applicant shall submit AFL as per the Clause 3 and 33.8 of RFA issued from NTA along with notice published on Novemebr 3, 2017 (First Date of Publication).