

**TERMS OF REFERENCE FOR
DEVELOPMENT OF LEGAL AND TECHNICAL FRAMEWORK FOR BROADBAND
COST REDUCTION**

A. INTRODUCTION

1. Project name:
Log-In Georgia
2. Employer:
Open Net N(N)LE
3. Consultant:
Consulting firm providing the Services of Broadband Cost Reduction
5. Consultant firm will deliver outputs to:
Head of the Telecommunication, Information and Modern Technologies Department of the MoESD
4. Contract duration:
3 Months
5. Project Description:
<p>The Government of Georgia signed a Loan Agreement for financing the implementation of Log-in Georgia Project (“Project”) with the World Bank (WB). The proposed Project development objective is to increase access to affordable broadband internet, and to promote its use by individuals and enterprises, in targeted rural settlements.</p> <p>The Project Consists of the following key components and subcomponents:</p> <ul style="list-style-type: none"> • <u>Component 1: Increasing access to broadband</u> – this Component will help expand access to broadband internet in rural settlements across Georgia and improve the enabling environment for digital development. <ul style="list-style-type: none"> ○ <u>Subcomponent 1.1: Supporting the Open Net Program</u> – the Open Net Program will develop a national infrastructure to offer open access, wholesale, broadband telecommunications services. ○ <u>Subcomponent 1.2: Improving the enabling environment for digital infrastructure</u> – this subcomponent will support activities to improve the enabling environment for digital infrastructure development in Georgia. This will support the development of legal, policy, and regulatory instruments, and design of investment attraction measures in accordance with the national broadband development strategy (adopted in 2020). • <u>Component 2: Promoting the use of broadband-enabled digital services</u> – this Component will support the development of Georgia’s digital economy through a strengthened enabling environment, promoting digital use-cases of broadband, and addressing barriers to the participation of individuals in the digital economy.

- **Subcomponent 2.1: Enabling environment for digital economy development** – this subcomponent will support activities to improve the enabling environment for digital economy development in Georgia.
- **Subcomponent 2.2: Promoting use-cases** – the subcomponent will promote specific use-cases of improved broadband connectivity in targeted rural settlements.
- **Subcomponent 2.3: Increasing digital inclusion** – this subcomponent will finance targeted interventions to boost the use of the internet and digital services by women, social minorities, and persons with disabilities in targeted settlements.
- **Component 3: Project implementation support** – this component will support the management and implementation of the Project and associated activities.

The Project will be implemented over a five-year period by the Open Net NNLE as the Project Implementing Entity (PIE), with the oversight of the Ministry of Economy & Sustainable Development (MOESD) of the Government of Georgia (GoG). Open Net NNLE will be the Project Implementing Entity (PIE) to support the implementation of the Project.

B. FUNCTIONS

I. Key components of the Services:

1. Defining the list of physical infrastructure, civil works and in building physical infrastructure which will not be covered by the draft law of Georgia on “Sharing Telecommunication Infrastructure and Telecom Ready Physical Infrastructure” (hereafter “Law”);
2. Defining the technical standards and specifications on the in-building physical infrastructure and on the access to the in-building physical infrastructure;
3. Elaboration of the Rules for installation of telecommunication cables;
4. Elaboration of the Rules for joint use of tunnels and trenches by pipelines (electricity; gas; water; etc.) and telecommunication cables and the standardization of underground duct plans (including the safety procedures);
5. Identifying the gaps in existing legislation to implement the Law by supporting the building of broadband infrastructure and 5G networks (including the simplification of the permissions).

II. Tasks and Responsibilities:

1. The experts from the Consulting firm shall review the draft law of Georgia on “Sharing Telecommunication Infrastructure and Telecom Ready Physical

Infrastructure” and in line with the best European practices and the relevant EU legislative framework to elaborate the list of physical infrastructure, civil works and in building physical infrastructure, which should not be covered by the above mentioned law.

2. The experts from the Consulting firm shall review the draft law of Georgia on “Sharing Telecommunication Infrastructure and Telecom Ready Physical Infrastructure” and in line with the best European practice, relevant EU legislative framework and international standards (e.g. ITU, ETSI) to prepare recommendations on the technical standards and specifications for the in-building physical infrastructure and on the access to the in-building physical infrastructure, including broadband-ready labelling scheme
3. The experts from the Consulting firm shall draft proposals for rules for installation of the telecommunication cables (core, backhaul and access), using the international standards (e.g. ITU, ETSI) and the best international practices to provide:
 - Technical requirements, such as deeps/dimensions of trenches/ducts in carriageways/sidewalks/walkways/ tunnels/bridges/railways/ sewers/lakes/rivers inside and outside the cities/villages;
 - Requirements/parameters of installation of manholes, considering safety and different ground and climatic conditions in Georgia;
 - Parameters and rules for directly buried and aerial installations, etc.
 - Recommendations/measures for protection those installations;
4. The experts from the Consulting firm shall prepare the rules for joint use of tunnels and trenches by linear infrastructure (electricity; gas; water; etc.) and fiber optic cables in line with the international standards (e.g., ITU, ETSI), recommendations for standardization and safety procedures of cables, including:
 - Distances from pipelines, protection against interference between fiber optic cables and high voltage lines, thermal load, corrosion and lightning, mechanical forces, outside effects, ventilation, safety of persons working in the tunnel, safety of persons and property outside the tunnel, etc.
 - Standards/parameters for tunnels design, including ducts and related facilities, free spaces for repairs and maintenance, reserve spaces, duct intersections and junctions, service gangways.
5. The experts from the Consulting firm shall review the relevant Georgian legislative framework, identify the gaps and in line with the best European practice and relevant EU legislative framework, to prepare:

- The recommendations/legislative amendments for simplification of permit granting procedures and rights of way on public properties, including along communication routes (e.g., roads, railways);
 - The recommendations for improvement of the efficiency of state and self-government bodies in this regard to contribute to simplifying the business activities of telecom sector;
6. The draft of the Regulatory Impact Analysis (RIA) and assist MoESD during the consultations with different stakeholders;

Expected Output/Deliverables and Reporting Format:

No.	Output/Deliverables	Timeline
1.	The draft of the list and all relevant legal documents of the physical infrastructure, civil works and in building physical infrastructure which will not be covered by the draft law of Georgia on “Sharing Telecommunication Infrastructure and Telecom Ready Physical Infrastructure”	First month from signing the contract
2.	The draft of the Recommendations and all relevant legal documents on the technical standards and specifications on the in-building physical infrastructure and on the access to the in-building physical infrastructure	First month from signing the contract
3.	The draft of the rules and all relevant legal documents for installation of the telecommunication cables	Second month from signing the contract
4.	The draft of the Rules and all relevant legal documentations for joint use of tunnels and trenches by pipelines (electricity; gas; water; etc.) and telecommunication cables and the standardization of underground duct	Second month from signing the contract

	plans (including the safety procedures)	
5.	The draft documents on the identified gaps in existing legislation and on the updated legal framework related simplification of the installation of broadband infrastructure and 5G networks (including the simplification of the permissions) to support broadband market development	Third month from signing the contract
6.	The result of the Regulatory Impact Analysis (RIA)	Third month from signing the contract
7.	The Consultant shall submit the reports on monthly basis. Reports shall include the list of services carried out during the reporting period. The Consultant shall prepare a final report summarizing the work provided. Reports should be prepared in Georgian language and submitted as one hard copy. The experts from the Consulting firm works under the direct supervision of the MoESD.	Monthly/ Third month from signing the contract (Final report)
<p>All deliverables must be submitted in English and then translated into Georgian Language.</p>		

C. REQUIREMENTS TO THE EXPERTS OF CONSULTING FIRM

EXPERTS	QUALIFICATION AND EXPERIENCE REQUIREMENTS
Technical Expert	<ul style="list-style-type: none"> • Master’s Degree in telecommunications engineering or another related field. • International experience in similar tasks; • At least 10 years of relevant experiences in ICT sector; • At least 10 years’ experience in the electronic communications sector in providing consultancy/advisory services, or in network design/installation and/or operations, including working experience with Policy makers and/or NRAs, in the field of electronic communications • Experience with Telecommunications networks design, installation and operation, including fiber optic cable engineering projects; • Knowledge of technical developments in ICT equipments and technologies; • Strong analytical and research skills; • Ability to work collaboratively in a team and deliver outputs on time; • Excellent knowledge of English language.
Legal Expert	<ul style="list-style-type: none"> • Master’s Degree in law and qualifications to practice law; • International experience in similar tasks; • At least 10 years of relevant international experience in telecom sector; • Familiarity with Georgian Law and telecom framework would be considered as an asset; • Strong analytical and research skills; • Ability to work collaboratively in a team and deliver outputs on time; • Excellent knowledge of English language.

Facilities and Support to be provided by the Client

The MoESD shall provide office area and facilities, office equipment and communication mean for the experts from the Consulting firm (if required or needed) necessary to carry out the Services. The Client shall also provide all necessary information and documents for that purposes.

MoESD will also facilitate interviews and meetings for the experts from the Consulting firm to satisfactorily complete all the tasks included in the assignment