



Independent Communications Authority of South Africa

MINUTES OF A SPECIAL COUNCIL MEETING		
Date	22 February 2021	
Time:	09:00	
Venue:	Microsoft Teams	
Present	[REDACTED]	Chairperson
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
By Invitation	[REDACTED]	CEO
	[REDACTED]	CAE
	[REDACTED]	CFO
	[REDACTED]	Corporate Secretary
	[REDACTED]	Secretariat officer
Partial Attendees	[REDACTED]	Executive: Legal, Risk and CC
	[REDACTED]	GM: Licensing
	[REDACTED]	SM: ICT Services
	[REDACTED]	Manager: Broadcasting Frequency Co-ordination
	[REDACTED]	SM: Spectrum Licensing
Apologies		

KM

No.	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>The Chairperson opened the meeting at 09:00 and welcomed all present.</p> <p>Apologies</p> <p>No apologies were noted.</p>	Chairperson
2.	<p>Declaration of Conflict of Interest</p> <p>There was no conflict of Interest noted</p>	All
3.	<p>Ratification of the Agenda</p> <p>The agenda was ratified as was.</p>	Council
4.	<p>The amendment of the timeframes stipulated in section 18.3 of the Invitation to Apply (ITA) for Licensing of International Mobile Telecommunications (IMT) Spectrum</p> <p>The purpose of the submission was to update Council on the project progress and status update on the Licensing of IMT Spectrum, and request that Council approves:</p> <p>4.1 The notice amending the dates regarding the announcement of qualified bidders from 22 February to 23 March 2021, and dates regarding the Auction Stage which, comprises of the Bidder , Seminar and Mock Auction, and the commencement of the Auction by 31 March 2021;</p> <p>4.2 The publication of the notice with revised timelines in the Government Gazette and on the ICASA website; and</p> <p>4.3 Issuance of a media statement</p> <p>The Manager Broadcasting Frequency Coordination presented the item:</p> <p>4.3 On 26 January 2021, Council considered the project progress and status update of the Licensing of IMT Spectrum Council Committee (the Committee);</p> <p>4.4 The Committee had indicated in its previous submission that:</p>	<p>IMT Licensing Committee</p> <p style="text-align: right;">KM</p>

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	<p>4.5.1 it had concluded the confidentiality analysis of the six 06) applications;</p> <p>4.5.2 the Committee had received 06 Applications (from MTN, Cell C, Vodacom, Liquid Telecoms, Telkom, and Rain) within the set deadline on the ITA;</p> <p>4.5.3 one application from Women Building a Better Society was noted as a late submission; and</p> <p>4.5.4 The Committee was still waiting for the completion of the process to procure the Auctioneer and Facilities.</p> <p>4.5.5 The project was currently engaged at the Pre-Qualification Stage. The Committee has concluded on the templates that would be used to analyse the applications using the disqualification and pre-qualification criteria as set out in the ITA. The Auctioneer was expected to undertake this activity in accordance with the Terms of Reference.</p> <p>4.5.6 The procurement processes for sourcing both Facilities and an Auctioneer were still ongoing, with the view of the Auctioneer commencing on 23 February 2021.</p> <p>4.5.7 However, the sourcing of the Auctioneer was at the advanced stage of contracting. The Project Manager had engaged legal to fast-track and prioritise the contracting phase. It was envisaged that the contract would be signed on 22 February 2021.</p> <p>4.5.8 The process of sourcing of auction facilities was delayed which resulted in impacting the project plan. The second option of using the ICASA Head office facilities was being explored.</p> <p>4.5.9 Corporate Services developed a plan for facilities and equipment in the event that the auction would take place at ICASA's premises. The plan was being audited by Internal Audit and subjected to a risk analysis.</p> <p>4.5.10 The procurement of auction Facilities is being initiated by Corporate Services to ensure timeous delivery of the auction process.</p> <p>4.5.11 Internal Audit was in the process of sourcing an External Auditor who will audit the Auction Process.</p>	<p style="text-align: right;">KM</p>

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	<p>4.5.12 The Committee had updated the project plan to incorporate the delays realised in sourcing an Auctioneer and the auction Facilities. The updated project plan was presented to Council and approved on 26 January 2021.</p> <p>4.5.13 The Committee advised Council that the project was approximately behind schedule by four (4) weeks compared to the previously communicated start date of the Auction by 24 March 2021.</p> <p>4.5.14 According to the time frames, it was envisaged that the Authority would conclude its clarification or queries submissions to the Applicants by 02 February 2021 and make an announcement of the Qualified Bidders by 22 February 2021.</p> <p>4.5.15 Due to the inevitable delays such as appointing the Auctioneer that was expected to assist the Authority with the pre-qualification stage, the above deadlines will not be met as per the original time frames in section 18.3 of the ITA.</p> <p>4.5.16 The Authority was empowered in terms of section 18.3.2 of the ITA with the discretion to alter any part of the auction timetable at any time. The Committee thus requests Council considers the update of the dates in the ITA.</p> <p>4.5.17 Consequently, the Committee proposed consideration of an amendment of the dates regarding the Announcement of Qualified Bidders from 22 February to 23 March 2021, and an amendment of dates of the Auction Stage which, comprises of the Bidder Seminar and Mock Auction, and the start of the Auction by 31 March 2021.</p> <p>4.5.18 The subsequent activities would then be adjusted as stipulated in the timeframes for the award process table in section 18.3 of the ITA.</p> <p>Risk Considerations</p> <p>5. The risks associated with the amended days in the Notice for Council's consideration and noting were:</p> <p>5.1 the proposed date of 23 March 2021 for announcement of the qualified bidders were not in accordance with the updated project plan as approved by Council on 26 January 2021.</p> <p>5.2 Based on that project plan, the envisaged timeline was</p>	<p style="text-align: right;">KM</p>

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	<p>30 March 2021, which was projected to meet the milestones of the project.</p> <p>5.3 While the Committee noted that the announcement of qualified Bidders in accordance with the approved updated project plan envisages a timeline of 30 March 2021, the Committee in that submission proposed a date of 23 March 2021 for the announcement of qualified bidders.</p> <p>5.4 Notwithstanding that, the Committee noted that the date of the 23 March 2021 as discussed at Steerco on 18 February 2021 had inherent risks associated with the amount of time required to evaluate the voluminous applications the Authority has received.</p> <p>5.4.1 That may pose a challenge in achieving that date given the fact that the service provider has just been appointed to assist the Committee. If that date was not realised, it may pose reputational risk to the Authority.</p> <p>5.5 Considering the deliverables and truncated timelines, the focus and prioritisation of the respective Committee members on the IMT Licensing project was recommended to achieve the commencement of the Auction by 31 March 2021</p> <p>It was recommended that Council:</p> <p>5.6 Notes the project progress and status update by the Committee;</p> <p>5.7 Approves the Notice which contained amended timelines for publication in the Government Gazette;</p> <p>5.8 Approves The publication of the Notice in the Government Gazette and the ICASA website; and</p> <p>5.9 Approves the issuance of a media statement</p> <p>The recommendation was approved</p>	<p></p> <p style="text-align: right;">KM</p>
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	<p>Closure</p> <p>The Chairperson thanked all present at the meeting.</p>	<p>Chairperson</p>
<p>5.</p>	<p>Date of next meeting: 23 February 2021</p>	<p>Secretariat</p>

Signed: _____

Date: 10 / 03 / 2021

(Chairperson)