

স্মারক নং-১৪.৩২.০০০০.০০৭.৫৪.৩০২.১৬.০৮

তারিখ: ১০/০১/২০২২

## বিজ্ঞপ্তি/নোটিশ

বিষয়: “Regulatory and Licensing Guidelines for Invitation of offers/proposals for License to Build, Operate and Maintain Submarine Cable Systems and Services in Bangladesh.” এর সংশোধনী প্রসঙ্গে।

সূত্রঃ ডাক ও টেলিযোগাযোগ বিভাগের পত্র নং- ১৪.০০.০০০০. ০১০.১৮.০০৭.১৯.১৭৫৪; তারিখ: ২৩-১২-২০২১।

উপর্যুক্ত বিষয় ও সূত্রস্থ পত্রের প্রেক্ষিতে নির্দেশিত হয়ে জানানো যাচ্ছে যে, সরকারের অনুমোদনক্রমে “Regulatory and Licensing Guidelines for Invitation of Offers/Proposals for Issuing License to Build, Operate and Maintain Submarine Cable Systems and Services in Bangladesh” (নং- BTRC/LL/SC (270)/2008-177, Date:31-03-2011) এ নিম্নলিখিত ক্লজসমূহের সংশোধন আনয়ন করা হয়েছে:

ক্রম	ক্লজ নং	বিদ্যমান (English)	অনুমোদিত (English)
১।	Guideline's Clause No. 4.4.3 And License's Clause No. 2.3.3	<p>Authorize the Licensee to sell or lease capacity to the followings, within the framework of the Licensing Guidelines and with the approval of the Commission:</p> <ul style="list-style-type: none"> <li>(i)International Gateway (IGW) License holders.</li> <li>(ii)International Internet Gateway (IIG) License holders.</li> <li>(iii)Authorized IPLC Users.</li> <li>(iv)Any other user authorized by the Commission.</li> </ul>	<p>Authorize the Licensee to sell or lease capacity to the followings, within the framework of the Licensing Guidelines:</p> <ul style="list-style-type: none"> <li>(i)International Gateway (IGW) License holders.</li> <li>(ii)International Internet Gateway (IIG) License holders.</li> <li>(iii)Authorized IPLC Users.</li> <li>(iv)Any other user authorized by the Commission.</li> </ul>
২।	Guideline's Clause No. 4.6 And License's Clause No. 6	<p><b>Network Rollout</b></p> <p>The licensee shall establish and complete the Submarine Cable (SC) Systems and Services within 24 (Twenty four) months from the date on which the license shall come into force. In case of failure of commencement within the stipulated time, 10% of the Performance Bank Guarantee will be encashed for each month or its fraction thereof. When the full performance bank guarantee will be encashed by the Commission for failure of commencement, the Commission shall take necessary action to cancel the License.</p>	<p><b>Network Rollout</b></p> <p>The licensee shall establish and complete its offered Submarine Cable (SC) Systems and Services as mentioned in APPENDIX-2 within 48 (Forty-Eight) months from the date on which the license shall come into force. In case of failure of commencement within the stipulated time, 10% of the Performance Bank Guarantee will be encashed for each month or its fraction thereof. When the full performance bank guarantee will be encashed by the Commission for failure of commencement, the Commission shall take necessary action to cancel the License.</p>
৩।	Guideline's Clause No. 4.7	<p><b>Duration of License</b></p> <p>The duration of the License, shall initially be for a term of 20 (twenty) years. Upon expiry of the initial</p>	<p><b>Duration of License</b></p> <p>The duration of the License, shall initially be for a term of 20 (twenty) years. Upon expiry of the initial term,</p>

		<p>term, the License may be renewed for subsequent terms, each of 10 (Ten) years in duration subject to the approval from the Commission and to such conditions, including the payment of any fees, as may be specified by the Commission under the Act.</p>	<p>the License may be renewed for subsequent terms, subject to the approval from the Commission and to such conditions, including the payment of any fees, as may be specified by the Commission under the Act.</p>
৮।	License's Clause No. 2.2	<p><b>Renewal of the License</b></p> <p>Upon expiry of the initial term, the License may be renewed for subsequent terms, each of 10 (ten) years in duration, subject to the approval from the Commission and to such conditions, including the payment of any fees, as may be specified herein or by the Commission under the Act. The Licensee shall submit the renewal application 6 (six) months prior to the expiry date of each term, initial or subsequent whatsoever.</p>	<p><b>Renewal of the License</b></p> <p>Upon expiry of the initial term, the License may be renewed for subsequent terms, subject to the approval from the Commission and to such conditions, including the payment of any fees, as may be specified herein or by the Commission under the Act. The Licensee shall submit the renewal application 6 (six) months prior to the expiry date of each term, initial or subsequent whatsoever.</p>
৫।	Guideline's Clause No. 4.8.1	<p>The Bangladesh Telecommunication Regulatory Commission (BTRC) invites offers/proposals from Bangladeshi companies/firms or joint venture companies with Bangladeshi partners, or Bangladeshi companies' joint venture with overseas companies having considerable experience in Submarine Cable Systems and Services for granting of license to establish, maintain and operate such system for use in Bangladesh.</p>	<p>The Bangladesh Telecommunication Regulatory Commission (BTRC) invites offers/proposals from Bangladeshi companies/firms, or joint venture companies with Bangladeshi partners, or overseas companies, meeting the criteria as mentioned in Clause No. 4.3.1, having considerable experience in Telecommunication Services for granting of license to establish, maintain and operate such system for use in Bangladesh.</p>
৬।	Guideline's Clause No. 4.8.3	<p>Foreign shareholding is limited to maximum 70 % (seventy Percent). The foreign partner shall invest in foreign currency directly equal to his percentage of ownership and no bank loan from any Bangladeshi Scheduled Bank/ Financial Institution/ Leasing Company can be raised for the foreign part of the investment.</p>	<p>Submarine Cable Systems And Services Operator's license will be issued to all, irrespective of Bangladeshi (resident citizens, non-resident Bangladeshi (NRB), proprietorships, partnerships-under the Partnership Act, 1932 and companies registered under 'Joint Stock Companies and firms under the Companies Act 1994) or Foreign entities (citizens, companies or subsidiaries or holding companies). Foreign Partnership or Joint Venture is also permitted.</p>

			In case of foreign investment, the entity shall invest foreign currency directly according to its percentage of ownership and shall not be allowed to take any loan from any Bangladeshi Schedule Bank/ Financial Institution / Leasing Company. After fulfilment of rollout obligation, if loan is required for operational purpose/business expansion, the entity can take maximum 20% of its total loan from any Bangladeshi Schedule Bank/ Financial Institution / Leasing Company. In that case, the entity shall take prior permission from the Commission. The existing licensee having loan more than 20% of its total loan from any Bangladeshi Schedule Bank/ Financial Institution / Leasing Company shall reduce their loan to 20% within 05 years from the date of amendment of this Guideline. By any means this License shall not be assigned or pledged as security when taking loans. The foreign entity shall comply with all the rules, regulations and instructions of Bangladesh Bank, Bangladesh Investment Development Authority (BIDA) and any other competent authority of Bangladesh.
১।	Guideline's Clause No. 4.9	<b>License Awarding Procedure</b>	<b>Evaluation Procedure</b>
২।	Guideline's Clause No. 4.10.5	The applicants obtaining 1 <sup>st</sup> highest and 2 <sup>nd</sup> highest scores shall be primarily selected for SC licenses according to the provisions of APPENDIX-2. The total number of SC license to be issued by the Commission/Government shall be decided according to the report of the evaluation committee.	The total number of SC license(s) to be issued by the Commission shall be determined according to the decision of the Government.
৩।	Guideline's Clause No. 4.11 And License's Clause No. 2.4 and Clause No. 8	<b>Ready for Customer Service (RFCS) Date.</b> The SC Systems and Services should be operational and ready for customer service within 24 (twenty four) months from the date of awarding License.	Ready for Customer Service (RFCS) Date. The SC Systems and Services should be operational and ready for customer service within 48 (Forty Eight) months from the date of awarding License.
৪।	Guideline's Clause No. 6.5.3 And	The annual license fee and the amount of revenue to be shared has to be paid within due time. The amount due may be paid till 60	The annual license fee and the amount of revenue to be shared have to be paid within due date. The amount due may be paid till 60 (sixty) days after the due

	License's Clause No. 4.4.3	(sixty) days after the due date by paying late fee at the rate of 15% (fifteen percent) per annum as compensation to the Commission. If the amount is not paid within the 60 (sixty) days as stipulated, then the license shall be cancelled.	date, in which event, the licensee shall make the payment with late fee at the rate of 15% per annum as compensation to the Commission. On exhaustion of the 60 (sixty) days as mentioned above, if the failure continues, the license may be cancelled. However, the principal amount shall have to be calculated and paid along with late fee till the date of actual payment or the date of cancellation of the license, whichever is earlier.
১১।	Guideline's Clause No. 7.3 and License's Clause No. 5.3	After establishment of the SC Systems and Services within the stipulated time to the satisfaction of the Commission as per Technical Requirements appended as Schedule-2 herein, the Performance Bank Guarantee shall be released in favour of the Licensee. In case of failure of commencement within the stipulated time, 10% of the Performance Bank Guarantee will be encashed for each month or its fraction thereof. When the full performance bank guarantee will be encashed by the Commission for failure of commencement, the Commission shall take necessary action to cancel the License.	After establishment of the SC Systems and Services within the stipulated time to the satisfaction of the Commission as per Technical Requirements as described in the Guideline, the Performance Bank Guarantee shall be released in favour of the Licensee. In case of failure of commencement within the stipulated time, 10% of the Performance Bank Guarantee will be encashed for each month or its fraction thereof. When the full performance bank guarantee will be encashed by the Commission for failure of commencement, the Commission shall take necessary action to cancel the License.
১২।	Guideline's APPENDIX-1: SL. 10	For Bangladeshi companies/firms (with or without partners), the offers/proposals for Submarine Cable services should be submitted by those companies/firms which are registered with the Registrar of Joint Stock Companies and Firms, as well as with the concerned chamber of commerce and industries and hold a certificate of Income Tax for the year 2007-2008, as well as a certificate issued by the Board of Investment (BOI) Bangladesh to operate the above services. Copies of the certification of registration as well as that of BOI should be submitted with the offers/ proposals (if applicable).	For Bangladeshi companies/firms (with or without partners), the offers/proposals for Submarine Cable services should be submitted by those companies/firms which are registered with the Registrar of Joint Stock Companies and Firms, as well as with the concerned chamber of commerce and industries and hold a certificate of Income Tax of that year which is not more than 02 (two) years before the date of submission of the offer/proposal, as well as a certificate issued by the Bangladesh of Investment Development Authority (BIDA) to operate the above services. Copies of the certification of registration as well as that of BIDA should be submitted with the offers/ proposals (if applicable).
১৩।	Guideline's APPENDIX-1: SL. 25	Ownership Arrangement  In any arrangement other than International Submarine cable	Delete

		<p>Consortium, at least 30% (Thirty percent) of shares are to be held by Bangladeshi(s).</p> <p>Bangladeshi ownership should also include ownership of capacity from beyond the System's last Foreign Cable Landing Station (FCLS), for further connectivity, in long term lease or Indefeasible Right of Use (IRU) form of ownership.</p>	
১৪।	Guideline's APPENDIX-1: SL. 26 to SL. 27	SL. 26 to SL. 27	SL. 25 to SL. 26
১৫।	Guideline's APPENDIX-1: SL. 27	Executive Summary. Executive summary is to be provided highlighting the essentials.	Executive summary is to be provided highlighting the essentials.
১৬।	Guideline's APPENDIX-2: 1. (SL. 4)	<p><b>Technical Configuration, design life capacity</b></p> <p>a) <b>Capacity Plan.</b></p> <p>(i) <b>Design Capacity.</b> Minimum two fiber pair (fp) with minimum 64λ in each. Per wavelength capacity should be 10 Gbps or more.</p> <p>(ii) <b>Initial Lit Capacity.</b> Minimum one fp with 40 Gbps capacity.</p> <p><b>Upgradation.</b> Tentative Road Map for upgrading the System is to be provided. System to be upgraded on nearing consumption of 80% (eighty percent) of existing capacity, till design capacity is reached, so as to ensure availability of capacity all the time.</p>	<p><b>Technical Configuration, design life capacity</b></p> <p>a) <b>Capacity Plan.</b></p> <p>(i) <b>Design Capacity of the System.</b> Minimum two fiber pair (fp) with minimum 64λ in each. Per wavelength capacity should be 100 Gbps or more.</p> <p>(ii) <b>Initial Lit Capacity.</b> Minimum one fp with 2 Tbps capacity.</p> <p><b>Upgradation.</b> Tentative Road Map for upgrading the System is to be provided. System to be upgraded on nearing consumption of 80% (eighty percent) of existing capacity, till design capacity is reached, so as to ensure availability of capacity all the time.</p>
১৭।	Guideline's APPENDIX-2: 1. (SL. 5)	<p>(d) <b>Laying of Cable, installation of Equipment and Construction.</b> Probable dates are to be mentioned for the following:</p> <p>(i) Tentative schedule for laying SC.</p> <p>(ii) Construction of CLS.</p> <p>(iii) Installation of all CLS equipment, including LTE and SDH.</p> <p>(iv) Construction of BMH.</p>	<p>(d) <b>Laying of Cable, installation of Equipment and Construction.</b> Probable dates are to be mentioned for the following:</p> <p>(i) Tentative schedule for laying SC.</p> <p>(ii) Construction of CLS.</p> <p>(iii) Installation of all CLS equipment, including SLTE and DWDM technology.</p> <p>(iv) Construction of BMH.</p>

১৪।	Guideline's APPENDIX-2: 1. (SL. 5)	(f) <b>Provisional Acceptance Test &amp; RFCS Date.</b> RFCS date should be within 24 (twenty four) months from the date of awarding License.	(f) <b>Provisional Acceptance Test &amp; RFCS Date.</b> RFCS date should be within 48 (forty eight) months from the date of awarding License.
১৫।	Guideline's APPENDIX-2: 1. (SL. 6)	<b>NA and NOC</b> Provide detail information on the NA and NOC. NOC should preferably be located in Bangladesh. Planning, procedure and execution related to overall operation of the system are to be mentioned.	<b>NA and NOC</b> Provide detail information on the NA and NOC. One of the NOCs shall be located in Bangladesh. Planning, procedure and execution related to overall operation of the system are to be mentioned.
১৬।	Guideline's APPENDIX-2: 1. (SL. 10)	<b>Previous Experience</b> Explain with supporting documents the experience of operating SC.	<b>Previous Experience</b> Explain the experience of applicants/partners/lessors for operating Telecommunication Services with supporting documents.
১৭।	Guideline's APPENDIX-2: 2. (SL. 1)	The applicant shall offer the Maximum Bandwidth Price in multiples of STM connectivity.	The applicant shall offer the Maximum Bandwidth Price in multiples of 10G connectivity.
১৮।	Guideline's APPENDIX-2: 2. (SL. 2)	The applicant shall propose Tariff multiplication for capacities of STM 4, 16, 64 & 256.	The applicant shall propose Tariff multiplication for capacities of 10G/100G.
১৯।	Guideline's APPENDIX-2: 3. (d)	The applicants obtaining 1 <sup>st</sup> highest and 2 <sup>nd</sup> highest scores shall be primarily selected for SC licenses according to the provisions of APPENDIX-2. The total number of SC license to be issued by the Commission/Government shall be decided according to the report of the evaluation committee. In order to ensure diversity, uninterrupted telecom services and capacity building in international connectivity, the number of licenses shall be decided by the Commission/Government after examining the evaluation report. Licenses will be awarded by the Commission as per the evaluation of submitted offers/proposals.	The applicants obtaining highest score shall be primarily selected for SC licenses according to the provisions of APPENDIX-2. The total number of SC license(s) to be issued by the Commission shall be determined according to the decision of the Government. In order to ensure diversity, uninterrupted telecom services and capacity building in international connectivity, the number of licenses shall be decided by the Government after examining the evaluation report. Licenses will be awarded by the Commission as per the decision and prior permission of the Government.
২০।	Guideline's APPENDIX-2: 3. (g)	In this case the SC License shall be offered to the next highest total scorer in order of their position. If this highest total scorer fails to pay the License Acquisitions fee within the stipulated period i.e within 30 (thirty) days of notification he/it shall lose the right of acquisition of SC license and his offer security money will be forfeited.	(Delete)

for

২৫।	Guideline's APPENDIX-2: 3. (h)	In the same way SC Licensee will be offered to the next highest scorer. The commission will offer in this way to the successful offers which will be listed in descending order according to the total score obtained in the evaluation process, until successful offerer is found willing to acquire the SC license.	(Delete)
২৬।	Guideline's APPENDIX-3: 2. (a)	That all statements made in the Applicant's application for a License to establish and maintain International Internet Gateway Services and in the required attachments to that application are true and correct;	That all statements made in the Applicant's application for a License to establish and maintain Submarine Cable Services and in the required attachments to that application are true and correct;
২৭।	License's Preamble: Para-2	Having given due consideration to the principles of transparency, fairness, non-discrimination and all other relevant principles, the Commission has decided to issue License on International Gateway Services.	Having given due consideration to the principles of transparency, fairness, non-discrimination and all other relevant principles, the Commission has decided to issue License on Submarine Cable Systems and Services.
২৮।	License's Clause No. 12	The licensee shall have the performance monitoring system which will be connected to the BTRC premises with necessary equipment and software for monitoring as and when required by the Commission. Provision has to be catered for providing necessary hardware, software and connectivity to National Monitoring Centre (NMC)/Law Enforcement Agency (LEA) for LI Requirements on the directive of the Commission.	The licensee shall have the performance monitoring system which will be connected to the BTRC premises with necessary equipment and software for monitoring as and when required by the Commission. Provision has to be catered for providing necessary hardware, software and connectivity to BTRC/National Telecommunication Monitoring Centre (NTMC)/Law Enforcement Agency (LEA) for LI Requirements on the directive of the Commission.
২৯।	License's Schedule-1: Sl. 1.27	<b>“ILDTS Policy 2007”</b> means the International Long Distance Telecommunication Services Policy (existing or to be formulated by the Government from time to time).	<b>“ILDTS Policy”</b> means the International Long Distance Telecommunication Services Policy (existing or to be formulated by the Government from time to time).

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