



# **CRAN**

Communications Regulatory Authority of Namibia

**REQUEST TO BID**  
**AUCTION FOR RADIO FREQUENCY SPECTRUM**  
**703-788 MHZ AND 790-862 MHZ**

**ISSUED 28 JUNE 2023**

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**SPECTRUM AUCTION**  
**703-733 MHz paired with 758-788 MHz (700 MHz)**  
**and**  
**791-821 MHz paired with 832-862 MHz (800 MHz)**  
**REQUEST TO BID**

**1. INTRODUCTION**

The spectrum bands 694-790 MHz and 790-862 MHz are allocated to IMT services on a primary basis. These spectrum bands are commonly referred to as the 700 MHz and 800 MHz spectrum bands and can be used for 4G and 5G services in Namibia. These two spectrum bands are also referred to as the “digital dividend” spectrum.

The Communications Regulatory Authority of Namibia (“the Authority”) assumes full responsibility for spectrum assignment based on the principles of independent decision-making and impartiality. It is the Authority’s primary and legislative objective to promote competition in the telecommunications sector through efficient spectrum management. To this end, the Authority adopted a holistic approach in determining a roadmap for the release of spectrum for the period 2022-2024. This was designed to provide licensees with regulatory certainty on which spectrum will be made available for assignment to facilitate the rollout of telecommunications and broadcasting networks and implementation of emerging technologies, platforms, and applications to the benefit of the end user.

ICT networks and services plays a vital role in the socio-economic development and digital transformation of Namibia. Therefore, the Authority will make spectrum available subject to the imposition of licence conditions to attain the following national strategic objects-

- (a) Allowing the implementation of new technologies to promote innovation and availability of a wide array of high-quality services to all Namibians as per the objects of the Communications Act and national development plans.
- (b) Ensuring access to broadband networks as per the targets set out in the National Broadband Policy.
- (c) Ensuring that spectrum is utilised to provide broadband services in unserved and underserved areas at prescribed broadband speeds and quality of service minimum parameters.

- (d) Ensuring that spectrum is utilised to foster digital transformation beyond the delivery of broadband, through implementation of e-education, e-health, e-agriculture, e-government, and other use cases to realise the true benefits of new technologies.

Further, telecommunications licensees were consulted in respect of the preferred assignment method. It was concluded from the said consultations that the spectrum be made available for assignment via spectrum auction.

## **2. LEGAL CONTEXT**

The Authority was established in terms of the Communications Act, 2009 (Act No. 8 of 2009) (“the Act”). The Authority’s mandate in respect of spectrum management is set out in sections 99(1) and (2) of the Act-

*“(1) The Authority is vested with the control, planning, administration, management, and licensing of the radio spectrum.*

*(2) In controlling, planning, administering, managing, and licensing the use of the radio frequency spectrum, the Authority must comply with the applicable standards and requirements of the International Telecommunication Union and its Radio Regulations, as agreed to, or adopted by Namibia”*

The Authority is also vested with the powers to prescribe a Frequency Band Plan, which defines how radio spectrum must be used, ensuring that such utilisation is managed in an orderly, efficient, and effective manner and providing opportunities for the introduction of the widest range of telecommunications services. Section 101 of the Act empowers the Authority to issue spectrum licenses conferring on the licensee the right to use or cause any person in his or her employ or under his or her control to use a transmitter for any prescribed purpose.

The Authority’s Spectrum Assignment Strategy of 2022-2024 sets out the following key objectives for the management of spectrum-

- (i) Facilitate the availability of spectrum to be used as a tool to develop communications services and access to ICT infrastructure as a basis for social and economic development to benefit from the digital transformation and opportunities presented by the 4<sup>th</sup> industrial revolution (4IR).
- (ii) Promote competition through minimisation of constraints on spectrum use within a service and technology neutral license regime allowing similar services to be offered on different technology platforms.

- (iii) Promote the effective and efficient use of spectrum within the digital divide, and to address gaps in communications services and access to ICT networks and utilisation of these services.
- (iv) Set conditions for spectrum use to ensure efficient use of a scarce resources and prevent anti-competitive practices such as hoarding of spectrum.
- (v) Promote and if necessary, enforce freeing up spectrum space for assignment to emerging technologies and service by phasing out ageing technologies.
- (vi) Ensure fair distribution of spectrum between market players to provide services in conjunction with the category of service licences awarded.
- (vii) Set fees for spectrum use through an appropriate fee system that support the activities of the Authority in a sustainable manner and ensure efficient use of spectrum.
- (viii) Monitor, investigate and enforce adherence to the spectrum management regulatory framework as set out by the Authority.

### 3. TIMELINES

The planned timelines for key steps of the spectrum auction process are indicated below-

ACTIVITY	DEADLINE
Publication of the Request to Bid inviting public comments	15 May 2023
Deadline for submission of comments	29 May 2023 at 16h00
Provision of reply to comments by the Authority	09 June 2023
Bidder clarification meeting	23 June 2023
Issuance of final Request to Bid document	28 June 2023
Deadline for Bidders to submit applications	20 July 2023 at 16h00
Confirmation of Bidders and Gazette Notice	24 July 2023
Consideration of bids subject to Round 1 evaluation criteria.	24 – 28 July 2023
Consideration of monetary bids received (Round 2)	31 July 2023 – 01 August 2023
Final approval by CRAN Board of Directors and notification of auction results to all bidders	01-31 August 2023
Deadline for payment of auction price by successful bidders.	No later than 30 September 2023. The sooner the payment is made, the sooner the license will be granted.

Granting of Spectrum Licence	9 working days from date of payment of auction amount
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**Note to bidders:**

- **Kindly acquaint yourselves with submission dates and times. No late submissions will be considered. No condonations will be considered.**
- **Making payment earlier than 30 September 2023 will result in earlier publication of the assigned spectrum license in the Government Gazette.**

**4. STRUCTURE OF THE REQUEST TO BID**

The Request to Bid sets out the-

- (a) The date, time and place for Spectrum Auction
- (b) Bidder qualification and spectrum auction criteria
- (c) The spectrum to be assigned.
- (d) Licence conditions subject to which the spectrum licence will be issued.
- (e) Publication of Request to Bid.
- (f) Application to participate in spectrum auction.
- (g) Qualification process for Bidders.
- (h) Communications during the spectrum auction process.
- (i) Notification and publication of spectrum auction results.
- (j) Payment of spectrum licence.
- (k) Issuance of spectrum licences.
- (l) Cancellation and return of spectrum licences awarded by spectrum auction.

**5. DATE, TIME, AND PLACE OF SPECTRUM AUCTION**

The spectrum auction will take place as follows-

- **Round 1 (Bid evaluation)** from 24 July 2023 to 28 July 2023 at CRAN's Head office, Unit 4 & 5, Moth Centre, Peter Muller St, Windhoek; and

- **Round 2 (Consideration of financial offers)** from 31 July 2023 to 1 August 2023 at CRAN's Head office, Unit 4 & 5, Moth Centre, Peter Muller St, Windhoek.

## 6. BIDDER QUALIFICATION AND SPECTRUM AUCTION CRITERIA

### 6.1 Bidder Qualification

Participation in the spectrum auction process will be limited to those Bidders that meet the bidder evaluation criteria as set out by the Authority. Participation in the application and qualification process and the spectrum auction process should not be construed, in any way whatsoever as an acceptance or approval of any proposals made by the Bidder in its Request to Bid.

In terms of regulation 7 of the Spectrum Licensing Regulations, the Authority will consider the following evaluation criteria during the Bidder qualification process-

QUALIFICATION CRITERIA	YES/NO
a. The Bidder complied with the procedures and way to submit a Bid referred to in regulation 6 of the Spectrum Licensing Regulation?	
b. The Bidder has paid the non-refundable application fee of N\$ 10,000?	
c. The Bidder holds the appropriate telecommunication service licence to provide services within the borders of the Republic of Namibia ?	
d. Does the bidder comprise a consortium which may include the holder of a telecommunications service licence or broadcasting licence or comprise of the holders of telecommunications service licences or broadcasting licences or a combination of such licensees? (Note the spectrum on auction is for telecommunications services. A consortium involving broadcasting licensees will be allowed, on condition that the telecommunications service licensee will be providing the services.  <b>Note to bidder: This criterion is only applicable to bidders that wish to form a consortium.</b>	
e. Has the bidder duly completed and signed the Solvency and Financial Declaration set out in <b>Annexure A</b> ?  <b>Note to bidder: This declaration must be signed by the authorised signatory.</b>	
f. Is the bidder in good standing with CRAN, in that all spectrum fees, numbering fees, and all regulatory levies has been paid. Licensees with payment plans, must be up to date.	



<b>Note to bidder: Please attach a letter of good standing issued by the Regulator.</b>	
g. Has the bidder signed the Technical Declaration set out in <b>Annexure B</b> ?	
<b>Note to bidder: This declaration must be signed by the authorized signatory.</b>	

## 6.2 Disqualification of Bidder

A Bidder will be disqualified from the bidding process where such Bidder –

- (a) Did not comply with the Bidder Criteria set out in section 6.1 above. The expectation is that there must be full compliance with the criteria in section 6.1 and non-compliance, or minimum compliance will lead to ineligibility;
- (b) Submitted a Bid and is an affiliate or business associate of another Bidder or has an ownership or financial interest in respect of another Bidder who submitted a Bid relating to the same Request to Bid;
- (c) Has been granted a spectrum licence conferring the right to use radio frequency spectrum under the Frequency Band Plan within the designated frequency range stipulated in the Request to Bid, unless the Bidder has less than the maximum bandwidth made available in terms of the aforesaid Request, in which case the Bidder will only be allowed to Bid for the right to use additional radio frequency spectrum resulting in a total conferment not exceeding the maximum bandwidth available;
- (d) Submitted more than one Bid relating to the designated range of radio frequency spectrum stipulated in the Request to Bid;
- (e) Submitted a Bid containing false or misleading information;
- (f) Is colluding or attempting to collude with another Bidder in order to distort or manipulate information;
- (g) Obtained or acquired confidential information regarding another Bidder;
- (h) Failed to comply with the terms and conditions relevant to the Request to Bid; or

- (i) Failed to comply with a request by the Authority relating to a material aspect of the Bid.

The evaluation of the bids will take place from **24 July 2023 to 1 August 2023** at CRAN's Head office, Unit 4 & 5, Moth Centre, Peter Muller St, Windhoek.

The spectrum auction will be based on multiple rounds as set out below-

### **ROUND 1:**

Business cases submitted by the respective Bidders will be evaluated as per the criteria set out below-

- (a) Deployment of a 4G and 5G network;
- (b) The network must provide broadband services with a minimum downlink data speed of not less than 20 Mbps;
- (c) The bidder must demonstrate the ability to deploy a network that will meet the rollout obligations set out in section 8.4 of this bid document. The business case must be designed to increase coverage to above 80% in both regions allocated as rollout obligations. The bidder must confine their business case to the coverage data contained in this bid document. Reliance on data from extrinsic sources will result in a score of zero;
- (d) Submission and implementation of a 5G use case over and above providing broadband services aimed at the health, education or agricultural sector or digitalisation of any identified public services as set out in section 8. The bidder must demonstrate how the envisaged business case is aligned to national development goals and milestones as set out in Vision 2030, Universal Access and Services Policy, National Development Plan (NDP) 5, and the Harambee Prosperity Plan II etc;
- (e) Demonstrate the financial ability to construct, operate and maintain a network, through an appropriately detailed financial plan which indicates **the annual and total funding requirement for the provision of telecommunication services until the business operation concerned becomes self-funding**. The bidder must also submit an appropriately detailed financing plan which demonstrates **the amount and timings of the sources of funds which will be used to meeting the funding requirement and independent evidence of the availability of the funds identified in the financial plan**;
- (f) Existing spectrum held by operators and efficient utilisation thereof, will be considered to avoid the concentration of spectrum in one entity. In doing so the Authority will consider the amount of spectrum that the bidder holds below 1 GHz; and

- (g) The bidder must demonstrate its ability to construct, operate and maintain a network, either through previous experience or by partnering with an entity that has the technical knowledge to construct and operate such a network.

**Note to bidder:**

- For each criteria above, the bidder may submit any other additional considerations that the bidder believes will set their business case apart.
- Please refer to the weights allocated for each criterion on “Annexure C” to this bid document. Only bidders that score 80% and above will be considered for Round 2.
- The score of 80% and above obtained in Round 1 will not advantage a bidder in round 2. For instance, if two bidders (one scoring 80% and once scoring 85%) both proceed to round 2, the bidder with the highest financial offer will be assigned the spectrum. The 80% and above mark is only material for the bidder to proceed to round 2.

**ROUND 2:**

Bidders that score 80% and more in Round 1 will qualify to participate in Round 2 of the spectrum auction. The reserve price for each lot is set out in section 6. The final price to be paid will be determined by the auction process during the second round of competitive bidding.

**Note to bidder: The bidder submitting the highest financial offer per Lot, will be awarded the licence.**

**7. SPECTRUM TO BE ASSIGNED**

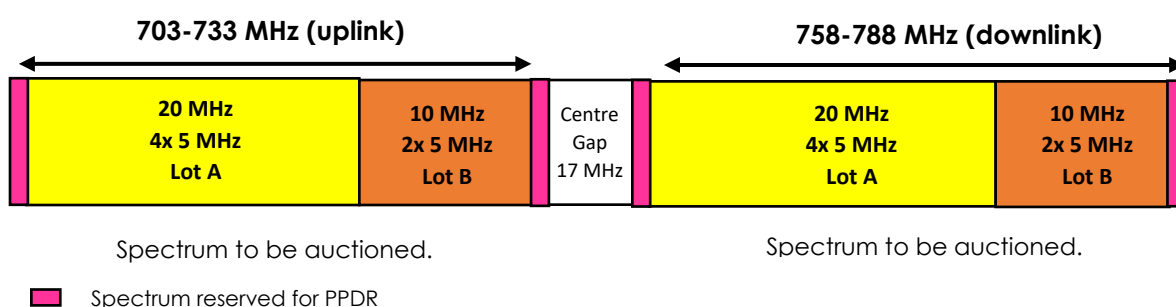
This section should be read together with the following regulatory notices-

- (a) The Frequency Band Plan of Namibia as published in Government Gazette No. 7617, General Notice No. 448 dated 31 August 2021;
- (b) The Frequency Channeling Plan for 800 MHz as published in Government Gazette No. 6160, General Notice No. 423 as published on 28 October 2016;
- (c) The Frequency Channeling Plan for 700 MHz as published in Government Gazette No. 7613, General Notice No. 444 as published on 30 August 2021; and

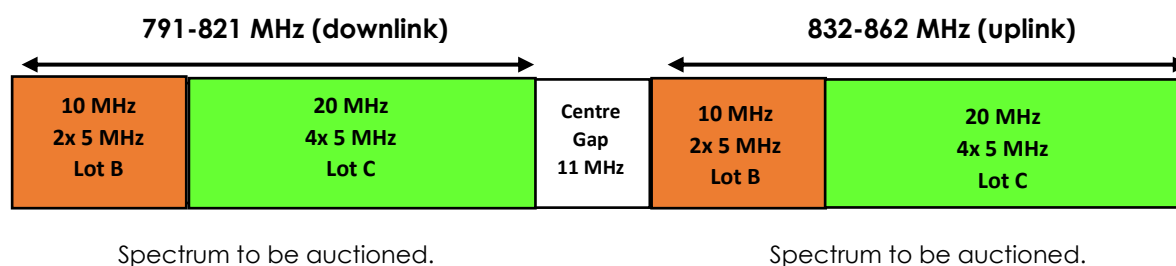
- (d) The Regulations prescribing Procedures regarding Application for, and Amendment, Renewal or Transfer of Spectrum as published in Government Gazette No. 6888, General Notice No. 105 dated 29 April 2019 (hereinafter referred to as “the Spectrum Licensing Regulations”).

The Authority intends to assign spectrum in the spectrum bands 694-790 MHz (FDD) and 790-862 MHz (FDD) for IMT services. The spectrum blocks to be assigned are shown in Figure 1 and Figure 2 below-

**Figure 1: 694-790 MHz**



**Figure 2: 790-862 MHz**



The Authority will assign the rights-to-use of the spectrum on a competitive basis, by means of a spectrum auction as indicated below-

- (a) **Lot A:** 703-723 MHz paired with 758-778 MHz;
- (b) **Lot B:** 723-733 MHz paired with 778-788 MHz and 791-801 MHz paired with 832-842 MHz; and
- (c) **Lot C:** 801-821 MHz paired with 842-862 MHz

The spectrum will be assigned continuously in two blocks of 4 x 5 MHz (20 MHz) indicated as Lot A and Lot C above and one block will be assigned non-continuously in two blocks of 2 x 5 MHz (10 MHz each) indicated as Lot B above.

A spectrum cap will be applied in the spectrum auction process and therefore no Bidder, will be allowed to bid for multiple lots. To clarify, a Bidder will indicate its preferred lot and submit a bid for this lot only. Dependent on the outcome of the auction process a Bidder may be allowed to submit a bid for an alternative lot should there be spectrum lots still available after the first round of the bidding process.

The spectrum cap is applied to prevent a licensee that already holds spectrum licences below 1 GHz to gain access to all spectrum in the spectrum bands below 1 GHz. This is primarily to ensure fair and equitable access to spectrum for promotion of effective competition in the telecommunications market.

The Authority will only consider the assignment of one lot per Bidder.

The reserve price is the minimum price that the Authority will accept for a specific lot in the spectrum auction process as set out hereunder-

- (a) **Lot A:** N\$ 4,394,250.00
- (b) **Lot B:** N\$ 5,126,625.00
- (c) **Lot C:** N\$ 6,510,000.00

The reserve price was set in accordance with the formulae as set out in General Notice No 417, Government Gazette No. 7359 as follows. The formula was however modified to take into consideration the value and scarcity of the band, as well as the sharing factor:

$$\mathbf{BWF \times FBF \times CF \times SRHF \times GEO \times TF}$$

Where BWF refers to the bandwidth factor, FBF to the frequency band factor, CF to the coverage factor, SRHF to the sharing factor, Geo to the geographical factor and TF to the base value. The frequency band factor was set at 2.25 to take into consideration the value and scarcity of the specific frequency band under consideration. Lots A and B used a sharing factor of 0.75 to take into consideration the spectrum currently held by NBC.

A Bidder is required to apply to participate in the spectrum auction indicating the lot it intends to bid for on its application form. The utilisation of spectrum offered under Lots A and B is limited due to the sharing of spectrum with the Namibia Broadcasting Corporation (NBC) until 30 June 2024.

Considering the sharing factor with the NBC, the reserve price for Lots A & B is set lower.

The spectrum fees for year 1 will be the auction price as determined by the offers made in Round 2. The prices for years 2-10 will be set by CRAN upon review of the spectrum fees regulation following a rule-making process. The proposed spectrum fees, subject to rule-making, are p as follows in respect of each lot:

Lot A: N\$ 2,450,250

Lot B: N\$ 2,858,625

Lot C: N\$ 3,267,000

The non-refundable application fee is N\$ 10,000.

## **8. LICENCE CONDITIONS SUBJECT TO WHICH THE SPECTRUM LICENCE WILL BE ISSUED**

### **8.1 General spectrum licence conditions**

The spectrum licence is subject to all relevant provisions of the Communications Act, and any amendments thereto, and the Spectrum Licensing Regulations. The holder of the spectrum licence is duly authorized to-

- (a) Transmit any signal by radio waves, use radio apparatus to receive any signal transmitted by radio waves or instruct, permit, or prohibit any person(s) in their employ or under their control to perform any of these actions.
- (b) Use or cause any person in their employ or under their control to use a transmitter for any prescribed purpose or to use a radio frequencies or radio receiver for any purpose and in the manner prescribed or determined in the spectrum licence concerned.

Further-

- (a) The spectrum licence awarded shall not confer any ownership rights of the frequencies indicated on the spectrum licence certificate, but only grant the licensee a right-to-use the spectrum assigned subject to these conditions.
- (b) The spectrum licence awarded authorises the Licensee to utilise the frequencies specified on the spectrum licence certificate within the borders of the Republic of Namibia or any part thereof.

- (c) The Authority reserves the right to amend the spectrum licence after the award thereof, if it finds that the spectrum is not used in accordance with the conditions attached to the licence and re-assign unused spectrum to another licensee following due regulatory process.
- (d) In respect of the 700 MHz band, the authorisation is subject to the sharing of spectrum with the Namibian Broadcasting Corporation (NBC) in the following sites: Gibeon (762 MHz), Shamvura (786 MHz), Andara (754 MHz) and Nkurenkuru (730 MHz) until 30 June 2024. The Licensee awarded spectrum in the 700 MHz spectrum band may engage the NBC to prevent interference.
- (e) The Authority will monitor the efficient use of the spectrum assigned and may request the licensee to provide evidence of the use of the assigned spectrum.
- (f) The spectrum use licence is awarded for the sole use of the licence holder. The trading or subleasing of the spectrum licence awarded, is strictly prohibited.
- (g) Hoarding of spectrum is strictly prohibited.
- (h) Transfer of the spectrum licence without prior approval by the Authority is strictly prohibited.

The Licensee shall utilise the assigned frequencies specified to provide international mobile services (IMT) maintaining a downlink data speed of not less than 20 Mbps and in compliance with the Quality-of-Service Regulations.

The Licensee shall utilise the assigned frequencies specified to provide 4G and 5G mobile services in accordance with the frequency channeling plans *gazetted* for the spectrum bands assigned. The utilisation of assigned spectrum to provide 2G or 3G services is strictly prohibited.

All equipment utilised must be type approved prior to importation, implementation, sale or use thereof within the borders of Namibia as provided in section 80 of the Communications Act.

## **8.2 Licence Term and Renewal**

The spectrum licence is valid for a period of ten (10) years from the date of publication of the award in the *Government Gazette*.

The Authority may renew the spectrum licence for a further period of ten (10) years in terms of regulation 13 of the regulations prescribing Procedures regarding Applications for, and Amendment, renewal, Transfer and Cancellation of

Spectrum Licences contained in Government Gazette No. 6888, General Notice No. 104 of 29 April 2019.

The spectrum license fees payable on renewal will be as prescribed in the *Gazette* published at the time of renewal.

### **8.3 Technical Conditions**

The Licensee shall comply, in its use of the assigned frequencies, to the Frequency Band Plan for Namibia as published in the *Government Gazette* from time to time.

The Licensee shall comply in its use of the frequencies specified on the spectrum licence certificate to ITU Regulations and Recommendations pertaining to typical technical and operational characteristics of IMT systems as published from time to time which includes amongst others-

- (a) Recommendation ITU-R M.2012-5 (02/2022): Detailed specifications of the terrestrial radio interfaces of International Mobile Telecommunications-Advanced (IMT-Advanced).
- (b) Recommendation ITU-R M.2150-1 (02/2022): Detailed specification of the terrestrial radio interfaces of International mobile Telecommunications-2020 (IMT-2020).

Utilisation of the assigned radio frequency spectrum is subject to maximum radiated power as set out hereunder-

- (a) Mobile stations transmissions must not exceed 23 dBm E.I.R.P.
- (b) The in-block base station power limit is 64 dBm/5 MHz E.I.R.P.
- (c) A higher E.I.R.P. may be permitted if technical justification has been provided. Approval of such a concession will be considered on a case-by-case basis by the Authority prior to any implementation thereof.
- (d) Subscriber terminal stations should comply with technical specifications as outlined in the latest version of 3GPP specifications (TS 36.521-1 for 4G(LTE) and TS 38.521-1 for 5G New Radio (NR))

The Licensee must prevent harmful interference with other licensees in the same or adjacent spectrum bands on a national level.

The Licensee must prevent harmful interference with other licensees across international borders, in line with the coordination distances set out below. Coordination distances may be reviewed by the Authority from time to time.



To this end, the use of the spectrum as assigned will require coordination with neighboring countries within the coordination zones set out hereunder-

- (a) 6 km in case of coordination carried out for 4G/5G-to-4G/5G technology from the neighbouring country.
- (b) 9 km in case of coordination carried out from 4G/5G-to-other technologies from the neighbouring country.

The Licensee is required to inform the Authority in advance of its intention to construct and operate its network within the perimeters set out above, to allow for conclusion of coordination process pertaining to the use of frequencies between the regulatory bodies of the affected countries prior to the provision of telecommunications services.

### 8.4 Rollout Obligations

The spectrum to be assigned must be utilised for mobile services and the broadband services with a download speed of not less than 20 Mbps to ensure meaningful connectivity. The Authority reserves the right to revise the speed to ensure compliance with future policy reforms.

The Authority is cognisant of universal broadband connectivity goals for availability of broadband services set out in the Harambee Prosperity Plan II and the National Broadband Policy. Amongst others, these goals are set to ensure connectivity at primary and secondary schools, health facilities, public sector agencies and marginalized inhabitants within the Republic of Namibia in support of these goals. The status of 4G connectivity is shown in **Table 1** below.

**Table 1: 4G Population Coverage**

		Population 4G Coverage		
	Regions	4 G Coverage	Status	No of people not covered
1	Kunene	41%	Below	64,320
2	Omusati	95%	Above	12,964
3	Oshana	98%	Above	3,468
4	Ohangwena	93%	Above	20,378
5	Oshikoto	80%	Above	42,687
6	Kavango East	83%	Above	28,330
7	Zambezi	78%	Below	23,508
8	Erongo	94%	Above	12,630
9	Otjozondjupa	75%	Below	41,515
10	Omaheke	57%	Below	34,020

11	Khomas	97%	Above	12,346
12	Hardap	77%	Below	22,157
13	!Karas	81%	Above	17,194
14	Kavango West	59%	Below	38,005
	Total	85%	Above	<b>373,524</b>

Source: CRAN UAS Portal, 2023

The regions with less than 80% as indicated above have been allocated as follows-

- Lot A: Zambezi and Kunene;
- Lot B: Omaheke and Otjozondjupa; and
- Lot C: Kavango West and Hardap.

All Bidders are required to submit a detailed business case, inclusive of rollout plans for the next 3 years aimed at expanding broadband connectivity in the regions with less than 80% 4G population coverage, to meet the national objective of 80% population coverage, as indicated in each lot. Furthermore, this plan will be considered as one of the bidder's criteria contained in section 6.1 in determining eligibility of applicants to participate in this auction.

An evaluation will be carried out of the business plan as submitted with the application to participate in the auction and no amplification of the business case submitted after the due date will be considered. The Authority may however, request clarity on any aspect of the business case, during evaluation, if need be. The criteria for evaluation of the business case are set out in section 5.

The spectrum licence will be awarded subject to licence conditions. These conditions will amongst other include network roll-out plans as proposed by the licensee and accepted by the Authority. License conditions will be enforced in terms of the provisions of the Communications Act, and the Spectrum licensing Procedure Regulations.

The Licensee is under no obligation to construct its own infrastructure to meet the abovementioned rollout obligations and may enter infrastructure sharing agreements with other licensees or utilities as provided in terms of the Communications Act and the Infrastructure Sharing Regulations.

**Note to bidder:**

- **To score a high mark for this criterion, the business case must be designed to increase coverage to above 80% in both regions allocated to the lot being bid for.**

- **Increasing coverage only in one of the two regions will result in a lower score. Please also stick to the coverage data contained in this section and the reference Table 1.**
- **Speeds below 20 Mbps in providing this coverage will negatively affect the score.**

## **8.5 Payment of Spectrum Fees**

The spectrum licence will be issued subject to payment of the price in full as follows-

- (a) The licence fees for year 1 will be the auction price, as per the licensees bid in round 2, which will be paid prior to the spectrum licence coming into effect through publication of the final notice to be published in the *Government Gazette*;
- (b) From years 2-10, the licensee will pay spectrum fees calculated in accordance with the Regulations setting out Fees for Spectrum Licences, Certificates and Examinations as published in the *Government Gazette* from time to time;
- (c) The spectrum fees for years 2-10 will be payable annually in advance for each calendar year within 30 days from the invoice date; and
- (d) The Licensee may pay the spectrum fees upfront for the initial 3-year period, in which case the Licensee will receive a discount of 10% on the fees payable. If the licensee wishes to exercise this option, the licensee must notify the Authority to receive an invoice for years 1-3.

In case of no payment, delayed or incomplete payment received by the deadline(s) as set out in the results notification, the Authority reserves the right to cancel the results notification and spectrum licence. The Authority will not enter into any payment negotiations or arrangements for the fees.

Should the spectrum licence be renewed after the initial 10-year licence period, the Licensee will be required to pay the annual spectrum fees as set out in the Spectrum Fee Regulations at the time of renewal.

## **8.6 Reporting, Monitoring and Compliance**

The Licensee must report quarterly to the Authority on its progress to meet the rollout obligations as set by the Authority. All reports must be submitted utilising the CRAN portal.

The Authority may, while carrying out its obligations under the Act and regulatory framework, require the Licensee to provide access to their transmitter sites and submit information when requested, to enable it to -

- (a) To assess efficient use of spectrum.
- (b) Monitor and enforce quality of service and compliance with licence conditions.
- (c) Investigate harmful interference.
- (d) Monitor and enforce any provisions of the Act or other regulations.

## **8.7 Cancellation**

The Authority reserves the right to cancel the spectrum licence due to non-payment of spectrum fees, contravention of the license conditions, provisions of the Act or the Spectrum Licensing Regulations. If the licensee fails to make payment of the spectrum price or part of the spectrum auction price as per the payment schedule set out in the result notification the Authority will cancel the licence in terms of regulation 19 of the Spectrum Licensing Regulations.

If a licensee has their spectrum licence cancelled, the spectrum fees paid and any other payments relating to the spectrum licence, will not be refunded by the Authority.

## **9. BIDDER'S CONDUCT**

Bidders and Applicants, collectively referred to as "Participants" includes any additional entity or person who has knowledge of a Participant's confidential information. Such entities or persons may include financiers, consultants, legal advisors, and vendors. Participants must provide a list of such entities or persons in their application and must notify the Authority of any change to the list.

Participants must refrain from any activity which may compromise the integrity of the spectrum auction process, including the sharing of confidential information and rules of conduct as set out below.

### **9.1 Confidential information**

Confidential information means any information which, if known to another participant, may influence its conduct during the spectrum auction process. Confidential information relates to –

- (a) Participation in the spectrum auction process itself; and
- (b) The participant's business case, financial information, spectrum lot and bid value.

It is possible that a Participant is unaware that it has an entity or person with knowledge of confidential information in common with another Participant. If the Authority identifies that two (2) or more Participants have an entity or person in common, it shall-

- (a) Notify in the Applicants concerned and provide a deadline by which they may apply for an exemption from the Rules of Conduct relating to such entities or persons.
- (b) Require one or more of the Applicants to end the involvement of such persons or entities in their participation in the spectrum auction process.
- (c) Exclude the affected Applicants from the spectrum award process.

Participants seeking an exemption must demonstrate to the Authority that measures have been put in place to ensure that no confidential information is shared between Participants.

The Authority may take appropriate actions to verify that such measures exist and are effective. The Authority may, at its sole discretion, grant an exemption from the Rules of Conduct relating to common persons or entities with access to confidential information.

If the Authority does not grant an exemption, and the Applicants do not rectify the breach of conduct to the satisfaction of the Authority, the Authority will exclude the Participants from further participation in the spectrum auction process.

If it is not possible to rectify the situation by the deadline set by the Authority and no exemption has been granted, then one or more of the Participants may withdraw from the spectrum auction process prior to the deadline so that it is not necessary for the Authority to exclude all affected parties.

If the commonality is identified later in the spectrum auction process, the Authority may take whatever action it deems necessary to ensure the integrity of the spectrum auction process.

Information submitted by the licensees will be treated as confidential, provided the operator has complied with the provisions of section 28 of the Communications Act, and will not be shared with other licensees or the public.

Operators are however invited to note that the outcome of the contest (i.e. the fact that an award has been made to the operator) and the rollout and coverage obligations will be made public.

## **9.2 Rules of Conduct**

The Rules of Conduct governing the behavior of Participant are applicable from the date of publication of the draft Request to Bid to the date on which the Authority publicly announce the award of spectrum licences.

Participant must refrain from any activity which may result in compromising the integrity of the spectrum auction process. Such activities may include, but are not limited to-

- (a) Submitting false or misleading information as part of its application.
- (b) Failing to update the Authority in a timely manner of any material changes to information provided as part of the application process.
- (c) Submitting more than one application relating to the same lot stipulated in the Request to Bid.
- (d) Communicating confidential information to any other Participant either by making such information public or by communicating such information directly or indirectly via a third party to another Participant and/or seeking to obtain confidential information in relation to any other Participant.
- (e) Communicating with other Participants or undertaking any activity with the intention to collude or attempt to collude with another Bidder to distort or manipulate information.
- (f) Entering into any agreement with another Participant in respect of the spectrum award process or the subsequent use or sharing of any spectrum licence which may be granted because of the spectrum auction process.
- (g) Seeking to communicate directly or indirectly with the Authority's staff, management and board members or advisors in relation to the spectrum auction process other than by the mechanisms described in the Request to Bid.
- (h) Any other breach of the spectrum auction rules.

A participant must notify the Authority in writing if it has evidence to believe that it or another Participant has or may have breached the Rules of Conduct.

### 9.3 Penalties

If the Authority finds a Participant to be in breach of the Rules of Conduct, the Authority may, at its sole discretion, apply a penalty to that Participant. Penalties may include, but are not limited to, one of the following-

- (a) Exclusion of the spectrum auction process.
- (b) Suspension or revocation of the Participant's spectrum licence assigned via spectrum auction.

The Authority may also seek penalties for breach of the Rules of Conduct under regulation 28 of the licensing procedure regulations.

If a breach of the Rules of Conduct occurred due to the actions of other entities and persons then the Authority may, at its sole discretion, waive or limit the penalties if it can be shown that the breach occurred without the Participant's knowledge, or that the Participant had taken all reasonable steps to avoid the breach or that the breach has not materially damaged the integrity of the spectrum auction process.

## 10. PUBLICATION OF REQUEST TO BID

The Authority will publish the draft Request to Bid on the Authority's website ([www.cran.na](http://www.cran.na)) and publish a regulatory 6(1) notice in the *Government Gazette*, which will be send via email to all telecommunications service licensees. Notification of the publication of the final Request to Bid and any additional information will also be sent directly to any interested party or telecommunications service licensee that registered with the Authority.

Any telecommunications service licensee interested in participating in the spectrum auction process may submit, in writing, submit comments to the Authority in respect of any aspect of the Request to Bid by **16h00 on 29 May 2023**.

The Authority will respond collectively to comments by **23 June 2023** without identifying the party that submitted the question by email to all entities that submitted comments.

Any party not wishing any part of its comments to be communicated to all parties, should clearly mark the relevant part as **"confidential"** and the Authority will take this into account in terms of section 28 of the Communications Act when deciding whether to communicate such comments and responses.

## 11. APPLICATION TO PARTICIPATE IN SPECTRUM AUCTION

### 11.1 Application Procedure and Deadline

The application must consist of the following-

- (a) One (1) duly completed declaration as set out in **Annexure A**
- (b) One (1) duly completed declaration as set out in **Annexure B**
- (c) One (1) duly completed application form as set out in **Annexure D**.
- (d) One (1) hard copy of the application information listed in section 11.2, 11.3, 11.4, and 11.5 of the Request to Bid.
- (e) One (1) electronic copy on USB or CD included with hard copies of the same information requested in (b).
- (f) A completed copy of the application checklist as set out in **Annexure F**.

The application documents, must be delivered in a sealed package and marked only with the words “**APPLICATION FOR PARTICIPATION IN 700 MHZ and 800 MHZ SPECTRUM CONTEST**”

addressed to:

**The Chief Executive Officer  
Communications Regulatory Authority of Namibia  
Moth Centre | Unit 3 – 5 Peter Müller Street Windhoek  
Namibia**

The application deadline is **16h00** on **20 July 2023**. No late applications will be accepted, and no condonations applications will be considered after the due date.

Applications must be delivered by hand or courier. All applications will be dated, and time stamped. Applicants will be given a receipt acknowledging the submission of their application.

No applications will be opened by the Authority before 16h00 on 20 July 2023.

Applicants are obliged to inform the Authority of any material change in their circumstances which affect the information provided in their application as soon as reasonably possible.



## 11.2 General information

Applicants must provide all general information as set out hereunder-

- (a) Application form, attached hereto as **Annexure E**, duly completed, and signed by the Applicant's authorised signatories.
- (b) Appropriate evidence that the two (2) persons signing the application form are duly authorized by the Applicant to do so. Appropriate evidence may include-
  - (i) A board resolution from the Applicant; or
  - (ii) An irrevocable power of attorney.
- (c) The declaration to abide by the Rules of Conduct including restrictions on confidential information and spectrum auction rules as set out in **Annexure D**, duly completed, and signed by the Applicant's authorized signatory.
- (d) Proof of payment of the application fee of ten thousand Namibian Dollars(N\$10,000.00) to the following bank account-

**Account Name:** Communications Regulatory Authority of Namibia

**Bank Name:** Bank Windhoek

**Account Number:** 8002848071

**Branch:** Capricorn

**Branch Code:** 486-372

**Type of Account:** Cheque Account

**REF:** 700 & 800MHZ-Name of entity

- (e) Certified copies of the following documents of the Applicant-
  - (i) Memorandum and Articles of Association for registered companies
  - (ii) Certificate of incorporation for registered companies
- (f) The Authority reserves the right to request any further information in respect of the application, at its sole discretion, to determine whether the participation of the Applicant complies with the laws of the Republic of Namibia and the spectrum auction rules.

## 11.3 Information related to associates, affiliates, entities, and persons.

Applicants must provide the following information-

- (a) Complete ownership structure of the Applicant with sufficient information to identify the ultimate owner and controlling interest in the Applicant.

- (b) The identity of any person or entity that the Applicant knows to be or reasonably believe to be also associated or affiliated with another Applicant.
- (c) Ground for exemption should an Applicant wish to seek exemption on the Rules of Conduct based on an association or affiliation with another Applicant.
- (d) The identity of persons or entities who have knowledge of the Applicant's confidential information. The Applicant must provide the following information in respect of identified person or entities-
  - (i) Name.
  - (ii) Position; and
  - (iii) Organisation.

#### **11.4 Technical and Operational Information**

Applicants should submit-

- (a) Certified copies of their telecommunications service licence certificate.
- (b) Evidence that it is in good standing with the Authority in respect of all spectrum fees including 2023. In the event of licensees that have entered a payment plan with the Authority, such licensee should be up to date on the payment plan.
- (c) A duly signed undertaking by the Licensee to comply with all technical conditions set out in section 8.3.
- (d) A detailed business plan inclusive of an annual technical network rollout plan which demonstrates its ability to meet the network rollout obligations and other licence conditions as specified in section 8.4. This plan should as a minimum include-
  - (i) The number of sites to be implemented at the end of each year.
  - (ii) Coverage maps in respect of each site (may be submitted electronically).
  - (iii) Transmission and backhaul plan.
  - (iv) Network equipment cost assumptions.
  - (v) Total annual network related capital expenditure.
  - (vi) IMT-2020 use case/application to be implemented.

All Applicants must provide a financial plan demonstrating their ability to meet the financial requirements to pay, as a minimum, the spectrum fees for the 1<sup>st</sup> 3 years for the spectrum licence to be awarded via spectrum auction, construction and operation of the network and providing telecommunications services. This plan should include, as a minimum-

- (a) Indicate the annual and total funding requirement for the build and operation of the network and telecommunications services utilising the spectrum licence as awarded.
- (b) A business plan with financial projections setting out at least the revenue forecast, detailed OPEX and CAPEX per annum for the first 5 years, any loans or capital requirements to indicate how the plan will be funded.
- (c) Latest annual financial statements or any other financial information that would assist the Authority to determine the probability of the licensee succeeding and implementing the business plan.
- (d) Independent evidence of availability of funds identified in the financing plan.

### **11.5 Demand for lots**

The Applicant must specify the lot which it is legally bound to make a Bid for during the spectrum auction. The lot specified on the application form cannot be changed once the auction process commenced.

The Applicant may indicate an alternative lot, that may be considered by the Authority, should no successful bids be received for all lots offered.

Should there be no interest in a specific lot it will be withdrawn from the auction and the Authority will inform the licensees of its decision in this regard.

## **12. ALTERNATIVE AND UNASSIGNED BIDS**

Licensees will be required to indicate their preferred Lot for the Auction on their application form. However, should a licensee intend to have an alternative Lot, the licensee will be required to indicate the alternative Lot on the application form. The Authority will proceed with the auction as follows:

- (a) The Authority will commence with the auction for each lot and only consider the preferred lots submitted and not the alternative lot. Once consideration of the preferred lots is finalised, the Authority will then consider the alternative lots – if they have not been allocated during the round of considering preferred lots.
- (b) Bidders will only be considered for alternative lots if they have passed the qualification criteria and the round 1 evaluation criteria.
- (c) The Authority will require the bidder to then submit a financial offer for the alternative bid, which may not be lower than the reserve price. In the event that more than one bidder qualifies for the alternative bid, the bidder with the highest offer will be assigned the frequency.

- (d) Please note that having an alternative Bid, does not automatically mean that this bid will be considered by the Authority. It is subject to the initial auction process being finalized in the individual Lots and no successful bid having been awarded to any bidder.
- (e) If one or more lots remain unassigned after consideration of alternative bids, the Authority will notify bidders that scored 80% (and have not been assigned any lot) to submit a financial offer for the unassigned bids. The Authority will assign the lot to the bidder with the highest financial offer.

### **13. QUALIFICATION PROCESS FOR BIDDERS**

The Authority will consider all applications submitted by the application deadline. Applications will first be reviewed based on compliance to application requirements. Applicants will be deemed non-compliant if-

- (a) The Applicant has not adhered to the application requirements set out in section 11.
- (b) The Applicant has not paid the application fee.
- (c) The Applicant is not in good standing with the Authority.

The Authority will secondly review all compliant applications against the Rules of Conduct in respect of associated and affiliated Applicants.

If the Authority found an Applicant to be associated or affiliated with another Applicant, the Authority shall notify the Applicants affected and set the deadline by which time the Applicants must-

- (a) Apply for an exemption form the Rules of Conduct in respect of associates and affiliates.
- (b) Nominate a single entity to participate in the spectrum auction.
- (c) Bring the relationship to an end; or
- (d) Refrain from further participation in the spectrum auction.

Applicants who remain non-compliant with the Rules of Conduct in respect of associates and affiliates by the deadline specified above, may be disqualified at the sole discretion of the Authority. Such an Applicant will not be permitted to participate in any further stages of the spectrum auction process.

At the same time as the review of the Rules of Conduct in respect of associated and affiliated Applicants, the Authority will also review all compliant applications to identify whether two or more Applicants have an entity or person in common.

The Authority will notify the Applicants affected and set the deadline by which time the Applicants must-

- (a) Apply for an exemption from the Rules of Conduct in respect of such entities or persons.
- (b) End the involvement of such entities or persons in the spectrum auction process; or
- (c) Refrain from further participation in the spectrum auction.

Applicants, who remain non-compliant with the Rules of Conduct in respect of common entities or persons by the deadline specified above, may be disqualified at the sole discretion of the Authority. Such an Applicant will not be permitted to participate in any further stages of the spectrum auction process.

Lastly, the Authority will review all compliant applications that conform to the Rules of Conduct on associates, affiliates and common entities or persons against the Bidder qualification criteria set out in section 6 of the Request to Bid. The Authority may request additional information from the Applicant, if required, to decide whether the Applicant has met all qualification criteria.

The Authority will individually inform Applicants that have qualified as Bidders in the spectrum auction. The Authority will also notify Applicants that have not met the qualification criteria.

If, at any time during the spectrum auction, a Bidder is found to have submitted information that is materially incomplete or incorrect, the Authority will take whatever measures deemed necessary. Necessary measures may include terminating the Bidder's participation in the spectrum auction or nullifying the results of the spectrum auction.

The notice to Applicants informing them that they have qualified as Bidders, will also include the spectrum auction process to be followed and any additional instructions given by the Authority.

## **14. COMMUNICATION DURING THE SPECTRUM AUCTION PROCESS**

### **14.1 Communication before and after the spectrum auction**

The Authority will email all relevant information, documents and updates to Applicants and Bidders.

Prior to the spectrum auction start date and after the spectrum auction, Applicants and Bidders can contact the Authority either via email or in writing-

Chief Executive Officer  
Communications Authority of Namibia  
Moth Centre | Unit 3 – 5 Peter Müller Street, Windhoek Windhoek  
Namibia  
Email: [SpectrumAuction@cran.na](mailto:SpectrumAuction@cran.na)

### **14.2 Communication during the spectrum auction process**

The Authority may use phone or email to send individual messages to Bidders. Bidders should not need to contact the Authority during the auction process except in exceptional circumstances. In an exceptional circumstance, Bidders can communicate with the Authority via email, [SpectrumAuction@cran.na](mailto:SpectrumAuction@cran.na).

## **15. NOTIFICATION AND PUBLICATION OF SPECTRUM AUCTION RESULTS**

The Authority will notify all successful Bidders in writing, after conclusion of the spectrum contest. The notification will set out-

- (a) The spectrum lot that has been awarded to the Bidder;
- (b) The total amount payable that the Bidder is required to pay to the Authority prior to the publication of the licence award in the Government Gazette, which date will give effect to the issuance of the spectrum licence;
- (c) The deadline by which the initial payment is to be made as well as subsequent annual payments until the auction price is paid in full to the Authority.

The Authority will publish the results of the spectrum auction in terms of regulation 9 of the Spectrum Licensing Regulations in the *Government Gazette*. The public notice will contain the following information-

- (a) The number of Bidders that participated in the spectrum auction.
- (b) The identity of the successful Bidder(s).

(c) The spectrum assigned to each successful Bidder.

Participants in the spectrum auction are prohibited from announcing or publishing information pertaining to the spectrum auction, until such time that the Authority has made the spectrum auction results public.

## **16. PAYMENT OF SPECTRUM LICENCE**

Bidder(s) are required to make payment in full by the payment deadline(s) as set out in the result notification from the Authority. The due amount(s) will be stipulated in Namibian Dollars. Payments should be made to-

**Account Name:** Communications Regulatory Authority of Namibia

**Bank Name:** Bank Windhoek

**Account Number:** 8002848071

**Branch:** Capricorn

**Branch Code:** 486-372

**Type of Account:** Cheque Account

**REF:** 700 and 800 MHz auction – Name of bidder

In case of no payment, delayed or incomplete payment received by the deadline(s) as set out in the results notification, the Authority has the right to give notice of cancellation of the spectrum licence in terms of regulation 19 of the Spectrum Licensing Regulations.

## **17. ISSUANCE OF SPECTRUM LICENCES**

The Authority will award the spectrum licence in accordance with the spectrum auction results provided that the successful Bidder has paid the applicable spectrum fees.

## **18. CANCELLATION AND RETURN OF SPECTRUM LICENCES AWARDED**

Without limiting any other grounds on which the Authority may cancel a spectrum license in terms of the Communications Act, 2009, the Authority may cancel the awarded spectrum licence due to a material breach of the licence condition as envisaged by regulation 18, and in terms of the procedure set out under regulation 19 of the Spectrum Licensing Regulations.

If a Licensee intends to permanently discontinue providing the services for which the licence was issued, it must request the Authority to withdraw the licence by

submitting to the Authority an application provided under regulation 16 of the Spectrum Licensing Regulations.

When a spectrum licence is cancelled by the Authority or withdrawn by the licensee, any fees due and paid will not be refunded by the Authority. The licensee remains liable for any fees due and payable at the time of application for withdrawal of a spectrum licence.



## ANNEXURE A

### SOLVENCY AND FINANCIAL DECLARATION

I \_\_\_\_\_, duly authorised, hereby declare that I have made a full inquiry into the affairs of \_\_\_\_\_ and that, having done so, have formed the opinion that the Bidder is solvent and is not-

- (i) in default of loan payments or in negotiations regarding debt settlement proceedings;
- (ii) insolvent or the subject of a liquidation or winding-up application; or
- (iii) in the process of passing or in the position of having passed a resolution for a voluntary winding up.

**Applicant Name** \_\_\_\_\_

**Signed for and on behalf  
of the Applicant** \_\_\_\_\_

(Signature of those persons who are empowered to bind the Applicant or are otherwise  
**authorised to bind the Applicant**)

**Date** \_\_\_\_\_

## ANNEXURE B

### TECHNICAL DECLARATION

I \_\_\_\_\_, duly authorised, hereby declare that I have apprised myself of the technical conditions set out in 8.3 , and that, having done so, undertakes on behalf of the Bidder to ensure adherence to the aforementioned technical conditions, which conditions will also form part of the conditions attached to be spectrum licence that may be awarded.

**Applicant Name** \_\_\_\_\_

**Signed for and on behalf  
of the Applicant** \_\_\_\_\_

(Signature of those persons who are empowered to bind the Applicant or are otherwise  
**authorised to bind the Applicant**)

**Date** \_\_\_\_\_

## ANNEXURE C

### ROUND 1 BIDDING EVALUATION CRITERIA

**(This criterion must be read in conjunction with part of 6.2 and all other applicable parts of this bid document)**

Criteria	Weight
<p>(a) Deployment of a 4G and 5G network and provisioning of broadband services as set out below-</p> <p style="padding-left: 40px;">Deployment of a 4G network = 10 points</p> <p style="padding-left: 40px;">Deployment of a 5G network = 5 points</p> <p style="padding-left: 40px;">Rolling out both technologies will result in a total score of 15 points.</p>	<b>15</b>
<p>(b) Provide broadband services with a minimum downlink data speed of not less than 20 Mbps. The minimum download speed of 20 Mbps will attract a full 10 points and anything less will be scored 0 points.</p>	<b>10</b>
<p>(c) Deployment of a network that will meet the rollout obligations set out in section 8.4 of the bid document. The score will be assigned as follows: If there are 2 regions where the 80% coverage has not been reached and the business case seeks to cover all two, 25 full points will be assigned. If only 1 region will be covered it would be <math>1/2 * 25 = 12.5</math> points. This formula will then be applied to any number of regions as stipulated in the business case.</p>	<b>25</b>
<p>(d) Implementation of a 5G use case over and above providing broadband services aimed at the e-health, digitalization of any identified public services, e-education or e-agriculture as set out in section 8.1.</p>	<b>10</b>
<p>(e) Demonstrate the financial ability to construct, operate and maintain a telecommunications network, through an appropriately detailed financial plan which indicates the annual and total funding requirement for the provision of telecommunication services until the business operation concerned becomes self-funding. The bidder must also submit an appropriately detailed financing plan which demonstrates the amount and timings of the sources of funds which will be used to meeting the funding requirement and independent</p>	<b>20</b>

<p>evidence of the availability of the funds identified in the financial plan. Scoring will be assigned as follows-</p> <ul style="list-style-type: none"> <li>• CAPEX and OPEX layout = 5</li> <li>• Financial planning = 5,</li> <li>• Funding available = 10</li> </ul> <ul style="list-style-type: none"> <li>• <b>Note to bidder: providing financial information will not automatically result in a full score. The financial plan will be evaluated on substance in relation to the rollout plan.</b></li> <li>• <b>While the submission of Audited Financial Statements is mandatory, the scoring is not about the mere submission of financial statements, but the information provided within the financial statements i.e., does it demonstrate the licensee financial resources to construct and maintain a network and provide services to efficiently utilise this spectrum. The AFS may therefore be utilised to demonstrate that ability of the applicant to roll-out a network and provide service.</b></li> <li>• <b>The bidder must also submit independent evidence of availability of funds identified in the plan and its financial statements to substantiate, its financial position.</b></li> </ul>	
<p>(f) Demonstrate the amount of spectrum that the bidder holds below 1 GHz. Existing spectrum holdings with the least spectrum below 1 GHz will score the highest. (The more spectrum held below 1 GHz, the lower the score) Scoring will be assigned as follows-</p> <ul style="list-style-type: none"> <li>• No spectrum below 1 GHz = 5</li> <li>• 1-10 MHz below 1 GHz = 3</li> <li>• &lt;10 MHz below 1 GHz =1</li> </ul>	<b>5</b>
<p>(g) Demonstrate ability to construct, maintain and operate a network either through previous experience or by partnering with an entity that has the technical knowledge to construct and operate such a network.</p>	<b>15</b>
<b>TOTAL</b>	<b>100</b>

## ANNEXURE D

### APPLICATION FORM

In terms of section 101(2) of the Communications Act, No. 8 of 2009, read with regulation 6 of the Regulations prescribing Procedures regarding Application for, and Amendment, Renewal Transfer and Cancellation of Spectrum Licences, as published in *Government Gazette* No. 6888, General Notice No. 104 dated 29 April 2019, a licensee intending to participate in the spectrum auction to be held from **24 July 2023 to 1 August 2023** is required to complete this application form.

The application form must be submitted together with the application fee and all supporting documentation as set out in the Request to Bid by the submission deadline of **16h00** on **20 July 2023**.

#### APPLICANT:

Applicant (Full and official names)	
Company Registration No.	

#### CONTACT PERSON:

Contact Person: (Full and Official Name(s))	
--	--

Physical Address	
Postal Address	
Telephone Number(s)	
Facsimile Number(s)	
Email Address(s)	

### **SIGNATORIES TO APPLICATION FORM**

Name and Position of the two (2) persons who will sign the application form	<b>Person 1:</b>
	Name
	Position
	<b>Person 2:</b>
	Name
	Position

### **PERSONS RESPONSIBLE FOR BIDDING**

Three (3) authorised persons whom will be responsible for bidding	<b>Person 1:</b>
	Name
	Address
	Email
	Phone

	<b>Person 2:</b>
	Name
	Address
	Email
	Phone
	<b>Person 3:</b>
	Name
	Address
	Email
	Phone

**LOTS BEING BID FOR**

<b>Lot to be bid for during the spectrum auction (Preferred lot)</b>	
<b>Alternative lot (if so preferred by the Applicant)</b>	

**ANNEXURE E**

**DECLARATION**

\_\_\_\_\_ and \_\_\_\_\_, having been appointed as authorized agents of \_\_\_\_\_ hereby undertake, warrant and declare on behalf of the Applicant, that:

- (a) The Applicant is entitled to participate in the spectrum auction process and has obtained the necessary approval in this regard.
- (b) The information contained in the Applicant’s application is correct.
- (c) The Applicant will inform the Authority of any material change(s) to the information provided in its application.
- (d) To its knowledge, the Applicant confirms that it is not associated or affiliated with another Applicant or another entity which might reasonably be expected to be an Applicant.
- (e) The Applicant will take all reasonable measures to ensure that confidential information is not disclosed to another party other than those who needs access to the confidential information.
- (f) The Applicant will refrain from any action that could have an adverse effect on the spectrum auction process.
- (g) The Applicant shall comply with the Spectrum Auction Rules as contained in the Request to Bid.
- (h) The Applicant confirms that it has the financial resources to meets is obligations under the terms and payment schedule and to meet the licence conditions as set by the Authority were it to be awarded a spectrum licence through the spectrum auction process.

**Applicant Name** \_\_\_\_\_

**Signed for and on behalf of the Applicant** \_\_\_\_\_

(Signature of those persons who are empowered to bind the Applicant or are otherwise **authorised to bind the Applicant**)

**Name of Signatory in Block capital letters** \_\_\_\_\_

**Date** \_\_\_\_\_



## ANNEXURE F

### APPLICATION CHECK LIST

All Applicants are required to complete the checklist to confirm all information is included in the application.

1	Completed and signed <b>Annexure A</b>	
3	Completed and signed <b>Annexure B</b>	
4	Completed and signed <b>Annexure D</b>	
5	Completed and signed <b>Annexure E</b>	
6	1 hard copy and 1 electronic copy of the following documents	
	(a) Evidence of authorization to sign the application form as set out in section 11.2	
	(b) Proof of payment of the application fee	
	(c) Certified copies of memorandum and articles of association, certificate of incorporation or certificate of compliance	
	(d) Information relating to associates, affiliates, entities, and person if applicable as set out in section 11.3	
	(e) Technical and operational information as set out in section 11.4	
5	Completed checklist	