

TENDER NOTICE

for the development of
measurement applications for broadband access speed to
mobile devices

Case number:

1505998

Deadline:

15.01.2016 at 12:00 (CET)

Content

1 GENERAL DESCRIPTION	3
1.1 About the Contracting Authority	3
1.2 Contracting authority's contact person.....	3
1.3 Purpose of the Tender	3
1.4 Part of the contract.....	4
1.5 Tender document's structure	4
1.6 Announcements	4
1.7 Tentative schedule.....	4
2 RULES FOR THE IMPLEMENTATION OF THE TENDER	4
2.1 Procurement procedure	4
2.2 Wages and working conditions	5
2.3 Duty of confidentiality.....	5
2.4 Public Access.....	5
2.5 Miscellaneous	5
2.6 Disclaimers and deviations	5
2.7 Period of validity.....	6
2.8 Update of tender documents.....	6
2.9 Additional Information	6
3 QUALIFICATION REQUIREMENTS	7
3.1 Mandatory and absolute qualifications.....	7
3.2 Bidders organisational and legal position	7
3.3 Bidders economic and financial position.....	7
3.4 Bidders technical and professional qualifications	8
4 AWARD CRITERIA.....	8
5 SUBMISSION OF OFFERS AND OFFERS DESIGN.....	9
5.1 Submission of offers	9
5.2 Design of the offer.....	10
6 APPENDIX.....	11

1 GENERAL DESCRIPTION

1.1 *About the Contracting Authority*

The Norwegian Communications Authority (Nkom) is an autonomous agency of the Norwegian Ministry of Transport and Communications. Nkom supervises providers of post and telecommunications services, manages various frequencies and numbering resources, investigates ex ante competition problems in the electronic communication market and makes decisions pursuant of the Electronic Communications Act and the Norwegian Post Services Act. Nkom also manages the duty of confidentiality in electronic communications and works on security and readiness. Nkom is self-financed, primarily through fees and charges.

Nkom has about 150 employees and is located in Lillesand. For further information you can see www.nkom.no.

1.2 *Contracting authority's contact person*

Name: Jan Dre Le
Address: PO Box 93, 4791 Lillesand
e-mail: jdl@nkom.no

Questions must be directed to the contact person by e-mail.

There should be no contact/communications with other people than listed above.

1.3 *Purpose of the Tender*

The overarching objective of this project is to enhance the existing measurement service at www.nettfart.no. As of today, this service targets measurements of fixed access lines. Due to the technological development Nkom sees a need to enhance the service with data/statistics collected by users of smartphones and tablets.

The project will have to develop and maintain a solution that includes a mobile app for the most dominant mobile platforms, server-side software for measuring, storing and load balancing individual measurements, as well as functionality that presents the collected data in generic web browsers. Measurements performed through the apps shall be visible to the public via the web page at Nettfart.no. Measurements shall also be visible to the user in the apps themselves.

The duration of the maintenance contract is two years, with an option to extend the contract with two more years. The option can only be used one year at a time.

See the tender documentation and specification for further information.

1.4 *Part of the contract*

It is not permitted to tender for part of the contract.

1.5 *Tender document's structure*

- Part 1 - This document, including provisions on competition implementation of eligibility and award criteria.
- Appendix 1 - Requirement specification
- Appendix 2 - Contract with appendices

1.6 *Announcements*

The Tender is announced in the DOFFIN database www.doffin.no and the TED database www.ted.europa.eu.

1.7 *Tentative schedule*

Activity	Expected time
Tender Notice published in DOFFIN/TED	16.11.2016
Deadline for questions to Tender Notice	07.01.2016
Deadline for receipt of Tender	15.01.2016 at 12.00
Tender opening	15.01.2016 at 12.30
Period of validity	15.03.2016
Evaluation	Week 3-5
Selection of Tender	Week 6
Deadline for appeals	10 days after selection of tender
Contract signing	10 days after selection of tender

Please note that the time schedule after the deadline for receipt of tender is tentative.

2 **RULES FOR THE IMPLEMENTATION OF THE TENDER**

2.1 *Procurement procedure*

The Tender is regulated by the Public Procurement Act of 16 July 1999 (LOA) and the Public Procurement (FOA) of 7 April 2006 nr. 402 Part I and Part III. Contract award will be made after the procedure "open tender", cf. FOA section 14 -1 (1).

Only offers who meet the eligibility requirements will be evaluated.

In this competition there is no opportunity to negotiate. It is therefore not possible to change the offer after the tender deadline. Furthermore, please note that if the offer contains

deviations, reservations, errors, ambiguities, incompleteness, etc. which can lead to doubts about how services should be considered in comparison with the other offers, will be rejected by FOA section 20-13 (1).

Bidders are strongly advised to follow the instructions given in this tender notice with appendices, and any question ambiguities by e-mail contact.

2.2 Wages and working conditions

The Agreement will contain conditions regarding the wages and working conditions of the bidder. See section 3.4 of the Agreement for details.

2.3 Duty of confidentiality

Employer and its employees undertake to prevent others from gaining access to or knowledge of information on technical devices and procedures or operations and business relationships that will be important for competitive reasons to keep secret, cf. FOA section 3-6, cf. Public Administration Act section 13

2.4 Public Access

Public access to tenders and the procurement protocol is subject to the Act of 19 May 2006 No. 16 relating to the right of access to documents held by public authorities and public undertakings (Freedom of Information Act), cf. FOA section 3-5. Tenders and tender protocols may be exempted from public disclosure until the bidder has been selected; see section 23 third paragraph of the Freedom of Information Act.

Bidders must submit a version of the tender in which information considered to be trade secrets has been blacked out. Nevertheless, in the event of a request for access, the Contracting Authority must exempt it from public disclosure.

2.5 Miscellaneous

Nkom reserves all IPR and right to use all material that is produced to the assignment.

2.6 Disclaimers and deviations

If the bidder is subject to the parts of the tender documents / specification / contract or any other tender documents, this shall be clearly stated in the offer. Reservations must be specified with the consequences this has for performance, price or other conditions.

The same applies for deviations. Disclaimers and deviations must be precise and unambiguous and included in the offer letter so that the principal can evaluate them without contact with the bidder, cf. FOA section 20-3. Significant prejudice and deviations that may cause doubt about how services should be evaluated in relation to the other offers will cause the offer is rejected, cf. FOA section 20-13(1).

Bidders reference to standard terms of delivery, etc. will be considered subject if they differ from the present tender or contractual provisions.

2.7 *Period of validity*

Bidders must stand by his offer for the time specified in clause 1.6 above.

2.8 *Update of tender documents*

Any corrections, additions or alterations of the tender documents, as well as questions and answers in anonymous form, will be communicated to all bidders who have registered their interest in the procurement of www.doffin.no and www.ted.europa.eu.

2.9 *Additional Information*

If the bidder finds that the tender documents do not provide sufficient guidance, he may request in writing additional information with the principal at the principal's contact person.

If a failure is detected in the tender documents, request that this be conveyed in writing to the Principal contact person.

Written requests for additional information shall be marked: "Tender, reference case number: 1505998," and sent to the principal contact by e-mail.

3 QUALIFICATION REQUIREMENTS

3.1 *Mandatory and absolute qualifications*

Requirements	Documentation requirements
The bidders tax and VAT payments must be in order.	<ul style="list-style-type: none"> • Tax Certificate • VAT registration certificate <p>A certificate of tax and a certificate of payment of fee issued either by the local tax office or tax collector office where the provider has its head office. The certificates should not be older than six months. See: http://www.skatteetaten.no/no/Alt-om/Skatteattest/</p> <ul style="list-style-type: none"> • International bidders shall submit similar certificates from the corresponding authorities as the Norwegian.

3.2 *Bidders organisational and legal position*

Requirements	Documentation requirements
The bidders must be a legally established enterprise.	<ul style="list-style-type: none"> • Norwegian companies: Company registration certificate • International companies must submit documentation to show that the company is registered in the trade register or the register of enterprises in accordance with the statutory requirements in the country where the bidder is established.

3.3 *Bidders economic and financial position*

Requirements	Documentation requirements
The bidder must have the financial capacity to fulfil the contract.	<ul style="list-style-type: none"> • Annual accounts from the last two fiscal year, including the board of director's annual report, as well as the auditor's report.

If the bidder has valid grounds for not being able to present the requested information, the bidder can document their economic and financial position by any other document that the Contracting Authority finds acceptable.

3.4 Bidders technical and professional qualifications

Requirements	Documentation requirements
The bidder must have experience from similar assignments	A description of the bidder's relevant assignments. The description shall include information regarding the projects value, point in time, and recipient (including name, phone number and e-mail address). The recipient may be contacted in order to confirm the project relevance. However, the bidder is solely responsible to document the relevance in his description.
The bidder must be independent	A statement that confirms that the bidder does not have any ongoing assignments that may create a conflict of interest

4 AWARD CRITERIA

Only offers that are provided by qualified bidders, and that meet the mandatory requirements and specifications stated in the tender documents including contract proposal and specification, will be considered in relation to the award criteria.

The contract will be awarded based on which tender is the most economically beneficial based on the following criteria:

Criteria	Weight	Documentation requirements	Assessment
Solution specification: solution suggestion, including the ability to transfer competence	35 %	Description of how the assignment can be solved, including description of development milestones	Will be assessed against other relevant tenderers.
Feasibility: Relevant competence and experience of consultants, project organization.	20 %	List of resources/consultants who are planned to be used, including their CVs and project references.	Will be assessed against other relevant tenderers. The project organization (team composition and timetable), as well as the offered consultant's competence and background will be assessed.
Price	25 %	Offered total price	Price will be assessed against other relevant

			tenderers. This based on information given in Appendix 5 to the Agreement.
Delivery competence	20 %	Description of internal working methodology and internal quality assurance solutions.	The tenderer's operating procedures will be considered.

The offers will be evaluated by a proportional weighting model.

5 SUBMISSION OF OFFERS AND OFFERS DESIGN

5.1 *Submission of offers*

The offer shall be submitted /sent to:

Name: Norwegian Communications Authority
Attn: Jan Dre Le
Address: PO Box 93
4791 Lillesand

The offer shall be dated and signed by the responsible representative of the bidders, put in neutral, sealed envelope and clearly labeled with:

**"Offer, case no 1505998. v/Jan Dre Le.
Accessed only by the addressee"**

The offer must be submitted in one - copy without any binding or stapling, either inserted in a ring binder with dividers or plastic pocket or the like. In addition, the offer submitted electronically on CD-ROM or memory stick. Furthermore, the bidders are to deliver a version where what the bidders consider to be trade secrets is censored.

5.2 Design of the offer

The letter of tender must include:

- The letter of tender must be dated and signed by the person authorized to commit the bidder
- A confirmation that all conditions set out in the tender documents, including the notice, the requirement specifications and the Agreement, is accepted. Furthermore that the conditions are and will continue to be complied with during the contract period. Alternatively, information regarding non-substantial reservations, deviations or clarifications to the tender documents.
- Any reservations must be clearly stated in the letter of tender, with references to the part of the tender in which a reservation is made

Furthermore, the letter of tender must include:

- The bidders name, address, telephone number and enterprise number
- The bidders contact person with telephone number and e-mail address
- A confirmation of the period of validity

The following must be enclosed with the tender:

- Tax certificate for VAT from the tax collector's office that are no older than 6 months, calculated from the deadline for receipt of tender.
- Tax certificate for tax issued by the tax collector or municipal treasurer that are no older than 6 months, calculated from the deadline for receipt of tender.
- Norwegian companies must submit a certificate of registration, while international companies must submit documentation to show that the company is registered in the trade register or the register of enterprises in accordance with the statutory
- Financial and economic position (see section 3.3)
- Technical and professional qualifications (see section 3.4)
- A statement that confirms that the bidder does not have any ongoing assignments that may create a conflict of interest
- A description of how the bidders suggested solution, including technical specification/documentations (detailed description reg. requirements and structure).

If the tender documents contain provisions that conflict with each other, the documents shall apply in this order:

- Letter of tender
- The attachment in the order 1-3 as described above.

Requirements, structure and contents

The offer should have the following structure and content:

- A detailed description explaining how the project will be carried out.

- A description of the consultant profiles
- Price

Description of suggested solution

The bidder must describe how the work will be performed, including project management, project documents, schedule, and main principles for the calculation work.

The project plan must include a schedule of activities and deliveries, including delivery dates.

Transfer of competence

The bidder shall take into account how and to what extent NKOM should be involved in the different parts of the project. The offer should include a description of how the transfer of skills to employees of NKOM can be ensured throughout the process. The offer shall be designed in accordance with the description given in this tender document. The bidders are to make sure that all issues, conditions, claims and points of declarations is answered/discussed in the offer.

6 APPENDIX

- Appendix 1 – Requirement specification
- Appendix 2 – Agreement
- Appendix 3 – Annex to agreement