



# The Republic of Vanuatu/La République de Vanuatu

## Office of the Prime Minister/Bureau du Premier Ministre

### Office of the Government Chief Information Officer (OGCIO)/ Bureau du Chef de Service de l'Information (BCSI)

PMB 9108, Port Vila, Vanuatu  
Tel: (678) 33380

### Terms of Reference

16 June 2013

### Senior International Submarine Cable Attorney

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| <p>Location: Port Vila, Vanuatu (SW Pacific)</p> <p>Answers to: Chief Information Officer (CIO) of the OGCI, GoV</p> | <p>Type of appointment: Individual Candidate Recruitment</p> <p>Commencement: July/August</p> <p>Program Type: Support in negotiations re procurement of international submarine cable capacity</p> | <p>Reference number:</p> <p>Duration: 6 person days, Est. calendar length: 2 months</p> |
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## Background and Overview

In 2008 the Government of Vanuatu (GoV) engaged in a project called the 'e-Government Project'. The goal of this project was to create a government IP communications network that linked the government offices in the 6 provincial centres of Vanuatu, and to build out a central government data center and disaster recovery capability. The network created a means to share voice, video and data over one private network. In addition, both Port Vila and Luganville installed fiber optic networks that connect into this national network. The network and data center infrastructure were completed in 2011, and the handover to the government has been completed.

The establishment and extension of the network and data centre operations is one of several major initiatives outlined in a new Strategic eGovernment Plan (called the iGov Strategic Plan, for "Integrated Government") for the government of Vanuatu. A major related initiative is the development of a comprehensive applications portfolio, for e-government applications to run over the network.

In a move to show the seriousness of the GoV's commitment to ICT modernization, the Council of Ministers, with the strong support of the Prime Minister, created the Office of the Government Chief Information Officer (OGCIO) in 2011, under Decision No. 109/2011. The Office is located in the Prime Minister's Office and is headed by a CIO with extensive IT and telecoms experience.

Building on the progress made thus far, the iGov Initiative is moving into a 2-5 year program of institutional capacity-building, applications development, and infrastructure management that is expected to result in the achievement of its strategic outcomes.

Further development of Vanuatu ICT market in general, and the Government Broadband Network (GBN) in particular, needs a high bandwidth, reliable connection to the world-wide Internet. Currently the iGov connection is done via a fairly narrow bandwidth satellite connection to Hong Kong. In response to this need, the Vanuatu-based company Interchange Limited is planning to commence deployment of a submarine cable from Vanuatu to Fiji. The Government decided to support this initiative, including by procuring submarine cable-based international capacity to be used to support the iGov initiative. The GoV is a major shareholder in this venture, through the Post and the Vanuatu National Provident Fund (VNPF), and has agreed to purchase substantial capacity from the venture, without the option to resell for five years. At present, connectivity is only assured from Vanuatu to Fiji, and not onward via Southern Cross to the USA and Australia. It is this connectivity and its pricing that is a focus of this work order. The cable will reportedly be in place and operational on January 15, 2014, and civil works have already been completed in Suva, Fiji and are underway in Mele, Efate, Vanuatu, for the two landing stations.

(For more information on OGCIO, see [www.ogcio.gov.vu](http://www.ogcio.gov.vu).)

## Scope of Work

**The OGCIO is now seeking a qualified Submarine Cable Attorney ("the Attorney") to support the review of the proposals on procurement of international submarine cable-based capacity and negotiate with the provider of such capacity. The advisor will assist in negotiating contracts on offer from Interchange, Southern Cross and other required providers.**

Specifically, the Attorney will undertake the following tasks:

1. Review all relevant documents received from the proposed provider (Interchange) of the submarine cable-based international capacity regarding pricing, contracts and onward interconnection
2. Meet with the OGCIO, TRR staff, representatives of the capacity provider, VNPF (Vanuatu National Provident Fund – a major stakeholder in the cable), Vanuatu Post (another stakeholder) and other stakeholders, as required.
3. Review an analysis undertaken by an Economic and Financial Analyst working for OGCIO, on the prices and contracts proposed by the Interchange and Southern Cross cables to provide access to US and Australia markets, and by other providers in those locations. This analysis will have proposed figures and standard prices from elsewhere in similar conditions, thus providing a basis for negotiations. This analysis will also have a description of other costs and prices proposed to be charged to OGCIO by Interchange, its sub-contractors constructing the cable landing station, or other actors. It will also have an estimate of the cost savings incurred by Interchange by possibly using the OGCIO-controlled Government Broadband Network fiber optic cable for part of its cable system.
4. Support and assist in conducting the negotiations between OGCIO and the cable providers.

(After completion of this work, OGCIO may require additional legal advice and support in the future on cable issues, rural/remote telecoms, regulatory affairs and other matters. (There is no senior lawyer in-house in OGCIO, but a junior attorney may be hired in future.) These efforts will likely be the subject of a separate procurement and are not covered by this TOR.)

### **Deliverables, Timing and Level of Effort**

Key deliverables and submission times for the assignment are:

1. Review of input documents. By the end of the 2<sup>nd</sup> working day.
2. Assistance in and support of negotiations. By the end of the 6<sup>th</sup> day.
3. Short memo summarizing negotiations and required next steps, if any. By the end of the 6<sup>th</sup> day.

All materials are to be produced and presented in English. Translation into Bislama and French may be provided by the GoV for certain documents. All materials produced by the Consultant will be considered confidential and may not be released without permission of the OGCIO.

#### *Timing and Level of Effort*

This project is expected to require the services of a suitable expert Attorney for six person-days. The project location will be Port Vila and the advisor will be expected to be present in country for about 4-5 work days. A living allowance will be provided, in addition to consulting fees paid, for time spent in-country. Coach or “coach-plus” airfare will be paid by the GoV. Reimbursement in 30 days or less for consulting fees and expenses is the norm.

All products of the consultant will be reviewed for quality and approved by the CIO, who is the client in this assignment (or his designee).

## Qualifications

The individual selected is expected to cover a significant subset of the following capabilities and skills:

- Experience in submarine cable pricing, finance and complex negotiations
- Extensive experience in developing countries; small island developing countries are preferred
- Extensive training and a university degree in law, with telecoms/ICT law preferred
- Excellent presentation, analytic and writing skills in English. Bislama or French is a plus.
- Excellent inter-personal skills, including ability to listen to suggestions and constructive criticism.

There is no restriction on the nationality, citizenship or current residence of the candidate.

## Procedures for Application

Interested applicants should forward the following to the OGCI: 1. a signed cover letter briefly highlighting the applicant's qualifications, describing the applicant's availability during the period of interest and commitment to work in-country, and indicating the consultant's daily rate in USD\$ (For the consultant's daily rate, assume no weekend work, a workday of approximately 8 hours, and no work and no pay on national holidays. Consultant expenses will be provided for separately, these are reasonable for Vanuatu, but please put an estimate of your costs in item 3 below.); 2. a tailored resume demonstrating the required skills and qualifications. 3. A total bid price for the job in USD and Vanuatu Vatu (using [www.xe.com](http://www.xe.com) rates), showing the number of days bid, the daily rate, estimate for travel, accommodation and other costs, and the grand total cost.

Application packages should be addressed and sent as email attachments to:

Ms. Valentine N'Guyen, [nvalentine@vanuatu.gov.vu](mailto:nvalentine@vanuatu.gov.vu)  
OGCIO, Private Mail Bag 9108  
Vila Mall  
Port Vila, Vanuatu

The deadline for receipt of email applications is:

Time: 1700 local Port Vila time (GMT + 11)

Date: 16th September, 2013

Thanks for your kind attention.

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