



NRK MA-3508/22E
FRAMEWORK
AGREEMENTS
FOR CDN
SERVICES

BASIS FOR QUALIFICATION –
NEGOTIATED PROCEDURE

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1. NRK-MA3508-22E Basis for qualification Attachment_2_Declaration of commitment
2. NRK-MA3508-22E Basis for qualification Attachment_1_Vendor Security Requirements
3. Tender Documents – Please see (NRK-MA3508-22E Tender_Provisions)

1. INTRODUCTION

Norwegian Broadcasting Corporation Ltd., subsequently named NRK, invites interested contenders to request for participation in a negotiated procedure to offer framework agreements for delivery of a Content Delivery Network (CDN) service.

The purpose of this procurement is to enter into parallel framework agreements for providing CDN and related services in order to distribute the content offered by NRK on Internet. We expect the chosen providers to provide a distribution over the internet in Norway and to some extent outside the borders of Norway.

NRK is the main public broadcasting corporation in Norway. NRK currently employs approximately 3,200 people spread out on 12 regions.

More on the extent and scope of these agreements can be found in the tender documents.

For more information, please visit www.nrk.no.

2. ABOUT THE PROCUREMENT

2.1. Background and purpose

NRK aims to be a world class content producer and publicist on all media. Our core activity is production and distribution of broadcasts and programs in various forms of publication. Within interactive forms of publication, video is the most important competitive advantage for NRK. Over the lifespan of this contract NRK expects the importance of content distribution (audio, video and text) over the Internet to further increase, probably also to become our main distribution channel. Hence, we will increase our effort to assure that the Providers under this contract perform to, or better than our agreed SLAs. Since this is parallel framework agreements, we will also use the yearly traffic allocation to award better performance. This is further emphasized by the fact that these services are directly affected by the Norwegian authorities' requirements for the broadcaster.

Earlier the OTT consumption was driven by the younger audience, but now we see the change for all demographic groups. The demand for flawless quality experiences from traditional linear distribution services are now also expected for the OTT services. This means that NRK needs distribution services that enable "error-free" distribution and a high level of customer experience, as well as that the supplier has a good foothold (good connectivity) with local and national ISPs in Norway. In addition, the supplier should be at the forefront when it comes to the development of CDN services and securing them. Characteristics such as low latency, high quality and flexibility to incorporate new standards will be important for the fulfilment of this agreement.

Currently NRK is working on a redesign of our distribution platforms. Subsequently, this will influence the way we will be distributing the source for media content from our OTT setup (live and OnDemand origin). The Provider will in turn need to adjust its platform to be compatible with the new OTT origin services.

NRK's vision of the collaboration with the Provider is that they should be able to support:

- Flawless quality experiences for end users on the open internet

- By developing and operating its infrastructure and services so that it supports the needs for increased quality, stability, flexibility and security
- Proactive troubleshooting and improvement of NRK's services
- NRK's efforts for sustainable production and distribution

Although NRK has goals and visions for the next 5 years, which are described in this document, our needs may change during the agreement period.

2.2. NRKs current internet structure

To help create better understanding of the NRK operations related to this framework agreement we have included some key figures.

Unique Streaming visitors per day:

- Total 1,4 million (NRK TV, NRK Radio, NRK.no)
- NRK Radio 220 thousand

Total PB output of streaming from NRK for the last years:

Year	2017	2018	2019	2020	2021	2022
PB pr. year	291	338	371	545	626	646

Top figures (peek) for live material (streamed video) are more than 2,5 Tb/s shared between 3 Providers. Just over 730 000 hours of videos are consumed daily for Live and OnDemand content.

More streaming statistics can be found in the following attachments:

“NRK-MA3508-22E Tender_Provision Attachment_1_Status NRK TV.pptx”,

“NRK-MA3508-22E Tender_Provision Attachment_2_Status NRK TV week 5 2023.pdf”,

“NRK-MA3508-22E Tender_Provision Attachment_3_Status NRK Radio.pptx”.

Unique Web service visitors pr day

- NRK.no 1,5 million
- YR.no 1,5 million

Total PB output of web services from NRK for the last years:

Period avg. Monthly Oct - Dec	2021	2022
PB	1.3	1.5

Details for YR.no

	Norway (56%)	Non-Norway (44%)
Hits per day	356 977 421	281 463 637

2.3. Scope of procurement

NRK currently have three similar framework agreements expiring 2023. The scope for this competition is to enter into a new set of framework agreement for the next five years.

2.4. Procurement procedure

This public procurement is conducted as a negotiated procedure in accordance with the Norwegian Act on public procurement of 17. June 2016 (LOA) and the Regulations on Public Procurement No. (FOA) FOR 2016-08-12-974, section I and III - above the EU threshold values.

NRK reserves the right to reduce the number of proposals to be subject to negotiation. A reduction might take place before the negotiations start, or after each of the negotiation stages.

Contenders are expected to possess the necessary knowledge of the general public rules and regulations applicable to the public sector purchases in Norway and the EU. Any omission or mistake in any way whatsoever with reference to this does not give the contender any right to an additional claim.

2.5. Contract notice

The procurement is publicly announced at www.mercell.no (reference NRK- MA3508/22E), www.doffin.no and TED (www.ted.publications.eu.int/official).

2.1. Time schedule

The procurement is scheduled to be completed in accordance with the tentative and high-level time schedule provided below.

Milestone/activity	Date
Announcement of Contract Notice and invitation to request for qualification	3. Mars 2023
Deadline for submitting questions	27. March 2023
Closing date for submitting request for qualification	3. April 2023 at 12 noon CET
Notification of the result of the qualification and selection. Distribution of the Tender Basis to qualified and selected contenders	14. April 2023
Closing date for submitting questions concerning the tender documents	2. May 2023
Closing date for submitting written tender proposal	9. May 2023 at 12 noon CET
Initial evaluation	Week 19 and 20 may be also 21
Initial negotiations	Week 21 or 22
Submission of revised proposals	Week one week
Final bid	Tentatively week 24
Contract award notification.	Tentatively week 26
The contract will be signed after the expiry of the standstill period of 10 days following the contract award notification.	

Please observe: In this competition, it is difficult for NRK to specify how extensive the negotiation rounds will need to be. In practice, this means that we will at least conduct one round of negotiations with all providers. Hence, we will not be able to decide in advance whether there will only be one bid revision which will also be the last and final offer or whether we will need several offer revisions before we can ask for the last and final offer. The decision will be communicated in the first negotiant round.

2.2. Tender documents

The documents for this negotiated procedure consist of two parts.

Part one:

This Basis for qualification plus attachments

Part two:

Tender Provisions and appendixes and attachments to be described in a separate section of this document.

3. QUALIFICATION REQUIREMENTS

This chapter contains qualification requirements. They are regarded as minimum requirements that all must be fulfilled in order to participate in the competition.

3.1. European Single Procurement Document (ESPD)

As a preliminary documentation for the fulfilment of qualification requirements and that there are no grounds for rejection, the contender and any subcontractors must validate / fill out the ESPD form in Mercell. The form will automatically be attached to the submitted request for qualification.

As this is a negotiated procedure NRK will also require the documentation on the fulfilment of the qualification criteria to be provided as part of the application in accordance with the following sections of this chapter. Please note also that national grounds for rejection apply.

3.2. Mandatory documentation requirements

Qualification requirement	Documentation requirements
K 01 The Contender should not have substantial tax remarks related to payment of taxes to the public.	Company tax certificate. Documentation on the tax on the employer's salaries and VAT paid from "kemnerkontor" (Norwegian form RF-1244 should be used). The certificate must not be dated earlier than 6 months following the deadline for submission of application. Any arrears must be explained. The requirement is only mandatory for Norwegian Contenders, but international Contenders are encouraged to submit similar documentation.

3.3. Organizational and legal position

Qualification requirement	Documentation requirements
K 02 The Contender shall be a legally registered business	Certificate or equivalent documentation showing that the Contender is registered in a public register in their home country.

3.4. Economic and financial situation

Qualification requirements	Documentation requirements
<p>K03 - The Contender shall have sufficient economic and financial capacity to fulfil his contractual obligations.</p>	<p>Financial statements for the last three fiscal years including P&L statement, balance sheet, board of directors' annual report and external auditor's report.</p> <p>Any up-to-date information of relevance, e.g., quarterly reports. NRK will obtain a solvency assessment of the Contenders economic and financial situation through Experian. If the Contender also will provide their own – it must:</p> <ul style="list-style-type: none"> • be based on the most recent annual or later financially relevant information. • provide information on credit worthiness and the degree of bankruptcy risk. • not be dated later than 3 months prior to the closing date for submission of request to participate. <p>If the contender relies on other enterprise's capacity in order to fulfil the qualification requirement, the enclosed "Declaration of commitment" from the relevant subcontractor(s) or co-operating enterprises shall be filled out and submitted, signed by a duly authorised representative from the actual third party/-ies. Similar documentation as requested above must also be submitted for the other enterprise.</p>

3.5. Technical and professional capacity

Qualification requirement	Documentation requirements
<p>K04 - Previous experience</p> <p>The Contender shall have extensive experience from previous similar and relevant deliveries</p>	<p>Documentation of the most important relevant deliveries the last three years.</p> <p>The documentation must provide for:</p> <ol style="list-style-type: none"> a. customers' name and contact information b. delivery scope and delivered solutions and services c. value and duration of the delivery d. statement of the delivery's relevance to this procurement e. statement of whether the delivery has been performed by the contender itself or by subcontractors/co-operating enterprises. In the latter case the part/extent of delivery performed by subcontractors shall be specified <p>NRK reserves the right to make necessary investigations about the true relevance of the documented deliveries in order to get a complete picture of the Contenders capabilities.</p>

Qualification requirement	Documentation requirements
<p>K05 - Capacity The supplier shall have the capacity to delivery and support CDN-services as described in the enclosed tender documents.</p>	<p>Documentation of the organisational, professional and technical qualifications of the contender, whether it belongs to the contender itself or subcontractors/ co-operating enterprises, listing the number of personnel that can be made available for the execution of the contract; particularly:</p> <ul style="list-style-type: none"> a. Description of the provider's organization and the resources the contender has the disposal of for fulfilment of the contract. b. Overview of technical facilities and capacity for CDN services, hereunder overview of technologies and services offered by the company and the contender's certifications on these. c. Describe service and support organisation and the number of employees who will be made available for the fulfilment of the contract. Describe processes and routines for support and service Describe number of people in support organisation as a total. <p>It must be identified to which organisational/legal entity the resources belong/are employed. If the contender relies on other enterprise's capacity in order to fulfil the qualification requirements, the enclosed "Declaration of commitment" from the relevant subcontractor(s) or co-operating enterprises shall be filled out and submitted, signed by a duly authorised representative from the actual third party/-ies.</p>
<p>K06 - Quality assurance The contender shall have established suitable methods and/or systems to ensure the quality of the deliveries.</p>	<p>A copy of certificates (ISO9001 or equivalent) issued by an accredited certification body that documents that the contender has implemented quality assurance measures relevant to the scope. If the contender is not certified according to relevant standards a brief presentation of the contender's implemented methods and/or systems for quality assurance for the relevant parts of the deliveries. The documentation shall have an overall perspective and in particular elaborate how the undertaking through organisation, management, training, processes and routines maintains high quality and value for its Customers.</p>
<p>K07 - Information security assurance The contender shall have established suitable methods and/or systems to ensure information security.</p>	<p>A copy of certificates (ISO27001 or equivalent) issued by an accredited certification body that documents that the contender has implemented information security assurance measures relevant to the scope. If the contender is not certified according to relevant standards a brief presentation of the contender's implemented methods and/or systems for information security assurance for the relevant parts of the deliveries. The documentation shall have an overall perspective and in particular elaborate how the undertaking through organisation, management, training, processes and routines maintains information security.</p>

4. REQUIREMENTS FOR THE APPLICATION

4.1. Language

The request for qualification shall be written in Norwegian or English.

4.2. The structure and the content of the application

Contenders are asked to note in particular that all descriptions must be as complete and as transparent as possible.

The contenders must ensure that the documentation requirements are sufficiently exhaustive for NRK's ability to evaluate the Contenders qualifications, though NRK encourage you to keep responses short and concise. Extensive use of references to *external* and general information where we have to search for necessary information may be a disadvantage for the scoring of the Contender during the assessment.

The application should contain the following parts and documents:

Part	Description
1.	Signed application letter (scanned letter with signature), including <ol style="list-style-type: none"> a. Full name and address, and complete contact information for the Contender, including contact information for the person responsible for the application. b. Brief description of the Contender and any subcontractors/partners; history, markets, products and services, organization, etc. c. Information of which parts of the delivery any subcontractors/partners are intended to be used d. The Contender's statement for his understanding of section 6.4 "Confidentiality and freedom of information"
2.	Signed declarations of commitment from any subcontractors/co-operating parties.
3.	Public certificates, cf. Sections 3.2 and 3.3 <ol style="list-style-type: none"> a. K 01 Certificate on the taxes and VAT paid b. K 02 Certificate or equivalent documentation showing that the Contender is registered in a public register in their home country
4.	Documentation on fulfilment of the requirements to the Contender's economic and financial situation (Cf K-03)
5.	Documentation on fulfilment of the requirements to the Contender's technical and professional capacity (K-04 – K-07) in the same outline as in Section 3.5 above.

All electronic application files/documents must be labelled as follows:

<Part no>_<MA3508>_<name of document>_<Company short name>

Example: P1_M A3110_Cover letter_Company-ABC

4.3. Submission of request for qualification

The application shall be delivered electronically via the Mercell-web portal, no later than the closing date stated in section 2.1 and must contain the following:

- One "Complete application PDF-compendium" as NRK is meant to read it
- One complete set of single files/documents, preferably in its original format as described in section 4.2
- One censored version as described in section 6.4 below.

For avoidance of doubt and technical errors we will ask you to provide both a complete PDF-binder with all documents in the correct order – as well as a copy of all the above-mentioned single files.

Please note that the Mercell portal will close at delivery deadline.

You will no longer be required to sign the document electronically.

For further assistance, please contact Mercell support at support@mercell.com / +47 21 01 88 60 / +47 21 01 88 00.

4.3.1. Amendments and recall

The request for qualification can be recalled or changed until the application deadline. Revocation shall be made in writing.

Changing the application is considered as a new application and shall be compiled in accordance with the requirements for the application that is stated above.

5. NRK´S PROCESSING OF THE REQUESTS FOR QUALIFICATIONS

Received requests for qualification will be processed in accordance with the provisions set out below.

5.1. Opening

Opening of submitted applications will be made in NRKs premises immediately after the submission deadline. Contenders will not be allowed to be present at the opening.

5.2. Evaluation of the qualifications

Properly submitted requests for qualification will be evaluated as to whether the qualification requirements are met. Contenders that do not meet the qualification requirements will be rejected in accordance with the provisions set out in the procurement regulations.

Similarly, public procurement regulations chapter 24 will be applied for assessment of the Contender in general.

5.3. Selection criteria

Among the qualified contenders, NRK will select a minimum of three (3) to be invited to participate in the tender proposal stage provided that a sufficient number of providers are qualified.

The selection will be based on an overall assessment of the contenders documented economic and financial situation and technical and professional capacity, of which the latter will be emphasised. NRK will particularly seek to select providers with good experience from similar deliveries within the media/production industry.

The selection will also take into consideration the need for good competitive dynamics. Thus, NRK may select the best qualified Contenders with experience from different technologies.

6. OTHER PROVISIONS

6.1. Communication regarding procurement

This procurement process is managed via the Mercell portal. The contenders will gain access to the portal in order to download qualification and competition documents, as well as conduct other correspondence concerning the acquisition and submit the application for participation.

Any questions regarding the basis for qualification and other matters concerning the procurement process should only be addressed through www.mercell.no. Inquiries should be marked "Case number NRK MA3508/22E ". The deadline for questions is stated in section 2.1.

Other inquiries cannot be expected to be answered. Attempts to acquire information or to influence NRK's employees involved in the procurement process may lead to rejection or that the competition is cancelled.

Incoming questions will be reviewed and answered in a general and anonymous manner, and will be continuously distributed via www.mercell.no, where e-mail notification will be submitted to the contact persons registered without undue delay.

6.2. Confirmation of intent to participate

Contenders are kindly asked to confirm the download of the basis for qualification and inform whether they intend to apply for participation. This can be communicated through the procurement portal www.mercell.no by using the "I want to submit an offer" button, preferably within 10 days after reading.

6.3. Corrections, addenda or change of the basis for qualification

If a contender understands that the basis for qualification may or the tender documents may contain errors, ambiguities or that submitted files cannot be read as expected, the contender is encouraged to contact NRK to get the error corrected or to get possible uncertainty clarified.

NRK reserves the right to make necessary changes in the basis for qualification or the tender documents. If needed, the deadline could be extended proportionately.

6.4. Confidentiality and freedom of information

According to the regulation on public procurements FOA § 7-3 on public disclosure, the general public can, in accordance with the Act on the right to access documents of public entities (LAW 2006-05-19 no. 16), demand access to, among other things, tenders submitted after contract award.

In order for NRK to be able to fulfil its duty of confidentiality in accordance with FOA § 7-4, together with the qualification application and offer, the tenderers are asked to enclose a copy where any information considered as trade secrets and other matters of competitive significance, client information - importance to keep secret, cf. FVL § 13, are redacted. In this connection, NRK draws attention to the fact that we have an independent responsibility for assessing the extent of information that the providers request, excluding public information. Correspondingly if a specially prepared document is not delivered for publication.

If the Contender does not enclose a document specifically prepared for publication, NRK will consider the original qualification document ready for publication at its own discretion.

6.5. Cost of participation in the competition

Contenders prepare and deliver request for participation and participate in the subsequent Concept proposal stage and negotiated procedure at their own expense and risk

NRK assumes no further financial responsibility for the invested effort or other costs in connection with the request for participation or the participation in the competition as such.

6.6.Cancellation of the competition and complete call off

NRK reserves the right to cancel the competition if there are objective reasons for this.

6.7. Tender Documents

The tender documents are enclosed and will be made available for qualified and Invited Contenders along with the Invitation to participate. Please be advised that the tender documents should not be responded to in the qualification stage and may be subject to revision before the tender stage.