



Telecom Regulatory Authority of India



**Expression of Interest
for
Empanelment of Companies for Inspection of Consumer Households
in respect of
New Regulatory Framework for Broadcasting and Cable TV Services**

10th May 2019

**Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhavan, Jawahar Lal Nehru Marg
(Old Minto Road), New Delhi – 110002**

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SECTION-I

Notice inviting Expression of Interest for Inspection of Consumer Households in respect of New Regulatory Framework for Broadcasting and Cable TV services

1. Telecom Regulatory Authority of India (hereinafter referred to as TRAI), Mahanagar Doorsanchar Bhavan, Jawahar Lal Nehru Marg (Old Minto Road), New Delhi – 110002 invites Expression of Interest (EOI) from companies/firms/vendors(hereinafter referred to as Bidders) for conducting an inspection of consumer households to assess the various parameters in accordance with the regulatory framework for digital addressable systems comprising of the “Telecommunication (Broadcasting and Cable) Service Interconnection (Addressable Systems) Regulations, 2017 (hereinafter referred to ‘Interconnection Regulations, 2017’), the “Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 (hereinafter referred to ‘QoS Regulations, 2017’) and the “Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 (hereinafter referred to ‘Tariff Order, 2017’) dated the 03rd March, 2017.
2. The company shall meet the following eligibility conditions for empanelment in the panel of Companies: -
 - a) shall be a company registered under the Companies Act 2013, as amended from time to time OR an LLP under the Limited Liability Partnership Act, 2008 OR a registered Partnership Firm;
 - b) shall have a minimum average annual turnover of Rs. 50 lakhs in the immediate two preceding financial years;
 - c) shall have experience, either on its own or through any of its partner/employee of (i) at least one year in the physical inspection of consumer households; or (ii) at least one year in the survey in various sectors such as telecom, broadcasting, power, gas etc.;
 - d) The company/LLP/firm shall not have been disqualified or blacklisted by any department of State Government/Central Government or any Bank or Financial Institution or any statutory body or any professional body. Further, the company/LLP/firm should not have been held guilty of criminal misconduct at any point of time;
 - e) The company/LLP/firm shall be well-versed with the broadcasting and distribution industry and must be proficient in understanding the various networks of the Distribution Platform Operators (DPOs) and reach to the customers of different Distributors;
 - f) The company should have sufficient number of ground staff spread across PAN India with basic knowledge of IT to carry out the inspection;



- g) The company shall submit its proposal, complete in all respects, in a sealed envelope in the format given in Appendix-I along with all the necessary information and documents by 3.00 pm on 27th May 2019. The proposal shall be submitted along with refundable security deposit of Rs. 20,000/- in the form of Demand Draft (DD) drawn on any scheduled bank in favour of "TRAI" payable at New Delhi. Incomplete proposals and/or the proposals not accompanied with the security deposit shall be summarily rejected;
- h) The security deposit shall be refunded to the unsuccessful applicants within 60 days of the formation of the Inspection panel. Each of the selected company for empanelment shall be required to submit a performance bank guarantee of Rs. 2 Lakhs (Rs. 2,00,000/- only) valid for 36 months (three years). The security deposit shall be refunded to the successful applicants, only after the submission of the Performance Bank Guarantee by the Company. No interest shall be payable by TRAI on the security deposit;
- i) TRAI reserves the right to cancel the notice for empanelment or reject any or all the applications without assigning any reason.
3. The complete proposal in a sealed envelope in the format given in Appendix-I and complete in all respects should be submitted to Shri Sumeet Hemrajani, Senior Research Officer (B&CS), Telecom Regulatory Authority of India (TRAI), Mahanagar Doorsanchar Bhawan, Jawaharlal Nehru Marg, New Delhi, 110002 not later than 3.00 PM on 27th May, 2019 for the first round of empanelment.


(Shivani Sharma)
Deputy Advisor (B&CS)
011-23664252

SECTION-II

Instructions to prospective Bidders

1. Background

1.1 The Telecom Regulatory Authority of India (hereinafter referred to as TRAI) is a statutory body established under sub-section (1) of Section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) (hereinafter referred to as TRAI Act, 1997), inter-alia, to regulate "Telecommunication Services". The Central Government vide its notification, in the Ministry of Communication and Information Technology (Department of Telecommunication), No. 39 published under notification No. S.O. 44 (E) and S.O. 45 (E) dated 09.01.2004 notified broadcasting services and cable services as telecommunication service, vesting in TRAI the jurisdiction to also regulate the said sector. The main functions entrusted to TRAI, under the section 11 of TRAI Act, are to regulate tariff, interconnection and quality of service of broadcasting services.

1.2 TRAI has in the past issued various regulations, tariff orders and directions in order to regulate the broadcasting and cable services sector. On 3rd March 2017, TRAI put in place a regulatory framework for digital addressable systems which, inter-alia, includes Interconnection Regulations, 2017, QoS Regulations, 2017 and Tariff Order, 2017. The framework was duly notified, vide press release no. 71/2018, dated 3rd July 2018 giving effect to all the timelines prescribed in the above-mentioned framework from 3rd July 2018. The full text of these regulations, tariff order and Press Note is available on TRAI's website www.trai.gov.in.

1.3 The television broadcasting sector consists of approx. 1143 active MSOs, 5 private DTH operators, 39 pay TV Broadcasters, one operational HITS operator and a few IPTV operators in the country. The size and network of service providers is quite varied as some of them have a huge subscriber base, while there are many medium and small distributors.

2. Aim

The aim of this EOI is to invite **technical proposals** from reputed bidders for conducting a door-to-door inspection by reaching out to consumer households and checking the TV Services of the consumer on the various parameters of the regulations.

3. Clarification of EOI document

3.1 A copy of this EOI is available at TRAI's website www.trai.gov.in and may be downloaded for submission purpose. The request for any clarification, if needed, shall be submitted in writing but not later than 4.00 PM of 21st May 2019 (as specified in clause 8) to Senior Research Officer (B&CS), Telecom Regulatory Authority of India, 5th Floor, Mahanagar Doorsanchar Bhavan, Jawaharlal Nehru Marg (Old Minto Road), New Delhi-110002.



3.2 Any clarification issued by TRAI in response to a query raised by prospective bidders shall form an integral part of EOI and it may amount to an amendment of relevant clauses of EOI document.

3.3 The bidders are required to keep a watch on TRAI's website www.traigov.in for any amendment to EOI or for clarifications in response to the queries raised by the Bidders up to a day prior to the last date for submission of bids. TRAI reserves the right to reject any bid if the bid is submitted without taking into accounts the said amendments/clarifications. Further, the prospective bidders shall be fully responsible for downloading of the amendments, if any made in the EOI document and clarifications, if any, issued by TRAI and TRAI accepts no responsibility whatsoever in this regard.

4. Terms of Reference

The Terms of Reference for assessment is given in **Section-III**.

5. Technical Proposal

Standard formats for technical proposals are given in **Section-IV**. All the necessary information as sought in this EOI are required to be provided by the Bidder and submitted before the last date and time of submission. The Bidders may submit the proposal as a consortium for this purpose or in joint venture with another agency.

6. Documents to accompany EOI

The applications shall be complete with the following documents:

- Expression of Interest as per **Form-I**.
- Technical Bid
- Details of experience in conducting door-to-door inspection as per **Form-II**.
- Number of DPOs for which survey/inspection/audit has been carried out in the past in each state as per **Form-III**. (attach documentary evidences).
- Copy of Income Tax PAN card. (Self attested)
- Copy of GST Registration. (Self attested)
- Certificate showing that the annual average turnover for last two (02) financial years of the Bidder is not less than rupees fifty (50) lakhs. Income tax returns for the last two years (i.e. 2016-17 and 2017-18) must be enclosed with bid document.
- Name, designation, address, telephone number, including mobile number, fax number and e-mail ID of its authorized signatory for correspondence by TRAI. On successful evaluation the company shall keep the said name, address and other details updated for reference and contact of the service providers.
- Details of concerned staffs working in the organisation along with name, educational qualification, experience for carrying out inspection work.
- Any other information required in support to the scope of work.



6. Last date (due date) for submission of bids

The bid should be submitted not later than **03.00 PM** on 27th May 2019. Any bid received after the specified date shall be rejected and returned unopened to the bidder.

7. TRAI's right to accept or reject a bid without assigning any reason

TRAI reserves the right to accept or reject any bid without assigning any reason.

8. The important dates with reference to this EOI are given below:

1. The date of floating of EOI: 10th May 2019
2. Last date for seeking clarification: 21th May 2019
3. Last date for submission of EOI: 27th May 2019

9. Evaluation of EOI

- 9.1 The technical bids will be evaluated based on technical solution/proposal submitted by the bidder.
- 9.2 The bidders may be called to make presentation to EOI evaluation committee constituted for this purpose. The bidder shall make the presentations and shall furnish the clarifications/detailed explanations, if any, sought on the technical proposals by TRAI or EOI evaluation committee.

10. Rejection of EOI

The application is liable to be rejected if:

- a) The application is not covered in proper sealed cover with superscription as indicated in para above.
- b) Not in prescribed form and not containing all required details.
- c) Not properly signed.
- d) Offer is received by fax, telegram or e-mail & not followed/supported by the prescribed documents.

Further, applicant is required to furnish a declaration regarding exclusion criteria strictly in the format as given at Annexure-III.

11. Indemnity

In no event shall TRAI be liable to bidder for special, direct, indirect or any other damages in connection with or arising out of the performance or use of services provided by the bidder under this EOI.

The bidder shall indemnify TRAI in respect of any damages, claim, loss or action against TRAI for any act of commission or omission on the part of the bidder, its agents or servants.



12. Coordination

- a) The bidder shall appoint one of its employees as coordinator who shall represent the bidder in all dealings with TRAI.
- b) All correspondence relating to EOI shall be addressed to Senior Research Officer(B&CS), Telecom Regulatory Authority of India, Mahanagar Doorsanchar Bhavan, New Delhi-110 002.

13. Confidentiality

All information gathered during the real time inspection and reports submitted to TRAI will be the sole property of TRAI. The bidder will not transfer/pass on the information to any service provider or to any third party under any circumstances. Further, by signing this EOI document, the bidder confirms that he shall not disclose any information contained in this document or part thereof to any third party without prior written consent of TRAI.

14. Jurisdiction of courts

The courts located at New Delhi/Delhi shall alone have the jurisdiction to decide any dispute arising out of this EOI, the tender document to be issued to a bidder found technically qualified upon evaluation of EOI and agreement which may be entered by TRAI with the Bidder.

15. Arbitration

In the event of any dispute arising between TRAI and the bidder, the matter shall be referred to the Secretary, TRAI who may himself act as sole arbitrator or may name as sole arbitrator an officer of TRAI notwithstanding the fact that such officer has been directly or indirectly associated with EOI process or the agreement signed between the parties. The bidder shall not be entitled to raise any objection to the appointment of such officer of TRAI as the sole arbitrator. The award of the arbitrator shall be final and binding on both the parties, subject to the provisions of the Arbitration and Conciliation Act, 1996 and rules made thereunder for the time being in force. The parties expressly agree that the arbitration proceedings shall be held at New Delhi. The language of arbitration shall be English.

16. Language of the bid

The bid shall be submitted in the English language.

17. Disclaimer

TRAI reserves the right:

- a) To reject any/all applications without assigning any reasons thereof.
- b) To include any other item in the Scope of work at any time after consultation with applicants or otherwise.

Signature of Authorized Signatory



SECTION-III

TERMS OF REFERENCE FOR INSPECTION OF CONSUMER HOUSEHOLDS IN RESPECT OF THE NEW REGULATORY FRAMEWORK OF BROADCASTING & CABLE TV SERVICES

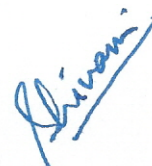
1. Objective:

- a) Telecom Regulatory Authority of India has been entrusted to lay down the standards of quality of service to be provided by the service providers and ensure the quality of service and conduct the periodical audit of such services provided by the service providers so as to protect the interest of the consumers of telecommunications service.
- b) The objective of the Terms of Reference is to take the feedback from the consumers on the various parameters of regulations & the tariff order of Broadcasting Sector on real-time basis. The bidder should propose the solution that will empower TRAI to ensure that the various parameters as laid down by TRAI are met by various service providers by the means of this inspection. The violations of the provisions of the regulations/tariff order by the service providers should be highlighted.
- c) For this purpose, TRAI wants to engage a panel of companies on PAN India basis for conducting door-to-door inspection for the cable/DTH subscribers and recording their feedback on the various parameters of the provisions of the new regulatory framework of broadcasting and cable services.

2. Scope of work:

The scope of work includes:

- a) Devising a physical/electronic form for inspection of the consumers on the various provisions of the regulations and Tariff Order. Some of the major points are mentioned in the Appendix-II of EOI.
- b) Visiting the consumer households, checking some of the parameters on the TV Screen itself
- c) Recording the consumers feedback in the physical/online form devised.
- d) To cover households of different DPOs (5-10 households per DPO)
- e) Support of different languages in the devised form according to the languages spoken in different states of the country.
- f) Report generation based on the data collected explicitly highlighting the contraventions of the various provisions of the regulations/tariff order by the DPOs.
- g) Report to be generated on the following criteria:
 - State-wise
 - Digital Addressable Systems (DAS) area wise as notified by Ministry of Information and Broadcasting (MIB)
 - DPO wise



3. Formation and Validity of the Panel

- a) TRAI shall select the panel of companies based on the criteria for shortlisting/evaluation detailed in Appendix-I.
- b) The period of empanelment shall be valid for two (2) years from the date of empanelment of the concerned company.
- c) The Authority reserve the right to extend the empanelment for further period, on request of the company and after ascertaining/ assessment of their performance during the empanelment.
- d) TRAI reserves the right to accept or reject any proposal without assigning any reason. Further TRAI reserves the right to review and expand the panel at any time.



SECTION-IV

Form-I

PROPOSAL SUBMISSION FORM

(To be submitted on Agency's letter head)

From

(Name and address of the Company)

To:

Senior Research Officer (B&CS)
Telecom Regulatory Authority of India,
Mahanagar Door Sanchar Bhawan
Jawahar Lal Nehru Marg,
New Delhi-110002

Subject: Invitation of EOI bids for Inspection of Consumer Households in respect
of New Regulatory Framework for Broadcasting and Cable TV Services

Sir,

We, the undersigned offer to provide our services for the work of Inspection of Consumer Households in respect of New Regulatory Framework for Broadcasting and Cable TV services. We are hereby submitting our proposal, in sealed envelope.

Our proposal is binding upon us.

We understand that you are not bound to accept any bid you receive.

Dated, the.....day of May 2019

Yours faithfully,

Witness:

Signature.....

Address.....

Authorized signatory:

Name and Title of Signatory

Tel. No.

Fax No.

E-mail address



Form - II

Work of similar nature carried out in the last three years
that best illustrate experience

Using the format below, provide information on each reference assignment for which your organization was legally contracted. **(Please attach a copy of the documentary evidence supporting the assignment/ experience)**

| | |
|---|--|
| Assignment: | |
| Location within Country: | |
| Name of Client: | |
| Address: | |
| Start Date (DD/MM/YYYY): | |
| Completion Date (DD/MM/YYYY): | |
| No. of households inspected door-to-door: | |
| Approx. Value of Services contracted Rs. | |
| Narrative Description of Project: | |

Authorized Signatory:
Name and Title of Signatory



Form-III**State-wise number of DPOs**

| S. No. | Name of the State (A) | Number of DPOs inspected in the State (B) |
|-----------------------|--------------------------|--|
| 1 | Andhra Pradesh | |
| 2 | Arunachal Pradesh | |
| 3 | Assam | |
| 4 | Bihar | |
| 5 | Chhattisgarh | |
| 6 | Goa | |
| 7 | Gujarat | |
| 8 | Haryana | |
| 9 | Himachal Pradesh | |
| 10 | Jammu and Kashmir | |
| 11 | Jharkhand | |
| 12 | Karnataka | |
| 13 | Kerala | |
| 14 | Madhya Pradesh | |
| 15 | Maharashtra | |
| 16 | Manipur | |
| 17 | Meghalaya | |
| 18 | Mizoram | |
| 19 | Nagaland | |
| 20 | Orissa | |
| 21 | Punjab | |
| 22 | Rajasthan | |
| 23 | Sikkim | |
| 24 | Tamil Nadu | |
| 25 | Telangana | |
| 26 | Tripura | |
| 27 | Uttaranchal | |
| 28 | Uttar Pradesh | |
| 29 | West Bengal | |
| 30 | Delhi/NCR | |
| Total Number of DPOs: | | |

Authorized Signatory:
Name and Title of Signatory



Appendix - I

EVALUATION CRITERIA

The following list of parameters shall form the basis for examination and evaluation of the proposals for short-listing of proposers for empanelment.

| Sl. No | Criteria | Range | Points | Maximum Points |
|---------------------|--|---|------------------------|----------------|
| 1. | No. of years in operation | 2-3 years | 5 | 15 |
| | | Above 3 years | 10 | |
| | | Above 5 years | 15 | |
| 2. | Average Annual Turnover in Rs. during each of the immediate two previous financial years (2016-17 and 2017-18) | 50 lakhs – 1 crore | 5 | 15 |
| | | Above 1 crore | 10 | |
| | | Above 3 Crores | 15 | |
| 3. | Experience of inspection of consumer households | 1 year or 500 inspections | 15 | 30 |
| | | 1-2 year or 1500 inspections | 20 | |
| | | 2-3 years or 2500 inspections | 25 | |
| | | Above 3 years or above 5000 inspections | 30 | |
| 4. | No. of DPOs for which survey/inspection/audit has been carried out | 10-50 | 5 | 20 |
| | | 51-100 | 10 | |
| | | 101-150 | 15 | |
| | | >150 | 20 | |
| 5. | Infrastructure and facilities | Branch offices in north, south, east, west zones of the country | 5 points for each zone | 20 |
| TOTAL POINTS | | | | 100 |

Eligible companies having secured 60 or more points would be considered for empanelment. The eligible companies may be invited to make a presentation at a date, time and location intimated by TRAI. The purpose of such presentations would be to allow the companies to present their technical proposal, approach and methodology and other key points in the proposals.

TRAI, during the evaluation process may seek verbal/written clarifications to address ambiguities and uncertainties in the proposals. TRAI's decision in this regard shall be final and binding and no further discussion/interaction will be held with the unsuccessful applicants.



Appendix-II

POINTS FOR INSPECTION

| Telecom Regulatory Authority of India (TRAI) | |
|--|--|
| Inspection Points | |
| Service Provider (MSO/DTH) | |
| Name of the Service Provider | |
| S.No. | Inspection Points |
| 1. | Whether consumer is able to exercise the choice |
| 2. | Whether the process of selection was easy & user-friendly |
| 3. | Whether the DPO is providing option to optimize the selected pack by the user |
| 4. | Whether choice is activated, if yes, time taken to activate the choice |
| 5. | Whether the choice can be re-exercised |
| 6. | Whether channels can be removed easily |
| 7. | Freedom to choose 100 channels in initial NCF |
| 8. | Whether existing pack is available to subscribers for addition or deletion of channels |
| 9. | Whether all channels present on DPO's platform are available on a-la-carte basis for selection or deletion |
| 10. | Whether subscriber is forced to opt only DPOs bouquets |
| 11. | Whether Broadcaster's bouquets are available |
| 12. | Whether split of NCF & channel price properly made available/displayed |
| 13. | Whether EPG is updated as per Regulations |
| 14. | Whether any channel is coming on two different numbers(Dual LCNs) |
| 15. | Whether Channel No. 999 for Consumer Information is available |
| 16. | Whether the subscriber is on long duration pack and the same pack continued |
| 17. | If not, whether the subscriber is migrated on consent |
| 18. | Which channel/content is presently shown on Landing page (Give Name) |

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| | |
|-----|---|
| 19. | Whether printed/electronic bills made available with explicit display of NCF/Channel Price & GST |
| 20. | Whether toll free number of Service Provider is available |
| 21. | Whether the website of the Service provider is existing and functioning properly (and whether Consumer Corner and Subscriber Corner is available) |
| 22. | Whether Nodal Officer information is available to the Consumer |
| 23. | Whether consumer has paid visiting charges to his service provider (If yes, then how much) |
| 24. | Whether the schemes of Consumer Premise Equipment is available to the consume on the Service Provider website |
| 25. | Whether the subscriber is satisfied with the overall services provided by the DPO |
| 26. | Any other relevant point |

