



Republic of Ghana

Ministry of Communications

GDAP Project

Terms of Reference

For

DEVELOPMENT OF REGULATORY SANDBOX FRAMEWORK FOR THE NCA

January, 2025

1. Background

The Ministry of Communications and Digitalisation (MoCD) has the core responsibility for initiating and developing national policies aimed at achieving cost effective information communications infrastructure and services for the enhancement and promotion of economic competitiveness in line with the policy guidelines of Coordinated Programme of Economic and Social Development Policies (2017-2024). The purpose is to enable government to develop policies that will help integrate information technologies into activities of the society and harness the full potential for effective development.

MoCD believes that all the needed basic building blocks to digitalize Ghana's economy fully are in place. Ghana as a result is moving into the next phase of its digitalization efforts to consolidate the gains that have been realized from our past initiatives. There will be more focus on integrating the ecosystem to eliminate siloed systems and promote data sharing and reuse. The Ministry will also focus on initiatives and systems that bring governance and public services closer to the average citizen and promote inclusion thereby bridging the digital divide.

MoCD as a result has followed through with Policies and Programs to actualize its mandate and the vision of the government to digitize all aspects of the economy fully and to ensure that no citizen is left behind.

The Government has therefore secured funding from the World Bank for its Ghana Digital Accelerated Project which aims to expand access to broadband, enhance the efficiency and experience of selected digital public services, and strengthen the digital innovation ecosystem.

2. The Assignment

Ghana's digital ecosystem has witnessed a steep rise in innovative solutions to provide broadband access, mobile financial services, e-health, e-education and much recently artificial intelligence. Technological convergence has given rise to new services which do not fall completely under any of the existing licensing frameworks at the National Communications Authority (NCA). Over the years, the NCA has also received numerous requests from industry for regulatory approval to deploy these new services.

The question of whether or not, at what stage, and how to regulate these new technologies and emerging services within the digital ecosystem are an ongoing discussion globally, and at the NCA.

This coupled with a vibrant startup ecosystem makes it imperative that the NCA fosters responsible innovation that improves efficiency of scarce radio frequency spectrum and numbering resources, nurtures new opportunities, provides safeguards and robust risk mitigation, and achieves the mandates of bridging the digital divide particularly for people living in unserved and underserved areas, and those living with alternative abilities.

Regulatory sandboxes are actively being adopted by regulators around the world for designing, developing, and reviewing regulation or policies that keep up with innovations as they provide the framework for a 'test-and-learn approach' without compromising on consumer protection or ecosystem safety.

Considering this, the NCA plans to launch a regulatory sandbox as part of the Ghana Digital Acceleration Project (GDAP), being supported by World Bank. The regulatory sandbox will enable the NCA to carry out its functions in the communications industry by enabling the testing, regulating, and supervising of new and innovative solutions for all segments of the market covering individuals, Micro, Small and Medium Enterprises (MSMEs), large corporates, governments, and disproportionately excluded populations including older people, the youths, women etc.

To realise this assignment, the NCA has received financial support from the Ghana Digital Acceleration Project (GDAP) to engage the services of a consulting firm develop a regulatory sandbox framework, 'Standard Operating Procedure' (SOP) for the regulatory sandbox and build internal capacity of NCA staff.

3.0 Objective of the assignment

To develop regulatory sandbox framework to provide a safe space to test new technologies, and innovative approaches or solutions in collaboration with the private sector, and without damping the effects of the telecoms industry and digital economy. The regulatory sand box would cover licensing conditions, payments conditions, spectrum allocation and usage conditions, numbering resource allocation and usage, competition, data protection, among others.

The project will support the NCA with the following key objectives:

- a. Successfully implement the Regulatory Sandbox in the country by building up the NCA's capacity and ensuring that necessary legal and technical infrastructures are in place to support the operation of the Regulatory Sandbox. Successfully developed at two Regulatory Sandbox framework in the country
- b. Understand the incumbent risks and opportunities of new technologies and solutions on consumers and market dynamics and be able to adapt the current regulatory environment to foster new opportunities whilst ensuring an adequate level of consumer protection. Fulfilling this objective will be explored via capacity development activities such as knowledge exchange visits and training on implementing the Regulatory Sandbox.

4.0 Scope of the assignment

The following will be the deliverables expected from the consultant(s) under this assignment:

- a. **Development of regulatory sandbox framework:** This would be a document published by the NCA to present clear guidance and information to prospective applicants to the country's regulatory sandbox. The consultant(s) shall develop the agenda and facilitate internal and external stakeholder engagements to identify pillars, needs and specific context relevant and aligned to the needs of the country, its actors and policy goals to inform the development of the regulatory sandbox framework or guidelines.

- b. Development of a ‘Standard Operating Procedure’ (SOP) for the regulatory sandbox:** This is a comprehensive operational manual and/or guidance for internal use within the NCA on the implementation, operation, and processes necessary for the running of the regulatory sandbox. The technical consultant(s) shall lead the development of the SOP with inputs and alignment on processes from the NCA.
- c. Knowledge exchange with other countries:** The consultant(s) shall lead and support with the agenda, planning and implementation of a knowledge exchange program with a country with practical experience in implementation and operation of a regulatory sandbox.
- d. Internal Capacity Building for NCA Staff and Stakeholder Workshop:** The consultant(s) shall lead and support with the organization, planning and implementation of capacity building for relevant staff of the NCA. In addition, they would also arrange benchmark study visits.

5.0 Key Deliverables and Timelines

The consultant(s) shall be responsible for the following activities and deliverables throughout the project delivery cycle:

- Desk research, preparation, calls/discussions
- Compile meeting minutes and summary documents from all stakeholder consultations (internal and external) and workshop.
- Coordinate the review process of the draft guideline/framework and SOP and compile contributions from participants and incorporate them into draft revisions.
- Submission of initial drafts and recommendations to NCA project team for comments.
- Development of capacity building and workshop materials including agenda, slides and reading materials etc. This also includes supporting and facilitating speaker engagements where necessary.
- Lead and facilitate stakeholder workshops and consider the inputs from such workshops as contribution to the development of the draft guideline/framework and SOP.
- Submit the final Guideline/framework and SOP and, a final report that details the tasks undertaken for this assignment, the workshop summary/report and, the other project documentation as requested by NCA.

6.0 Key Deliverables and Timelines

S.N.	Activity	Deliverable/Next Step	Timeline	Payment Schedule
1	Consultant Onboarding and Kickoff meeting	Kick-off meeting with NCA	One week after signing the contract	
2	Inception Report	Submit inception in both hard and soft copies	One week after signing the contract	Fifteen percent (15%) of the contract value

3	Desk research, interviews, and consultation with relevant stakeholders	A summary report highlighting recommendations	Four weeks after signing the contract	
4	Draft regulatory sandbox framework/guidelines and Standard Operating Procedures (SOP)	Submit draft of the regulatory sandbox guidelines/framework and SOP	Eight weeks after signing the contract	Thirty percent (30%) of the contract value
5	Consultations and Review Process with internal and external stakeholders	<ul style="list-style-type: none"> • Submit Comment/feedback matrix report and highlight recommendations. • Submit revised draft of regulatory sandbox guidelines and SOP 	Ten weeks after signing the contract	
6	Conduct Stakeholder Workshop and Capacity Building	<ul style="list-style-type: none"> • Exposure workshop of the regulatory sandbox guidelines to external stakeholders • Capacity building for NCA internal staff 	14 weeks after signing the contract	Forty percent (40%) of the contract value
7	Submit final report - Regulatory sandbox framework/guidelines and Standard Operating Procedures (SOP)	Submit final report incorporating all comments from NCA and relevant stakeholders	16 weeks after signing the contract	Fifteen percent (15%) of the contract value

7. Key Personnel Qualifications and Experiences

The consulting firm should at have four key staff with a minimum qualifications and experiences as set out below:

1. Lead Consultant

- A Master's qualification in economics, engineering, law, public policy or related discipline.
- Proven experience in innovative regulatory approaches, technology regulation, regulatory policy design and development and/or implementation of Regulatory Sandbox.
- 10+ years of experience in regulations and/or digital innovation services in developing countries.
- Strong knowledge and understanding of legal and regulatory frameworks related to emerging technologies.

- Previous experience working with national telecommunications regulators.

2 Technical Expert (1)

- Must have a bachelor's degree in engineering, economics, law or a related field.
- Should have seven years of professional experience working directly with telecommunications regulatory agencies on policy development and implementation, preferably in regulatory oversight, and enforcing policies and mandates.
- Must have indepth experience working with digital innovation hubs and startups in the digital innovation ecosystem in developing countries.
- Must have relevant experience in analyzing the issue of regulatory oversight and supervision around technology policy, innovation, market conduct and consumer protection.

3 Technical Expert (2)

- Must have a bachelor's degree in engineering, economics, law or other related field.
- Five years of professional experience working directly with telecommunications regulatory agencies on policy development and implementation, preferably in regulatory oversight, and enforcing policies and mandates.
- Should have experience working with digital innovation hubs and startups in the digital innovation ecosystem in developing countries
- relevant experience in analyzing the issue of regulatory oversight and supervision around technology policy, innovation, market conduct and consumer protection.

8. Project Duration

The entire project will span for a period of four (4) months.

9. Firm's Experience and Qualifications

The following are the vendor qualification requirements required for the assignment:

- The Vendor should have successfully implemented and supported the proposed solution in at least two institutions within the last 5 years.
- The vendor must be an established firm with at least 10 years of experience in Information system implementation with demonstrable experience in Africa.
- The firm is expected to have ability to co-ordinate and moderate the relevant deliberations on the proposed legislation, frameworks and directives as well as facilitate multi stakeholder groups on the subject matter.
- The firm must present an implementation plan and methodology for the proposed priority regulatory activities.
- Additionally, the Firm is to ensure that the team have a thorough understanding of the Authority's operations, processes, and systems. The firm should be able to work collaboratively with the Authority's internal teams to ensure a successful implementation of the priority regulatory activities.

10. Reporting and Coordination:

The consulting firm will report directly to the Deputy Director-General, Technical Operations, NCA and indirectly to the GDAP Coordinator and collaborate closely with relevant stakeholders throughout the project.

11. Confidentiality:

All data and information collected during the audit must be treated confidentially and used exclusively for the consultancy's purpose.