



**BANGLADESH TELECOMMUNICATION
REGULATORY COMMISSION**

IEB Bhaban, Ramna, Dhaka-1000

No. BTRC/LL/IIG(385)/2011-701

Date: 20-10-2011

**REGULATORY AND LICENSING GUIDELINES
FOR
INVITATION OF OFFERS/PROPOSALS
FOR
ISSUING LICENSE
FOR
ESTABLISHING, OPERATING AND MAINTAINING
INTERNATIONAL INTERNET GATEWAY (IIG) SERVICES
IN
BANGLADESH**

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(Tareq Hasan Siddiqui)
Deputy Director
Legal and Licensing
Bangladesh Telecommunication
Regulatory Commission



Bangladesh Telecommunication Regulatory Commission
IEB Bhaban, Ramna, Dhaka-1000

No. BTRC/LL/IIG(385)/2011-704

Date: 20-10-2011

Invitation of offers/proposals for granting license for International Internet Gateway (IIG) Services

1. The Bangladesh Telecommunication Regulatory Commission (the Commission) invites offers/proposals from eligible Bangladeshi (resident citizens, Non-Resident Bangladeshi (NRB), proprietorship/partnership firms under the Partnership Act, 1932 and companies registered with the 'Registrar of Joint Stock Companies and Firms' under the Companies Act, 1994 in Bangladesh) entities (company/firm) for issuing license for establishing, operating and maintaining International Internet Gateway (IIG) Services. Only entities having adequate financial, technical and organizational capability to serve in this field, in national level, will apply with an updated list of their business record and record of experiences.
2. The applicant companies/partnership firms shall have to be registered with Registrar of Joint Stock Companies and Firms, as well as with the concerned chamber of commerce and industries (if applicable).
3. The prescribed application form along with general terms and conditions are included in the "Regulatory and Licensing Guidelines for Invitation of Offers/proposals for Issuing License for issuing license for establishing, operating and maintaining International Internet Gateway (IIG) Services in Bangladesh" (No. BTRC/LL/IIG(385)/2011-701, Date: 20-10-2011) which is available in the BTRC website: www.btrc.gov.bd
4. All applications duly sealed are to be submitted in the box kept in the Commission, IEB Bhaban, Ramna, Dhaka-1000 addressing the Chairman, Bangladesh Telecommunication Regulatory Commission at or before - 12.00 hrs on 22nd November, 2011. The sealed application will be opened by the representative of BTRC at 12.00 hrs in the office of the Commission on the same day in the presence of the applicants or their representatives who will be present. No application will be received after the deadline.
5. In order to ensure diversity, uninterrupted and efficient telecom gateway services the number of licenses shall be decided by the Government. Licenses will be awarded by the Commission as per the evaluation of submitted offers/proposals subject to approval of the Government.
6. The Commission shall follow the Licensing Procedure Regulations, 2004 to issue the International Internet Gateway (IIG) Services License as laid down in the Regulatory and Licensing Guidelines.
7. Any offers/proposals submitted which does not comply with the terms and conditions of the above regulatory and licensing guidelines, will not be accepted.
8. The Commission reserves the right to accept or reject any or all offers/proposals without assigning any reason therefor.
9. Any applicant may communicate in writing for further clarification on the subject with the Deputy Director, Legal and Licensing Division, Bangladesh Telecommunication Regulatory Commission, during office hours on working days till 9th November, 2011, which may be addressed in the BTRC website accordingly.



Deputy Director 20-10-2011
Legal and Licensing Division,
BTRC

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BANGLADESH TELECOMMUNICATION REGULATORY COMMISSION

IEB Bhaban, Ramna, Dhaka-1000

REGULATORY AND LICENSING GUIDELINES

ON

INTERNATIONAL INTERNET GATEWAY (IIG) SERVICES

1. INTRODUCTION

- 1.01 Bangladesh Telecommunication Regulatory Commission (hereinafter the Commission) has been empowered by and under the section 36 of the Bangladesh Telecommunication Regulation Act, 2001 (as amended) (hereinafter the "Act") with the prior approval of the Government to issue Licenses for the operation and provision of telecommunication services and to determine the eligibility criteria and other general terms and conditions of Licenses.
- 1.02 These Guidelines, along with the terms and conditions of the License, should be read in conjunction with the Act, any subsequent legislation, other prevalent laws or sector policies framed by the Government, rules, regulations, orders, decisions, guidelines, directives and other documents of general application issued by the Government or the Commission from time to time.
- 1.03 Having given due consideration to the principles of transparency, fairness, non-discrimination and all other relevant principles, the Guidelines on Licensing Procedure of International Internet Gateway (IIG) Services are being issued as envisaged in the International Long Distance Telecommunication Services Policy, 2010 (ILDTS Policy, 2010).
- 1.04 These Guidelines, along with the terms and conditions of the License, should be read in conjunction with the Act, any subsequent legislation, and prevalent laws or sector policies framed by the Government, and other rules, regulations, orders, decisions, guidelines, directives and documents of general application issued by the Government or the Commission from time to time. The Act specifically provides, under the Sections 35 and 55, that the establishment, operation or use of telecommunication system including radio apparatus and provision of telecommunication services in Bangladesh without a License is an offence, punishable with imprisonment or a fine or both.
- 1.05 To take into consideration various factors including but not limited to, any threat to public interest, public health and national security and statutory or Court orders, these Guidelines may be withdrawn, revised, updated or amended by the appropriate authority from time to time.


(Tareq Hasan Siddiqui)
Deputy Director
Legal and Licensing
Bangladesh Telecommunication
Regulatory Commission

2. INTERPRETATION AND DEFINITION

The interpretation and definition of the terms used in this document is annexed herewith as SCHEDULE-1 to the Generic Form of License appended with these guidelines as APPENDIX-4.

3. OBJECTIVES

- 3.01 These Guidelines are intended to provide an overview of the licensing and regulatory framework to applicants seeking to obtain License to establish, maintain and operate International Internet Gateway Services in Bangladesh.
- 3.02 These Guidelines have been prepared after taking into account the objectives of the Government to facilitate International Internet Gateway Services in Bangladesh as envisaged in the ILDTS Policy, 2010.
- 3.03 International Internet Gateway Services License to be issued under these Guidelines will authorize the operators to establish, maintain and operate International Internet Gateway Services.

4. GENERAL REQUIREMENTS

4.01 The following are the principal legal statutes governing the telecommunication industry in Bangladesh:

- (a) The Bangladesh Telecommunication Regulation Act, 2001 (as amended).
- (b) The Wireless Telegraphy Act, 1933 and The Telegraph Act, 1885, for matters which are not covered by the Bangladesh Telecommunication Regulation Act, 2001 (as amended).
- (c) The Bangladesh Telecommunication Regulatory Commission (Licensing Procedure) Regulations, 2004 (as amended).
- (d) The Bangladesh Telecommunication Regulatory Commission (Interconnection) Regulations, 2004(as amended).
- (e) Any Act of Parliament or Ordinance and Regulation(s) made or to be made by the Commission.

4.02 Applicant(s) shall be disqualified from obtaining a license for any of the provisions listed in sub clauses (a) to (h) below applies to its owner(s) or to any of its directors or partners or to the applicant(s) himself if:

- (a) He is an insane person;
- (b) He has been sentenced by a court under any law, other than this Act, to imprisonment for a term of 2 (two) years or more, and a period of 5 (five) years has not been elapsed since his release from such imprisonment;
- (c) He has been sentenced by a court for committing any offence under the Act and a period of 5 (five) years has not been elapsed since his release from such imprisonment;
- (d) He has been declared bankrupt by the Court and has not been discharged from the liability of bankruptcy;
- (e) He has been identified or declared by the Bangladesh Bank or by the court or by a bank or financial institution as a defaulter loanee of that bank or institution;
- (f) Any of his Licenses has been cancelled by the Commission at any time during the last 5 (five) years;

- (g) He is not eligible under clause 10 hereto; or
- (h) Any proceeding is going on against the applicant(s) or its owner(s) or any of its directors or partners for illegal call termination or for violation of the Act/Any Regulations/Rules/Guidelines/Bye-laws/Directives/ Instructions/Orders/ Circulars/Decisions of the Commission and/or the Government etc.
- 4.03 In addition to the mandatory grounds for disqualification for applying for a License referred to in clauses 4.02, the Commission shall also consider whether the applicant satisfies other criteria including but not limited to:
- (a) whether the applicant has sufficient management and financial capacity to operate the activities pertaining to International Long Distance Telecommunication Services; and
- (b) how far the issuance of the License will serve the public interest and not hamper the national security.
- 4.04 No share can be transferred to or new share can be for issued nor any merger/ amalgamation shall be take place without the prior written permission of the Government or the Commission, as the case may be.
- 4.05 All financial transactions (foreign and local) in relation to the License shall be made through Scheduled Bank(s) of Bangladesh. The Licensee shall inform the Commission of the details of the accounts in operation. The Licensee shall submit monthly statement of all the accounts to the Commission within 10th day of each calendar month.
- 4.06 The License will be awarded by evaluation process subject to fulfillment of other conditions of these Guidelines/ and guidelines to be formulated by the Commission from time to time.
- 4.07 The Licensee company will issue Initial Public Offer (IPO) in the Stock Exchange of Bangladesh and nowhere else within 3 (three) years from the date of awarding the License subject to fulfilling the requirements of the Laws and Regulations of Security and Exchange Commission (SEC).

5. NUMBER OF LICENSES

In order to ensure diversity, uninterrupted and efficient telecom gateway services the number of licenses shall be decided by the Government after examining the evaluation report. Licenses will be awarded by the Commission as per the evaluation of submitted offers/proposals subject to approval of the Government.

6. DURATION OF LICENSE

The duration of the License shall be of 15 (fifteen) years terms. Upon expiry of the initial term, the License may be renewed for subsequent terms, each of 5 (five) years in duration, subject to the approval of the Commission and to such conditions, including the payment of any fees, as may be specified herein and/or by the Government under the Act.

7. LOCATION OF INSTALLATION

- 7.01 IIGs will be primarily be at Dhaka, Chittagong, Khulna, Sylhet, Barisal, Rajshahi, Gopalganj, Rangpur, Mymensingh, Comilla, and Bogra. Each IIG operator will establish IIG at Dhaka and will have at least 3 (three) PoPs in other three places mentioned above. Depending on traffic volume and to allow more rural people to be connected with the network, more PoPs will have to be established in other locations as and when required.

7.02 Location of PoPs outside Dhaka will be decided by the Commission. Other major places /cities also have to be covered gradually by establishing POPs. Location of the POPs has to be approved by the Commission.

8. SCOPE OF THE LICENSE

8.01 The Licensee shall establish, construct, operate and maintain its applicable systems for the purpose of providing the services as described in the Clause no. 9.

8.02 The Licensee shall comply with the provisions of the Act (as amended), the Wireless Telegraphy Act, 1933 and the Telegraph Act, 1885 as modified from time to time and any Rules/Regulations/Bye-laws/Directives/Guidelines/Instructions/Orders/Circulars/Decisions etc. issued from time to time by the Commission or the Government or any other Act that may come into force in future.

9. SYSTEM AND SERVICES

9.01 IIGs will serve as an internet gateway for routing International incoming and outgoing Internet based data traffic. The gateway will be connected to the authorized International Long Distance Cable (ILDC) as main link and with the Satellite Earth Station/VSAT as back up until alternative ILDC is available. All ISPs and BWA operators shall be connected to global Internet through IIG. IIG Licensee will arrange ILDC bandwidth. The licensee may arrange ILDC bandwidth from overseas tier-1 service provider(s) after taking prior permission from the Commission. When the alternate ILDC shall be established, the Commission may review the provision of overseas tier-1 service provider. Non-business / non-commercial voice data shall be kept within a limit specified by the Commission. Any unauthorized traffic (as defined/prescribed by the Commission and NMC) shall be regulated.

9.02 International incoming and outgoing data services will be routed through IIG.

9.03 IIGs shall make necessary provisions to connect the ANS operators.

9.04 The Licensee shall make necessary provisions to connect the ISP and BWA license holders to provide internet data services to the subscribers.

9.05 ISP and BWA license holders under each IIG shall be connected to the IIG through optical fiber/wire /wireless / VSAT HUB at their own cost and management.

9.06 It will work as an International Internet Gateway (IIG) for exchanging International Internet-based data traffic. International data services will be routed through IIGs.

9.07 For domestic internet data traffic, all ISPs and BWAs will be connected with National Internet Exchange(s) (NIX), which shall operate on a peering basis. IIG shall also be connected to NIX if so directed by the Commission as and when needed.

9.08 IIGs shall have interconnection among themselves. PoPs of different IIGs shall have interconnection among themselves.

9.09 Prior approval of the Commission with necessary conditions is mandatory before launching any other services.

9.10 If the licensee has different types of licenses, the licensee shall have to have separate physical infrastructure and location for each type of services. The licensee shall not be allowed to use same facilities for different types of services.

9.11 In the case of clause 9.10, the licensee shall have to maintain separate accounting system and submit separate information, fees, charges, revenue share etc. to the Commission as directed by the Commission from time to time.

10. ELIGIBILITY

- 10.01 IIG operator license will be issued only to Bangladeshi entities (resident citizens, Non-resident Bangladeshi (NRB), proprietorships, partnerships-under the partnership Act, 1932 and companies registered under 'Joint Stock Companies and Firms' under the Companies Act, 1994). Foreign entities (citizens, companies or subsidiaries or holding companies) shall not be eligible to be Owners/ Directors/Shareholders/Investors/Partners of these licensee entities.
- 10.02 One business entity will be allowed to get one licenses of IIG category.
- 10.03 The existing IIG licensees or its shareholders shall not have eligible to apply IIG license.
- 10.04 A person / company / firm shall not be eligible to apply for IIG license, if there are any outstanding dues owed by him / it or any of its directors / partners to the Commission.

11. SCOPE FOR EXISTING IIG LICENSEES

The conditions of new IIG licenses and guidelines shall be applicable to and binding on all existing IIG licensees too. The Commission will issue a separate directives to the existing licensees in this regard.

12. RIGHT OF THE GOVERNMENT

The Government reserves the right to review the matters relating to fees, charges and revenue sharing of the licenses

13. TECHNICAL REQUIREMENTS

The technical requirements need to be fulfilled by the licensee are appended herewith as Schedule- 2 of APPENDIX- 4.

14. NETWORK ROLLOUT

The licensee shall establish and complete the International Internet Gateway Services within 6 (six) months from the date on which the license shall come into force. In case of failure of commencement within the stipulated time, 10% of the Performance Bank Guarantee will be encashed for each month or its fraction thereof. When the full performance bank guarantee will be encashed by the Commission for failure of commencement, the Commission shall take necessary action to cancel the License.

15. INITIAL PUBLIC OFFERING

Each Licensee shall float Initial Public Offer (IPO) as per the policy/guidelines/directions/rules of the Security Exchange Commission of Bangladesh and in accordance with other prevailing laws of Bangladesh within 3 (three) years from the date of awarding the Licenses subject to fulfilling the requirements of the Laws and Regulations of Security and Exchange Commission (SEC) in this regard. No permission will be required from the Commission for transfer of shares in Secondary Market after floating IPOs.

16. FEES AND CHARGES

- 16.01 The Commission shall impose upon the Licensee different fees and charges. Some of the charges or part thereof shall be in proportion to the Licensee's annual audited gross turnover.

16.02 Following fees and charges will be applicable to the Applicant/Licensee:

1.	Application Fee (non refundable)	Tk. 5,000 (five thousand) only
2.	License Acquisition Fee	Tk. 5,00,000 (five lac) only
3.	Annual License Fee	Tk. 2,50,000 (two lac and fifty thousand) only
4.	Audited Gross Revenue Sharing with the Commission	10% (ten percent)
5.	Offer Security Money	Tk. 1,00,000 (one lac) only
6.	Performance Bank Guarantee	Tk. 5,00,000 (five lac) only

16.03 The License shall be granted subject to the payment of License Acquisition fee and any other relevant fees as laid down in the Licensing Guidelines. The Licensee shall pay all the required fees and charges without any kind of deduction within the stipulated time frame mentioned hereafter. All fees, charges etc. required to be paid by the Licensee are non-refundable and payable to Bangladesh Telecommunication Regulatory Commission in the form of bank draft or pay order from any scheduled bank of Bangladesh.

- (a) **License Application Fee:** The Applicant shall submit the License Application Fee of Taka 5,000 (five thousand) only in the form of pay order/Bank draft in favour of Bangladesh Telecommunication Regulatory Commission from a schedule bank with the application/offer which is non-refundable.
- (b) **License Acquisition Fee:** The Licensee shall pay at Taka 5,00,000 (five lac) at only one time the License Acquisition fee of within 30 (thirty) days from the date of notification of awarding license.
- (c) **Annual License Fee:** The Licensee shall pay an annual License fee of Tk. 2,50,000 (two lac and fifty thousand) only every year on or before the date of issuance of the License.
- (d) **Revenue Sharing:** The Licensee in addition to the above, shall pay to the Commission on a quarterly basis on account of revenue sharing a percentage of the annual audited gross revenue of 10% (ten percent) within the first 10 (ten) days at the end of each quarter. The percentage of the audited gross turnover revenue to be shared will be fixed through evaluation. The total revenue sharing shall be reconciled on an annual basis based on the Licensee's audited accounts for that year and if there has been any underpayment the balance shall be paid within 60 (sixty) days at the end of the financial year (July to June). In the event of any overpayment by the Licensee, the Licensee may adjust the excess amount against quarterly payments with the approval of the Commission in the next year.
- (e) The licensee shall pay other fees and charges as may be levied by the Commission from time to time.
- (f) If the Licensee fails to pay the fees, charges, etc. in time, it shall be liable to pay a late fee of 15% (fifteen percent) per annum at the compound rate on the outstanding amount. If the amount along with late fee is not paid in full within 60 (sixty) days as stipulated, such failure may result in cancellation of the License.

17. OFFER SECURITY MONEY

17.01 The Applicant(s) shall submit Taka 1 (one) lac as offer security money in the form of bank draft or pay order in favor of Bangladesh Telecommunication Regulatory Commission while submitting the offer/proposal. This offer security money will be refunded to the unsuccessful applicants within 30 (thirty) days of the declaration of successful offerer without bearing any liability towards interest, indexation, inflation or deflation.

- 17.02 The offer security money of the successful applicant(s) shall be adjusted with the License acquisition fee.
- 17.03 Each successful selected Applicant shall deposit the license acquisition fee to the Commission in the form of bank draft or pay order within 30 (thirty) days after notification of awarding license. The license will be issued upon receiving the license acquisition fee. If the offerer fails to pay the license acquisition fee within the stipulated period, the offerer shall lose the right of acquisition of IIG license and offer security money shall automatically be forfeited.

18. PERFORMANCE BANK GUARANTEE

- 18.01 The Licensee shall furnish Performance Bank Guarantee of Tk. 5,00,000 (five lac) only in favour of Bangladesh Telecommunication Regulatory Commission within 30 (thirty) days from the date of issuance of License in a prescribed form (Schedule-3) issued by a scheduled bank.
- 18.02 After establishment of the International Internet Gateway Service within the stipulated time to the satisfaction of the Commission as per Technical Requirements appended as Schedule-2 herein, the Performance Bank Guarantee shall be released in favour of the Licensee. In case of failure of commencement within the stipulated time, 10% of the Performance Bank Guarantee will be encashed for each month or its fraction thereof. When the full performance bank guarantee will be encashed by the Commission for failure of commencement, the Commission shall take appropriate action with the approval of the government.

19. RADIO EQUIPMENT AND SPECTRUM CHARGES

The rights granted to the Licensee do not include any right to use any radio frequency until such frequencies are allocated/assigned by the Commission. If any frequency is allocated, the Licensee will be obliged to pay all required fees and charges related to such frequencies as fixed by the Commission. If Licensee fails to pay the fees, charges, etc. in time, it shall be liable to pay a late fee of 15% (fifteen percent) per annum at the compound rate on the outstanding amount. If the amount along with late fee is not paid in full within 60 (sixty) days as stipulated, such failure may result in cancellation of the allocated frequency. The payment conditions for frequency usage will be determined by the Commission from time to time which will be binding to the Licensee.

20. RADIO FREQUENCY LICENSE

- 20.01 Interconnection between/among the POPs of IIG and each other will be through Optical Fiber Cable (OFC), Co-axial cable etc. IIG will be connected to submarine cable or Satellite Earth Station through OFC. However, in exceptional circumstances where it will not be possible to realise the above mentioned interconnection through OFC only, the microwave and other radio system can be deployed with prior permission from the Commission. The Commission may provide such permission for Microwave Equipments subject to the availability of frequency as per National Frequency Allocation Plan (NFAP) and in conformity with the frequencies already allocated for the particular area under consideration.
- 20.02 The Licensee shall not import/purchase any radio equipment for their network without taking prior permission from the Commission.
- 20.03 Assigned frequencies are not transferable.
- 20.04 The Commission reserves the right to cancel the assigned frequencies for National Security or National Interest.

20.05 The Commission reserves the right to inspect the installations and systems of the Licensee without prior notice.

21. ACCOUNTING SYSTEM

21.01 The Commission reserves the right to issue accounting guidelines to the Licensee(s) from time to time.

21.02 The Licensee(s) shall comply with all directions issued by the Commission with regard to accounting separation and the proper allocation of costs.

21.03 The Licensee(s) shall submit certified copies of its financial records with respect to the yearly audited financial statement of the company that will contain its balance sheet, profit and loss account and cash flow statements etc. The Commission shall have the right to access to originals of such records and accounts.

21.04 The Licensee(s) shall provide an auditing facility that can be accessed by the Commission to verify the reported services revenues. The Commission shall have the access to computerized accounting system of the licensee(s) as and when deemed necessary.

21.05 All financial transactions (in local and foreign currency) in relation to the License shall be made through Scheduled Bank(s) mentioned in the Bangladesh Bank Order, 1972. The Licensee(s) shall inform the Commission of the details of the accounts in operation. The Licensee(s) shall have to submit monthly statement of all the accounts to the Commission within 10th days of the following Gregorian calendar month.

21.06 The Commission or any person authorized by the Commission shall have the right to take copies of records, documents and other information relating to the licensees' business for the purpose of enabling Commission to perform its functions under the Act and provisions in the license.

22. LICENSE AWARDING PROCEDURE

22.01 The License(s) will be awarded through an evaluation process. The evaluation of the offers/proposals shall be carried out in conformity with the provisions of APPENDIX-1 having total 100 marks.

22.02 The License will be awarded through an evaluation process. The Commission will form an IIG License Evaluation Committee to evaluate the applications for IIG license. The committee will evaluate the applications/offers on the basis of the documents/information submitted by the applicant(s). After evaluation of the applications submitted, the Commission will select the applicant subject to approval of the Government.

22.03 The Commission reserves the right and authority either to accept or to reject any application at any time without assigning any reason whatsoever.

23. APPLICATION

23.01 The applicant shall submit Application/offer/proposal for IIG Services License to the Commission in the prescribed Form duly filled-in, signed and sealed, together/along with all other necessary attested documents and information indicated in the prescribed format of Letter of Transmittal as appended with these Guidelines at APPENDIX-2.

23.02 The Guidelines and prescribed format of Letter of Transmittal will be available in the office of the Commission. These guidelines will also be available in the website for information.

24. SUBMISSION OF APPLICATION

- 24.01 The applicant shall complete the Letter of Transmittal (APPENDIX-2) with supporting documents and submit an Affidavit as per attached format (APPENDIX-3). He/it also submit the information and supporting documents in line with evaluation criteria (APPENDIX-1).
- 24.02 The application shall be made only by the applicant's authorized personnel. The Commission reserves the right and authority to reject the application if it is found that the information or documents provided for in the application is untrue, inaccurate or incomplete. Each page of the application including offer documents has to be authenticated / signed by the authorized personnel.
- 24.03 The applicant(s) shall submit 2 (two) copies of its application with all relevant documents of which 01 (one) will be original.
- 24.04 The complete application has to be submitted to the Commission in CD (non scanned PDF Format) form too.

25. INFORMATION PROVIDED BY THE COMMISSION

- 25.01 The information contained in these guidelines and any other information provided to with applicants in uniting during the Application process is intended to assist use applicants in the preparation of their applications and shall be binding on them in the course of evaluation process.
- 25.02 The Commission has made and will continue to make reasonable efforts to include accurate and current information in the guidelines and in any other documents provided to the Applicants. However, neither the Commission nor any of the agencies, employees, representatives, advisors or consultants shall have any liability whatsoever to any Applicant or to any of its shareholders or members or any other person resulting from the use of any of the information so provided. Applicants are encouraged to undertake their own verification of any information supplied by the Commission prior to the use of or reliance on such information.

26. OTHER COMMUNICATIONS

- 26.01 All deliveries, notices or other communications made to the applicants in connection with the Application process shall be sent by post/ courier/ email / fax or personal delivery to the contact office of the offerer(s)/Applicant(s), as specified by the Applicant to the Commission in his application.
- 26.02 All deliveries, notices or other communications made by the Applicants to the Commission in connection with the Application process shall be delivered to the Deputy Director, Legal and Licensing Division, Bangladesh Telecommunication Regulatory Commission, IEB Bhaban, Ramna, Dhaka-1000.
- 26.03 The applicants/offerers are expected to carefully examine all information, instructions, Appendices and Schedule given in this guideline.

27. CONFIDENTIALITY OF APPLICATIONS

- 27.01 The Commission shall make all reasonable efforts to ensure confidentiality of the information provided by the Applicants. However, neither the Commission nor any of its agencies, employees, representatives, advisors or consultants shall be liable in any respect whatsoever to any Applicant or any of its members or representatives for damages or harm resulting from a failure to maintain such confidentiality.

27.02 **Costs associated with Evaluation:** The applicants shall bear all their costs associated with the preparation and submission of their applications and the Commission shall, in no case, be responsible for these or any other costs, regardless of the conduct or outcome of the application process.

28. RESERVATION OF RIGHTS

28.01 The Government reserves the right, in its sole discretion, to take any action, including amendment in these guidelines, which it considers necessary to ensure that the evaluation process takes place in a fair, open and transparent manner, in accordance with law and discourages collusion and predatory evaluation that may block the entry of potential offerers into the evaluation process.

28.02 The Government further reserves the right, in its sole discretion to modify / temporarily stop / terminate the evaluation process at any time, In case of termination of the evaluation process, the offerer will apply to the Commission for returning the Offer Security Money and it will return the Offer Security Money to the applicant within 30 (thirty) days of such application without bearing any liability.

29. REPORTS

29.01 The Licensee shall also be required to furnish any information on Systems, Services and Finance at any time if asked for by the Commission.

29.02 The Licensee shall publish Annual Report of the company within 3 (three) months of the end of each financial year. The Commission may, from time to time, issue guidelines for the purpose as regards its contents, which will be obligatory on the Licensee to follow. In addition, the Licensee shall submit to the Commission 5 (five) copies of the audited financial statement of the company that will contain its balance sheet, profit and loss account, cash flow statements, number of clients connected or waiting for connection etc.

30. CANCELLATION, SUSPENSION OF LICENSE AND FINES

The Commission may cancel, suspend the License and impose fine and the Licensee shall be liable for action as per Bangladesh Telecommunication Regulation Act, 2001 (as amended) on the following grounds including but not limited to –

- (i) that any time any information furnished in the Application for obtaining the License is found incorrect/ false;
- (ii) that the Applicant has obtained the License hiding the information as mentioned below:
 - (a) He is an insane person;
 - (b) He has been sentenced by a court under any law, other than this Act, to imprisonment for a term of 2 (two) years or more, and a period of 5 (five) years has not elapsed since his release from such imprisonment;
 - (c) He has been sentenced by a court for committing any offence under the Act and a period of 5 (five) years has not elapsed since his release from such imprisonment;
 - (d) He has been declared bankrupt by the Court and has not been discharged from the liability of bankruptcy;

- (e) He has been identified or declared by the Bangladesh Bank or by the court or by a bank or financial institution as a defaulter loanee of that bank or institution;
 - (f) Any of his Licenses has been cancelled by the Commission at any time during the last 5 (five) years;
 - (g) If prosecution is going on against the applicant(s) or its owner(s) or any of its director(s) or partner(s) for illegal call termination or for violation of the Act.
- (iii) that required fees and charges are not paid by the Licensee as per the terms and conditions of the IIG License;
 - (iv) that the Licensee provides voice traffic through IIG without the permission of the Commission;
 - (v) that the Licensee provides and/or facilitates illegal voice call termination violating the terms and conditions of the IIG License;
 - (vi) that any share or is transferred or issued without prior written permission of the Commission;
 - (vii) that any of the condition of the IIG License is violated;
 - (viii) that the licensee has disclosed or is involved with the disclosure of any information to anybody/ performing any illegal activities that may hamper National Security, Integrity, Sovereignty, Stability, and Harmony;
 - (ix) that the Licensee is liquidated, bankrupt or insolvent that an application for declaration of bankruptcy or similar declaration or order is filed by the Licensee itself or a third party against the Licensee;
 - (x) that case the Licensee has ceased to carry on business mentioned in this license;
 - (xi) that the licensee hides any information for any financial earnings to furnish revenue sharing to the Commission, or any relevant information to its subscribers and/or the Commission; or furnishes any false or wrong information to the Commission; or conduct any fraudulent activities; or
 - (xii) that the Licensee violates or purports to violate any sections/terms and/or conditions under the Act/Any Regulations/Rules/Guidelines/Bye-laws/Directives/Instructions/ Orders/ Circulars/ Decisions of the Commission etc.

31. IMPACT OF SUSPENSION AND CANCELLATION OF LICENSE

- 31.01 In the event of such suspension of the License under section 46 of the Act, the Commission may engage any agency or administrator by examining the financial position, profit and loss of the licensee. The rate and fees of agency/administrator on such tenure shall be decided by the Commission to operate and maintain the systems and services in order to continue with and fulfill the obligations of the licensee towards its subscribers. The Licensee shall not have any claim for any compensation or any right on the revenue for the same.
- 31.02 Cancellation or suspension of License for any reasons whatsoever shall not prejudice any other legal rights or remedies of the Commission conferred by the Act or any other law for the time being in force or the License. Cancellation shall not relieve the Licensee from any obligations accrued and due under any law or this License.


 (Tareq Hasan Siddiqui)
 Deputy Director
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 Regulatory Commission

32. STATUS

- 32.01 The information contained in this document is intended to assist interested parties in applying for the relevant Licenses. It does not bind the Commission to any particular course of action in relation to the handling of any application, or to the terms of any License to be granted, or to grant any License to any party.
- 32.02 These guidelines shall form an integral part of the license and vice-versa.

33. MISCELLANEOUS

- 33.01 The Licensee shall be ready for annual technical and financial audit. The audit team authorized by the Commission shall have the right for auditing technical and financial position of any Licensee for any year. The Licensee shall comply and shall furnish all relevant information and documents as sought by the audit team.
- 33.02 The Licensee shall have obligation to contribute in social obligation fund as decided by the Commission under the Act.
- 33.03 The licensee shall have to monitor IP packet passing through its system network and to provide the relevant information to the Commission from time to time.
- 33.04 The licensee shall be accountable to furnish information to the Commission of IP address and IP port from time to time.
- 33.05 The licensee shall have to take necessary actions for cyber security as directed by the Commission from time to time.
- 33.06 This guideline and any License issued in pursuant to the process announced herein shall be exclusively subjected to, and interpreted in accordance with the provisions of the Act, the Rules and the Regulations issued thereunder.
- 33.07 Any dispute, controversy or claim arising out of or in connection with this guideline, or the breach, termination or invalidity thereof, shall be settled by the Commission and its decision shall be final and binding to the licensee.
- 33.08 The Evaluation process, the accompanying documents, and all correspondence relating to the process announced in this guideline shall be submitted in English language.
- 33.09 The Commission at all time shall reserve the right to change, alter, modify, amend, supplement or replace any or all of the Evaluation procedure before the Evaluation Date and such change, alteration, modification, amendment, supplement or replacement shall be communicated to the Applicants and become an integral part of the Evaluation procedure.
- 33.10 A generic form of IIG Service License is attached for reference as APPENDIX-4.
- 33.11 All sections of the Bangladesh Telecommunication Regulation Act, 2001 (as amended) shall be applicable in every case.

APPENDIX-1

[Clause 22 of the Guidelines]

LICENSE AWARDING PROCEDURE (EVALUATION PROCESS)

The License will be awarded through an evaluation process. The Commission will form an IIG License Evaluation Committee (hereinafter the "Committee") to evaluate the applications for IIG license. The committee will evaluate the applications/offers on the basis of the documents/information submitted by the applicant(s). After evaluation of the applications, submitted, the Commission will select the applicant subject to approval of the Government. The evaluation/selection criteria are as follows:

1. EVALUATION CRITERIA

No.	Item Description	Total Marks
1.	Experience Description of the applying organization. Experience/ knowledge of the company or its shareholders, directors, employees, partners in the field of Telecommunication, Management, Finance, Marketing, Industries, Business, etc.	18
2.	Project Management and Implementation Plan a. System Network Block diagram with description b. Implementation and management plan (detail of all aspects should be covered) c. Implementation schedule (Gantt chart) d. Contingency and backup plan description for timely project implementation e. Location and Number of the IIG / POPs and future plan for first 3 years f. Management strategy and future plan for the duration of the license	15
3.	Organogram and Management of the Entity a. Organization chart b. Brief responsibility (job description) of personnel and work groups as per the organization chart c. Provide details of key Personnel for following fields i. Management & Administration ii. Technical & Operations iii. Financial iv. Marketing, Sales & Customer Care	12
4.	Technical & Network Solution a. System network diagram with description b. Technical system configuration including technical specification of major equipment. c. Connectivity with ILDC operators and authorized ANS operators. d. Quality of Service obligation fulfillment plan. e. Detail system redundancy. f. Monitoring & LI Compliance detail. g. Connectivity with BTRC and NMC/LEA. h. System arrangement to identify, block and eliminate illegal traffic.	20

5.	Market Strategy a. Detail of market assessment b. Strategy for marketing c. Contingency plan of applicant(operator) for changed market scenario	6
6.	Financial a. Details of financial analysis as per technical, operations and marketing plan. This shall include total project cost and cost financing pattern, assumptions for financial analysis, together with projected five years working capital, estimated total annual gross revenue, cost of services, cost of administration and marketing, Profit and Loss calculation, IRR calculation. b. Total proposed investment for the project, ratio of own financing and other sources c. Supporting documentation regarding source of fund mobilization (bank comfort letter, equity source, other financial source detail)	21
7.	Risk Management Plan a. Risk identification b. Risk response strategy & Plan	4
8.	Corporate Social Responsibility a. Describe the business strategy of the organization. How the proposed strategy will contribute to Bangladesh's Telecom sector and subscribers. Describe how the applicant proposes to undertake social commitments and participate in nation building.	4
Total Marks		100

Notes:

- i. Criteria / Items should be described separately and clearly mentioning the item number with heading of the Criteria / Items.
- ii. Applicants will be marked/accessed in accordance with the criteria set out in each item. The best proposal / offer in each item shall obtain the highest mark and others will be marked accordingly.

2. SELECTION OF SUCCESSFULL OFFERERS

- (a) In order to ensure diversity, uninterrupted telecom gateway services the number of licenses shall be decided by the Government. Licenses will be awarded as per the evaluation of submitted offers/proposals.
- (b) The Commission will notify to the highest scorers to receive the IIG licenses by depositing the License Acquisition fee to the Commission within 30 (thirty) days after the date of the notification of awarding license.
- (c) This license acquisition fee will be inclusive of offer security money. If any of the selected applicant(s) fails to pay the license acquisition fee within the stipulated period as mentioned above, he/it shall lose the right of acquisition of IIG license and his/its offer security money will be forfeited.

- (d) In this case, IIG Licensee will be offered to the next highest scorer. The Commission will offer IIG License to the next successful offers which will be listed in descending order according to the total score obtained in the evaluation process until successful offerer willing to acquire the IIG license is found.
- (e) If no successful offer is found ready to get the IIG license, in this case the decision of the Commission is final.
- (f) The Commission shall forfeit the offer security money and all other amounts received from the defaulting offerer(s).
- (g) The license shall only be issued after payment of the License Acquisition Fee.

3. DISQUALIFICATION OF APPLICANTS DURING EVALUATION PROCESS

The Commission may, on the recommendation of the IIG License Evaluation Committee, disqualify any applicant and forfeit its money for any of the reasons set out below:

- 3.01 If a successful Offerer abandons the offer or fails to pay the license Acquisition fee within 30 (thirty) days after the date of notification of awarding license.
- 3.02 If willful misrepresentation of any facts in any part of the application.
- 3.03 If the offerer attempts to make illegal conduct in the evaluation procedure or improper attempts to influence the outcome, or delay or disrupt the process.
- 3.04 If the offerer tries to adopt any “corrupt practice” meaning the offering, giving, receiving or soliciting of anything of value to influence the action of a public official in relation to licensing process provided in the guidelines.
- 3.05 If the offerer tries to avail any “fraudulent practice” or misrepresentation of the facts in order to influence the results of the licensing process established by the Guideline.
- 3.06 If the applicant is disqualified for any of the reasons set forth in this guideline.

APPENDIX – 2
[Clause 23 of the Guidelines]

LETTER OF TRANSMITTAL

International Internet Gateway (IIG) Services License

A. Applicant Identity:

SL.	Item	
1.	Name of the Applicant	
2.	Registered Office Address	
3.	Telephone & Mobile	
4.	Fax	
5.	E-mail	
6.	Website	
7.	Name and designation of Authorized Signatory and Contact Person with telephone number	

B. Organization/Shareholders:

SL.	Item	Attached	Not Attached	Remarks
1.	Organization / Company: Description of the organization / company background including Certificate of Incorporation, Memorandum and Articles of Association, experience of the company or of its shareholders, directors, employees and partners in current and previous business ventures.			


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2. Stakeholders: List of shareholders with details of equity ownership. Description of Owners, shareholders, directors, partners, associates, shareholding companies (and their owners, directors). The individual level eventual ownership shall be established and detailed resume of those individuals should be provided.			
--	--	--	--

C. Business Activities:

SL.	Item	Attached	Not Attached	Remarks
1.	Details of Directors and Shareholders with equity ownership with relation to other licensees and applicants for license along with bio-data and photo			
2.	Most recent interim financial results and management accounts for applicant and its shareholders/investors. Audited report of the last 3 (three) years (if applicable)			

D. Following Documents also need to be duly certified and attached with the Application:

SL.	Item	Attached	Not Attached	Remarks
1.	Application in a Letter Head Pad			
2.	Relevant Fees in the Form of Pay Order/Bank Draft (application fee and offer security money)			
3.	Up to date VAT and Tax given to the Government Fund in the last 3 (three) years along with Income Tax Clearance Certificate (if applicable) and TIN Certificate.			


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4.	Certified copies of certificate demonstrating ownership interest in application (if applicable)			
5.	Certified copy of Certificate of Incorporation, MoA and AoA or Agreement of Partnership (if applicable)			
6.	Authorization to the Authorized Signatory (Resolution of The Board of Directors/Power of Attorney duly Notarized)			
7.	Bank Solvency Certificate in which bank shall certify the total deposited money of the applicant. Commitment of bank for giving loan for the proposed project (Letter of comfort from a scheduled bank).			
8.	Trade License.			
9.	Copy of existing License(s) issued by the Commission in favour of the Applicant (if applicable).			
10.	Original copy of Notarized Affidavit (in Tk. 150/- non-judicial stamp).			
11.	The applicant(s) shall submit 2 (two) copies of its application/offer with all relevant documents of which 01 (one) will be original in an envelope/binder containing all necessary documents.			
12.	The complete application offer has to be submitted. Commission in CD (non scanned PDF Format) form too.			
13.	If the applicant applied for IGW and ICX licenses, he shall have to submit the information about those application.			

14.	Documents relating to Evaluation criteria.			
-----	--	--	--	--

E. Declaration:

1. Has any application for any license of the applicant/any share holder/partner been rejected before? Yes No

If yes, please provide date of application and reasons for rejection:

2. Do the Applicant/any Share Holder/Partner hold any other Operator Licenses from the Commission? Yes No

If yes, please give details

3. Has any other License of the Applicant/any Share Holder/Partner been rejected before? Yes No

If yes, please provide date of application and reasons for rejection:

4. Were the Applicants/its owner(s)/ any of its director(s)/ partner(s) involved in any illegal call termination? Yes No

If yes, please provide the following details:

i. Period of Involvement in illegal activities: _____

ii. Case No (If Applicable): _____

iii. Administrative fine paid to the Commission (If Applicable):

a. Amount (BDT): _____

b. Cheque No./ Bank Draft No.: _____

iv. Undertaking given to the Commission: Yes No

5. I/We hereby certify that I/We have carefully read the guidelines/terms and conditions for the License and I/We undertake to comply with the terms and conditions therein.

6. I/We also hereby certify that I/We have carefully read the section 36 of Bangladesh Telecommunication Regulation Act, 2001 (as amended) and I/We are not disqualified from obtaining the License.

7. I/We understand that if at any time any information furnished for obtaining the License is found incorrect then the License if granted on the basis of such application shall be deemed to be cancelled and shall be liable for action as per Bangladesh Telecommunication Regulation Act, 2001 (as amended).

Date:

Place:

Signature
Name of the Applicant/Authorized
Signatory with Seal


(Tareq Hasan Siddiqui)
Deputy Director
Legal and Licensing
Bangladesh Telecommunication
Regulatory Commission

Note:

- Application without the submission of complete documents and information will not be accepted.
- Payment should be made by a Pay order / Demand Draft in favor of Bangladesh Telecommunication Regulatory Commission (BTRC).
- Application fee is not refundable.
- Application will not be accepted if information's do not fulfill the relevant terms and conditions of the Commission issued at various time.



(Tareq Hasan Siddiqui)
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Bangladesh Telecommunication
Regulatory Commission

APPENDIX-3
[Clause 24 of the Guidelines]

AFFIDAVIT

The undersigned, _____, of legal age, and residing at
(Name of Official/Individual applicant)

_____ after having been duly sworn deposed states:
(Address)

1. That he/she is the _____
(Official Capacity)
- of _____
(Name of company/corporation/partnership/society/individual (the Applicant))
- duly organized under the laws of _____
(Name of Country)

OR

That he/she is the applicant for the License referred to below (the Applicant), a citizen of

_____ the Peoples Republic of Bangladesh.
(Name of Country)

2. That personally, and as _____ for
(Official Capacity)
- and on behalf of the Applicant he/she hereby certifies:
- a) That all statements made in the Applicant's application for a License to establish and maintain International Internet Gateway Services and in the required attachments to that application are true and correct;
 - b) That this certification is made for the expressed purpose of an application by _____ for a IIG License from the
(name)
Bangladesh Telecommunication Regulatory Commission;
 - c) That the applicant will make available to the Commission or any other of its authorized agencies any information they may find necessary to verify any item in the application or regarding its competence and general reputation;
 - d) That the Applicant or its shareholder(s) has not held any IIG License;
 - e) That the Applicant (where the Applicant is an individual) or the owner of the Applicant or any of its directors or partners (where the Applicant is a company, corporation, partnership or society):


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- (i) is not an insane person;
- (ii) has not been sentenced by a court under any law, other than the Bangladesh Telecommunication Regulation Act, 2001 (Act), to imprisonment for a term of 2 (two) years or more, other than sentences where a period of 5 (five) years has elapsed since his/her release from such imprisonment;
- (iii) has not been sentenced by a court for commission of any offence under the Act other than sentences where a period of 5 (five) years has been elapsed since his/her release from imprisonment;
- (iv) has not been declared bankrupt by the court and has not been discharged from the liability of bankruptcy;
- (v) has not been identified or declared by the Bangladesh Bank or by the court or by a bank or financial institution as a loan defaulter loanee of that bank or institution.
- (vi) is eligible under clause 10 of the guidelines hereto; or
- (vii) no proceeding is going on against the applicant(s) or its owner(s) or any of its director(s) or partner(s) for illegal call termination or for violation of the Act/Any Regulations/Rules/Guidelines/Bye-laws/Directives/ Instructions/Orders/ Circulars/Decisions of the Commission and/or the Government etc.
- (viii) any license of his has not been cancelled by the Commission at any time during the last 5 (five) years.
- (ix) he/it does not have any outstanding dues to the Commission.

That the undersigned is the Applicant or is duly authorized by the Applicant to make these representations and to sign this affidavit.

 Director/Secretary/Partner/Duly Authorised Representative/Attorney/Individual
 as or on behalf of the Applicant

WITNESSES

1. _____ 2. _____

Subscribed and sworn to before me

this _____ day of _____ 20 _____ at _____

Notary Public

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 Deputy Director
 Legal and Licensing
 Bangladesh Telecommunication
 Regulatory Commission

APPENDIX- 4 (Generic form of IIG License)

[Clause 33.10 of the Guidelines]



**BANGLADESH TELECOMMUNICATION
REGULATORY COMMISSION**

IEB Bhaban, Ramna, Dhaka-1000

OPERATOR LICENSE

FOR

INTERNATIONAL INTERNET GATEWAY (IIG) SERVICES

ISSUED

TO

.....

UNDER

THE BANGLADESH TELECOMMUNICATION REGULATION ACT, 2001 (AS AMENDED)

ON

.....DAY OF 20....

A handwritten signature in blue ink, appearing to read 'Tareq Hasan Siddiqui', is written over a circular stamp or watermark.



**BANGLADESH TELECOMMUNICATION
REGULATORY COMMISSION**

IEB BHABAN, RAMNA, DHAKA-1000

OPERATOR LICENSE

FOR

INTERNATIONAL INTERNET GATEWAY (IIG) SERVICES

LICENSE NO:		DATE :			
-------------	--	--------	--	--	--

In Exercise of the Power
under section 36 of the Bangladesh Telecommunication Regulation Act, 2001
(Act No. XVIII of 2001) (as amended)

BANGLADESH TELECOMMUNICATION REGULATORY COMMISSION
is pleased to grant the license in favour of

.....
represented by its Chairman/CEO/MD/MP having registered office at
.....

as an Operator of
IIG
International Internet Gateway Services
in Bangladesh
whereby it is authorized
to establish, maintain and operate the associated systems and
to provide services as specified in this license
ON NON-EXCLUSIVE BASIS
under the terms and conditions given in the following pages
including the schedules annexed hereto.

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BANGLADESH TELECOMMUNICATION REGULATORY COMMISSION

IEB Bhaban, Ramna, Dhaka-1000

INTERNATIONAL INTERNET GATEWAY SERVICES OPERATOR LICENSE Issued under section 36 of Bangladesh Telecommunication Regulation Act, 2001 (as amended)

The Bangladesh Telecommunication Regulatory Commission (hereinafter referred to as the “Commission”) has been empowered by the Government under section 36 of the Bangladesh Telecommunication Regulation Act, 2001 (as amended) (hereinafter referred to as the “Act”) to issue Licenses for the operation and provision of telecommunication services.

Having given due consideration to the principles of transparency, fairness, non-discrimination and all other relevant principles, the Government has decided to issue Licenses on International Internet Gateway Services.

Therefore, in exercise of the power under sections 36 of the Bangladesh Telecommunication Regulation Act, 2001 (as amended) Bangladesh Telecommunication Regulatory Commission is pleased to issue

LICENSE

To

.....represented by its Chairman/CEO/MD
having its registered office at
.....
as an operator to establish, operate and maintain International Internet Gateway Services, subject to the terms and conditions mentioned hereinafter.

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1. INTERPRETATIONS AND DEFINITIONS OF THE LICENSE

The interpretations and definitions of the terms used in this license are in SCHEDULE-1 annexed herewith.

2. COMMENCEMENT AND DURATION OF THE LICENSE

2.01 The license shall come into force on thisday of, 20.....(two thousand.....).

2.02 Unless otherwise cancelled earlier, this License shall be valid for 15 (fifteen) years (“initial term”) from the date mentioned in Clause No. 2.01 hereinabove subject to the payment of annual license fees and compliance with the terms and conditions of this License.

3. RENEWAL OF THE LICENSE

Upon expiry of the initial term of 15 (fifteen) years, this License may be renewed by the Commission for subsequent terms, each of 5 (five) years in duration, subject to the satisfaction of the Commission and upon fulfillment of necessary conditions, including the payment of any fees, as may be specified herein and / or by the Government/Commission under the Act. The Licensee shall submit the renewal application 6 (six) months prior to the expiry date of each term.

4. SCOPE OF THE LICENSE

4.01 The Licensee shall establish, construct, operate and maintain its applicable systems for the purpose of providing the services as described in the Clause No. 5.

4.02 The Licensee shall comply with the provisions of the Act (as amended), the Wireless Telegraphy Act, 1933 and the Telegraph Act, 1885 as modified from time to time and any Rules/Regulations/Bye-laws/Directives/Guidelines/Instructions/Orders/Circulars/Decisions etc. issued from time to time by the Commission or the Government or any other Act that may come into force in future.

5. SYSTEM AND SERVICES

5.01 IIGs will serve as an internet gateway for routing International incoming and outgoing Internet based data traffic. The gateway will be connected to the authorized International Long Distance Cable (ILDC). The licensee may use the Satellite Earth Station/VSAT as back-up with the prior approval of the Commission. All ISP and BWA operators shall be connected to global Internet through IIG. IIG Licensee will arrange ILDC bandwidth. The licensee may arrange ILDC bandwidth from overseas tier-1 service provider(s) after taking prior permission from the Commission. When the alternate ILDC shall be established, the Commission may review the provision of overseas tier-1 service provider. Non-business / non-commercial voice data shall be kept within a limit specified by the Commission. Any unauthorized traffic (as defined/prescribed by the Commission and NMC) shall be regulated.

5.02 International incoming and outgoing data services will be routed through IIG.

5.03 IIGs shall make necessary provisions to connect the ANS operators.

5.04 The Licensee shall make necessary provisions to connect the ISP and BWA license holders to provide internet data services to the subscribers.

- 5.05 ISP and BWA license holders under each IIG shall be connected to the IIG through optical fiber/wire /wireless / VSAT-HUB at their own cost and management.
- 5.06 It will work as an International Internet Gateway (IIG) for exchanging International Internet-based data traffic. International data services will be routed through IIGs.
- 5.07 For domestic internet data traffic, all ISPs and BWAs will be connected with National Internet Exchange(s) (NIX), which shall operate on a peering basis. IIG shall also be connected to NIX if so directed by the Commission as and when needed.
- 5.08 IIGs shall have interconnection among themselves. PoPs of different IIGs shall have interconnection among themselves.
- 5.09 Prior approval of the Commission with necessary conditions is mandatory before launching any other services.
- 5.10 If the licensee has different types of licenses, the licensee shall have to have separate physical infrastructure and location for each type of services. The licensee shall not be allowed to use same facilities for different types of services.
- 5.11 In the case of clause 5.10, the licensee shall have to maintain separate accounting system and submit separate information, fees, charges, revenue share etc. to the Commission as directed by the Commission from time to time.

6. RIGHT OF THE GOVERNMENT

The Government reserves the right to review the matters relating to fees, charges and revenue sharing of the licenses.

7. INITIAL PUBLIC OFFERING

Each Licensee shall float Initial Public Offer (IPO) as per the policy/guidelines/directions/rules of the Security Exchange Commission of Bangladesh and in accordance with other prevailing laws of Bangladesh within 3 (three) years from the date of awarding the Licenses subject to fulfilling the requirements of the Laws and Regulations of Security and Exchange Commission (SEC) in this regard. No permission will be required from the Commission for transfer of shares in Secondary Market after floating IPOs.

8. FEES AND CHARGES

The licensee shall pay the following fees and charges to the commission without any deduction. The Commission shall impose upon the Licensee different fees and charges. Some of the charges or part thereof shall be in proportion to the Licensee's annual audited gross turnover.

8.01 Following fees and charges will be applicable to the Applicant/Licensee:

1.	Annual License Fee	Tk. 2,50,000 (two lac fifty thousand) only
2.	Audited Gross Revenue Sharing with the Commission	10% (ten percent)
3.	Performance Bank Guarantee	Tk. 5,00,000 (five lac) only

8.02 The Licensee shall pay all the required fees within the stipulated time frame mentioned hereafter. All fees, charges etc. required to be paid by the Licensee are non-refundable and are payable in favour of Bangladesh Telecommunication Regulatory Commission in the form of bank draft or pay order from any scheduled bank of Bangladesh.

- (a) Annual License Fee: The Licensee shall pay an annual License fee of Tk. 2,50,000 (Taka two lac and fifty thousand) only every year before.....
- (b) Revenue Sharing: The Licensee in addition to the above, shall pay to the Commission on a quarterly basis on account of revenue sharing a percentage of the annual audited gross revenue of 10% (ten percent) within the first 10 (ten) days at the end of each quarter. The total revenue sharing shall be reconciled on an annual basis based on the Licensee's audited accounts for that year and if there has been any underpayment the balance shall be paid within 60 (sixty) days at the end of the financial year (July to June). In the event of any overpayment by the Licensee, the Licensee may adjust the excess amount against quarterly payments with the approval of the Commission in the next year.
- (c) The licensee shall pay other fees and charges as may be levied by the Commission from time to time.
- (d) If the Licensee fails to pay the fees, charges, etc. in time, it shall be liable to pay a late fee of 15% (fifteen percent) per annum at the compound rate on the outstanding amount. If the amount along with late fee is not paid in full within 60 (sixty) days as stipulated, such failure may result in cancellation of the License.

9. PERFORMANCE BANK GUARANTEE

- 9.01 The Licensee shall furnish Performance Bank Guarantee of Taka 5,00,000 (five lac) only in favour of Bangladesh Telecommunication Regulatory Commission within 30 (thirty) days from the date of issuance of License in a prescribed form (Schedule-3) issued by a scheduled bank.
- 9.02 After establishment of the International Internet Gateway Service within the stipulated time to the satisfaction of the Commission as per Technical Requirements appended as Schedule-2 herein, the Performance Bank Guarantee shall be released in favour of the Licensee. In case of failure of commencement within the stipulated time, 10% of the Performance Bank Guarantee will be encashed for each month or its fraction thereof. When the full performance bank guarantee will be encashed by the Commission for failure of commencement, the Commission shall take necessary action to cancel the License with the approval of the government.

10. RADIO EQUIPMENT AND SPECTRUM CHARGES

The rights granted to the Licensee do not include any right to use any radio frequency until such frequencies are allocated/assigned by the Commission. If any frequency is allocated, the Licensee will be obliged to pay all required fees and charges related to such frequencies as fixed by the Commission. If Licensee fails to pay the fees, charges etc. in time, it shall be liable to pay a late fee of 15% (fifteen percent) per annum at the compound rate on the outstanding amount. If the amount along with late fee is not paid in full within 60 (sixty) days from the due date, such failure may result in cancellation of the allocated frequency. The payment conditions for frequency usage will be determined by the Commission from time to time which will be binding to the Licensee.

11. RADIO FREQUENCY LICENSE

- 11.01 Interconnection between/among the POPs of IIG and each other will be through Optical Fiber Cable (OFC), Co-axial cable etc. IIG will be connected to submarine cable or Satellite Earth Station through OFC. However, in exceptional circumstances where it will not be possible to realise the above mentioned interconnection through OFC only,

the microwave and other radio system can be deployed with prior permission from the Commission. The Commission may provide such permission for Microwave Equipments subject to the availability of frequency as per National Frequency Allocation Plan (NFAP) and in conformity with the frequencies already allocated for the particular area under consideration.

- 11.02 The Licensee shall not import/purchase any radio equipment for their network without taking prior permission from the Commission.
- 11.03 Assigned frequencies are not transferable.
- 11.04 The Commission reserves the right to cancel the assigned frequencies for National Security or National Interest.
- 11.05 The Commission reserves the right to inspect the installations and systems of the Licensee without prior notice.

12. FACILITY SHARING

The Licensee shall comply with the relevant guidelines and directions and/or directives of the Commission on Infrastructure and facility sharing.

13. NETWORK ROLLOUT

The licensee shall establish and complete the International Internet Gateway Services within 6 (six) months from the date on which the license shall come into force. In case of failure of commencement within the stipulated time, 10% of the Performance Bank Guarantee will be encashed for each month or its fraction thereof. When the full performance bank guarantee will be encashed by the Commission for failure of commencement, the Commission shall take necessary action to cancel the License.

14. TARIFFS AND PRICING

- 14.01 The Licensee shall not start provision of any service before obtaining the written approval of the Commission for its tariff and shall comply with any conditions imposed by the Commission.
- 14.02 The Licensee shall seek the written approval of the Commission before making any changes to the approved tariff charges.
- 14.03 The Licensee shall submit the copy of the agreements between itself and any other operator with detailed breakdown of tariff to the Commission.

15. BILLING

- 15.01 The Licensee shall take all reasonable steps to ensure that its billing systems used in connection with the services are reliable and accurate.
- 15.02 The Licensee shall keep records of any billing information as may be specified by the Commission and shall supply/produce such records at the request of the Commission.

16. TECHNICAL REQUIREMENTS

The technical requirements need to be fulfilled by the licensee are appended herewith as schedule-2.

17. DISPUTE RESOLUTION

In the event of any differences or disputes with the other IIG Licensees or other licensed telecom operators and failure to resolve the differences or disputes amicably among themselves, the Licensee shall refer the matter to the Commission for resolution of the same. The decision of the Commission in that regard shall be final and binding upon the parties.

18. ACCOUNTING SYSTEM

- 18.01 The Commission reserves the right to issue accounting guidelines to the Licensee(s) from time to time.
- 18.02 The Licensee(s) shall comply with all directions issued by the Commission with regard to accounting separation and the proper allocation of costs.
- 18.03 The Licensee(s) shall submit certified copies of its financial records with respect to the yearly audited financial statement of the company that will contain its balance sheet, profit and loss account and cash flow statements etc. The Commission shall have the right to access to originals of such records and accounts.
- 18.04 The Licensee(s) shall provide an auditing facility that can be accessed by the Commission to verify the reported services revenues. The Commission shall have the access to computerized accounting system of the licensee(s) as and when deemed necessary.
- 18.05 All financial transactions (in local and foreign currency) in relation to the License shall be made through Scheduled Bank(s) mentioned in the Bangladesh Bank Order, 1972. The Licensee(s) shall inform the Commission of the details of the accounts in operation. The Licensee(s) shall have to submit monthly statement of all the accounts to the Commission within 10 (ten) day of the following Gregorian calendar month.
- 18.06 The Commission or any person authorized by the Commission shall have the right to take copies of records, documents and other information relating to the licensees' business for the purpose of enabling Commission to perform its functions under the Act and provisions in the license.

19. CHANGES IN MANAGEMENT STRUCTURE

- 19.01 The Licensee shall seek written approval of the Commission before making any change in its ownership or shareholding. Any change in the ownership or shareholding shall not be valid or effective without the prior written approval of the Commission.
- 19.02 All directors and shareholders of the Licensee shall be resident Bangladeshi Citizen. The Licensee shall neither transfer any share nor issue new shares without prior written permission of the Commission. Shares shall not be transferred to anyone who is not a resident Bangladeshi citizen and/or to any company which is not registered in Bangladesh and shareholders of which are not resident Bangladeshi Citizen.

20. INFORMATION, INSPECTION AND REPORTING

- 20.01 The Licensee shall furnish necessary information and other related matters as may be sought by the Commission from time to time.
- 20.02 The Commission or any person authorized by the Commission shall have unfettered right and authority to take the copies of records, documents and other information relating to the Licensee's business, for the purpose of enabling Commission to perform its functions under the Act and provisions in the License.

20.03 The Commission or its authorized representatives shall have unfettered right and authority to enter and inspect the offices, places and premises of the Licensee. The Licensee shall provide all information as may be required by the Commission.

20.04 The Commission or its authorized representatives shall have free access to the installations and equipments of the licensee and shall have each and every right and authority to inspect such installations at any time and the Licensee shall always provide all sorts of cooperation and assistance including but not limited to use of suitable office accommodation for the purpose of inspection, tests and monitoring.

21. REPORTS

21.01 The Licensee shall also be required to furnish any information on Systems, Services and Finance at any time if asked for by the Commission.

21.02 The Licensee shall publish Annual Report of the company within 3 (three) months of the end of each financial year. The Commission may, from time to time, issue guidelines for the purpose as regards its contents, which will be obligatory on the Licensee to follow. In addition, the Licensee shall submit to the Commission 5 (five) copies of the audited financial statement of the company that will contain its balance sheet, profit and loss account, cash flow statements, number of clients connected or waiting for connection etc.

22. AMENDMENTS

The Commission with the approval of the Government has the right and authority to change, amend, vary or revoke any of the terms and conditions of this License and also to incorporate new terms and conditions necessary for the interest of national security, or public interest, or any other reason, in consonance with the provisions of the Act, Rules and Regulations.

23. TRANSFER, ASSIGNMENT AND PLEDGE AS SECURITY

23.01 The Licensee shall inform the Commission all loan related information within 10 days of the approval of the loan by any financial institution. The License shall not be assigned or pledged as security.

23.02 This License and any right accrued hereunder shall not be transferred, wholly or partly.

24. CANCELLATION, SUSPENSION OF LICENSE AND FINES

The Commission may cancel, suspend the License and impose fine and the Licensee shall be liable for action as per Bangladesh Telecommunication Regulation Act, 2001 (as amended) on the following grounds including but not limited to –

- (i) that any time any information furnished in the Application for obtaining the License is found incorrect/ false;
- (ii) that the Applicant has obtained the License hiding the information as mentioned below:
 - (a) He is an insane person;
 - (b) He has been sentenced by a court under any law, other than this Act, to imprisonment for a term of 2 (two) years or more, and a period of 5 (five) years has not elapsed since his release from such imprisonment;
 - (c) He has been sentenced by a court for committing any offence under the Act and a period of 5 (five) years has not elapsed since his release from such imprisonment;

- (d) He has been declared bankrupt by the Court and has not been discharged from the liability of bankruptcy;
 - (e) He has been identified or declared by the Bangladesh Bank or by the court or by a bank or financial institution as a defaulter loanee of that bank or institution;
 - (f) Any of his Licenses has been cancelled by the Commission at any time during the last 5 (five) years;
 - (g) If prosecution is going on against the applicant(s) or its owner(s) or any of its director(s) or partner(s) for illegal call termination or for violation of the Act.
- (iii) that required fees and charges are not paid by the Licensee as per the terms and conditions of the IIG License;
 - (iv) that the Licensee provides voice traffic through IIG without the permission of the Commission;
 - (v) that the Licensee provides and/or facilitates illegal voice call termination violating the terms and conditions of the IIG License;
 - (vi) that any share or is transferred or issued without prior written permission of the Commission;
 - (vii) that any of the condition of the IIG License is violated;
 - (viii) that the licensee has disclosed or is involved with the disclosure of any information to anybody/ performing any illegal activities that may hamper National Security, Integrity, Sovereignty, Stability, and Harmony;
 - (ix) that the Licensee is liquidated, bankrupt or insolvent that an application for declaration of bankruptcy or similar declaration or order is filed by the Licensee itself or a third party against the Licensee;
 - (x) that case the Licensee has ceased to carry on business mentioned in this license;
 - (xi) that the licensee hides any information for any financial earnings to furnish revenue sharing to the Commission, or any relevant information to its subscribers and/or the Commission; or furnishes any false or wrong information to the Commission; or conduct any fraudulent activities; or
 - (xii) that the Licensee violates or purports to violate any sections/terms and/or conditions under the Act/Any Regulations/Rules/Guidelines/Bye-laws/Directives/Instructions/ Orders/ Circulars/ Decisions of the Commission etc.

25. IMPACT OF SUSPENSION AND CANCELLATION OF LICENSE

25.01 In the event of such suspension of the License under section 46 of the Act, the Commission may engage any agency or administrator by examining the financial position, profit and loss of the licensee. The rate and fees of agency/administrator on such tenure shall be decided by the Commission to operate and maintain the systems and services in order to continue with and fulfill the obligations of the licensee towards its subscribers. The Licensee shall not have any claim for any compensation or any right on the revenue for the same.



25.02 Cancellation or suspension of License for any reasons whatsoever shall not prejudice any other legal rights or remedies of the Commission conferred by the Act or any other law for the time being in force or the License. Cancellation shall not relieve the Licensee from any obligations accrued and due under any law or this License.

26. MISCELLANEOUS

- 26.01 The Licensee (if it is a company) will issue Initial Public Offer (IPO) in the Stock Exchange of Bangladesh and nowhere else within 3 (three) years of commencement of operation subject to Laws and Regulations of Security and Exchange Commission (SEC).
- 26.02 The Licensee shall be ready for annual technical and financial audit. The audit team authorized by the Commission shall have the right for auditing technical and financial position of any Licensee for any year. The Licensee shall comply and shall furnish all relevant information and documents as sought by the audit team.
- 26.03 The Licensee shall have obligation to contribute in social obligation fund as decided by the Commission from time to time under the Act.
- 26.04 The licensee shall have to monitor IP packet passing through its network and to provide the relevant information to the Commission from time to time.
- 26.05 The licensee shall be accountable to furnish information to the Commission of IP address and IP port from time to time.
- 26.06 The licensee shall have to take necessary actions for cyber security as directed by the Commission from time to time.
- 26.07 The Licensee shall also comply with the provisions of any existing enactment, the rules and regulations made there under by the Government and/or the Commission, and the changes and modifications including any new enactments as may be considered expedient and necessary from time to time.
- 26.08 The Government/Commission reserves exclusive right and authority to explain or interpret any provision of this License, if any confusion arises regarding the actual sense or import of any provision of this License. The explanation of the Government/Commission shall be final and binding on the Licensee.
- 26.09 Violation of any of the conditions of the License shall render the License to be cancelled.
- 26.10 The Schedules, Appendices annexed herewith and the related guidelines shall form integral part of the license.
- 26.11 All correspondences shall be in writing and shall be sent to the Licensee's registered place of business.
- 26.12 Unless otherwise stated –
- (a) all headings are for convenience only and shall not affect the interpretation of the provisions of this License;
 - (b) the words importing the singular or plural shall be deemed to include the plural or singular respectively;
 - (c) any expression in masculine gender shall denote both genders;
 - (d) any reference in this License to a person shall be deemed to include natural and legal persons;

- (e) all references to legislation or guidelines or directions issued by the Commission shall include all amendments made from time to time;
 - (f) the term 'or' shall include 'and' but not vice versa;
 - (g) any reference in this License to "writing" or "written" includes a reference to official facsimile transmission, official e-mail, or comparable means of communication;
 - (h) references to Clauses, Sub-Clauses, Annexure and Schedule are to Clauses, Sub-Clauses, Annexure and Schedule to this License, respectively.
- 26.13 One of the provisions of this License shall be deemed to have been waived by any act of or acquiescence on the part of the Commission, but only by an instrument in writing signed / issued by the Commission. No waiver of any provision of this License shall be construed as a waiver of any other provision or of the same provision on another occasion.
- 26.14 The provisions of the Regulatory and Licensing Guidelines for International Internet Gateway (IIG) Services being No. BTRC/LL/IIG(385)/2011-701, dated 20-10-2011 shall be an integral part of this License.
- 26.15 This License shall be governed by and construed in accordance with the laws of Bangladesh.
- 26.16 This License is issued with the approval of the appropriate authority.

Signed on this day of, 20.....
for and on behalf of the
Bangladesh Telecommunication Regulatory Commission

Deputy Director
Legal and Licensing Division
BTRC



(Tareq Hasan Siddiqui)
Deputy Director
Legal and Licensing
Bangladesh Telecommunication
Regulatory Commission

SCHEDULE- 1

INTERPRETATIONS, DEFINITIONS AND ABBREVIATIONS

Unless the context otherwise requires, the different terms and expression used in the policy shall have the following meaning assigned to them. The headings are given for the shake of convenience in the policy and do not carry any special meaning.

1. “Access Network Service Operators” means the PSTN, PLMN, Cable Service Provider, Broadband Wireless Access (BWA) provider, IPTSPs, ISPs etc. who have a direct access to the subscribers.
2. “Act” means the Bangladesh Telecommunication Regulation Act, 2001 (Act No. XVIII of 2001) as amended.
3. “Commission” means the Bangladesh Telecommunication Regulatory Commission established under the Bangladesh Telecommunication Regulation Act, 2001 (as amended).
4. “ILDC” means the International Long Distance Cable consisting of Submarine Cable (SC) or Terrestrial Cable (TC) or both.
5. “ILDTS Policy” means the International Long Distance Telecommunication Services Policy, 2010 (or to be formulated by the Government from time to time).
6. “Interconnection Exchange (ICX)” refers to switching systems which provides interconnections among the existing/future telecommunication network of the operators and allows monitoring, Lawful Interception (LI) facilities and Roaming Number Portability.
7. “International Internet Gateway (IIG)” refers to switching systems through international data traffic is sent and received. It allows computer-based voice traffic flow.
8. “International Gateways (IGWs)” refers to switching systems through which international voice traffic (VoIP and clear channel) is sent and received. IGW allows physical monitoring of the traffic flow.
9. “License” means IIG License issued or deemed to have been issued by the Commission under Bangladesh Telecommunication Regulation Act, 2001 (as amended).
10. “Licensee” means any person/entity have been licensed (IIG) under the Bangladesh Telecommunication Regulation Act, 2001 (as amended).
11. “National Internet Exchange (NIX)” refers to switching systems through his all domestic internet data communication will be routed via NIX to minimize uses of international bandwidth.
12. “Operator” means an organization or a person licensed under the Bangladesh Telecommunication Regulation Act, 2001 (as amended) for establishing or operating a telecommunication system or providing telecommunication services or operating a system which is the combination or more than one of those facilities.
13. “Performance Bank Guarantee” means Performance Bank Guarantee from a scheduled Bank mentioned in Bangladesh Bank Order 1972 (P.O. No. 127 of 1972).

14. “Point of Presence (POP)” means setting up of switching center and transmission center of appropriate capacity to provide on demand service of prescribed quality and grade of service in a non –discriminatory manner.
15. “PLMN” means Public Land Mobile Network for providing land mobile telephone.
16. “PSTN” means Public Switched Telephone Network for providing to the public.
17. “Quality of Service (QoS)” is evaluated on the basis of measures on the grade of service, calls lost due to wrong processing, bit error rate, response time, acceptable number of faults per unit subscribers served, and Mean Time To Restore (MTTR), faults carried over beyond the MTTR, etc.
18. “Quarter” means a period of three months of the Gregorian calendar year.
19. “Regulation” means, regulations made or will be made in the future by the Commission under the Act.
20. “Telecommunication” means transmission and reception of any speech, sound, sign, signal, writing, visual image and any other intellectual expression by the way of using electricity or electro-magnetic or electro chemical or electro-mechanical energy through cable, radio, optical fiber or other electro-magnetic or electro chemical or electro-mechanical or satellite communication system.
21. “Telecommunication Service” means telecommunications services defined under section 2(15) of Bangladesh Telecommunication Regulation Act, 2001 (as amended).
22. “Telecommunication System” means Telecommunications System defined under section 2(13) of Bangladesh Telecommunication Regulation Act, 2001 (as amended).
23. “Tariff” means rates, charges payable by a subscriber/party for services provided and related conditions at which telecommunication services may be provided including rates and related conditions at which messages shall be transmitted, deposits, installation fees, rentals, free calls, usages charges and any other related fees or service charge.
24. “Voice over Internet Protocol (VoIP)” is the routing of voice conversations over the Internet or any other IP network. The voice data flows over a general-purpose packet-switched network.
25. Abbreviations:

(i)	ANS	-	Access Network Services.
(ii)	BTRC	-	Bangladesh Telecommunication Regulatory Commission.
(iii)	CALEA	-	The Communication Assistance for Law Enforcement Act (US).
(iv)	ETSI	-	European Telecommunications Standard Institute-
(v)	ES	-	European Standard.
(vi)	ICX	-	Interconnection Exchange.
(vii)	IGW	-	International Gateways.
(viii)	IIG	-	International Internet Gateway.
(ix)	ILDC	-	International Long Distance Cable
(x)	IP	-	Internet Protocol.
(xi)	IPO	-	Initial Public Offer.
(xii)	IPTSP	-	Internet Protocol Telephony Service Provider
(xiii)	ISP	-	Internet Service Provider.
(xiv)	ITC	-	International Terrestrial Cable
(xv)	LI	-	Lawful Interception.

(xvi) LEA	-	Law Enforcement Agency
(xvii) NFAP	-	National Frequency Allocation Plan.
(xviii) NGN	-	Next Generation Network.
(xix) NMC	-	National Monitoring Centre
(xx) OFC	-	Optical Fiber Cable.
(xxi) POP	-	Point of Presence.
(xxii) PSTN	-	Public Switched Telephone Network.
(xxiii) QoS	-	Quality of Service.
(xxiv) RED	-	Random Early Detection.
(xxv) SC	-	Submarine Cable
(xxvi) SLA	-	Service Level Agreement
(xxvii) STM-x	-	Synchronous Transfer Mode (Fibre Channel Card)
(xxviii) VoIP	-	Voice over Internet Protocol.
(xxix) VSAT	-	Very Small Aperture Terminal.
(xxx) ODF	-	Optical Distribution Frame.
(xxxi) DDF	-	Digital Distribution Frame.



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Regulatory Commission

SCHEDULE-2

TECHNICAL REQUIREMENTS OF INTERNATIONAL INTERNET GATEWAY (IIG) SERVICES

1. INTERNATIONAL INTERNET GATEWAY (IIG)

IIGs will serve as an Internet exchange for routing International incoming and outgoing Internet based data traffic. The Exchange will be connected with the existing Submarine cable and ILDC as main link and with the Satellite Earth Station/VSAT as back up until another ILDC is available. All ISP and BWA Operators shall be connected to global internet through the IIGs. IIG Licensee will arrange both ILDC bandwidth, and backup satellite bandwidth. The licensee may arrange ILDC bandwidth from overseas tier-1 service provider(s) after taking prior permission from the Commission. When the alternate ILDC shall be established, the Commission may review the provision of overseas tier-1 service provider.

2. LOCATION AND NUMBER OF IIGs

- 2.01 IIGs will primarily be at Dhaka, Chittagong, Khulna, Sylhet, Barisal, Rajshahi, Gopalganj, Rangpur, Mymensingh, Comilla and Bogra. Each IIG operator will establish IIG at Dhaka and will have at least 3 (three) PoPs in other three places mentioned above. Depending on traffic volume and to allow more rural people to be connected with the network, more PoPs will have to be established in other locations as and when required.
- 2.02 Location of PoP outside Dhaka will be decided by the Commission. Other major places / cities also have to be covered gradually by establishing POPs. Location of the POPs has to be approved by the Commission.
- 2.03 IIGs shall have interconnection among themselves. PoPs of different IIGs shall have interconnection among themselves.
- 2.04 International incoming and outgoing data services will be routed through IIG.
- 2.05 IIGs shall make necessary provisions to connect the ANS operators.
- 2.06 The Licensee shall make necessary provisions to connect the ISP and BWA license holders to provide internet data services to the subscribers.
- 2.07 ISP and BWA license holders under each IIG shall be connected to the IIG through optical fiber/wire /wireless / VSAT HUB at their own cost and management.

3. FUNCTIONS OF IIG

- 3.01 It will work as an International Internet Gateway (IIG) for exchanging International Internet-based data traffic. International data services will be routed through IIGs.
- 3.02 For domestic internet data traffic, all ISPs and BWAs will be connected with National Internet Exchange(s) (NIX), which shall operate on a peering basis. IIG shall also be connected to NIX if so directed by the Commission as and when needed.

4. TECHNICAL REQUIREMENTS FOR THE INTERNATIONAL INTERNET GATEWAY

- 4.01 The International Internet Gateway shall consist of carrier-grade data communication equipment. The gateway router should be capable of handling high-speed Internet connection peering with multiple international Tier-1 Service providers subject to the provision of clause-1 of SCHEDULE-2.

4.02 Routing:

The routing features shall include the following, but not limited to:

- (a) Static Routing
- (b) BGP version 4 or later
- (c) OSPF
- (d) RIPv2
- (e) IS-IS
- (f) MPLS
- (g) VRF with Multi-protocol BGP
- (h) IGMP
- (i) ICMP
- (j) RSVP

4.03 Connectivity:

The Gateway Router shall have Packet over SDH (POS) and Gigabit Ethernet (GE)/Fast Ethernet (FE).

4.03.1 International side:

It shall support different interface speeds such as STM-1, STM-4, STM-16, STM-64, GE and FE. The main connectivity will be through ILDC. It may have 10% of connected bandwidth as backup capacity through Satellite Earth Station/VSAT till alternate ILDC is available. No ILDC should carry more than 60% of the total traffic. However depending on Service Level Agreements (SLAs) with subscribers, the IIG Licensee would arrange sufficient backup bandwidth through Satellite with prior permission from the Commission.

4.03.2 National side:

It shall support different interfaces speeds such as STM-1, STM-4, FE, GE and 10G.

4.03.3 The Gateway Router shall support 'wire-speed packet forwarding' for all packet sizes across all interfaces simultaneously.

4.03.4 IIG Licensee shall provide Optical Distribution Frames (ODFs) with FE, GE, POS interfaces to connect ISPs/BWAs operator. ODFs with necessary capacity will be installed by the IIG Licensee at its POPs, where all the ISPs/BWAs operator will come at their own cost. All domestic VSAT Hubs will also be connected through appropriate interfaces. The IIG Licensee shall arrange to reach the domestic POPs of ILDC with suitable transmission media with appropriate interface.

4.03.5 For domestic internet data traffic, all ISPs and BWAs will be connected with National Internet Exchange(s) (NIX), which shall operate on a peering basis. IIG shall also be connected to NIX if so directed by the Commission as and when needed. For this connectivity IIG shall have sufficient port and bandwidth switching capacity.

4.04 Quality of Service:

An essential feature for Gateway Router is to support differentiated Quality of Service (QoS) for IP packets. To allow service providers to offer differentiated IP service plans to their subscribers, the Gateway Router shall be able to deliver the following IP QoS:

- 4.04.1 IIG Licensee shall support simple traffic classifications (DSCP or TOS bits). The Gateway router shall support Low latency-Low Jitter for real time service in addition to Assured Services and Best effort services for non-real time traffic.
- 4.04.2 Support traffic Control.
- 4.04.3 Support traffic policing & shaping.
- 4.04.4 Congestion control based on Weighted Fair Queuing, Class Based Weighted Fair Queuing and Low Latency Queuing. Congestion avoidance based on Random Early Detection (RED) and Weighted RED (WRED).
- 4.04.5 Should support DiffServ.
- 4.04.6 Wire-speed complex traffic classification, hardware-based implementation.
- 4.04.7 Hardware-based implementation of QoS, not affecting the forwarding performance.
- 4.04.8 Shall support SLA probes to monitor the packet loss, jitter, latency parameters with Tier-1 peering ISPs and also the downstream service providers and corporate customers. The frequency of collecting probes should be configurable. The SLA parameters will be collected by SNMP MIBs by the central performance management software.
- 4.05 The systems should be ready for IPv6.
- 4.06 Systems and Capacity Requirements:
 - 4.06.1 The International Internet Gateway must have initial capacity to connect at least 300 ISPs.
 - 4.06.2 All the critical equipment should be fully redundant to avoid any single point of failure.
 - 4.06.3 The Switching capacity shall not be less than 80 Gbps full duplex (160 Gbps half duplex).
 - 4.06.4 The Gateway Router shall support the minimum forwarding rate of 160 million packets per second.
 - 4.06.5 The Gateway Router shall forward the packet on Line-rate on all the interfaces.
 - 4.06.6 The Gateway Router shall be equipped with adequate memory and processor capacity to maintain full BGP route with multiple Tier-1 Service providers and to ensure full load real time packet forwarding.
 - 4.06.7 The system shall be equipped with adequate facilities to detect any voice passing through IIG and prevent any commercial or unauthorized traffic.
- 4.07 The IIG Licensee shall deploy necessary hardware and software in IIG so that:
 - 4.07.1 No commercial voice shall pass through IIG.
 - 4.07.2 Non-business voice data shall be kept within a limit specified by the Commission.
 - 4.07.3 Any unwanted traffic as defined/prescribed by the Commission shall be regulated.



4.07.4 Roundtrip delay with any Tier-1 provider should not be more than 250 ms in case of ILDC.

4.08 The required international bandwidth of the connected individual ISPs/BWAs/3G/ 4G/ LTE operator has to be ensured by IIG Licensee.

4.09 Based on demand forecast IIG Licensee will arrange for equipment and transmission capacity expansion on 3 months lead time basis.

5. OTHER SERVICES

IIG Licensee shall provide following services:

- (a) Route Server
- (b) Looking Glass
- (c) Network Time protocol
- (d) Root server Mirror
- (e) TLD/CCTLD Server mirror

6. MONITORING REQUIREMENTS / OTHER REQUIREMENTS

Following monitoring facilities shall be made available:

6.01 Traffic status including incoming/outgoing traffic, packet drop and other performance indexes of each link.

6.02 Identification of every packet on the basis of application.

6.03 Displaying graphically link-wise traffic of any application.

6.04 Provide facility to each individual subscriber to monitor his/her bandwidth utilization, packet drop and other performance indexes.

6.05 The Commission and NMC will have full access to all monitoring facilities. Required terminals have to be installed with all necessary networks at the Commission premises so that all the traffic status and application-wise visual representation of the traffic of any link can be viewed and stored.

6.06 The licensee shall provide Deep Packet Investigation (DPI) and/ or any other monitoring facilities for online and offline monitoring by the Commission.

7. REPORTING

IIG Licensee shall submit monthly reports including but not limited to the following, showing daily:

7.01 Five minute average Incoming and outgoing traffic for each international backbone link.

7.02 Maximum Incoming and outgoing traffic (5 minutes interval) for each international backbone link.

7.03 Application-wise traffic distribution (in percentage of total utilization) for each international backbone link.

7.04 All or any of the above report for any link as requested by the Commission.

7.05 Any other report as and when asked by the Commission.

8. LAWFUL INTERCEPTION

- 8.01 The IIG shall be compliant as per ETSI ES 201 671 v.2.1.1. or CALEA J.25B.
- 8.02 Redundant access points of LI system of IIGs shall be extended to National Monitoring Centre (NMC) premises including transmission media, other necessary hardware and software for on-line and off-line monitoring, analysis of contents etc.
- 8.03 IIG Licensee shall provide high capacity storage media, as per requirement, to store bulk data at NMC premises.
- 8.04 IIG Licensee shall provide for on-line viewing of content as per ETSI or CALEA standards and storing of data as specified by NMC.
- 8.05 Capacity of storage shall be decided by the Commission.
- 8.06 The system shall be capable of sorting and sending data contents to NMC on the basis of the criteria including but not limited to the followings:
- (a) Source IP address
 - (b) Destination IP address
 - (c) E-mail address
 - (d) Web address
 - (e) Catchy words in e-mail, ftp, chatting
 - (f) Type of application

9. OTHERS

- 9.01 The IIG Licensee shall have SLAs with all ISPs, BWA operator and all other Subscriber.
- 9.02 The IIG Licensee shall ensure sufficient backup power to ensure uptime on 24/7 basis.
- 9.03 The IIG Licensee should provide 24/7 Network Operation Center (NOC) support for all subscribers.



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Bangladesh Telecommunication
Regulatory Commission

SCHEDULE-3

PRO-FORMA OF PERFORMANCE BANK GUARANTEE [Non-Judicial Stamp]

[Date]

[Name of Bank] (Hereinafter called the Bank)
[Address]

To: The Bangladesh Telecommunication Regulatory Commission
[Address]

Subject: Bank Guarantee No. dated: for Tk. 5,00,000.00 (Taka five lac) only in favour of “The Bangladesh Telecommunication Regulatory Commission”.

Dear Sir

This Bank Guarantee (hereinafter called the “Guarantee”) is issued pursuant to the Clause..... of the License being No.dated.....for operating and maintaining of International Internet Gateway in the country granted to (hereinafter called the “Licensee”) by the Bangladesh Telecommunication Regulatory Commission (hereinafter called the “Commission”) under the Bangladesh Telecommunication Regulation Act, 2001 (as amended).

This Guarantee will serve as security deposit for fulfillment of Licensee’s performance obligations under the terms and conditions of the License. The withdrawal request from and form for reduction of guaranteed amount are annexed herewith as form-1 and form-2 respectively.

In case of failure of commencement within the stipulated time, 10% of the Performance Bank Guarantee will be encashed for each month or its fraction thereof. When the full performance bank guarantee will be encashed by the Commission for failure of commencement, the Commission shall take necessary action to cancel the License.

The Bank hereby irrevocably guarantees and undertakes to pay to the Commission, any or all sums up to the amount of Tk. 5,00,000.00 (Taka five lac) only as described in the regulatory and licensing guidelines for invitation of applications for issuing International Internet Gateway Services License as decided by the Commission in accordance with the following terms and conditions:

- (a) Payment shall be made by the Bank within the same business day of the receipt of any written demand by the Commission;
- (b) The written demand by the Commission is made substantially in the form in the annexed Form and executed by an authorized representative of the Commission;
- (c) Payment is made unconditionally and without reservation including the need for any reference to a third party or the Licensee and without the need for any evidence or proof;


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Bangladesh Telecommunication
Regulatory Commission

(d) Payment is to be made in Taka by pay order in favour of the Bangladesh Telecommunication Regulatory Commission.

This Guarantee is irrevocable and shall remain in force for 2 (two) year from the date hereof.

This Guarantee is irrevocable and shall remain in force from the date hereof until terminated by written notice from the Commission.

The Bank shall not be discharged or released from its obligations under this Guarantee unless it has paid any or all sums up to the amount as stated in the License and this has been confirmed in writing by the Commission.

This Guarantee shall be governed and construed in accordance with the relevant laws of Bangladesh.

Signed by,

 for and on behalf of:

 Name of Bank

WITNESSES

1.

 Signature

 Name

 Address

date

2.

 Signature

 Name

 Address

date



(Tareq Hasan Siddiqui)
Deputy Director
Legal and Licensing
Bangladesh Telecommunication
Regulatory Commission

FORM-1

WITHDRAWAL REQUEST FORM

[Letterhead of the Commission]

[Date]

To: [Name of Bank]
[Address]

Dear Sir,

RE: REQUEST FOR PAYMENT OF BANK GUARANTEE AGAINST SECURITY DEPOSIT.

This is with reference to the bank guarantee dated: [*date*] issued by you on behalf of [*Licensee*].

We wish to inform you that [*Licensee*] has failed to meet its obligations under the License.

Kindly let us have payment of the sum of [] in accordance with the terms and conditions of the bank guarantee.

[Name of Authorized Representative of the Commission]
for and on behalf of the Bangladesh Telecommunication Regulatory Commission



FORM – 2

FORM FOR REDUCTION OF GUARANTEED AMOUNT

[Letterhead of Licensee]

[Date]

To: The Bangladesh Telecommunication Regulatory Commission
[Address].

Dear Sir,

SUBJECT: REQUEST FOR REDUCTION IN PERFORMANCE BANK GUARANTEE.

This is with reference to the performance bank guarantee dated [date] (hereinafter called the Guarantee) issued by [Bank] on behalf of [Licensee].

We confirm that we have discharged all of our obligations under the License and have achieved the target set by the Commission based under terms and conditions of the License.

We wish to request that the Guarantee be reduced accordingly.

[Name of authorized representative of Licensee]

for and on behalf of

[Licensee]



(Tareq Hasan Siddiqui)
Deputy Director
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