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NRK 2024/909

DIGITAL MUSIC SERVICE & ASSET MANAGEMENT

TENDER NOTICE-RFP

13 NOVEMBER 2024

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1. GENERAL DESCRIPTION

Norwegian Broadcasting Corporation Ltd, subsequently named NRK, invites you to participate in a tender procedure for the procurement and implementation of a service for Digital Music Service & Asset Management.

1.1 Contracting authority

NRK is the public broadcasting corporation in Norway with main responsibility to produce and distribute audio and visual content for the entire Norwegian population on linear and online platforms. With approximately 3.600 employees NRK is a nationwide business, and it is the largest media company in Norway.

The main office is located in Oslo. NRK has also several regional offices across the country, with 2 main centres in Bergen and Trondheim. NRK is moving its head quarter to new physical buildings in Oslo and aims to modernize its whole production and publication platforms within the next 3 years.

Guided by its public service scope, NRK does not serve any commercial or political interests, and provides strictly non-commercial programming, with no advertising apart from the sponsorship of some cultural and sporting events.

NRK's Corporate Strategy toward 2024 is to be a World-Class Publisher and Content Producer. On any average day 91 percent of the population in Norway uses one or more of NRK's services on demand or linear. NRK1 is the largest television channel in Norway. NRK's radio channels have a combined market share of 66 percent.

For further information about NRK, please refer to <https://www.nrk.no/about/>

1.2 Tender purpose and scope

NRK needs a modern and effective service/interface for searching and discovering music to use in different productions and broadcasts. We also need a service for importing new music, where security and version control are in focus.

We would like our new music service to facilitate collaboration and interaction between our editorial users.

NRK is seeking a strategic partner within the domain of music technology, who will advise our organization on new technologies for music-related workflows.

For more information about specification of requirements see **Appendix 1**.

1.3 Contract terms

The agreement will be regulated by the attached contract: The Norwegian Government's Standard Terms and Conditions for IT Procurement **SSA-L** and its appendices.

The duration of the agreement and operational services shall be for a term of three (3) years as of the commencement date for regular operations. The Agreement and SLA shall thereafter be automatically renewed for a term of one (1) year at a time.

1.4 Tender for parts of the assignment

Bids for parts of the assignment will not be accepted (ref. Appendix 1, section 2.6. Scope).

1.5 Number of suppliers

NRK aims to sign contract with one supplier. The supplier may also partner with third party suppliers. For bids that consist of subcontractors, NRK requests that a commitment declaration as well as an ESPD (European Single Procurement Document) for the subcontractor(s) is included in the bid. See also Chapter 4.2 (ESPD for subcontractors).

1.6 Structure of the invitation to tender

The tender documents consist of this document and the contract (SSA-L agreement – Main text) with appendices:

- **Appendix 01:** Customer's specification of requirements with Attachment 1
- **Appendix 02:** Supplier's description of the service
- **Appendix 03:** Plan for the establishment phase
- **Appendix 04:** Service level with standardised damages and system operations
- **Appendix 05:** Administrative provisions
- **Appendix 06:** Total price and pricing provisions
- **Appendix 07:** Changes to the general contractual wording
- **Appendix 08:** Changes to the Agreement subsequent to the conclusion of the Agreement
- **Appendix 09:** Terms for the Customer's access to and use of third-party deliverables
- **Appendix 10:** Contract performance clauses for safeguarding basic human rights in the supply chain
- **Appendix 11:** NRKs Code of Conduct-for Business Partners
- **Appendix 12:** EU standard Data processing agreement
- **Appendix 13:** EU-SCC-Data processing Addendum-Module-2
- **Appendix 14:** EU-SCC-Data processing Addendum-Module-3
- **Appendix 15:** Supplier Security Requirements

1.7 Announcement of the tender

The procurement has been announced on mercell.no (reference NRK 20247909) and doffin.no, as well as TED (www.ted.publications.eu.int/official).

1.8 Schedule

The procurement will take place in accordance with the plan shown in the table below. All dates after the deadline for submitting the request for qualification are tentative.

Table 3 Timeline

Activity	Date
Date of publication	13.11.2024
Deadline for queries on the qualification notice	6.12.2024
Deadline for submitting request for qualification	16.12.2024 at 12.00 CET
Notification of the result of the qualification and selection	20.12.2024
Deadline for submitting questions concerning the tender	20.1.2025 at 12.00 CET
Deadline for bid submission	24.1.2025 at 12.00 CET
Initial evaluation	Week 5-6/2025
Demo and feedback	Week 7-9/2025
Negotiations and updated bids	Week 10- 13 /2025
Contract signing	Week 15/2025
Project start	Week 17/2025

1.9 Basic human rights in the supply chain

The selected supplier must adhere throughout the entire contract period to points 1-4 in the contractual terms regarding basic human rights in the supply chain, as specified in **Appendix 10**.

The contractual terms are based on the UN Guiding Principles on Business and Human Rights (UNGPs) and the OECD Guidelines for Responsible Business Conduct, using due diligence assessments as the method. Both frameworks recommend due diligence assessments as the preferred method to identify, prevent, mitigate, and account for how businesses address any adverse impacts on worker and human rights within their own operations and in the supply chain.

If the supplier utilizes subcontractors to fulfil this contract, the supplier is obligated to extend and contribute to compliance with the requirements in the supply chain.

1.10 Code of Conduct

Refer to **Appendix 11**: “NRK's Ethical Guidelines for Business Partners.” NRK assumes that these guidelines are applicable to the contractual relationship.

2. RULES FOR THE IMPLEMENTATION OF THE TENDER COMPETITION

2.1 Procurement procedure

This procurement is carried out in accordance with Norwegian Act of 17th June 2016 with regulations for public procurements. The procurement shall be made by means of a negotiated procedure in accordance with part I and III of the Regulations for public procurements.

The client plans to invite minimum three and maximum five qualified suppliers to submit bids. If more than five qualified suppliers submit requests to participate in the competition, the client will select among these suppliers based on the selection criteria outlined in section 5.4.

Negotiations will take place after suppliers have submitted their bids and NRK have evaluated them. There may be several rounds of negotiations and NRK holds the right to reduce the number of suppliers in each round.

2.2 Confidentiality and disclosure

The contracting authority, the beneficiary and their employees are obligated to prevent others from gaining access to, or knowledge of, information about technical devices and procedures or operating and business matters which for competition reasons should be kept secret, cf. § 7-3 of the "Regulations on public procurements", cf. Public Administration Act § 13.

The contracting authority acknowledges that the general public has the right to access the tender offers and the procurement protocol after the contractor has been chosen, cf. the Freedom of Information Act of 16 May 2006, no. 16, regarding the right of access in public sector agencies, see § 23(3), cf. "Regulations on public procurement" § 7-4.

The contracting authority is obligated to comply with the obligation to provide guidance, cf. the Freedom of Information Act § 11.

If a request for access is made, NRK is committed to make its own assessment of the demand for access against the legal framework.

2.3 Validity period

Tenders must remain valid for three months after the last submission, or until a contract has been signed if this takes place before the expiry of the validity period.

2.4 Additional information

This procurement will be managed in the Merccell portal. Suppliers will be allowed to access, via the portal, the tender documentation and other correspondence relating to the procurement, and to submit an electronic version of the tender.

Queries about the tender documentation and other enquiries relating to the procurement must be submitted via www.merccell.no.

Queries received will be reviewed and answered in general, anonymous form and will be distributed continuously via www.merccell.no. The portal will send automatic generated email notifications to the invited suppliers.

Responses to other enquiries cannot be expected. Attempts to acquire information or influence NRK's staff involved in the procurement may lead to rejection or cancellation of the tender procedure.

For any query regarding the use of Merzell, please contact Merzell Support at:

+47 21 01 88 00 or by e-mail: support@merzell.com.

2.5 Correction, supplementation or amendment of the tender documentation

Suppliers must communicate to NRK any issue with the tender, like errors, need for clarifications etc.

NRK reserves the right to make necessary amendments to the tender documentation. The deadline for tenders could be extended accordingly, where necessary.

2.6 Language

Documentation related to this tender should be submitted in English.

2.7 Requirement Specification

Detailed information about requirements and specifications are presented in:

- **Appendix 01:** Customer specification of requirements, with Attachment 1
- **Appendix 03:** Plan for the establishment phase
- **Appendix 04:** Service level with standardised damages and system operations
- **Appendix 05:** Administrative provisions
- **Appendix 06:** Total price and pricing provisions
- **Appendix 12-14:** Standard Data processing agreements with Addendum
- **Appendix 15:** Supplier Security Requirements

2.8 Costs for participation

Suppliers participate to the tender process at their own expense and risk. NRK accepts no financial responsibility for discontinued work or other expenses in connection with suppliers' participation in this process.

3. QUALIFICATION PROCEDURE

In order to qualify for the tender, suppliers must:

1. Submit a signed pre-qualification letter containing:
 - Full name, address and contact information of the supplier, including contact information of the person responsible for the tender.
 - The supplier's understanding of section 2.2 above concerning Confidentiality and disclosure.
 - Documentation indicating compliance with the qualification requirements listed in sections 5.1 – 5.4.
2. Fill out in Merccell the European Single Procurement Document (ESPD) as stated in chapter 4.

4. THE EUROPEAN SINGLE PROCUREMENT DOCUMENT (ESPD)

4.1 General information regarding ESPD

As documentation to demonstrate compliance with the qualification requirements, the absence of grounds for rejection, and potentially meeting the selection criteria, the supplier is required to fill out the integrated ESPD form in Merccell. This form should be submitted along with the request for participation.

Additionally, we request that all requested documentation specified in Chapter 5 (“Qualification Requirements”) be uploaded to Merccell.

At any point during the competition, the contracting authority may request the supplier to provide further documentary evidence if necessary to ensure the proper conduct of the competition.

4.2 ESPD for subcontractors

If the bidder intends to rely on subcontractors or partners to meet the qualification requirements, an ESPD form must also be submitted for each individual subcontractor/partner, in accordance with the procurement regulations § 17-1(6).

4.3 National grounds for exclusion

The Norwegian procurement regulations go beyond what is outlined in the grounds for exclusion stated in the EU directive on public procurement and in the standard form for ESPD. It is therefore specified that all grounds for exclusion in the procurement regulations § 24-2, including purely national grounds for exclusion, apply to this competition, cf. Part III of the ESPD form: Grounds for Exclusion, Section D: 'Other grounds for exclusion set out in the national legislation of the contracting authority's Member State.'

The following are the national grounds for exclusion specified in the procurement regulations § 24-2:

§24-2(2). This provision specifies that the contracting authority shall exclude a supplier when aware that the supplier has been finally convicted or has accepted a penalty for the specified criminal offenses. The requirement for the contracting authority to exclude suppliers who have accepted penalties for the specified criminal offenses is a specific requirement in Norway.

24-2(3) letter i. The ground for exclusion in the ESPD-form only applies to serious professional

misconduct, whereas the Norwegian ground for exclusion also includes other serious misconduct that may raise doubts about the professional integrity of the supplier.

5. QUALIFICATION REQUIREMENTS

The qualification requirements are absolute criteria. Failure to meet the qualification requirements will result in rejection from the competition, cf. the procurement regulations § 24-2.

As a preliminary documentation for meeting the qualification requirements, demonstrating the absence of grounds for exclusion, and potentially fulfilling the selection criteria, the supplier shall complete the integrated ESPD form in Merccell, as outlined in Chapter 3 above. Additionally, we request that the requested documentation requirements specified in this chapter (pts. 5.1-5.4) be provided as attachments in Merccell.

5.1 Mandatory qualification requirements

Qualification requirements	Documentation requirements
<p>The company should have no arrears relating to the payment of taxes and fees to the government.</p>	<p>Norwegian Suppliers:</p> <ul style="list-style-type: none"> • Certificate of paid tax and VAT (Attest for skatt og merverdiavgift). Not older than six months • Documentation not older than 6 months calculated from the deadline for tender submission of the tax paid and the employer’s salaries from kemnerkontor (Certificate Order RF-1316). If there are arrears, please provide explanations. <p>International Suppliers:</p> <p>Suppliers should submit certificates, not older than 6 months, issued by the competent authority stating that the supplier has fulfilled all obligations relating to the payment of taxes, social security contributions and VAT.</p>

5.2 Suppliers' organisational and legal position

Qualification requirements	Documentation requirements
<p>The supplier must be a legally registered company.</p>	<p>Company certificate or equivalent documentation indicating that the supplier is registered with a trade register in its home country.</p>

5.3 Economic and financial position

Qualification requirements	Documentation requirements
<p>The supplier must have a satisfactory economic and financial position to fulfil the contract.</p> <p>The economic and financial position will be examined based on a total evaluation including Operating margin (preferably higher than 5 %), Current ratio (preferably higher than 1), Debt-equity ratio (preferably lower than 5) and Capital adequacy/solvency ratio (preferably higher than 20 %)</p>	<ul style="list-style-type: none"> • Income statement and balance sheet for the last two completed financial years (with audit report), as well as any preliminary accounts for recent periods that have not been completed. • Solvency assessment from a company licensed to operate credit information business. The assessment: <ol style="list-style-type: none"> 1) Must be no more than three months old 2) Must be based on the last approved accounts 3) Should provide information on creditworthiness and degree of bankruptcy risk (bankruptcy prediction). • If the supplier has valid reasons for being unable to produce the requested documentation, a guarantee may be provided from a parent company which meets the qualification requirements, or alternative a declaration from an auditor or financial institution. • If the supplier relies on a parent company or others, the corresponding financial figures for the actual company and the declaration of commitment must be submitted.

5.4 Technical and professional qualifications

Qualification requirements	Documentation requirements
<p>5.4.1. The supplier must have relevant experience in the supply of services equivalent to those described in this document.</p>	<p>Please provide information and references from the two to five most relevant deliveries (preferably media/ broadcasters) of the supplier and any subcontractors over the last three years. These deliveries must be relevant and comparable to the object of this procurement.</p> <p>Please use the template reference in section 7.2. Fill out a copy for each reference.</p>
<p>5.4.2. Development</p>	<p>Please describe:</p> <ul style="list-style-type: none"> • How your organisation works on the further development of the offered solution (Agile practice is preferred), and include your current roadmap for the product, and how customers can contribute to this. • How UX / Service Design from an end-user perspective are considered when developing new processes in your organisation • The capacity (approximately) allocated to further development of the solution

6. BID SUBMISSION

This part applies to the suppliers who are invited to submit a bid (after qualification Phase).

6.1 Bid content and structure

The following documentation must be included in the bid in **completed condition**:

Part	Description
1.	Signed tender letter (see section 7.1)
2.	Appendix 2 (completed version of Appendix 1 with Attachment 1) to Appendix 9
3.	Appendix 12
4.	Appendix 13 or Appendix 14
5.	Appendix 15

6.2 Number of copies

The bid must be delivered in [Merzell](#) in two copies:

1. One complete copy version labelled "ORIGINAL"
2. One copy labelled "SLADDET KOPI" [CENSORED COPY] as stated in section 2.2

It is the bidder's responsibility to ensure that the electronic documents are named and delivered correctly.

6.3 Reservations and deviations

If the bidder makes reservations against parts of the Tender notice, this must be clearly stated in the signed tender letter. The conditions must be specified with consequences for performance, price or other matters related to the tender's scope and purpose.

The same applies to deviations. Any reservations or deviations shall be precise and unambiguous so that the Contracting authority can consider them without contacting the bidder. Reservations and deviations must refer to the relevant sections in the tender documentation and be well described.

Any reference made by the bidder to standardized terms of delivery or the like will be considered a reservation if it deviates from the current Tender notice.

Significant reservations to the contract terms or the tender documentation may lead to rejection of the bid.

6.4 Alternative tenders

Submission of alternative tenders is not permitted and will be rejected.

6.5 Amendment and withdrawal

Tenders may be withdrawn or amended up to the expiry of the deadline for tenders via the Merzell portal.

Amended tenders are regarded as new tenders and must comply with the tender's requirements.

6.6 Cancellation of the tendering procedure and total rejection

NRK reserves the right to cancel the tendering procedure if there are reasonable technical and/or economical grounds (i.e. budget limits) for doing so.

6.7 Rejection

NRK may reject tenders which contain reservations, errors, ambiguities, incomplete sections or similar which cast doubt over how the tender is to be evaluated in relation to other tenders.

6.8 Award criteria

The selection will be based on the most financially and technically beneficial offer, based on the following criteria:

Award criteria	Weight	Description
<p>Criterion 1: Quality (included Sustainability)</p>	<p>70 %</p>	<p>A) The suitability and quality of the solution NRK will evaluate:</p> <ul style="list-style-type: none"> • The functionality and user friendliness as perceived during the demonstrations and the extent to which the solution meets the requirements specified in Appendix 1, Chapter 3 (Requirements) with attachment 1 (in Excel). • Appendix 1, Chapter 2.9 (Strategical partnership) • The Service and SLA specified in Appendix 4 <p>B) Implementation NRK will evaluate:</p> <ul style="list-style-type: none"> • The project plan as specified in Appendix 3 • The project organization as specified in Appendix 5 <p>C) Sustainability and environmental impact (minimum 30 % weight of the total evaluation) NRK will evaluate:</p> <ul style="list-style-type: none"> • Answer to Appendix 1, Chapter 4 (“Sustainability and environmental impact”), with any appendices to which reference is made in the answer to this chapter.
<p>Criterion 2: Price level and models</p>	<p>30 %</p>	<p>NRK will assess the Total price and pricing provisions provided in Appendix 6 included implementation costs.</p> <p>The evaluation will be based on the total cost of ownership for 5 years.</p>

6.9 Evaluation Method

Evaluation of Quality Criteria (criteria 1 in Chapter 6.8, above): The assessment is based on an overall evaluation considering the elements specified in the tender documents and the award criteria mentioned above. Points are awarded on a scale from 0 to 10, with 10 being the best. The offer deemed best for this main criterion receives the highest score.

Evaluation of Price (criterion 2 in Chapter 6.8, above): Based on content and production estimated in chapter 1.3 NRK prefer payment as a total annual Enterprise Licence fee, where installation/establishment costs are included.

The contract period is 3 years, however since it is likely that NRK will use options to extend the period, we will base our evaluation on a contract period of 5 years (3 years plus 1+1 year of option).

Tenders should account for the phases outlined in section 1.3 (of the Tender Document) when pricing the services. NRK will score the price based on all commercial aspects of the tender. A scale from 0 to 10 is used, with the lowest price receiving 10 points. Scores are determined based on a proportional calculation.

6.10 Scale of Evaluation

NRK uses a scale from 0 (no answer) to 10 points (maximum score) on each part of the evaluation.

Best bid on each of the two main criteria will be awarded 10 points on the actual criteria, and the other suppliers points on the actual main criteria will be adjusted accordingly.

The score of each bid for each main criterion, will be adjusted according to the specified percentage weight.

The maximum weighted scores for the main criteria are as follows:

- Criteria 1: 7 points (10 points × 70% weight)
- Criteria 2: 3 point (10 points × 30% weight)

6.11 Reservations and prerequisites

NRK will evaluate the extent and impact of possible reservations against the general contract terms, as well as other reservations and prerequisites from the Supplier, including required changes in the Customer's technical platform. These will be evaluated under the award criteria "Total Price" if the reservations/prerequisites are considered to have an economic value or consequence, and equivalently under the Quality award criteria if they have implication for those.

6.12 Fulfilment of absolute requirements

Non-fulfilment of one or more absolute requirements/(must-requirements) gives the Contracting Authority a right, but not an obligation, to reject the offer. When assessing whether such non-fulfilment should result in rejection, emphasis will be placed on whether the non-fulfilment reduces the Contracting Authority's total benefit in accordance with the Contracting Authority's described needs and the purpose of the procurement.

7. ATTACHMENTS

7.1 Tender letter

Company:			
Organization Number:			
Address:			
Zip/City			
Phone:			

Contact:			
Phone:		Mobil no:	
E-mail:			

- We hereby confirm our understanding of section 2.2 concerning Confidentiality and disclosure

- We hereby confirm that the tender remains valid for three months after the deadline for tenders as stated in section 1.8 above, or until a contract has actually been signed if this takes place before the expiry of the validity period.

Reservation and deviations

<Supplier's response>

Place Date CEO (sign.)

7.2 Reference template

[Supplier – Your company name]

Reference – Digital Music Service & Asset Management

Please note: References provided to NRK must be a complete project (all modules within the same solution / user interface) and must not be older than 3 years from project closing date.

Fill in the table below:

Client:	
Country:	
Industry:	
Describe the project, including the scope/number of modules, and configurations and integrations if relevant:	
Project value:	
Project time period:	From date – To date
Modules:	
Number of system users:	
Number of concurrent users:	
Number of companies in the project:	
Complexity:	<input type="checkbox"/> Easy <input type="checkbox"/> Medium <input type="checkbox"/> Advanced

Contact person NRK can contact for further information: (If needed)

Name	
Title/Role	
E-mail	
Telephone	