

Utdanningsdirektoratet

TENDER SPECIFICATIONS

Competitive dialogue in accordance with section 13-2 of the Public Procurement Regulation
for procurement of systems for development and administration of tests and examinations

Case no. 2018/23908

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PART 1 – General information, qualification and selection of applicants

1 Introduction

1.1 Contracting authority

Established in 2004, the Norwegian Directorate for Education and Training is the executive body of the Ministry of Education and Research. The Directorate has the overall responsibility for supervising kindergarten, education and the governance of the education sector, as well as the implementation of Acts of Parliament and regulations. This includes the setting of curricula and assessment.

The Directorate is responsible for all national statistics concerning kindergarten, primary and secondary education. On the basis of these statistics it initiates, develops and monitors research and development.

The objective of the Directorate is to ensure that all children, pupils and apprentices receive the high-quality education they are entitled to. For more information, see the client's website: <https://www.udir.no/in-english/>.

1.2 Background

Since 2008 the client has carried out digital testing and examinations. In this work the client has digitalized major portions of the development, administration and follow-up processes, as well as all management of examinations and tests. This digitalization has particularly led to major gains for our users in the management area. The systems for management have been renewed in recent years. For a description of the existing processes, see Attachment 4: Description of today's process for tests and examinations. Examples of content can be found in Attachment 5: Links to relevant tests and examinations

The systems used to develop and administer examinations and tests have undergone major changes since they were launched in the 2007-2009 period. However, they are based on different and in part aging technologies. This make change processes difficult, for example when new functionality is needed. The client has therefore decided to carry out a competitive dialogue in order to procure a new system for the development, administration and follow up of tests and examinations.

The system must meet functional requirements for developing, administering, assessing and analysis of examinations and tests. The purpose of introducing a new system is to provide

- a fairer assessment of the pupils because everyone will have equal opportunities to participate
- digitalized tests and examinations
- greater security in the system and greater security relating to the administration of examinations and tests

See mapping of needs in Attachment 2: The needs for tests and examinations and Attachment 3: The background for a new system for tests and examinations.

The new system is to be integrated with the client's management systems.

On an annual basis the client has a throughput of around 1 000 000 tests and examinations. Approximately 300 000 of these are examinations. It is expected that this number will increase to at least 1 500 000 after all tests and examinations have been fully digitalized.

2 The procurement

2.1 Public announcement

This procurement is announced in Merccell on 23 November 2018, and will be made available in Doffin (the national database for public procurements) and the TED database (Tenders Electronic Daily) by Merccell shortly after.

The Directorate hereby invites suppliers of test and examination systems to apply to take part in a competitive dialogue on a new test and examination system in Norway. The new system shall be based on existing software with as few adaptations as possible.

In this document, all suppliers applying to take part in the dialogue are referred to as “applicant”, whilst the suppliers who are selected to participate in the dialogue are referred to as “bidder”. “contractor” is the term that will be used for the supplier awarded the contract. Hereinafter the Norwegian Directorate for Education and Training is referred to as the “client”.

Below we will refer to tender/tenderer as “bid” and “bidder”, and what is stated about them also applies to “application” and “applicant”.

2.2 Duration and options

The client will enter into an agreement with a duration of four – 4 – years. The client will have the option of prolonging the contract period for two – 2 – years at a time. If the client wishes to use the contract extension option, the contractor must be notified at the latest six – 6 – months in advance.

The client reserves the right to increase the number of annual throughput of examinations and tests beyond the expected amount of at least 1 500 000 annual throughputs.

The client reserves the option of extending the agreement to apply to tests carried out by other public agencies.

2.3 Communication and information

The client's contact person is Øyvind Barkald Aas.

All communication in this process must take place via Merccell and will be logged. The client will publish all questions and answers publicly in Merccell. Questions will be made anonymous.

2.4 Assistance on using Merccell

If the applicant or bidder needs assistance in learning how to use the Merccell portal, send an email to: support@merccell.com or telephone: 00 47 21 01 88 60.

2.5 Language

The application and, all documents in connection with the application, must be submitted in Norwegian or in English. The same applies to written communication regarding the application.

The dialogue will be conducted in Norwegian or in English. All slides and material will be in Norwegian or in English.

The bid and, all documents in connection with the bid, must be submitted in Norwegian or in English. The same applies to written communication regarding the bid.

Contract negotiations will take place in Norwegian. The contract with all its attachments, see Attachment 1, will be in Norwegian.

2.6 Electronic signature

When communicating, submitting the application and submitting the bid the bidder will be asked for an electronic signature to confirm the identity of the bidder. An electronic signature can be obtained from www.commfides.com, www.buypass.no or www.bankid.no.

It may take some days to obtain an electronic signature. This should therefore be arranged at an early stage in the process.

2.7 Pay and working conditions requirements

The contract will include requirements referring to pay and working conditions, documentation and sanctions in accordance with the Regulation on pay and working conditions dated 8 February 2008 no. 112.

2.8 Reservations and deviations

Any reservations or deviations must be clearly stated in applications and bids. These must be clearly and unambiguously phrased so that they can be assessed without the client needing to contact the bidder.

Reservations where the calculation of costs is not possible could lead to the bid being considered incomplete, and it may then be rejected.

2.9 Remuneration for participation in the dialogue

The applicants chosen to participate in the dialogue will be paid NOK 50 000 per dialogue round they participate in. Bidders taking part in all the dialogues will be paid a total of NOK 150 000. This is intended to cover some of the expenses bidders will incur from taking part in the competitive dialogues process. This remuneration will be paid after completion of the dialogue phase, see the progress plan.

2.10 Public disclosure and confidentiality

The Freedom of Information Act (Offentleglova, 19. mai 2006) and the Public Administration Act (Forvaltningsloven, 10. februar 1967) regulates the public access to public procurement documents. The client and its employees are obliged to prevent others from gaining access to or knowledge about, among others, technical devices and procedures, as well as operational or

business matters that are deemed important to keep confidential for competitive reasons, cf. FOA section 7-4, cf. Public Administration Act section 13 and the Freedom of Information Act section 13.

On request, the bidder must submit a version of the bid in which business secrets are redacted (blacked out). The bidder will independently of this assess whether the information may be exempted from public disclosure in the event of a petition to access the information.

2.11 Confidentiality and handling of personal information

All information the applicant gains knowledge of through the application and in the preparation of the bid must be treated as confidential.

An applicant may not make public comments relating to this process without first obtaining written consent from the client.

Personal information dealt with in Mercell can only be used in the work with the competition processes. The client is the controller of personal information and Mercell is the data processor, see the Personal Data Act.

In consideration of the GDPR (General Data Protection Regulations) we request that applicants and bidders only include personal information that is necessary for the completion of this procurement in the application or bid.

2.12 Changing and withdrawing bids

A bid may be changed up to the time limit by accessing the Mercell portal, opening one's bid, making changes and re-submitting it. The last submitted bid is regarded as the final one. A bid may also be withdrawn through the Mercell portal.

2.13 Awarding contract

After awarding contract, each bidder will receive a written notification. The notification will include grounds for the choice of bid.

The contracting authority will not enter into contract before the expiration of the waiting period. The waiting period will consist of at least ten working days. The waiting period will commence at the day after the written notification is given.

2.14 Cancellation

The client may cancel the competition or dismiss all bids if there is a justifiable reason for this. Such justifiable reason may be, but is not limited to, political decisions and changes in budget decisions etc.

2.15 Procedure

The procurement will be implemented in accordance with the Public Procurement Act dated 17 June 2016 (Norw. Lov om offentlige anskaffelser, "LOA") and the Public Procurement Regulation (Norw. Forskrift om offentlige anskaffelser, "FOA") dated 12. August 2016 Part I and

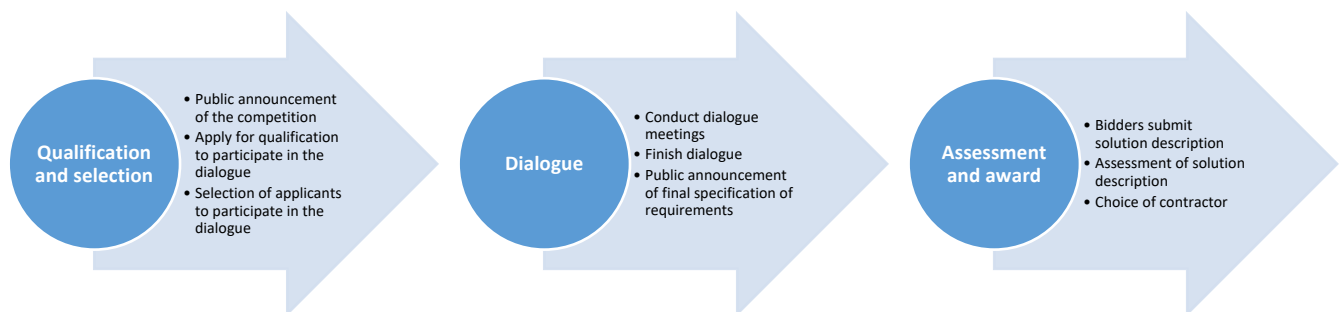
Part III. The procurement will be arranged in accordance with the competitive dialogue procedure, cf. FOA section 13-2.

In a competitive dialogue, the client may stipulate a lowest or highest number of suppliers that can be selected to offer tenders, cf. section 16-12 of the FOA. The client will choose up to four –4– of the best qualified applicants to participate in the dialogue.

The client reserves the right to reduce the number of bidders through the dialogue. Such a reduction will be undertaken according to the contract award criteria.

2.16 Execution and time schedule

The figure below is a schematic presentation of the process in the competitive dialogue.



Stage 1: Qualification and selection

In the first stage of the process, the potential suppliers apply to participate in the dialogue. Applicants meeting the qualification requirements are given the opportunity to submit an application to participate in the dialogue. The client will assess the applications and invite not more than the four – 4 – best qualified applicants to take part in the dialogue. Only these applicants will be allowed to submit a bid for the assignment after the dialogue phase.

Tentative progress plan stage 1:

Date/week	Activity
23 November 2018	Competitive dialogue is announced publicly in Mercell.
19 December 2018	The time limit for submitting questions to be answered before the time limit for applications.
7 January 2019	<p>Time limit for applications</p> <p>The time limit for receipt of application to participate. An application must have been submitted in Mercell at the latest 12.00 Standard European Time.</p> <p>Applications received after the time limit has expired, will be automatically rejected.</p>
1 February 2019	Selection of applicants to participate in the dialogue is announced.

Stage 2: Dialogue

Stage 2 of the procurement commences immediately after an agreement on participation in the dialogue has been reached. This means that the bidder must ensure that the people who are to take part in the dialogue rounds are able to attend during the stipulated periods of time. If this is impossible, it must be stated in the application.

Tentative progress plan stage 2:

Date/week	Activity
11, 12, 13, 14, 15 18, 19, 20, 21 and or 22 February 2019	Dialogue meetings with each of the invited bidders. A proposal with specified times is sent with the invitation to the dialogue. We ask the bidders to state which days are appropriate in the response to the dialogue invitation.
Week 12-13 2019	Dialogue round 2
Week 18-19 2019	Dialogue round 3
27 May 2019	Publishing of final tender specification.

Stage 3: Assessment of bids

In stage 3 the bidders prepare and submit their final bids. The client then assesses these bids. The contract will be awarded pursuant to the award criteria. This stage is completed with the signing of a contract with the bidder who is to deliver the system.

Bidders taking part in the dialogue may choose not to submit a bid.

Tentative progress plan stage 3 (assessment of bid):

Date/week	Activity
26 August 2019	Time limit for bids Time limit for submission via Mercell at the latest 12.00 Standard European Time. Bids received after the time limit has expired, will be automatically rejected.
26 August-13 September 2019	The client assesses the bids.
13 September 2019	Decision on awarding the contract.
16 September-7 October 2019	Waiting period before entering into contract (norw. "karensperiode").
8 October 2019	Entering into the contract with the chosen bidder.

The bid must be delivered to the client within the stipulated time limit (submitted via Mercell). Bids received later than this will be automatically rejected.

3 Qualification and selection

To have the application to participate in the competition dialogue assessed, the bidder must fill in the ESPD (European Single Procurement Document) in Mercell.

3.1 Application

All applications must be submitted electronically via Mercell, www.mercell.no, within the time limit for applications.

There are two parts to the application: documentation of qualification requirements and the dialogue application. The application must include attachments with the documentation requested in the selection criteria.

3.2 The European Single Procurement Document (ESPD)

As preliminary documentation of complying with the qualification requirements, and to show that no grounds for rejection are present, the bidder must fill in the ESPD form in Mercell.

The client may at any time in the competition request the bidder to submit all or parts of the documentation evidence if this is required to ensure that the competition is being carried out correctly.

3.3 National grounds for rejection

3.3.1 General

The Norwegian procurement rules go further than what follows from the grounds for rejection given in the EU directive relating to public procurements and in the standard ESPD form. It is therefore stated explicitly that in this competition the grounds for rejection in FOA section 24-2 also applies, including purely national grounds for rejection.

The following grounds for rejection in FOA section 24-2 are purely national grounds for rejection:

FOA section 24-2(2). This provision states that the contracting authority shall reject a bidder when it is known that the bidder has been convicted of a criminal offence or has accepted a penalty notice for the indicated punishable offences. The requirement that the principal must reject bidders who have accepted a penalty notice for the indicated punishable offences is a special Norwegian requirement.

FOA section 24-2(3) (i). The ground for rejection in the ESPD form only applies to severe errors in the performance of a profession, while the Norwegian ground for rejection also includes other serious errors that may raise doubts about the bidder's professional integrity.

3.3.2 Total declaration on all the qualification requirements in the ESPD form

In this competition the bidders can provide a comprehensive declaration in the ESPD form that they meet all the qualification requirements that are present in the tender specifications. This is done in Part IV section (a) of the ESPD form.

3.4 Qualification criteria

ID	Requirements for bidder	Requirements for documentation
01	Necessity of being up to date with payment of taxes, employer's contribution and value-added tax.	Norwegian companies: Tax certificate, not older than six months (applies to Norwegian bidders). Foreign companies: Tax certificate or similar from the country where the bidder is established, not older than six months.
02	The applicant must have the economic and financial capacity in order to implement the contract.	Norwegian companies: The last annual accounts, annual report and auditor's report submitted to the Brønnøysund Register Centre and recent information that has relevance for the enterprise accounts. Submission of the annual accounts of the enterprise or extracts from it. Foreign companies: Such companies must submit their most recent annual accounts, annual report and auditor's report.
03	The applicant must be a legally established business.	Norwegian companies: Certificate from the Register of Business Enterprises. Foreign companies: Confirmation that the company is registered in a register of business enterprises, professional register or trade register in the country where the bidder is established.
04	The supplier must have the capacity and competence to be able to carry out the assignment.	Brief description of the supplier's capacity and competence.
05	The applicant must have sufficient experience with works of a similar nature and complexity.	Brief description of reference projects with a volume of more than 10 000 tests/examinations in the 2017 calendar year.

If the bidder has an objective reason for not producing the documentation requested by the client, he may document his economic and financial capacity by submitting any other document the client deems to be suitable for the purpose.

The bidders invited by the client to take part in the dialogue must document that they meet the qualification requirements before the dialogue starts.

3.5 Selection criteria

Selection of applicants will be based on the application to participate in the dialogue and documentation of the items requested in the table below.

The four qualified applicants with the highest total score on the criteria below will be selected for participation in the dialogue phase.

Criteria	Documentation	Total points possible
Competence and capacity	<p>Give a total description of the applicant's competence and capacity. This may comprise personnel the applicant has at his disposal, whether or not they belong to the enterprise. The client requires an overview, not CVs for individual employees.</p> <p>The description must not be longer than maximum three A4 pages.</p>	<p>0–20 points</p> <p>Points will be awarded based on a comprehensive assessment of capacity and competence in:</p> <ul style="list-style-type: none"> • System development and IT management • Project implementation • Support • Incident management • Assessment and psychometrics • The primary and secondary education sector
Reference assignments	<p>Describe relevant reference assignments. The description must include documentation of how digital examination and/or test solutions were used for:</p> <ul style="list-style-type: none"> • Development and quality assurance of tasks • Administration of tests and/or examinations • Assessment of results from tests and/or examinations • Integration with management systems <p>The description must not be longer than maximum five A4 pages.</p>	<p>0–30 points</p> <p>Points will be awarded based on a comprehensive assessment of the description's relevance for:</p> <ul style="list-style-type: none"> • The description of the assignment in this tender specification, especially the introduction chapter. • Attachment 2: The needs for tests and examinations • Attachment 3: The background for a new system for tests and examinations
Volume	<p>Describe the number of tests and/or examinations carried out in the 2017 calendar year as stated under qualification requirement 05.</p> <p>The description must not be longer than maximum one A4 page.</p>	<p>0–10 points</p> <p>Points will be awarded based on the total volume in 2017.</p> <p>High stake tests/examinations will be given emphasis.</p>

3.6 Deviations from the tender documents in the application

Applications with significant deviations from the tender specifications with attachments will be rejected pursuant to FOA section 24-8(1) b. Such a rejection will exclude any opportunity to submit a bid in the tender round after the dialogue phase has been concluded.

Any applications which only apply to part of the procurement assignment will be rejected.

PART 2 The Dialogue and the award criteria

4 Dialogue

All the bidders will at the same time and in due course before the agreement is signed be notified of the client's decision of who will be asked to take part in the further dialogue.

When it comes to the dialogue phase, three rounds of dialogues are planned. We reserve the right to add additional rounds if found necessary.

The purpose of the dialogue is to discuss different solutions which satisfies the client's needs. Through this process the client will specify requirements that will be used as the basis for the competition. These requirements will be based on mapped needs and solutions discussed in the dialogue. Through the dialogue the bidders will obtain a better understanding of how the client works with tests and examinations.

The dialogue phase is described in the table below.

Dialogue	Goals for each dialogue round
1	Presentation of the client, and the Norwegian test and examination system, including needs for tests and examinations and a review of the process of developing examinations and tests. The bidder must present his application to participate in the dialogue, present the company and its digital examination and test system.
2	Review of functionality for development, administration and follow-up of tests and examinations. Prior to the dialogue the bidder will be asked to enter data the client has prepared. The bidder must present these data and review them in the dialogue. Representatives of the client must be allowed to test development, administration and follow-up of tests and examinations in the system.
3	Review of technical aspects of the system. We will also review any questions, which have come to light after the previous dialogues, and discuss remaining issues such as contractual and economical aspects of the procurement. It is requested that the bidder attend with technical competence to this dialogue round.

The agenda for the dialogues will be issued prior to each dialogue round.

The dialogue phase is concluded by the client issuing the final tender specifications. The specification of requirements will be based on needs described in the tender specifications with attachments and matters discussed in the dialogue.

5 Assessment and award

5.1 General

Section 5 is only relevant to bidders who have taken part in the dialogue phase and have been selected to submit a bid.

5.2 Submission of bid

All bids must be submitted electronically in one single document via Mercell, www.mercell.no, within the time limit for bids.

The period where the bid remains binding will be 180 days from the final deadline date. Bidders who are not Mercell users, or who have questions relating to the functionality of this tool can contact Mercell Support on telephone 00 47 21 01 88 60 or by e-mail to: support@mercell.com.

5.3 The content of the bid

The description of the content of the bid is preliminary. The final description will be issued together with the final tender specifications, including the specification of requirements.

The bid must be submitted as a single document. It must be dated and signed by a representative of the bidder. Any reservations about or remarks on the agreement draft must be included here.

The bidder must state what the consequences are if the reservations are not taken into consideration. The bid must include:

- Table of contents with page numbers
- Declaration of obligations from other enterprise(s) – Only to be submitted if the bidder is supported by the capacity of another enterprise(s). These enterprises must also submit separate self-declarations (see section 17-1(6) of the Regulations).
- The bidder's description of the solution (the bidder's answer to the client's specification of requirements with the requested document – Attachment 2 of the contract)
- A filled-in price attachment (this attachment will be issued together with the final tender specifications)

5.4 Redacted version of the bid

The bidder may only redact (black out) the sections of the bid that include information under the duty of confidentiality, for example business secrets such as hourly price/hourly rate, subtotals in the budget and proprietary models/methods. Information about personal matters such as ethnicity and health shall also be redacted.

5.5 Award criteria

Description of the award criteria:

Award criteria	Documentation requirements	Per cent weighted
Quality in use and product quality	Solution description based on the client's final specification of needs and requirements.	50 % +/- 5 %.
Bidder's ability to deliver	Solution description based on the client's final specification of needs and requirements.	35 % +/- 5 %.
Price	Completely filled-in price attachment.	15 % +/- 5 %.

5.6 Assessment method

The contract will be awarded to the bidder with the bid offering the best price-quality ratio.

6 Contract documents and attachments

The agreement will be regulated through the state authority's standard agreement for on-going service procurement. This can be found as Attachment 1 to tender specifications.

Attachment 1:

- Utviklings- og tilpasningsavtalen (SSA-T) (the development and adaptation agreement)
<https://www.anskaffelser.no/verktøy/utviklings-og-tilpasningsavtalen-ssa-t>
- Vedlikeholdsavtalen (SSA-V) (the maintenance agreement)
<https://www.anskaffelser.no/verktøy/vedlikeholdsavtalen-ssa-v>

Attachment 2: The needs for tests and examinations

Attachment 3: The background for a new system for tests and examinations

Attachment 4: Description of today's process for tests and examinations

Attachment 5: Links to relevant tests and examinations