



# **NRK MA-3110/18E** **FRAMEWORK** **AGREEMENTS** **FOR CDN** **SERVICES**

TENDER PROVISIONS

REV-1

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## 1. INTRODUCTION

Norwegian Broadcasting Corporation Ltd., subsequently named NRK, invites qualified and selected contenders to participate 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 framework service contracts for CDN Services to distribute the Content offered by NRK through its online services live and/or on demand (streaming and/or for download) to our end-users in Norway and to some extent outside the borders of Norway. The Contender must be able to provide distribution over the Internet infrastructure to a multi-platform environment for our end-users, supporting platforms like computers, various mobile devices, gaming consoles, smart-TVs, setup boxes and other connected devices.

Please also refer to the Qualification basis for a description of background information and purpose of the procurement.

The scope of the procurement is based on the current needs, organisational structure, and may be subject to change or adjustments for e.g. new services and changes in NRK's organisational structure that may affect the agreement.

## 2. TENDER DOCUMENTS

The Tender Basis for the negotiated procedure consist of these Tender Provisions and general contract terms with appendices.

The Tender documents consist of the following parts and documents:

Part	Document
I	Tender Provisions (this document)
II	Contractual terms for this delivery (A1 Contractual terms CDN services)
III	Appendices <ul style="list-style-type: none"> <li>• CDN specifications including compliance form (A2 CDN Specifications) (later to be Appendix 2 in the Contract)</li> <li>• Project and progress plan (Appendix 3)</li> <li>• Appendix for itemized pricing, sub sums and price principals (A4 CDN Prices and Charging) (later to be Appendix 4 in the Contract)</li> <li>• Appendix for Amendments for the enclosed contract terms (A5 Changes to the Contract Terms) (later to be Appendix 5 in the Contract) (empty form)</li> <li>• Attachment_1 - IT-requirements for NRK version 3.0</li> <li>• Attachment_2 - Statistics web and web-tv</li> </ul>
IV	Data Processor Agreement (template)

### 3. ADMINISTRATIVE PROVISIONS

#### 3.1. Contract notice

The procurement is publicly announced at [www.mercell.no](http://www.mercell.no) (reference NRK-MA3110/18E), [www.doffin.no](http://www.doffin.no) and at TED ([www.ted.publications.eu.int/official](http://www.ted.publications.eu.int/official)).

#### 3.2. 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

#### 3.3. Time Schedule

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

Milestone/activity	Date
Notification of the result of the qualification and selection. Distribution of the Tender Basis to qualified and selected contenders	25. May 2018
Closing date for submitting questions concerning the tender documents	14. August 2018
Closing date for submitting written tender proposal	20. August 2018 at 12 noon CET
Initial evaluation	Week 34 to 36
Initial negotiations	Week 36
Closing date for submitting revised proposals	Week 37
Evaluation of revised proposals	Week 37 – 38
Final negotiations	Week 38
Closing date for submitting final proposals	Week 39
Evaluation of final proposals	Week 40
Contract Award Notification and signing	Week 40-41

The contract will be signed after the expiry of the standstill period following the contract award notification.

#### 3.4. Communication regarding the procurement

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

Any questions regarding the qualification basis and other matters concerning the procurement process should only be addressed through the Mercell portal's communications module. Inquiries should be labelled "NRK MA3110/18E " in the subject field.

Other inquiries cannot be expected to be answered.

Incoming questions will be reviewed and answered in a general and anonymous manner, and will successively be distributed via the Mercell portal, where e-mail notification will be submitted to the contact person registered, not later than the date described in the timetable above.

For further assistance regarding use of the portal, please contact Mercell support at [support@mercell.com](mailto:support@mercell.com) / +47 21 01 88 60 / +47 21 01 88 00.

### **3.5. Confirmation of intent to participate**

Qualified Contenders are asked to confirm the successful download of the Tender Basis, and inform NRK whether they intend to participate in the competition. This should be communicated through the Mercell portal by using the "I want to submit an offer" button.

### **3.6. Language**

The tender and all written communication for this tender competition shall be written in English or Norwegian.

### **3.7. Guidelines for responding to requirements**

NRK requires the contender to respond to *all* the requirements listed in the appendices. The responses to each requirement describe the offered solutions in a way that makes it possible to assess to what extent the fulfilment is suitable for NRK's needs.

NRK requests that responses to the Customer Requirement Specifications be kept concise in relation to what contenders are asked to describe; although as complete and as transparent as possible. Extensive use of references to brochures or other general information where NRK has to search for the necessary information should be avoided. Similarly, any links to external websites cannot be taken into consideration.

Please also note that the requirements described with "must"/"shall"/"should" only represent a classification of importance – which means that fulfilment of the requirement can be with an adequate substitute. This can also overrule any inconsistencies with respect to the use of "must"/"shall"/"should" in the requirements description.

### **3.8. Confidentiality and freedom of information**

All Contenders have a duty of confidentiality related to this tender. This obligation relates to any information about the Customer, the Customer's systems or other issues that they may become aware of, pursuant to the Norwegian Public Administration Act of 10 February 1967 § 13.

NRK and its employees undertake to prevent others from gaining access to or knowledge of information on the Contenders, the Contenders' systems or other issues the Customer may become aware of in connection with this tender. However, please note that in accordance with the Norwegian Freedom of Information Act of 19 May 2006 § 23 (3), the public can request access to information in all tenders after the contract is awarded.

NRK may exempt information considered as trade secrets and other matters of competitive significance, ref. the Norwegian Freedom of Information Act § 13.1 cf. Norwegian Public

Administration Act § 13.1.2. Hence NRK reserves the right to request a censored version of proposals submitted if an access request is received.

### 3.9. Cancellation of the competition and complete call off

NRK reserves the right to cancel the competition and/or reject all tenders in accordance with FOA § 22-1.

## 4. THE STRUCTURE AND THE CONTENT OF THE TENDER

### 4.1. Tender documents

The submitted tender should contain the following parts and documents:

Part	Description
1.	<p><b>Signed Cover letter (scanned letter with signature), containing:</b></p> <ul style="list-style-type: none"> <li>a. Full name and address, and complete contact information for the contractor, including contact information for the person responsible for the application.</li> <li>b. Information of which parts of the delivery any subcontractors/partners are intended to be used</li> <li>c. Providers name and contact information for the two most relevant reference projects delivered by the proposed personnel along with a brief description of why the references are assumed to be of relevance for this delivery.</li> <li>d. The contractor’s statement for their understanding of section 3.8 above.</li> <li>e. Confirmation of abidance period, c.f. section 4.5 below.</li> <li>f. Signature by an authorized person.</li> </ul>
2.	<p><b>All tender documents in relation to the implementation and operation of the CDN service listed below are to be submitted as part of the Provider’s proposal:</b></p> <ul style="list-style-type: none"> <li>• Completed - Appendix for CDN specifications including compliance form (A2 CDN Specifications)</li> <li>• Completed - Appendix for Project and progress plan for the establishment phase (A3 Project and progress plan)</li> <li>• Completed - Appendix for itemized pricing, sub sums and price principals (A4 CDN Prices and Charging)</li> <li>• If any, Completed - Appendix for Amendments for the enclosed contract terms (A3 Changes to the Contract Terms) (empty form)</li> <li>• Signed Attachment 1: IT-requirements for NRK version 3.0</li> <li>• If any, Standard Service level with standardised compensations</li> <li>• If any, Standard terms and conditions for third-party deliveries</li> </ul>

### 4.2. Submission of the tender

The tender shall only be delivered electronically via the Merccell-portal no later than tender deadline as stated in section 3.3 above. No paper copies are needed. Please note that the Merccell portal will close at delivery deadline.

All electronic tender documents must be labelled as follows:

<Part number>\_<Casenumber>\_<short name of document>\_<short name of Tenderer>

Example: “P1-MA3110\_Cover letter\_Contender name” and so forth.

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We want to receive the above files in its **original format** (e.g. word, excel). In addition, and for avoidance of errors in the above-mentioned files, and to help NRK to see the entire proposal layout the way it is intended from the contender's point of view – you must provide one (1) **searchable** PDF-compendium containing all the individual files.

According to the Norwegian public procurement regulation only e-signatures issued in accordance with a national Requirement Specification by certification service providers registered with the Norwegian Post and Telecommunications Authority are accepted.

#### **IMPORTANT:**

The contenders will not be required to sign the submission electronically, but please remember to submit a signed and scanned copy of your cover letter.

For further assistance, please contact Mercell support at [support@mercell.com](mailto:support@mercell.com) / +47 21 01 88 60 / +47 21 01 88 00.

### **4.3. Alternative tenders**

As stated in the public notice it is not permitted to submit alternative tenders. Alternative tenders will be rejected.

### **4.4. Amendment and withdrawal**

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

Amended tenders are to be regarded as new tenders, which must be constructed in compliance with the tender requirements as specified above.

### **4.5. Abidance period**

The period during which the bid shall be valid is set to three months from the submission deadline.

## **5. EVALUATION**

This chapter contains an overview of how received bids will be evaluated.

### **5.1.Rejection of tenders**

Possible rejection questions will be assessed in accordance with the regulation on public procurement Ch. 24. NRK particularly emphasizes the obligation to reject proposals containing substantial reservations to the contract terms and major deviations from the specifications and other parts of the Tender Basis.

Any deviation from requirements will be evaluated with regards to several aspects, amongst others; how substantial the deviation is, the importance of the subject the deviation relates to, the consequences for NRK and the influence on the competitive situation between the Contenders. Furthermore, an overall assessment of discrepancies might force NRK to reject a tender in order to obtain the purpose of this contract and that the total solution is comparable amongst the contenders.

## 5.2. Award Criteria

The evaluation including any reductions will be based on the award criteria as set out below.

Contract will be awarded to minimum three suppliers and maximum four, who provide the most economically most advantageous offer based upon the evaluation of the final offers submitted after the conclusion of the final negotiations. The high-level award criteria are listed below.

Award Criteria	Weight	Sub-criteria/description
Total Quality	60 - 70 %	<p>The criteria for the evaluation of total quality are:</p> <ul style="list-style-type: none"> <li>• Service Solution Quality and Performance; C.f. App.2 Ch. 1 - 12 with particular emphasis on the following: <ul style="list-style-type: none"> <li>○ Ability to provide a CDN service quality throughout Norway in close cooperation with Norwegian ISPs</li> <li>○ Scalability</li> <li>○ Reduction of risk, up-times and stability</li> <li>○ Detailed reports and analytics</li> </ul> </li> <li>• Project Delivery Quality; C.f. App.2 section 3.1.2 and App.3 Project and progress plan</li> <li>• Operation Quality – proposed SLA; C.f. App.2 section 4.2.10</li> </ul>
Total Price	30 - 40 %	Total prices for all required services, project implementation and subsequent support. Furthermore, any additional costs associated with the Contenders' recommended changes in the Customer's technical platform will be added to the total price.

### 5.2.1. Contract duration

The duration of the contracts will be a term of 2 years, with option for 1 + 1 + 1 year with maximum duration of 5 years.

### 5.2.1. Previous client references

Previous client references may be contacted by NRK in order to verify quality aspects of previous deliveries. Thus, the result from such reference verifications may be used as supplementary inputs for all aspects of the Quality evaluation.

It is emphasized that any evaluation of previous client references in the award evaluation differ from the evaluation of previous experience in the eligibility evaluation, as the references stated in the tender letter will be evaluated as an expression for anticipated quality related to the contract object.

### 5.2.2. 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 contender, 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.