



TANZANIA COMMUNICATION REGULATORY AUTHORITY



THE AUCTION OF IMT MULTI-BAND RADIO FREQUENCY SPECTRUM

Draft Information Memorandum
15th August 2022

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1. Introduction

1.1 Background

- 1.1.1 Tanzania Communications Regulatory Authority (TCRA) is mandated by the Electronic and Postal Communication Act of 2010 to manage the radio frequency spectrum, including the assignment of frequencies by issuing licenses in the United Republic of Tanzania.
- 1.1.2 Following the demand for radio spectrum for coverage and capacity enhancements of the International Mobile Telecommunications (IMT) services in the United Republic of Tanzania, TCRA has identified Blocks of spectrum in 700 MHz, 2300 MHz, 2600 MHz and 3500 MHz bands, for assignment through auction.
- 1.1.3 The Spectrum auction aims at promoting effective competition in the telecom market and thus, enhance consumer welfare, investment and innovation. Particularly, the planned spectrum auction of IMT bands will, among others, bring the following benefits to the nation: -
- i) Advancement of the country's mobile and fixed broadband infrastructure and capability which will serve as a catalyst for the nations' economic development;
 - ii) Facilitation of socio-economic benefits as mobile and fixed broadband will be key for promoting efficient provision of services such as education, health, agriculture, commerce, financial services through ICTs;
 - iii) Lowering mobile communications costs due to cost savings as a result of deploying fewer stations for wider coverage and therefore potential lower consumer prices;
 - iv) Enhancing quality of services and quality of experience through coverage and capacity improvement;
 - v) Extending the provision of mobile broadband services to a wider Tanzanian population especially those in rural areas;

- vi) Promotion, enhancement and facilitation of innovation for new ICT services and technologies to be deployed in the bands;
 - vii) Source of national revenue by obtaining optimal return for the spectrum bands as a scarce resource.
- 1.1.4 This Information Memorandum (IM) sets out fundamental practical issues, such as qualification criteria, applicant's eligibility and other rules, so as to guide stakeholders who wish to participate in the Award Process. This section describes the regulatory policy objectives and legal considerations which have shaped the design of the Award Process.

1.2 Regulatory Policy Objectives

1.2.1 In the award process of the spectrum in IMT bands, TCRA has considered the National Information Communications and Technology Policy, 2016 (National ICT Policy). The Policy provides the following key objectives relevant to the use of frequency spectrum:

- i) To enhance access and availability of affordable and reliable broadband services to accelerate the socio-economic development of the society.
 - a) Ensure a conducive environment for collaboration of public and private sectors in exploring various means of financing access to broadband services;
 - b) Ensure availability and accessibility of reliable and affordable broadband services countrywide.
- ii) To have universal access to ICT products and services to bridge the digital divide.
 - a) ensure availability of funds for supporting rural ICT investment;
 - b) strengthen collaboration with service providers to participate in rural ICT investments;
 - c) ensure access to ICT products and services to society; and
 - d) encourage financial institutions and development partners to give particular support to investments in rural ICT services.

- iii) To strengthen management and promote efficiency in spectrum allocation and utilization that guarantees its availability and competition in both urban and rural areas:
 - a) ensure availability of spectrum for various uses and allocation that favours public interest; promotes innovation, research and development; strengthens competition and attracts foreign direct investment;
 - b) ensure allocation and assignment of commercial spectrum resources that are transparent, competitive, do not confer permanent ownership to users, and that sees to it that the allocated resources are used efficiently for sustainable provision of affordable and quality ICT services;
 - c) strengthen national capacity of management of spectrum and enhance contribution to regional and international spectrum planning and harmonization in conformity with international standards; and
 - d) ensure a substantial amount of spectrum, including digital dividend, is dedicated to the government for bridging the digital divide necessary for e-service delivery, specifically for rural areas.

1.2.2 Apart from the National ICT Policy, TCRA is also guided by the duties provided in section 5 of the TCRA Act, CAP 172, in awarding spectrum in the IMT bands. The duties provided in the Act are as follows:

- i) Promoting effective competition and economic efficiency;
- ii) Protecting the interests of consumers;
- iii) Protecting the financial viability of efficient suppliers;
- iv) Promoting the availability of regulated services to all consumers including low income, rural and disadvantaged consumers;
- v) Enhancing public knowledge, awareness and understanding of the regulated sectors including:
 - a) The rights and obligations of consumers and regulated suppliers;

- b) The ways in which complaints and disputes may be initiated and resolved;
 - c) The duties, functions and activities of the Authority.
- vi) Taking into account the need to protect and preserve the environment.

1.2.3 In the auction context, the duties provided in i, ii and iv above are the most relevant factors for determination of the award process.

1.2.4 Despite the objectives in the National ICT Policy, 2016 and TCRA duties stated in the TCRA Act, the general objective of the auction is to obtain the optimal value of scarce radio frequency spectrum resource.

1.3 Legal Context

1.3.1 TCRA is established by the Tanzania Communications Regulatory Authority Act, CAP 172 with powers to regulate Postal and Electronic Communications in the United Republic of Tanzania. On the other hand, section 72 of the Electronic and Postal Communications Act CAP 306, (“EPOCA”) mandates TCRA to allocate, assign, issue, distribute, retrieve, suspend, cancel or otherwise modify distribution among users or Licensees of any radio communication frequencies or frequencies channels.

1.3.2 Further, section 77 of EPOCA provides TCRA with general powers to manage and control all radio communications frequency spectrum and provide mechanisms governing allocation and assignment by issuing licences. Section 78 of EPOCA grants TCRA the powers to set technical conditions for the use of spectrum. Section 15 of EPOCA mandates TCRA to set fees for spectrum and other postal and electronic communication Licences and review the fees from time-to-time.

1.3.3 Notwithstanding the powers of TCRA as stated in Section 1.3.1 and 1.3.2 above, regulation 27 of the Electronic and Postal Communications (Radio Communications and Frequency Spectrum) Regulations, 2018, requires TCRA to employ a competitive process in the allocation and assignment of radio frequency spectrum. Also, regulation 20 (1) of Electronic and

Postal Communications (Licensing) Regulations, 2018 requires TCRA, through a competitive process, to invite applications for Network Facilities, Network Services and Content Services Licences which require spectrum from time to time.

1.3.4 In accordance to the provided laws in this chapter, on 15th July 2022, TCRA notified the general public and stakeholders, of its intention to assign spectrum in 700 MHz, 2300MHz, 2600MHz, and 3500 MHz bands through auction subject to Reserve Price. Therefore, through the public notice, stakeholders were invited to prepare and participate in the intended spectrum auction.

1.4 Timetable

1.4.1 The indicative schedule for the key stages of the spectrum auction process is shown in Table 1.

Table 1: Spectrum Auction Process Timetable.

Process Step	Indicative Timings (subject to change)
Publication of Draft Information Memorandum and start of Questions and Answers	15/08/2022
Deadline for submission of Comments and Questions	29/08/2022
Deadline for Answers	02/09/2022
Publication of Information Memorandum	05/09/2022
Start of Application Window	05/09/2022
Application Deadline	28/09/2022
Confirmation of Bidders	05/10/2022
Auction Date and Award of Spectrum	11/10/2022
Publication of Results	11/10/2022
Payment Deadline for 1 st Instalment	25/10/2022
Grant of Licences	28/10/2022
Payment Deadline for 2 nd Instalment	25/04/2023
Payment Deadline for 3 rd Instalment	25/10/2023

1.5 Structure of the Information Memorandum

1.5.1 The Information Memorandum is comprised of seven (7) Chapters with Annexes. Chapter 1 provides a general introduction and overview of the award process, Chapter 2 describes the spectrum Blocks to be assigned, Chapter 3 describes the licence conditions attached to the Blocks. Further, Chapter 4 describes Bidder qualifications and eligibility, Chapter 5 the award process is described in detail, Chapter 6 explains the auction design description and lastly, Chapter 7 provides the instructions for Applicants. The main purpose of the IM is to provide guidance to the stakeholders/Bidders intending to participate in the Award Process.

2. The Spectrum to be Assigned

2.1 Spectrum Packaging

2.1.1 The subject matter of the auction is one (1) Block of 2×10 MHz of spectrum in the 700 MHz band, two (2) Blocks of 1×35 MHz spectrum in the 2300 MHz band, three (3) Blocks of 2×15 MHz and one (1) Block of 1×20 MHz of spectrum in the 2600 MHz band and four (4) Blocks of 1×40 MHz spectrum in the 3500 MHz band.

2.1.2 The details of one (1) Block of 2×10 MHz of spectrum in the 700 MHz band are shown in Figure 1. The frequencies to be assigned in this band are from 723 MHz – 733 MHz (Uplink) and 778 -788 MHz (Downlink).

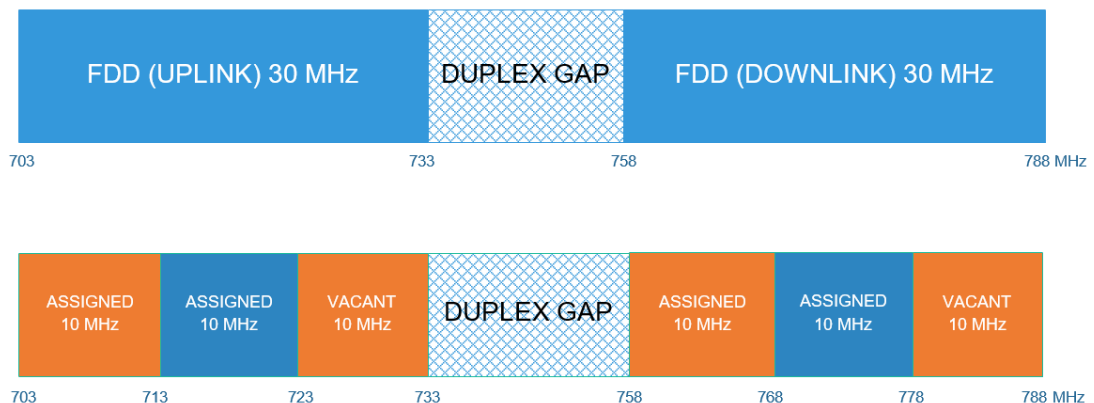


Figure 1: Channel arrangements in the 700 MHz spectrum.

2.1.3 The details of two (2) Blocks of 1×35 MHz (TDD) spectrum in the 2300 MHz band are as shown in Figure 2. The frequencies to be assigned in this band are from 2330 MHz - 2365 MHz (First Block) and 2365 MHz - 2400 MHz (Second Block).

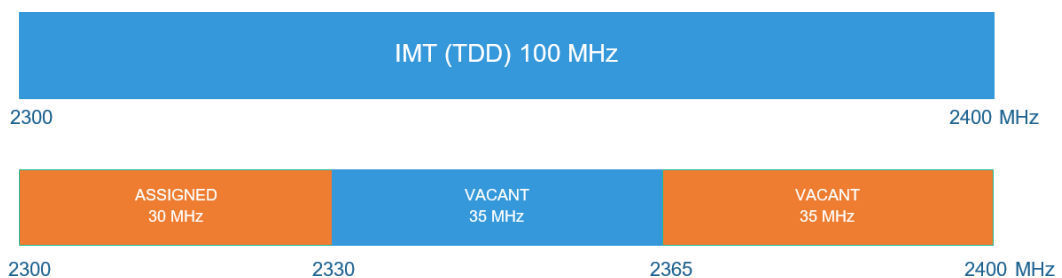


Figure 2: Channel arrangements in the 2300 MHz spectrum.

2.1.4 The details of three (3) Blocks of 2×15 MHz and one (1) Block of 1×20 MHz of spectrum in the 2600 MHz band are as shown in Figure 3. The frequencies to be assigned in this band are from 2500 MHz – 2515 MHz (Uplink) and 2620 MHz - 2635 MHz (Downlink), 2530 MHz – 2545 MHz (Uplink) and 2650 MHz - 2665 MHz (Downlink), 2555 MHz – 2570 MHz (Uplink) and 2675 MHz - 2690 MHz (Downlink), and 2600 MHz - 2620 MHz (TDD Block).

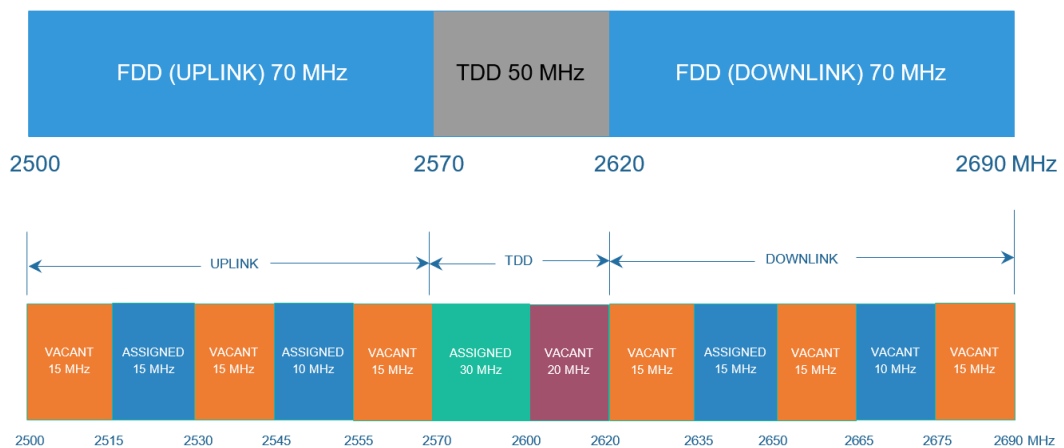


Figure 3: Channel arrangements in the 2600 MHz spectrum.

2.1.5 The details of four (4) Blocks of 1×40 MHz of spectrum in the 3500 MHz band are as shown in Figure 4. The frequencies to be assigned in this band are from 3440 MHz – 3480 MHz, 3480 MHz - 3520 MHz, 3520 MHz – 3560 MHz and 3560 MHz - 3600 MHz.

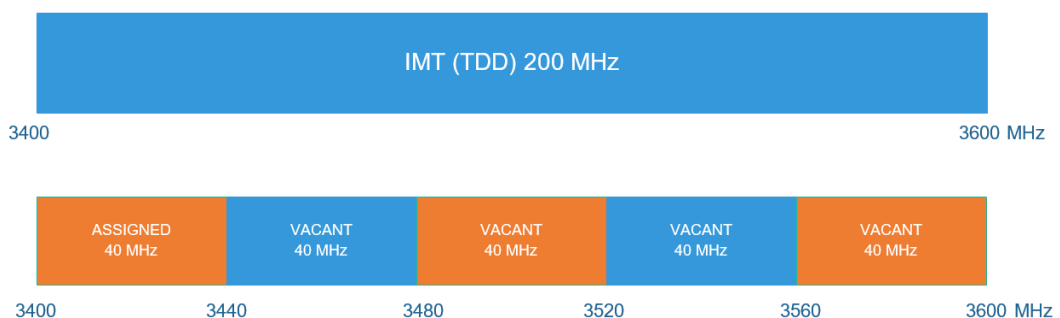


Figure 4: Channel arrangements in the 3500 MHz spectrum.

2.1.6 The conditions and obligations associated with the award of the right to use the radio frequency spectrum are specified in Chapter 3 of this Memorandum.

2.2 Spectrum Cap

Successful Bidders will be awarded contiguous spectrum where applicable subject to the following Caps:

- 2.2.1 Bidders cannot hold more than 2×35 MHz of Sub (below) 1 GHz spectrum after the conclusion of the auction.
- 2.2.2 Bidders cannot hold more than two Blocks of 1×35 MHz spectrum in 2300 MHz band after conclusion of the primary stage of the auction.
- 2.2.3 Bidders cannot hold more than two Blocks of 2×15 MHz FDD spectrum in 2600 MHz band after conclusion of the primary stage of the auction.
- 2.2.4 Bidders can acquire 1×20 MHz TDD Block on top of the FDD spectrum Cap imposed in 2600 MHz.
- 2.2.5 Bidders cannot hold more than two (2) Blocks of 1×40 MHz of 3500 MHz spectrum after conclusion of the primary stage and more than three (3) Blocks after secondary stage of the auction.
- 2.2.6 Notwithstanding conditions in 2.2.2, 2.2.3 and 2.2.5, Bidders are allowed to indicate more Blocks than the specified Cap in the respective band, however, these additional Blocks will be awarded in the secondary stage of the auction subject to availability of unsold Blocks during the primary stage of the auction.

2.3 Reserve Price

- 2.3.1 The Reserve Price is the minimum price that the Authority will accept in the Award Process for the 2×10 MHz Block of spectrum in the 700 MHz band, 1×35 MHz Block of spectrum in the 2300 MHz band, 2×15 MHz Block of spectrum in the 2600 MHz band, 1×20 MHz Block of spectrum in the 2600 MHz band, and 1×40 MHz Block of spectrum in the 3500 MHz band.
- 2.3.2 The Reserve Price for a 2×10 MHz Block in the 700 MHz band is USD 17,000,000.00 (United States Dollars Seventeen million).
- 2.3.3 The Reserve Price for a 1×35 MHz Block in the 2300 MHz band is USD 6,000,000.00 (United States Dollars Six million).
- 2.3.4 The Reserve Price for a 2×15 MHz Block in the 2600 MHz band is USD 5,000,000.00 (United States Dollars Five million).

2.3.5 The Reserve Price for a 1×20 MHz Block in the 2600 MHz band is USD 3,300,000.00 (United States Dollars Three Million Three Hundred Thousand).

2.3.6 The Reserve Price for a 1×40 MHz Block in the 3500 MHz band is USD 8,000,000.00 (United States Dollars Eight million).

2.4 Licence Geographical coverage

2.4.1 The radio spectrum will be assigned on a national basis encompassing the entire land mass, inland waterways and international waters of the United Republic of Tanzania.

3. Licence Conditions and Obligations

3.1 Introduction

3.1.1 This chapter describes the key Licence Conditions attached to the spectrum Blocks and should be read in conjunction with the Draft Licences shown in **Annex G**.

3.1.2 The key Licence Conditions are related to:

- a. Coverage and Quality of Service Obligations;
- b. Annual Administrative Spectrum Fees;
- c. Licence Term and Renewal;
- d. Revocation; and
- e. Technical Conditions.

3.2 Coverage Obligations

3.2.1 Coverage obligations attached to the 700 MHz

3.2.1.1 Successful Bidder granted Licence for the 700 MHz spectrum must meet the following coverage obligations: -

- a. By end of year 2025, population coverage for broadband services meeting the specified quality of service level should be equal to 90%; and
- b. By end of year 2030, population coverage should be equal to 95%.

3.2.1.2 However, the coverage obligations can be satisfied through any technology or combination of spectrum bands to which the Licensee has the right of use.

3.2.2 Coverage obligations attached to 2300 and 2600 MHz bands

3.2.2.1 These bands intend to improve capacity for existing networks; thus, no coverage obligations are to be imposed.

3.2.3 Coverage obligations attached to 3500 MHz band

3.2.3.1 Successful Bidder granted Licence for the 3500 MHz spectrum must maintain a geographical presence as follows:

- a. At least six (6) different administrative regions by 2025;
- b. All cities by the end of 2028;
- c. All regional headquarters by the end of 2030.

3.3 Quality of Service Obligations

The service providers shall comply with key performance indicators (KPIs) in the Electronic and Postal Communications (Quality-of-Service) Regulations to meet the existing quality of service requirements. This requirement applies to all spectrum bands (i.e., 700 MHz, 2300 MHz, 2600 MHz and 3500 MHz).

3.4 Spectrum Auction Price

- 3.4.1 The Licensee shall pay the **Spectrum Auction Price** based on the Blocks won in full or three instalments as follows:
- i. 50% of the Auction Price within **fourteen (14) days** from the date of auction;
 - ii. 25% of the Auction Price within **six (6) months** from the date of auction; and
 - iii. 25% of the Auction Price within **twelve (12) months** from the date of auction.

3.5 Annual Administrative Spectrum Fee

- 3.5.1 Licence holders shall pay an annual Administrative Spectrum Fee. The fee is to cover the costs of administering spectrum and will be proportional to the spectrum licensed. Failure to pay the Annual Administrative Spectrum Fee may result in the Authority imposing sanctions on the Licensee including revocation of the Licence.
- 3.5.2 The Authority reserves the right to review this fee periodically to ensure that the fee is reasonable and reflect the spectrum management costs of the Authority.
- 3.5.3 The first payment of Administrative Spectrum Fee will be made 12 months after the date on which the Licence was issued and then every 12 months thereafter until the end of the Licence Term.

3.5.4 The Administrative Spectrum Fee will be United States Dollars Four Thousand (USD 4,000.00) per 1 MHz per annum.

3.6 Licence Term and Renewal

3.6.1 The Licence duration shall be 15 years from the issuance date.

3.6.2 On expiry the licence may be renewed in favour of the licensee subject to efficiency, market competition, technological developments, and the licensee's compliance to the licence conditions.

3.7 Revocation

3.7.1 The Authority reserves the rights to revoke Licence when the Authority has carried out an investigation or inquiry pursuant to section 72 (2) (a) of the EPOCA and has proved to its satisfaction that a user or Licensee of a radio communication frequencies or frequency channels who has had the opportunity to be heard by the Authority is:

- i. Utilising the radio communication frequencies, spectrum or frequency channels for purposes other than those originally permitted; or
- ii. Not utilising the radio frequencies efficiently and effectively;
- iii. Misusing, abusing or hoarding the radio communication frequencies or frequency channels or frequencies;
- iv. Engaging in practices intended to drive competitors out of business or deter any other Licensee or user from establishing a competitive business in the country or in any specific area or location within the country;
- v. Carrying out acts intended or likely to hurt, injure, infringe, harm or interfere with the radio communication frequencies or frequency channels or frequencies of other users or Licensees;
- vi. Using or operating a radio communication frequencies or frequency channels or frequency without having a Licence issued under this Act; or

Contravening any other conditions in relations to the assigned frequencies.

3.8 Technical Licence Conditions

3.8.1 The Licence to be granted is technology and service neutral.

4. Bidder Qualification, Eligibility and Conduct

4.1 Bidder Qualification and Eligibility

4.1.1 Only those Applicants that meet the Qualification Criteria will be designated as Bidders and will be permitted to participate in the Award Process.

4.1.2 Nothing in the Application or Qualification Process nor during the Award Process shall be construed as a conclusive acceptance or approval of the proposals made by the Bidders in their Applications. Bidders participating in the Award Process shall be subject to fulfilling the requirements of Licensing pursuant to the EPOCA and its related Regulations.

4.1.3 The Qualification Criteria are:

- i. Bidders in this auction shall be those having all of the following valid licences: -
 - a) National network facilities; and
 - b) National application services.
- ii. Bidders shall be those who have submitted irrevocable power of attorney indicating personnel participating the auction on behalf of the applicant.
- iii. Bidders shall be those who have submitted an irrevocable Sealed-Bid Form detailing the band, number of Blocks applied for primary stage of the auction, secondary stage of the auction and bid prices per Block on the date of auction as described in the IM.
- iv. The Applicant must have correctly followed the Application Instructions in Chapter 7 of this memorandum;
- v. The Applicant must have paid the Application Fee of USD 1,000.00;
- vi. The Applicant must provide an appropriate Bank Guarantee as defined in Section 4.2 and the template provided in **Annex E**.

4.2 Bank Guarantee

4.2.1 For the purposes of this Award Process, a Bank Guarantee will be used as a payment guarantee. Other equivalent documents will not be accepted.

- 4.2.2 The Bank Guarantee should be issued by a bank registered and operating in Tanzania with unequivocal tracking records within the United Republic of Tanzania.
- 4.2.3 The Bank Guarantee will be USD 3,000,000.00 (United States Dollars Three Million) for each Bidder to participate in the auction.
- 4.2.4 The Bank Guarantee must be valid for at least 30 days from the date of auction.
- 4.2.5 A sample of an appropriate Bank Guarantee letter is provided in **Annex E**.

4.3 Definitions of Participants, Confidential Information and Exemptions

- 4.3.1 To ensure the integrity of the Award Process Applicants and Bidders, collectively referred to as Participants, must refrain from any activity which may compromise the integrity of the Award Process including the sharing of Confidential Information as defined below. Specific Rules relating to Participant conduct are described in this Section along with the sanctions, which may, at the discretion of the Authority, be applied to those found to be in breach of the Rules.
- 4.3.2 The Rules governing the behaviour of the Participants are applicable from the date of publication of the draft Information Memorandum for Consultation to the date at which the Authority publicly announces the Grant of Licences.
- 4.3.3 For the purposes of the Award Process, Confidential Information is defined as any information which, if known to another Participant, may influence its conduct during the Award Process. Confidential Information includes but is not limited to information related to:
- i. Participation in the Award Process itself;
 - ii. The Participant's business case, spectrum values and bid limits for any combination of Blocks; and
 - iii. Auction bidding strategy.
- 4.3.4 The definition of a Participant includes any additional entity or person who has knowledge of a Participant's Confidential Information. Such entities or persons may include financiers, consultants, legal advisers, vendors and

academics. Applicants must provide a list of such entities or persons in their application and must notify the Authority of any change to the list.

- 4.3.5 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 or more Participants have an entity or person in common, it shall:
- i. Notify the Applicants concerned and provide a deadline by which they may apply for an exemption from the Rules relating to such entities or persons;
 - ii. Require one or more of the Applicants to end the involvement of such entities or persons in their participation in the Award Process; or
 - iii. Exclude the affected Applicants from the Award Process.
- 4.3.6 Applicants seeking an exemption must demonstrate to the Authority that measures have been put in place to ensure that no Confidential Information is shared between Applicants. 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 relating to common persons or entities with access to Confidential Information.
- 4.3.7 If the Authority does not grant an exemption and Applicants do not take adequate steps to rectify the situation to the satisfaction of the Authority, then the Applicants will be excluded from further participation in the Award Process. If the commonality is identified later in the Award Process the Authority may take whatever action it deems necessary to ensure the integrity of the Award Process.
- 4.3.8 If it is not possible to rectify the situation by the deadline set by the Authority and an exemption has not been granted, then one or more of the Applicants may withdraw from the Award Process prior to the deadline so that it is not necessary for the Authority to exclude all affected Applicants.
- 4.3.9 It is possible that Participants have common directors or employees. Participants should take all reasonable measures to identify any director or employee that is connected to more than one Participant. Participants must take all appropriate measures to ensure that common directors or

employees do not result in a breach of the Rules relating to Participant conduct.

4.4 Participant Conduct

4.4.1 Participants must refrain from any activity which may compromise the integrity of the Award Process. Such activities include but not limited to:

- i. Submitting false or misleading information as part of its application or failing to update the Authority in a timely manner in relation to any material change to information provided as part of the Application Process;
- ii. Communicating Confidential Information to any other Participants either by making such information public or by communicating such information directly or indirectly via an intermediary to another Participant and/or seeking to obtain Confidential Information in relation to any other Participant;
- iii. Communicating with other Participants or undertaking any activity with the intention or effect of colluding or coordinating bidding activity within the Award Process in a manner which is likely to distort the outcome of the Award Process or damage the integrity of the Process;
- iv. Entering into agreements with other Participants in relation to the Award Process or subsequent use of any Licence which may be granted as a result of the Award Process;
- v. Seeking to communicate directly or indirectly with the Authority or any of its employees or advisers in relation to the Award Process other than by the mechanisms described in the IM; and
- vi. Any other breach of the Award Process Rules.

4.4.2 A Participant must notify the Authority as soon as is reasonably practicable if it has evidence or has reasonable grounds to believe that it or another Participant has or may have breached the Rules.

4.5 Sanctions

- 4.5.1 If a Participant is found to be in breach of the Rules the Authority may, at its sole discretion, apply a sanction to that Participant. Potential sanctions include, but not limited to, one or more of the following:
- i. Exclusion from the Award Process;
 - ii. Forfeiture of some or all of the Bank Guarantee; and
 - iii. Suspension or revocation of the Participant's Licence assigned under the Award Process.
- 4.5.2 The Authority may also seek remedies for a breach of the Rules under Section 45 of the Tanzania Communications Regulatory Authority Act, Cap 172.
- 4.5.3 If a breach of the Rules occurred due to the actions of other entities and persons then the Authority may, at its sole discretion, waive or limit the application of sanctions if it can be shown that the breach occurred without the Participant's knowledge and that the Participant had taken all reasonable steps to avoid the breach and that the breach has not materially damaged the integrity of the Award Process.

5. The Award Process

5.1 Introduction

5.1.1 This section provides a detailed overview of the Award Process.

5.2 Award Process Overview

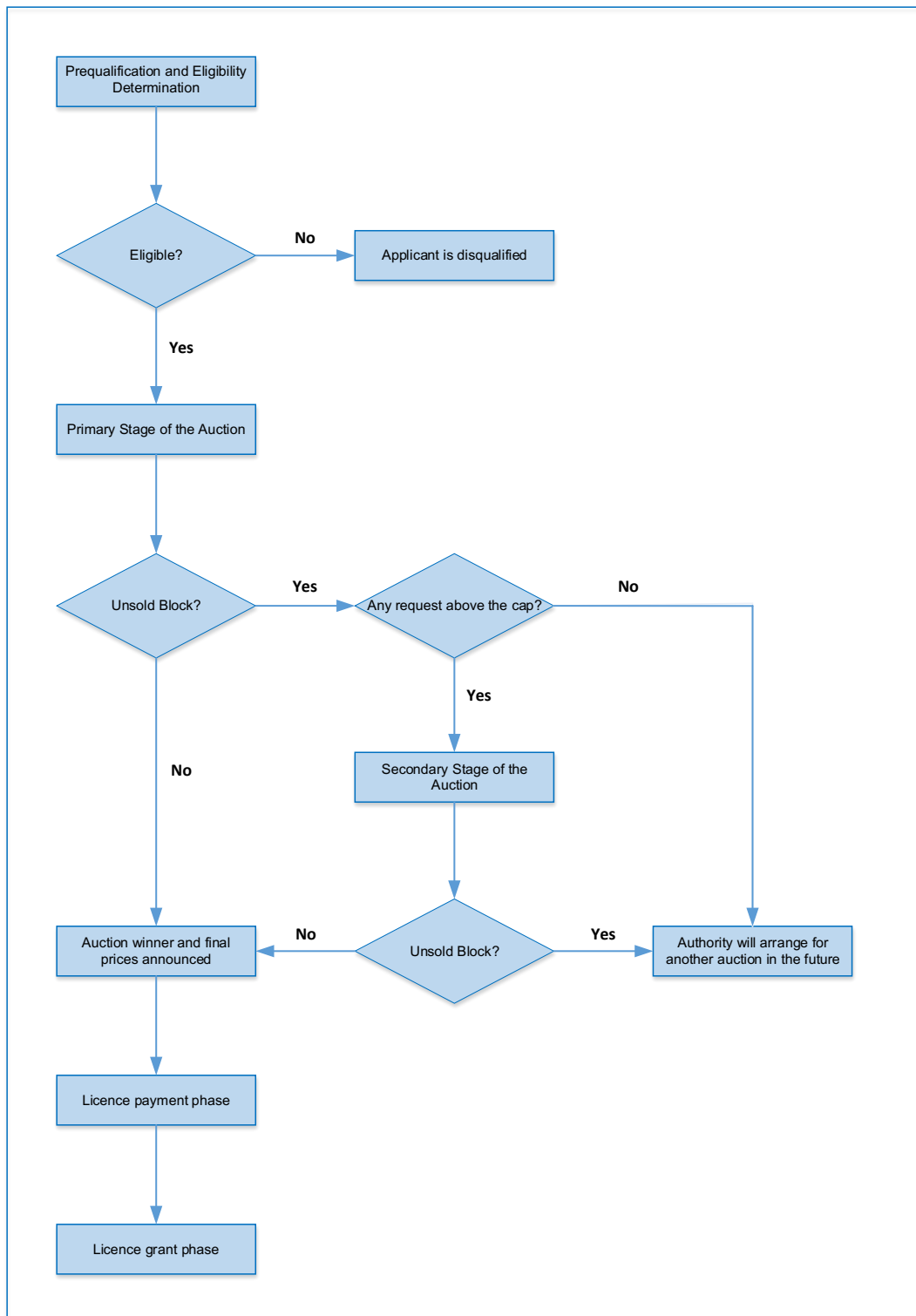


Figure 5: Award Process.

5.3 Information Memorandum Publication

- 5.3.1 The Information Memorandum, any updates and additional information will be published on the Authority's website (www.tcra.go.tz).
- 5.3.2 Any party interested in participating in the Award Process may submit questions/comments in writing to the Authority in relation to any aspect of the Award Process. Questions/comments should be submitted within ten days and the Authority will respond within fourteen days after the initial publication date of the IM.
- 5.3.3 Normally the Authority will respond individually, by email, to the party who submitted the question. The Authority will publish the question and some, or all, of the responses with names of parties that submitted questions on the Authority website.
- 5.3.4 A set of anonymous submitted questions and responses will be published on the Authority's website and, if necessary, in the final IM.

5.4 Application Process

- 5.4.1 Detailed instructions for the Application Process are described in Chapter 7. Applicants are required to complete all of the following tasks by the Application Deadline:
- i. Complete the Application Form provided in **Annex B**.
 - ii. Provide the requested information;
 - iii. Pay non-refundable Application Fee of USD 1,000.00;
 - iv. Indicate the band(s) they wish to bid for in the auction;
 - v. Provide the Bank Guarantee of USD 3,000,000.00 (United States Dollars Three Million);
 - vi. Provide irrevocable power of attorney indicating personnel participating the auction on behalf of the Applicant;
 - vii. Sign the Declaration in Annex D.

5.5 Qualification Process

5.5.1 The information provided by the Applicants will first be reviewed for compliance with the information requirements of the Application Process.

- i. Applicants who have not adhered to the requirements of the Application Process will be deemed to be non-compliant.
- ii. Applicants who have not provided an appropriate Bank Guarantee will be deemed to be non-compliant.
- iii. Applicants who have not paid the Application Fee will be deemed to be non-compliant.
- iv. Applicants who have not provided an irrevocable power of attorney will be deemed to be non-compliant.
- v. The Authority may notify Applicants who have provided incomplete, incorrect or inadequate information. The Authority expects to notify any affected Applicants within two days after the Application Deadline. Applicants will be given two days to revise and resubmit their application.
- vi. Non-compliant Applicant will be disqualified and will not be permitted to participate in any further stages of the Award Process.

5.5.2 Following the review of Qualification Criteria, Applicants who have met the criteria will be notified individually that they are eligible Bidders in the Award Process. Applicants who have not met the criteria will also be notified. The Authority expects to notify Bidders within seven (7) days from the Application Deadline.

5.5.3 If, at any time during the Award Process an Applicant is found to have submitted information which is materially incomplete or incorrect, the Authority, at its sole discretion, will take whatever measures it regards as appropriate. Appropriate measures may include terminating the Applicant's participation in the Award Process or nullifying the results of the Award Process.

5.5.4 The Authority will not make public the identities of Applicants, Bidders and those that were either disqualified or failed to meet the Qualification Criteria.

5.6 Auction Approaches

5.6.1 The Single Sealed Bid First Price auction format will be used to determine the number of Generic Blocks to be assigned to each Successful Bidder. Following the conclusion of Primary Stage of the Auction, if there are any unsold Blocks, and there are Bidders who have indicated the need for additional Blocks above the spectrum cap in this band, then the Block(s) will be considered for the Secondary Stage of the Auction. On completion of the Primary and Secondary stage of the auction, the Successful Bidders will go to the Assignment Stage to determine which Specific Blocks they receive. The Assignment stage will be administered by the Authority.

5.6.2 The Auction formats are as follows:

- i. Primary stage of the auction: Single Sealed Bid First Price.
- ii. Secondary stage of the auction as described in Chapter 6: unsold Blocks after the Primary Stage of the auction will be awarded to Bidders who participated in the Primary Stage of the auction and indicated the need for additional Blocks beyond the cap. Highest Bidder will be given preference to acquire the Block(s).
- iii. Assignment Stage: this will be administered by the Authority.

5.7 Communication Protocols

5.7.1 All communications in relation to the Award Process will be in English language.

5.7.2 The Authority will publish all relevant information, documents and updates on the Authority's website, www.tcra.go.tz. Applicants and Bidders will be notified when new information is available on the website.

5.7.3 Prior to the Award Process Start Date and after the Assignment Stage, Applicants and Bidders can contact the Authority either via email or in writing:

- Email : spectrum.auction@tcra.go.tz
- Post : Director General,
Tanzania Communications Regulatory Authority,
8th Floor Mawasiliano Towers,
20 Sam Nujoma Road,
P.O Box 474,
14414 Dar es Salaam

5.8 Notification and Publication of Results

After the Assignment Stage has been concluded, Successful Bidders will receive a notification from the Authority. The Notification will be on the same day after the conclusion of the Assignment Stage. The notification will specify:

- 5.8.1 The Specific Blocks that have been awarded to the Bidder;
 - 5.8.2 The total Auction Price that the Bidder is required to pay; and
 - 5.8.3 The deadline by which payment must be made in full or first instalment in the case of instalment payments (typically ten working days after the publication of the notice).
- 5.8.4 The Award Process Results will be published by the Authority on their website and by means of a public announcement. The announcement will contain the following information:
- i. The number of Bidders that participated in the Award Process;
 - ii. The identity of the Successful Bidders;
 - iii. The spectrum assigned to each Successful Bidder; and
 - iv. The price paid by each Bidder and the total amount raised in the Award Process.

- 5.8.5 Participants in the Award Process must not announce or publish information pertaining to the Award Process until after the Authority has made the results public.

5.9 Payment and Bank Guarantees

Bidders are required to make payment in full or in instalments as by the Payment Deadline in accordance with the Results Notification sent by the Authority to Successful Bidders.

- 5.9.1 All payments shall be made in United States Dollars through Government payment control number that will be provided by the Authority.
- 5.9.2 In case of non-payment, delayed or incomplete payment, the Authority has the right to demand the payment under the submitted Bank Guarantee. If delayed payment is caused by events constituting force majeure, the Authority will prolong the Payment Deadline accordingly.
- 5.9.3 The Bank Guarantee is returned to the Bidder in the following circumstances:
- i. The Applicant was not confirmed as a Bidder;
 - ii. The Award Process has been completed and the Bidder was not assigned any Blocks; or
 - iii. The Award Process has been completed and the Bidder has paid in full or first instalment of the Price for their Block(s).

5.10 Granting of Licences

- 5.10.1 The Authority expects to grant Successful Bidders who are existing licensees (incumbent operators) frequency spectrum user Licences within three days after the Payment Deadline and following confirmation that the Successful Bidder has paid in full or first instalment.

5.11 Default and Return of the Licences

- 5.11.1 If a Successful Bidder fails to make a payment of the full Auction Price or a part of the Auction Price by the Payment Deadline, the Authority shall revoke the licence.
- 5.11.2 A Licensee may at any time return a Licence. The Auction Price paid and any other payments relating to the Licence will not be refunded.
- 5.11.3 If a Licensee has their Licence revoked, the Auction Price paid and any other payments relating to the Licence will not be refunded.

5.12 Timings

- 5.12.1 The timings for the key stages of the Award Process are shown in Table 2. The timings are based on the assignment of spectrum via the Auction Stage.

Table 2: Award Process Timetable.

Process Step	Indicative Timings (subject to change)
Publication of Draft Information Memorandum and start of Questions and Answers	15/08/2022
Deadline for submission of Comments and Questions	29/08/2022
Deadline for Answers	02/09/2022
Publication of Information Memorandum	05/09/2022
Start of Application Window	05/09/2022
Application Deadline	28/09/2022
Confirmation of Bidders	05/10/2022
Auction Date and Award of Spectrum	11/10/2022
Publication of Results	11/10/2022
Payment Deadline for 1 st Instalment	25/10/2022
Grant of Licences	28/10/2022
Payment Deadline for 2 nd Instalment	25/04/2023
Payment Deadline for 3 rd Instalment	25/10/2023

6. Detailed Auction Description

6.1 Auction Process Overview

6.1.1 The Auction Process will consist of four stages: -

a) Primary Stage of the Auction

The objective of this stage is to determine how many contiguous, generic Block(s) are won by each of the successful Bidders, hereinafter referred to as "Auction Winners."

b) Secondary Stage of the Auction

The objective of this stage is to award the unsold Blocks to winners who have indicated in irrevocable Sealed-Bid Form the intention to acquire spectrum Blocks above the specified cap in respective bands.

c) Assignment Stage

The objective of this stage is to assign to Auction Winners where possible, an appropriate number of specific, contiguous spectrum Blocks corresponding to the number of generic Block(s) won during the Primary and Secondary Stages of the Auction. This stage will be administered by the Authority.

d) Licencing Stage

The objective of this stage is to grant Spectrum Usage Licences to Auction Winners.

6.1.2 The Auction Stage will be based on a Single Sealed Bid Auction First Price.

6.1.3 Bidders will compete in auction process as shown in the Figure 6.

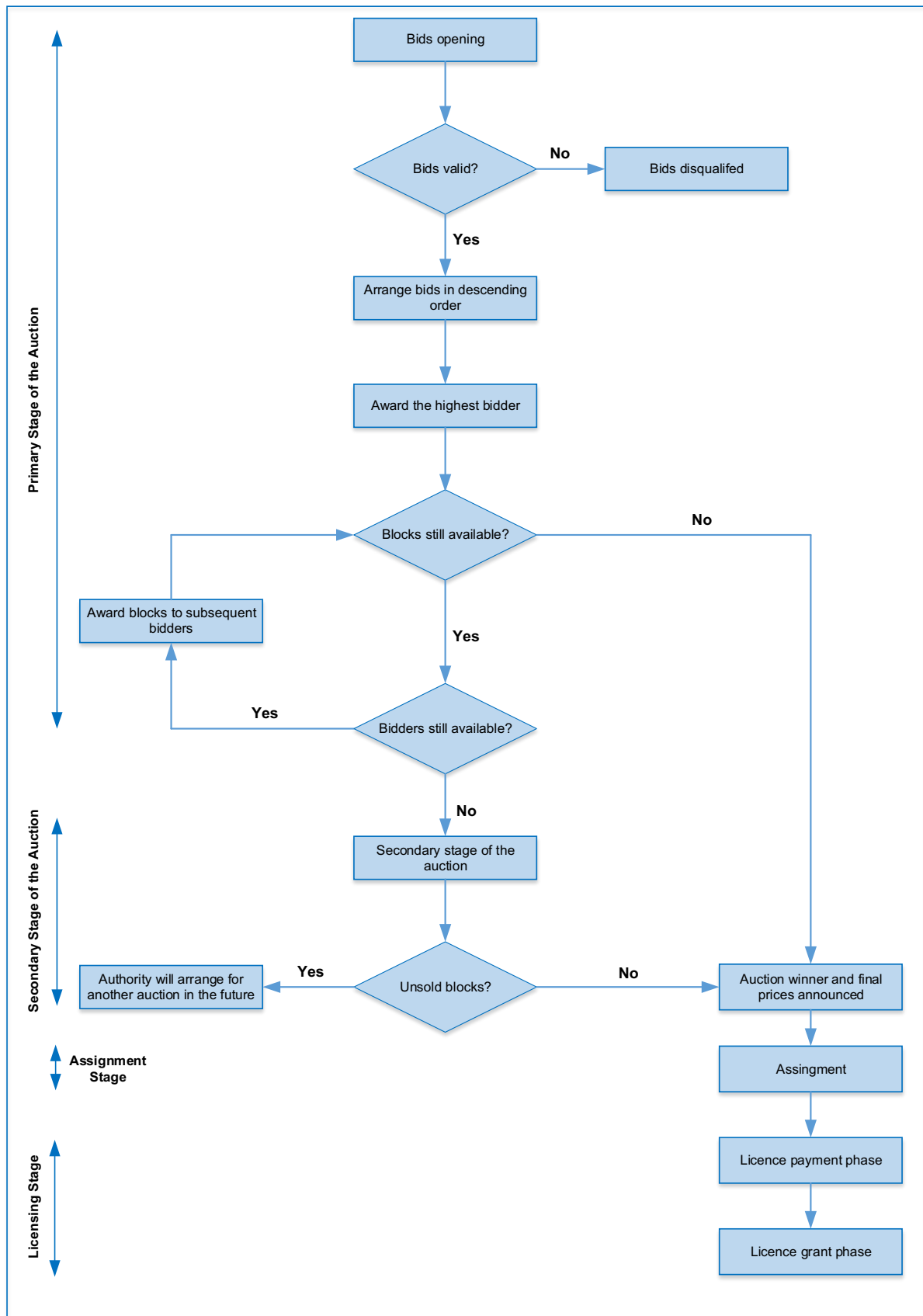


Figure 6: Flow chart indicating the Auction Process.

- 6.1.4 Following the submission of all bids during the Primary Stage of the Auction:
- a) The Authority will open all bids in the presence of all eligible Bidders;
 - b) Any bid that is below the Reserve Price will be disqualified right-out;
 - c) The Authority will arrange the bidding price in descending order (i.e., starting from the highest quote to the lowest);
 - d) The Authority will start awarding the Block(s) to the highest Bidder and then to subsequent Bidder(s) subject to availability of Block(s);
 - e) In a situation where the number of remained/available Block(s) is less than that is requested in the irrevocable Sealed-Bid Form, the Bidder shall pay for the available Block.
- 6.1.5 If the Primary Stage of the Auction results in unsold Blocks and there are Bidders who have indicated the need for additional Blocks above the specified cap, then the Secondary Stage of the Auction will be conducted.
- 6.1.6 Each Auction Winner shall pay its bid (First Price) and acquires the number of Block(s) associated with its winning bid.
- 6.1.7 Specific Block(s) are then allocated as per the Assignment Stage described in Section 6.6 of the IM.

6.2 The Auction Details

6.2.1 Date and Time of Auction

- a) The First Session Auction will be conducted on **11th October 2022** from **09:00 am East African Time (EAT)**. This session will involve auction of available Blocks in 700 MHz and 3500 MHz bands. Bidders are required to be present at Mwasiliano Towers, 2nd Floor, Room number 206 by **08:45 am EAT**.
- b) The Second Session Auction will be conducted on **11th October 2022** from **02:00 pm EAT**. This session will involve auction of available Blocks in 2300 MHz and 2600 MHz bands. Bidders are required to be present at Mwasiliano Towers, 2nd Floor, Room number 206 by **01:45 pm EAT**.

6.2.2 Application Phase

- a) All Bidders will be required to complete the Application Form provided in Annex B of the IM and provide the required information in the Application Form. The deadline for submission of this form is 28th September 2022.
- b) The Bank Guarantee will be USD 3,000,000.00 (United States Dollars Three Million) for each Bidder to participate in the auction. The Bank Guarantee should be valid for at least thirty (30) days from the date of Auction.
- c) The Bank Guarantee shall be submitted alongside with Application Form.

6.2.3 Eligibility/Qualification Assessment Phase

- a) The Authority will review the submitted Application Forms to ascertain whether or not each Applicant complies with all the requirements. Where an application is deficient, the Authority may, but is not required to, ask the Applicant to provide any missing information or additional documentation.
- b) Applicants will be informed as per timeline provided in the IM whether they have complied to participate the auction or not. Only confirmed Bidders will be allowed to participate in the auction.

6.2.4 Submission of Bids

- a) Bidders will place their bids through an irrevocable Sealed-Bid Form provided in Annex C of the IM.
- b) Bidders will indicate the bid price (in two decimal places) per Block and number of Blocks they wish to acquire in the irrevocable Sealed-Bid Form.
- c) Applicants are subject to the spectrum cap as detailed in Section 2.2 of the IM.

- d) Bidders shall submit an irrevocable Sealed-Bid Form, signed and stamped for each auction session on the Auction Date. Bids submitted outside the indicated date and time shall not be accepted.

6.2.5 Bids Opening Phase

- a) All Bidders will be required to be physically presented as per submitted irrevocable power of attorney during the auction.
- b) Authority shall open all bids in the presence of all Bidders.
- c) Any bid that is below the Reserve Price will be disqualified right-out.
- d) The Authority will arrange the bidding price in descending order (i.e., starting from the highest quote to the lowest).
- e) In a situation where there is a common value for the bids, the Authority will arrange the bidding prices based on alphabetical order (from A to Z) of the Bidders' names to break the tie.
- f) The Authority will start awarding the Block(s) to the highest Bidder and then to subsequent Bidder subject to availability of Block(s).
- g) In a situation where the number of remained/available Block(s) is less than that applied in the Sealed-Bid Form, the Bidder shall pay for the available Block.
- h) In a situation where there are unsold Blocks after Primary Stage of the auction, and there are Bidders who have indicated the need of additional Blocks above the spectrum cap in the respective band, then the unsold Block will be considered for the Secondary Stage of the Auction.
- i) The detailed awarding scenario for each band is shown in Section 6.3 of the IM.

6.3 Auction Winners and the Final Auction Price

6.3.1 Winner for the 700 MHz Block

The Authority awards the highest Bidder subject to compliance with the spectrum cap as indicated in Section 2.2.1 of the IM.

6.3.2 Winner for the 2300 MHz Blocks

The awarding process may undergo up to two steps depending on the number of requested Blocks.

(i) STEP 1: The Authority will first award the spectrum to the **highest** Bidder

- a) If the Bidder had indicated to require two (2) Blocks as per Sealed-Bid Form and complied with spectrum cap in Section 2.2.2, the auction will end at this step as there will be no remaining spectrum Block.
- b) If the Bidder had indicated to require one (1) Block as per Sealed-Bid Form and complied with spectrum cap in Section 2.2.2, the one (1) Block will remain and the auction will go to STEP 2.

(ii) STEP 2: The Authority awards the remaining Block to the **second highest Bidder**.

- a) The second highest Bidder will be awarded the remaining Block subject to compliance with the spectrum cap in Section 2.2.2 and the auction ends at this step.

(iii) If STEP 1 and STEP 2 end with unsold Block(s), and there are Bidders who have indicated the need for additional Blocks above the spectrum cap in this band, then the unsold Block(s) will be considered for the Secondary Stage of the Auction.

6.3.3 Winner for the 2600 MHz Blocks

(i) The unpaired block (1×20 MHz)

The Authority awards the highest Bidder.

(ii) The paired Blocks (2×15 MHz)

The awarding process may undergo up to three steps depending on the number of requested Blocks.

a) **STEP 1:** The Authority first awards the spectrum to the **highest Bidder**.

- (i) If the Bidder had indicated to require two (2) Blocks as per Sealed-Bid Form and complied with spectrum cap in Section 2.2.3, then one (1) Block will remain and the award will proceed to STEP 2.
- (ii) If the Bidder had indicated to require one (1) Block as per Sealed-Bid Form and complied with spectrum cap in Section 2.2.3, then two (2) Blocks will remain and the award will proceed to STEP 2.

b) **STEP 2:** The Authority awards the remaining Block(s) to the second highest Bidder.

Scenario 1: One (1) Block remain as a result of two (2) Blocks taken by the highest Bidder.

- (i) The second highest Bidder will be awarded the remaining Block subject to compliance with the spectrum cap in Section 2.2.3 and the auction ends at this step.

Scenario 2: Two (2) Blocks remain as a result of one (1) Block taken by the highest Bidder.

- (i) If the Bidder had indicated to require two (2) Blocks as per Sealed-Bid Form and complied with spectrum cap in Section 2.2.3, no Block will remain and the auction ends here.
- (ii) If the Bidder had indicated to require one (1) Block as per Sealed-Bid Form and complied with spectrum cap in

Section 2.2.3, one (1) Block will remain and the award will proceed to STEP 3.

- c) **STEP 3:** The Authority awards the remaining Block to the third highest Bidder
 - (i) The third highest Bidder will be awarded the remaining Block subject to compliance with the spectrum cap in Section 2.2.3 and the auction ends at this step.
- d) If STEP 1, STEP 2 and STEP 3 end with unsold Block(s), and there are Bidders who have indicated the need for additional Blocks above the spectrum cap in this band shown in Section 2.2.3, then the unsold Block(s) will be considered for the Secondary Stage of the Auction.

6.3.4 Winner for the 3500 MHz Blocks

The awarding process may undergo up to four (4) steps depending on the number of requested Blocks.

- (i) **STEP 1:** The Authority will first award the spectrum to the **highest** Bidder.
 - a) If the Bidder had indicated to require two (2) Blocks as per Sealed-Bid Form and complied with spectrum cap in Section 2.2.5 then two (2) Blocks will remain, and the award will proceed to STEP 2.
 - b) If the Bidder had indicated to require one (1) Block as per Sealed-Bid Form and complied with spectrum cap in Section 2.2.5 then three (3) Blocks will remain, and the award will proceed to STEP 2.
- (ii) **STEP 2:** The Authority awards the remaining Block(s) to the second highest Bidder.

Scenario 1: Three (3) Blocks remain as a results of one (1) Block taken by the highest Bidder.

- a) If the **second** highest Bidder had indicated to require two (2) Blocks as per Sealed-Bid Form and complied with spectrum cap in Section 2.2.5, then one (1) Block will remain and the award will proceed to STEP 3.
- b) If the **second** highest Bidder had indicated to require one (1) Block as per Sealed-Bid Form and complied with spectrum cap in Section 2.2.5, then two (2) Blocks will remain and the award will proceed to STEP 3.

Scenario 2: Two (2) Blocks remain as a result of two (2) Blocks taken by the highest Bidder.

- a) If the **second** highest Bidder had indicated to require two (2) Blocks as per Sealed-Bid Form and complied with spectrum cap in Section 2.2.5, the award ends here.
 - b) If the **second** highest Bidder had indicated to require one (1) Block as per Sealed-Bid Form and complied with the spectrum cap in Section 2.2.5, then one (1) Block will remain and the award will proceed to STEP 3.
- (iii) STEP 3: The Authority awards the remaining Block(s) to the third highest Bidder.

Scenario 1: One (1) Block remain as a result of two (2) Blocks taken by the second highest Bidder.

- a) The third highest Bidder will be awarded the remaining Block subject to compliance with the spectrum cap in Section 2.2.5 and the award ends at this step.

Scenario 2: Two (2) Blocks remain as a result of one (1) Block taken by the second highest Bidder.

- a) If the third highest Bidder had indicated to require two (2) Blocks as per Sealed-Bid Form and complied with spectrum cap in Section 2.2.5 then the award ends here.
 - b) If the third highest Bidder had indicated to require one (1) Block as per Sealed-Bid Form and complied with spectrum cap in Section 2.2.5, then one (1) Block will remain and the award proceeds to STEP 4.
- (iv)** STEP 4: The Authority awards the remaining Block to the fourth highest Bidder.
- a) The fourth highest Bidder will be awarded the remaining Block subject to compliance with the spectrum cap in Section 2.2.5 and the award ends at this step.
- (v)** If STEP 1, STEP 2, STEP 3 and STEP 4 end with unsold Block(s), and if there are Bidders who have indicated the need for additional Blocks above the spectrum cap in this band indicated in Section 2.2.5, then the unsold Block(s) will be considered for the Secondary Stage of the Auction.

6.4 Secondary Stage of the Auction

- 6.4.1 Secondary Stage of the auction is intended to award the unsold Blocks to winners who indicated intention to acquire spectrum Blocks above the specified cap in respective bands.
- 6.4.2 If in a particular band there will be more than one Bidder who have indicated to have additional spectrum above the specified cap the available unsold Block(s) will be awarded to Bidder with highest bid.

6.5 Unsold Block(s) after the auction

6.5.1 If there is an unassigned spectrum Blocks in respective bands after primary and secondary stages of the auction, **the Authority will arrange for another spectrum auction in the future.**

6.6 Assignment Stage

6.6.1 The objective of this stage is to assign to Successful Bidders appropriate number of specific spectrum Blocks corresponding to the number of generic Blocks won during the Auction Stage.

6.6.2 The Assignment Stage will be conducted on the same day during the auction sessions.

6.6.3 Assignment Stage will be administered by the Authority. Assignment will be made while ensure as much as possible that Successful Bidders obtain contiguous Block(s).

6.7 Licensing Stage

6.7.1 Auction winners will pay the Spectrum Auction Price in full or three instalments as described in Section 3.4 of the IM.

6.7.2 The Authority will grant licence to Auction Winners after verification of payment.

7. Application Instructions

7.1 Application Procedure and Deadline

7.1.1 The Application must contain:

- i. Two hard copies of the Application Information listed in Section 7.2.
- ii. A completed copy of the Application Checklist provided in Annex F.

7.1.2 The Application documents must be delivered in a sealed package and marked only with the words “APPLICATION FOR PARTICIPATION IN THE AUCTION OF IMT MULTI-BAND RADIO FREQUENCY SPECTRUM, 2022” and addressed to:

Director General,
Tanzania Communications Regulatory Authority,
8th Floor Mawasiliano Towers,
20 Sam Nujoma Road,
P.O Box 474,
14414 DAR ES SALAAM, TANZANIA.

7.1.3 The Application Deadline is **04:00 pm EAT** on the **28th of September 2022**.

7.1.4 Applications must be delivered by courier.

7.1.5 All Applications will be dated and stamped by the Authority.

7.1.6 Any Application received after the application Deadline will not be accepted.

7.1.7 Submitted Applications shall not be opened by the Authority before **04:00 pm EAT** on the closing date (for receipt of Applications).

7.1.8 Applicants are subject to an enduring obligation to inform the Authority of any material change in their circumstances which affect the information provided in the Application Process.

7.2 General Information

7.2.1 Completed and signed Application Form, see Annex B.

7.2.2 Appropriate evidence that the two persons signing the Application Form are duly authorised by the Applicant to do so. Appropriate evidence would include:

- i. A board resolution from the Applicant; and
- ii. An irrevocable power of attorney.

7.2.3 Appropriate evidence that at most three persons who will participate in the auction on behalf of the Applicant ("Authorised Agents") are duly authorised by the Applicant to do so. Appropriate evidence would include:

- i. A board resolution from the Applicant; and

- ii. An irrevocable power of attorney.
- 7.2.4 The completed and signed declaration to abide by the rules of the Award Process, including restrictions on Confidential Information and Applicant Conduct, see Annex D.
- 7.2.5 Proof of payment of the Application Fee of USD 1,000.00. This shall be paid through Government control number to be issued by the Authority.
- 7.2.6 The Authority reserves the rights to request any further information in relation to this Award Process, at the sole determination of the Authority, to determine whether the participation of the Applicant complies with the Laws of United Republic of Tanzania, is aligned with the policy objectives of the Authority and complies with the Rules of the Award Process.

7.3 Demand for Blocks and Bank Guarantee

- 7.3.1 The Applicant must specify the spectrum band for which it is legally bound to make a bid in the Award Process. The Bank Guarantee will be USD 3,000,000.00 (United States Dollars Three Million) for each Bidder to participate in the auction.

ANNEXES

Annex A. Glossary of Key Terms

1st price rule: In a 1st price sealed bid auction, Bidders place their bids in an envelope and the highest Bidder wins and pays the amount of their highest bid.

2nd price rule: In a 2nd price sealed bid auction, Bidders place their bids in envelopes and the highest Bidder wins but he pays the amount of the 2nd highest Bidder.

Administrative regions: Are defined as per President's Office - Regional Administration and Local Government (PO-RALG/TAMISEMI)

Applicant: An entity that submits an Application to the Authority to participate in the Award Process.

Application: The Application to participate in the Award Process made by an Applicant. A valid Application is a binding commitment to pay at least the Reserve Price for the number of Blocks applied for.

Application Deadline: The date by which Applicants must submit an Application to participate in the Award Process together with the required monetary deposit and supporting documentation.

Application Form: The Application Form as set out in Annex B of this document, to be delivered as part of an Application as set out in Chapter 7 of the IM.

Application Process: The stage of the Award Process described in Section 5.4 of this Memorandum, which runs from the day on which the IM is published up to and including the Application Date.

Assignment Round: The auction procedure to determine the Specific Blocks assigned to Successful Bidders for Generic Blocks.

Authorised Agent: A person who the Applicant has notified to the Authority is entitled to bind an Applicant contractually in relation to the Award Process.

Authority: Refers to Tanzania Communications Regulatory Authority.

Award Process: The overall process through which it is intended that rights of use of spectrum will be granted in the event that at least one Applicant submits a valid Application for at least one Block at the stated Reserve Price.

Band: The 700 MHz, 3500MHz, 2600MHz and 2300MHz bands.

Bank Guarantee: A guarantee from a reputable bank ensuring the liabilities of the debtor will be met.

Bid: A binding offer to buy a Block or Blocks for a specific monetary amount.

Bidder: An Applicant that has submitted a compliant Application and which has met the Qualification Criteria.

Broadband: Transmission capacity that is faster than primary rate Integrated Services Digital Network (ISDN) at 2.0 Megabit per second (Mbps).

EPOCA: The Electronic and Postal Communication Act Chapter 306.

Cities : Are defined as per President's Office - Regional Administration and Local Government (PO-RALG/TAMISEMI)

Generic Block: A Block containing Blocks that can be bid for by any Bidder that do not relate to specific frequency ranges. Bidders when placing a bid for a generic Block do not know the specific position of the Block in the frequency range.

Information Memorandum: This Information Memorandum including all of the Annexes and Schedules hereto.

Notification and Grant Stage: The stage of the Award Process during which Auction Prices are paid by Successful Bidders, and Licences are granted to Successful Bidders.

Rules: Rules, procedures and obligations relating to the Award Process, including the various Auction formats that constitute the Award Process.

Annual Administrative Spectrum Fees: Annual Fees which a Successful Bidder must pay in respect of spectrum rights of use assigned in the Award Process.

Blocks: Individual items available for auction.

Collusion: Anti-competitive bidding strategies designed by Bidders to coordinate a specific auction outcome among themselves.

Common value: Where the value of an auction Block is the same for Bidders.

IMT: International Mobile Telecommunications (IMT) is the generic term used to designate broadband mobile systems. It encompasses IMT-2000, IMT- Advanced and IMT-2020 collectively.

Primary Stage of the Auction: This stage is to award the available Blocks to winners who have indicated in irrevocable Sealed-Bid Form the intention to acquire those spectrum Blocks within the specified spectrum cap in respective bands.

Reserve prices: The minimum price at which a Block may be sold.

Regional headquarters: Are defined as per President's Office - Regional Administration and Local Government (PO-RALG/TAMISEMI)

Secondary Stage of the Auction: This stage is to award the unsold Blocks to winners who have indicated in irrevocable Sealed-Bid Form the intention to acquire spectrum Blocks above the specified cap in respective bands.

Spectrum caps: A limit to the amount of spectrum a Bidder can bid on or hold at the end of the auction.

Spectrum Auction Price: Auction winning price for a given Block.

Annex B. Application Form

Name of Applicant	
Full Address	
Contact person	Name _____ Address _____ _____ Email _____ Telephone _____
Name and position of the 2 persons signing the Application Form	<u>Person 1</u> Name _____ Position _____ <u>Person 2</u> Name _____ Position _____
Authorised persons (3) who will be responsible for bidding.	<u>Person 1</u> Name _____ Identity card no (National ID No. or Passport) _____ Address _____ Email _____ Telephone _____ <u>Person 2</u> Name _____ Identity card no (National ID No. or Passport) _____ Address _____ Email _____ Telephone _____

	<p><u>Person 3</u></p> <p>Name _____</p> <p>Identity card no (National ID No. or Passport) _____</p> <p>Address _____</p> <p>Email _____</p> <p>Telephone _____</p>				
<p>Spectrum bands (<i>Tick the band you wish to bid</i>)</p>	700 MHz (FDD)	2300 MHz (TDD)	2600 MHz (TDD)	2600 MHz (FDD)	3500 MHz (TDD)
<p>Authorised signatures</p>	<p><u>Person 1</u></p> <p>Signed _____</p> <p>Date _____</p> <p><u>Person 2</u></p> <p>Signed _____</p> <p>Date _____</p>				

Company Stamp: _____

Date: _____

Annex C. Sealed-Bid Form

Name of Applicant:

Band Name _____

STATEMENT OF SPECTRUM THE APPLICANT INTENDS TO BID IN THE AUCTION OF IMT MULTI-BAND RADIO FREQUENCY SPECTRUM

1. State in Column A your bid price (in two decimal places) per Block.
2. State, in Column B of Table below, the total number of Block(s) for which you are interested to acquire. For 700 MHz band, you can only enter a number 1. For 2300 MHz band you can enter number 1 or 2. For 2600 MHz (TDD) band you can enter number 1. For 2600 MHz (FDD) band you can enter number 1 or 2. For 3500 MHz (TDD) band you can enter number 1 or 2.
3. Then fill out the total Bid Price in Column C.
4. Column D of the table is optional and can be filled by applicant who wishes to acquire Blocks above spectrum cap in the respective band but are limited by spectrum cap requirement. This column applies for 2300 MHz (TDD), 2600 MHz (FDD) and 3500 MHz (TDD) bands only.
5. Information in Column A to C will be used during the primary stage of the auction and Column D will be used should the auction proceed to secondary stage.

	A	B	C	D
	Biding Price in two decimal places (USD) per Block	Number of Blocks	Total Price based on total demand in USD (A×B)	Number of additional Blocks beyond the cap
In figures				
In words				

I declare and irrevocably commit that the Applicant Company will pay for the Block(s) set out in the above Table at the Bid Price, if awarded such spectrum.

In addition to the above declaration and commitment, I declare and irrevocably commit that the Applicant Company shall pay for the spectrum Block (s) subject to payment options at the end of the Auction, for which it is declared Provisional Winner.

I solemnly declare that the number of stated spectrum Blocks in this Application binds the Applicant Company to pay for this amount of spectrum at the Bid Price for each spectrum Block stated in the above table if awarded such spectrum in this Spectrum Auction.

Date: _____

Name of Authorized Representative: _____

Signature of Authorized Representative: _____

Company Stamp: _____

Annex D. Declaration

(1st Authorised Person) _____, (2nd Authorised person)
_____, and (3rd Authorised Person)
_____ being Authorised Agents of _____ (the
“Applicant”) hereby undertake, warrant and declare on behalf of the Applicant, that:

- a. The Applicant is entitled to participate in the Award Process and has obtained all the necessary approvals to do so;
- b. The information contained with the Applicant’s Application is correct;
- c. To the extent that it is reasonably practical for the Applicant to do so, 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;
- d. The Applicant will take all reasonable measures to ensure that Confidential Information is not disclosed to another party other than those who need access to the Confidential Information in order to perform their role in relation to the Applicant’s participation in the Award Process;
- e. The Applicant will refrain from any action that could have an adverse effect on the Award Process;
- f. The Applicant shall comply with the Rules of the Award Process as contained in the Information Memorandum;
- g. The Applicant confirms that it has the financial resources to meet its obligations under the terms of the Memorandum and to meet the Licence Conditions and Obligations were it to be assigned spectrum through the Award Process.

Applicant Name: _____

Signed for and on behalf of the Applicant

1st Authorised Person: _____

2nd Authorised Person: _____

3rd Authorised Person: _____

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

Date: _____

Company Stamp: _____

Annex E. Bank Guarantee

Bank Guarantee

TO: The Director General,
 Tanzania Communications Regulatory Authority,
 Mawasiliano Towers,
 20 Sam Nujoma Road,
 P.O Box 474,
 14414 DAR ES SALAAM
 TANZANIA

**BANK GUARANTEE FOR 700 MHz, 2300 MHz, 2600 MHz and 3500 MHz
 SPECTRUM AUCTION**

According to the payment provision included in the Information Memorandum for Spectrum Auction of 700 MHz 2300 MHz, 2600 MHz and 3500 MHz Section 4.2 to provide as initial bid payment,

.....(name and address of Applicant) hereinafter called “the Bidder or Applicant” shall deposit with the Tanzania Communications Regulatory Authority (the Authority) a Bank Guarantee to guarantee its proper and faithful participation in the Auction in the amount of USD 3,000,000.00 (United States Dollars Three Million) (amount of guarantee in figures and words).

We, the (Bank), as instructed by the Bidder, agree unconditionally and irrevocably to guarantee as primary obligatory and not as surety merely, the payment to the Authority on its first demand without whatsoever right of objection on our part and without its first claim to the Bidder, in the amount not exceeding _____ (amount of guarantee in figures and words).

We further agree, confirm and guarantee that no change or addition to, or other modification of the terms of the Information Memorandum thereunder or of any documents which may be made between the Authority and the Bidder, shall in any

way release us from any liability under this guarantee, and we hereby waive notice of any such change, addition, or modification.

This guarantee shall remain valid for at least thirty (30) days from the auction date, subject to any extension which may be endorsed by the Authority in lieu.

Signature and Seal of the Guarantors

(Name of the bank)

(Address)

(Date)

Annex F. Application Checklist

Tick the boxes to ensure that all the required information is included in your application.

A complete application must consist of the following:

1.	Completed and signed application form (Annex B)	<input type="checkbox"/>
2.	Completed and signed Bank Guarantee (Annex E)	<input type="checkbox"/>
3.	Evidence of authorisation to sign the application form	<input type="checkbox"/>
4.	Evidence of authorisation to bid on behalf of the applicant	<input type="checkbox"/>
5.	Signed Declaration (Annex D)	<input type="checkbox"/>
6.	Proof of payment of the application fee	<input type="checkbox"/>
7.	Attach certified copy of National Identity Card issued by NIDA or passport	<input type="checkbox"/>
8.	Completed Checklist	<input type="checkbox"/>

Annex G. Draft Licences**Annex G – 1: Draft Licence 700 MHz**

TCRA/RSUL/XX/2022

THE UNITED REPUBLIC OF TANZANIA
TANZANIA COMMUNICATIONS REGULATORY AUTHORITY
ISO 9001:2015 CERTIFIED

**LICENCE GRANTED UNDER**

**THE ELECTRONIC AND POSTAL COMMUNICATIONS ACT, CHAPTER 306
OF THE LAWS OF TANZANIA**

AND

**THE TANZANIA COMMUNICATIONS REGULATORY AUTHORITY ACT,
CHAPTER 172 OF THE LAWS OF TANZANIA**

**BY THE TANZANIA COMMUNICATIONS REGULATORY AUTHORITY
TO**

FOR

**THE USE OF RADIO FREQUENCY SPECTRUM RESOURCE
IN THE UNITED REPUBLIC OF TANZANIA**

DATE: OCTOBER, 2022

LICENCE GRANTED BY TANZANIA COMMUNICATIONS REGULATORY AUTHORITY TO FOR THE USAGE OF RADIO FREQUENCY SPECTRUM RESOURCE IN THE UNITED REPUBLIC OF TANZANIA

1.0 DEFINITION

In this licence, unless stated otherwise or the context otherwise requires: -

- 1.1 “**Acts**” means the Tanzania Communications Regulatory Authority Act, Chapter 172 of the Laws of Tanzania, and the Electronic and Postal Communications Act, Chapter 306 of the Laws of Tanzania;
- 1.2 “**Authority**” means the Tanzania Communications Regulatory Authority;
- 1.3 “**Licence**” means authority to use radio frequency spectrum resource and operate radio station(s);
- 1.4 “**Licensee**” means

2.0 SCOPE OF THE LICENCE

- 2.1 The Authority hereby grants a licence to in accordance with Section 6 of the Tanzania Communications Regulatory Act, Chapter 172 of the Laws of Tanzania and Sections 4, 71 and 72 of the Electronic and Postal Communications Act Chapter 306 of the Laws of Tanzania.
- 2.2 This licence authorises the Licensee to use 700 MHz radio frequency spectrum resource herewith assigned with specifications as contained in the **Appendix - Radio Frequency Assignment Specifications**.

3.0 DURATION, FEE AND RENEWAL OF THE LICENCE

- 3.1 The term of this Licence shall be 15 years from the issuance date;
- 3.2 The Licensee shall pay the **Spectrum Auction Price** based on the Blocks won as follows;

- iv. 50% of the Auction Price within ten (10) working days from the date of auction;
 - v. 25% of the Auction Price within six (6) months from the date of auction; and
 - vi. 25% of the Auction Price within twelve (12) months from the date of auction.
- 3.3 The Licensee shall pay the Authority **Annual administrative spectrum fees of United State Dollars Four Thousand (USD 4,000) per 1 MHz bandwidth** which may be reviewed periodically to reflect spectrum management costs of the Authority.
- 3.4 The validity of this Licence shall be subject to payment of annual spectrum administrative fee as stated in 3.3.
- 3.5 This licence shall terminate upon expiry of the licence term.
- 3.6 On expiry the licence may be renewed in favour of the licensee subject to efficiency, market competition, technological developments, and the licensee's compliance to the licence conditions; and
- 3.7 Upon renewal the spectrum shall be subjected to payment of annual usage licence fees.

4.0 COMPLIANCE WITH THE LAW

The Licensee shall comply with the provision of the Acts and other laws of the United Republic of Tanzania.

5.0 COMPLIANCE WITH REGULATORY REQUIREMENTS

Notwithstanding the Licensee's compliance to regulatory requirements provided under the Acts and Regulations, the licensee shall comply with the following conditions: -

- 5.1 ensure efficient usage of radio frequency spectrum resource;
- 5.2 ensure avoidance to harmful interference at all times;
- 5.3 meet the following mobile broadband coverage obligations: -

- i. by end 2025, population coverage equal to 90%;
 - ii. by end 2030, population coverage equal to 95%;
- 5.4 meet the Quality of Service requirements as set out in the Quality of Service Regulations;
- 5.5 meet coverage and quality of service obligations stated in 5.3 and 5.4 through any technology or combination of spectrum bands to which the Licensee has the rights of use;
- 5.6 meet all technical conditions based on relevant international standards in order to minimise interference issues with Digital Terrestrial Television and ensure coexistence with 800 MHz 3GPP band 20.

6.0 INDEMNITY

The Licensee shall indemnify the Authority against any claims or proceedings arising from any breach or failings on the part of the Licensee in relation to this licence.

7.0 SAFETY MEASURES

The Licensee shall in respect of services operated, maintained or offered under this licence take all proper and adequate safety measures to safeguard life or property, including exposure to any electrical emission or radiations emanating from equipment or installation from such operations.

ISSUED AT DAR ES SALAAM ON THIS DAY OF OCTOBER, 2022.

.....
DIRECTOR GENERAL
TANZANIA COMMUNICATIONS REGULATORY AUTHORITY

.....
IN THE PRESENCE OF THE SECRETARY TO THE BOARD

APPENDIX

RADIO FREQUENCY ASSIGNMENT SPECIFICATIONS

.....

WIRELESS ACCESS FREQUENCIES

S/NO.	TRANSMISSION SYSTEM	FREQUENCY BAND (MHz)	CHANNEL BANDWIDTH ASSIGNED (MHz)	ASSIGNED FREQUENCIES (MHz)
1	Wireless Access	700	2×10	723 – 733 (U/L) 778 – 788 (D/L)

Annex G – 2: Draft Licence 2300 MHz and 2600 MHz

TCRA/RSUL/XX/2022

THE UNITED REPUBLIC OF TANZANIA
TANZANIA COMMUNICATIONS REGULATORY AUTHORITY
ISO 9001:2015 CERTIFIED

**LICENCE GRANTED UNDER**

**THE ELECTRONIC AND POSTAL COMMUNICATIONS ACT, CHAPTER 306
OF THE LAWS OF TANZANIA**

AND

**THE TANZANIA COMMUNICATIONS REGULATORY AUTHORITY ACT,
CHAPTER 172 OF THE LAWS OF TANZANIA**

BY THE TANZANIA COMMUNICATIONS REGULATORY AUTHORITY**TO**

FOR

**THE USE OF RADIO FREQUENCY SPECTRUM RESOURCE
IN THE UNITED REPUBLIC OF TANZANIA**

DATE: OCTOBER, 2022

LICENCE GRANTED BY TANZANIA COMMUNICATIONS REGULATORY AUTHORITY TO FOR THE USAGE OF RADIO FREQUENCY SPECTRUM RESOURCE IN THE UNITED REPUBLIC OF TANZANIA

1.0 DEFINITION

In this licence, unless stated otherwise or the context otherwise requires: -

- 1.1 “**Acts**” means the Tanzania Communications Regulatory Authority Act, Chapter 172 of the Laws of Tanzania, and the Electronic and Postal Communications Act, Chapter 306 of the Laws of Tanzania;
- 1.2 “**Authority**” means the Tanzania Communications Regulatory Authority;
- 1.3 “**Licence**” means authority to use radio frequency spectrum resource and operate radio station(s);
- 1.4 “**Licensee**” means

2.0 SCOPE OF THE LICENCE

- 2.1 The Authority hereby grants a licence to in accordance with Section 6 of the Tanzania Communications Regulatory Act, Chapter 172 of the Laws of Tanzania and Sections 4, 71 and 72 of the Electronic and Postal Communications Act Chapter 306 of the Laws of Tanzania.
- 2.2 This licence authorises the Licensee to use 2300/2600 MHz radio frequency spectrum resource herewith assigned with specifications as contained in the **Appendix - Radio Frequency Assignment Specifications**.

3.0 DURATION, FEE AND RENEWAL OF THE LICENCE

- 3.1 The term of this Licence shall be 15 years from the issuance date;
- 3.2 The Licensee shall pay the **Spectrum Auction Price** based on the Blocks won as follows;

- vii. 50% of the Auction Price within ten (10) working days from the date of auction;
 - viii. 25% of the Auction Price within six (6) months from the date of auction; and
 - ix. 25% of the Auction Price within twelve (12) months from the date of auction.
- 3.3 The Licensee shall pay the Authority **Annual administrative spectrum fees of United State Dollars Four Thousand (USD 4,000) per 1 MHz bandwidth** which may be reviewed periodically to reflect spectrum management costs of the Authority.
- 3.4 The validity of this Licence shall be subject to payment of annual spectrum administrative fee as stated in 3.3.
- 3.5 This licence shall terminate upon expiry of the licence term.
- 3.6 On expiry the licence may be renewed in favour of the licensee subject to efficiency, market competition, technological developments, and the licensee's compliance to the licence conditions; and
- 3.7 Upon renewal the spectrum shall be subjected to payment of annual usage licence fees.

4.0 COMPLIANCE WITH THE LAW

The Licensee shall comply with the provision of the Acts and other laws of the United Republic of Tanzania.

5.0 COMPLIANCE WITH REGULATORY REQUIREMENTS

Notwithstanding the Licensee's compliance to regulatory requirements provided under the Acts and Regulations, the licensee shall comply with the following conditions: -

- 5.1 ensure efficient usage of radio frequency spectrum resource;
- 5.2 ensure avoidance to harmful interference at all times;

5.3 meet the Quality of Service requirements as set out in the Quality of Service Regulations through any technology or combination of spectrum bands to which the Licensee has the rights of use.

6.0 INDEMNITY

The Licensee shall indemnify the Authority against any claims or proceedings arising from any breach or failings on the part of the Licensee in relation to this licence.

7.0 SAFETY MEASURES

The Licensee shall in respect of services operated, maintained or offered under this licence take all proper and adequate safety measures to safeguard life or property, including exposure to any electrical emission or radiations emanating from equipment or installation from such operations.

ISSUED AT DAR ES SALAAM ON THIS DAY OF OCTOBER, 2022.

.....
DIRECTOR GENERAL
TANZANIA COMMUNICATIONS REGULATORY AUTHORITY

.....
IN THE PRESENCE OF THE SECRETARY TO THE BOARD

APPENDIX

RADIO FREQUENCY ASSIGNMENT SPECIFICATIONS

.....

WIRELESS ACCESS FREQUENCIES

S/NO.	TRANSMISSION SYSTEM	FREQUENCY BAND (MHz)	CHANNEL BANDWIDTH ASSIGNED (MHz)	ASSIGNED FREQUENCIES (MHz)
2	Wireless Access	2300	2×35	2330 – 2400
3	Wireless Access	2600	2×15	2500 – 2515 (U/L) 2610 – 2635 (D/L)
4	Wireless Access	2600	2×15	2530 – 2545 (U/L) 2650 – 2665 (D/L)
5	Wireless Access	2600	2×15	2550 – 2570 (U/L) 2675 – 2690 (D/L)
6	Wireless Access	2600	20	2600 – 2620

Annex G – 3: Draft Licence 3500 MHz

TCRA/RSUL/XX/2022

THE UNITED REPUBLIC OF TANZANIA
TANZANIA COMMUNICATIONS REGULATORY AUTHORITY
ISO 9001:2015 CERTIFIED



LICENCE GRANTED UNDER

THE ELECTRONIC AND POSTAL COMMUNICATIONS ACT, CHAPTER 306
OF THE LAWS OF TANZANIA

AND

THE TANZANIA COMMUNICATIONS REGULATORY AUTHORITY ACT,
CHAPTER 172 OF THE LAWS OF TANZANIA

BY THE TANZANIA COMMUNICATIONS REGULATORY AUTHORITY
TO

FOR

THE USE OF RADIO FREQUENCY SPECTRUM RESOURCE
IN THE UNITED REPUBLIC OF TANZANIA

DATE: OCTOBER, 2022

LICENCE GRANTED BY TANZANIA COMMUNICATIONS REGULATORY AUTHORITY TO FOR THE USAGE OF RADIO FREQUENCY SPECTRUM RESOURCE IN THE UNITED REPUBLIC OF TANZANIA

1.0 DEFINITION

In this licence, unless stated otherwise or the context otherwise requires: -

- 1.1 “**Acts**” means the Tanzania Communications Regulatory Authority Act, Chapter 172 of the Laws of Tanzania, and the Electronic and Postal Communications Act, Chapter 306 of the Laws of Tanzania;
- 1.2 “**Authority**” means the Tanzania Communications Regulatory Authority;
- 1.3 “**Licence**” means authority to use radio frequency spectrum resource and operate radio station(s);
- 1.4 “**Licensee**” means

2.0 SCOPE OF THE LICENCE

- 2.1 The Authority hereby grants a licence to in accordance with Section 6 of the Tanzania Communications Regulatory Act, Chapter 172 of the Laws of Tanzania and Sections 4, 71 and 72 of the Electronic and Postal Communications Act Chapter 306 of the Laws of Tanzania.
- 2.2 This licence authorises the Licensee to use 3500 MHz radio frequency spectrum resource herewith assigned with specifications as contained in the **Appendix - Radio Frequency Assignment Specifications**.

3.0 DURATION, FEE AND RENEWAL OF THE LICENCE

- 3.1 The term of this Licence shall be 15 years from the issuance date;
- 3.2 The Licensee shall pay the **Spectrum Auction Price** based on the Blocks won as follows;

- x. 50% of the Auction Price within ten (10) working days from the date of auction;
 - xi. 25% of the Auction Price within six (6) months from the date of auction; and
 - xii. 25% of the Auction Price within twelve (12) months from the date of auction.
- 3.3 The Licensee shall pay the Authority **Annual administrative spectrum fees of United State Dollars Four Thousand (USD 4,000) per 1 MHz bandwidth** which may be reviewed periodically to reflect spectrum management costs of the Authority.
- 3.4 The validity of this Licence shall be subject to payment of annual spectrum administrative fee as stated in 3.3.
- 3.5 This licence shall terminate upon expiry of the licence term.
- 3.6 On expiry the licence may be renewed in favour of the licensee subject to efficiency, market competition, technological developments, and the licensee's compliance to the licence conditions; and
- 3.7 Upon renewal the spectrum shall be subjected to payment of annual usage licence fees.

4.0 COMPLIANCE WITH THE LAW

The Licensee shall comply with the provision of the Acts and other laws of the United Republic of Tanzania.

5.0 COMPLIANCE WITH REGULATORY REQUIREMENTS

Notwithstanding the Licensee's compliance to regulatory requirements provided under the Acts and Regulations, the licensee shall comply with the following conditions: -

- 5.1 ensure efficient usage of radio frequency spectrum resource;
- 5.2 ensure avoidance to harmful interference at all times;

- 5.3 maintain the geographical presence as follows: -
- i. At least six different administrative regions by 2025;
 - ii. All cities by the end of 2028;
 - iii. All regional headquarters by the end of 2030.
- 5.4 meet the Quality of Service requirements as set out in the Quality of Service Regulations;
- 5.5 meet coverage and quality of service obligations stated in 5.3 and 5.4 through any technology or combination of spectrum bands to which the Licensee has the rights of use;

6.0 INDEMNITY

The Licensee shall indemnify the Authority against any claims or proceedings arising from any breach or failings on the part of the Licensee in relation to this licence.

7.0 SAFETY MEASURES

The Licensee shall in respect of services operated, maintained or offered under this licence take all proper and adequate safety measures to safeguard life or property, including exposure to any electrical emission or radiations emanating from equipment or installation from such operations.

ISSUED AT DAR ES SALAAM ON THIS DAY OF OCTOBER, 2022.

.....
DIRECTOR GENERAL
TANZANIA COMMUNICATIONS REGULATORY AUTHORITY

.....
IN THE PRESENCE OF THE SECRETARY TO THE BOARD

APPENDIX

RADIO FREQUENCY ASSIGNMENT SPECIFICATIONS

.....

WIRELESS ACCESS FREQUENCIES

S/NO.	TRANSMISSION SYSTEM	FREQUENCY BAND (MHz)	CHANNEL BANDWIDTH ASSIGNED (MHz)	ASSIGNED FREQUENCIES (MHz)
1	Wireless Access	3500	160	3440 – 3600



Contact Us

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