

Denmark-Copenhagen: Software package and information systems

OJ S 176/2023 13/09/2023

Contract notice

Supplies

Legal Basis:

Directive 2014/24/EU

Section I: Contracting authority

I.1. Name and addresses

Official name: DR

National registration number: 62786515

Postal address: DR Byen, Emil Holms Kanal 20

Town: København S

NUTS code: DK011 Byen København

Postal code: 2300

Country: Denmark

Contact person: Otte Ottesen

E-mail: otot@dr.dk

Telephone: +45 28546653

Internet address(es):Main address: <https://www.ethics.dk/ethics/eo#/abdd3097-8a8c-483f-b203-aefd75ff5c96/homepage>Address of the buyer profile: <https://www.ethics.dk/ethics/eo#/DR/>**I.3. Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at: <https://www.ethics.dk/ethics/eo#/abdd3097-8a8c-483f-b203-aefd75ff5c96/publicMaterial>

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted electronically via: <https://www.ethics.dk/ethics/eo#/abdd3097-8a8c-483f-b203-aefd75ff5c96/homepage>

Tenders or requests to participate must be submitted to the abovementioned address

Electronic communication requires the use of tools and devices that are not generally available. Unrestricted and full direct access to these tools and devices is possible, free of charge, at: <https://www.ethics.dk/ethics/eo#/abdd3097-8a8c-483f-b203-aefd75ff5c96/homepage>

I.4. Type of the contracting authority

Other type: Public service media entity

I.5. Main activity

Other activity: Streaming and broadcasting provider of public service media content

Section II: Object

II.1. Scope of the procurement**II.1.1. Title**

II.1.2. Main CPV code

48000000 Software package and information systems

II.1.3. Type of contract

Supplies

II.1.4. Short description

Procurement a Digital Asset Management (DAM) solution including implementation, to enable DR to manage and distribute digital assets internally and externally.

II.1.5. Estimated total value

Value excluding VAT: 10 000 000,00 DKK

II.1.6. Information about lots

This contract is divided into lots: no

II.2. Description

II.2.2. Additional CPV code(s)

72220000 Systems and technical consultancy services

II.2.3. Place of performance

NUTS code: DK011 Byen København

Main site or place of performance: DR Byen, Emil Holms Kanal 20

II.2.4. Description of the procurement

With this tender DR intends to procure a hosted Digital Asset Management (DAM) solution including implementation, to enable DR to manage and distribute digital assets, primarily pictures, internally and externally. DR has assessed that there is a coherence between the services offered, and thus the services are not suit-ed for division, for which reason the tender is not divided into lots. The DAM system comprised in the tendered contract will be replacing a coherent system. The expectation is, that a replacement will also be a coherent system, although it might consist of different modules that are interconnected and inter dependant. DR has come to this conclusion based on the needs of DR, and the present state of the technologies involved.

II.2.5. Award criteria

Criteria below

Quality criterion - Name: Solution requirements / Weighting: 35%

Quality criterion - Name: Use-cases and PoC / Weighting: 15%

Quality criterion - Name: Implementation, training and support / Weighting: 15%

Quality criterion - Name: SLA / Weighting: 5%

Quality criterion - Name: CSR & Sustainability / Weighting: 5%

Price - Weighting: 25%

II.2.6. Estimated value

Value excluding VAT: 10 000 000,00 DKK

II.2.7. Duration of the contract, framework agreement or dynamic purchasing system

Duration in months: 96

This contract is subject to renewal: yes

Description of renewals:

The contract will have a maximum duration of 12 years from the commencement date.

Accordingly, the contract period consists of a base period of 8 years with the possibility of extending the contract up to a maximum of 4 (four) times - each extension period having a duration of 12 (twelve) months i.e. a total contract period of up to 144 months.

II.2.9. Information about the limits on the number of candidates to be invited

Envisaged number of candidates: 5
Objective criteria for choosing the limited number of candidates:

It is evaluated positively that the references demonstrate:

1. That the overall usage of the solution in the reference resembles DR's way of using the solution. (See Appendix 1 of the Tender Material)
2. That the implementation of the solution included migration of assets and metadata from another DAM-solution that resembles or is identical to DR's existing solution Cumulus
3. That the solution in the reference is equal to or up to twice the size of DR's solution in terms of users, storage and files that is equal to DR's. (References to solutions bigger than twice DR's size of usage are accepted but not evaluated more positively)
4. That the solution in the reference demonstrates integrations to other systems via an API
5. That the solution in the reference is operating in a regulatory environment similar to DR's i. e., European GDPR-rules.
6. That the solution in the reference during its period of operation continuously has had an availability of 99,5%
7. That the solution in the reference installation has demonstrated that it has handled high peaks in terms of users and file volumes download without significant performance degradation

II.2.10. Information about variants

Variants will be accepted: no

II.2.11. Information about options

Options: no

II.2.13. Information about European Union funds

The procurement is related to a project and/or programme financed by European Union funds:
no

II.2.14. Additional information

Section III: Legal, economic, financial and technical information

III.1. Conditions for participation

III.1.2. Economic and financial standing

List and brief description of selection criteria:

The minimum requirements for financial capacity are as follows: 1) A solvency ratio of at least 10% for each of the last three financial years. The solvency ratio must be calculated using the following formula: $\text{Equity} \times 100 / \text{assets} = \text{Solvency ratio}$, and 2) A positive equity for each of the last three financial years. The Tenderer's economic and financial capacity and technical and professional capacity are assessed based on the Tenderer's information in the ESPD, part IV. Minimum level(s) of standards possibly required:

The minimum requirements are as described above.

III.1.3. Technical and professional ability

List and brief description of selection criteria:

Applicants must in the ESPD describe at least 3 (three) and a maximum of 3 (three) relevant references to solutions of a similar nature and capacity executed and finalized within the last 3 (three) years by the applicant.

Minimum level(s) of standards possibly required:

“Solutions of a similar nature and capacity” means a DAM solution implemented and operated for an entity similar to DR. The entity can be both a public service media entity (publicly or privately owned) or a fully commercial privately owned entity. The references must not be older than 3 (three) years based on the deadline for receipt of bids cf. clause 4 above. This means that the reference may have begun earlier than (3) three years prior to the deadline, but it must not have been completed earlier than (3) three years prior to the deadline. The references should be in a form where DR clearly can derive that the Tenderer have provided a Service of similar nature and capacity. This is fulfilled by clearly describing the below listed elements. Accordingly, a reference should include A-E.

A) The economic value of the contract, dates for start and end of the contract, and the name of the customer organization (If for confidentiality reasons the Tenderer cannot disclose the name of the customer organization a generic description will suffice e.g., “medium-size fully commercial and privately owned media entity established in Italy”).

B) A description of how the Tenderer has implemented the proposed Service in the reference organization focusing on configuration, metrics, alerts etc.

C) A description of the platforms that the Solution has been integrated into.

D) A description of the handling of the transfer capacity, preferably like DR’s capacity.

E) A description of the integration into video and audio players in the organization including description of player types e.g., native, custom.

The references must be in accordance with the Danish Public Procurement Act article 155(1) (2). The references must be listed in the ESPD document. If information cannot be disclosed for confidentiality reasons, this must be indicated. If DR is in doubt as to whether a reference fulfils the requirements mentioned above, DR will – to the extent possible i.e., without compromising the basic procurement law principles of equal treatment and transparency – seek the necessary clarification by contacting the Tenderer. If DR is prevented from assessing a reference’s relevance or scope due to confidentiality reasons or any other reasons, the reference will not be considered. In case a Tenderer include more than five references, only the first five references that are listed in the ESPD will be included in the assessment or based on the timestamp of the uploaded ESPD’s.

III.2. Conditions related to the contract

III.2.2. Contract performance conditions

The Supplier must have a professional liability insurance with an insurance sum that must be at least DKK 2 million per claim and a total of at least DKK 5 million per year. The Supplier is obliged to maintain said insurance coverage for work performed with the purpose of fulfilling the Contract until delivery has taken place.

Section IV: Procedure

IV.1. Description

IV.1.1. Type of procedure

Restricted procedure

IV.1.3. Information about a framework agreement or a dynamic purchasing system

IV.1.8. Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: yes

IV.2. Administrative information

IV.2.2. Time limit for receipt of tenders or requests to participate

Date: 10/10/2023 Local time: 12:00

IV.2.3. Estimated date of dispatch of invitations to tender or to participate to selected candidates

Date: 26/10/2023

IV.2.4. Languages in which tenders or requests to participate may be submitted

English

IV.2.6. Minimum time frame during which the tenderer must maintain the tender

Duration in months: 4 (from the date stated for receipt of tender)

Section VI: Complementary information

VI.1. Information about recurrence

This is a recurrent procurement: no

VI.2. Information about electronic workflows

Electronic invoicing will be accepted

VI.3. Additional information

VERIFICATION OF INFORMATION IN THE ESPD:

Before DR's decision to award the contract, DR must demand that the Tenderer, which DR intends to award the contract to, present documentation for the information stated in the ESPD. The documentation concerns the requirements made for the Tenderer's personal affairs (exclusion grounds cf. the Tender Conditions section 5.5) and financial and technical capacity (suitability cf. the Tender Conditions section 5.3). If the presented documentation is not adequate, DR will declare the bid non-compliant. DR will then assess if DR wants to cancel the procurement procedure or ask the Tenderer that has submitted the second best bid, under the award criterion in clause 9.2, to present documentation for the information given in the ESPD for the purpose of awarding the contract to this Tenderer. If the documentation is not sufficient, DR will again assess if the procurement procedure should be cancelled or if the third Tenderer should be requested to submit documentation, and so on.

Businesses registered in Denmark: As documentation regarding the exclusion grounds, DR will demand that a service certificate is produced from the winning Tenderer (according to section 153(1) of the Danish Public Procurement Act). The obtained service certificate must contain the following:

- Information that the winning Tenderer as a business has complied with its obligations to the public as regards payment of taxes, charges and contributions to social security schemes,
- Information that the winning Tenderer as a business is not in bankruptcy, liquidation, restructuring or a similar situation, and
- Information that the winning Tenderer as a business (and managerial staff and persons having authorisation to represent, control or make decisions in the management of the business) has not been sentenced for any crimes.

DR accepts Danish service certificate until 6 months after they are issued. In addition to the service certificate, DR will require the Tenderer to document his financial capacity by

submitting (extracts from the) annual accounts for the last 3 years or statement(s) from a registered auditor cf. section 154 of the Public Procurement Act.

European businesses: For businesses registered in a European country, the documentation must comply with the applicable rules for documentation in the country in which the Tenderer is established. European countries can make use of eCertis, which is an information system that helps businesses with identifying which documentation (including certificates) is required in the tender procedures across the EU. Please be aware that eCertis is a reference tool and not a system for legal advice. There is no guarantee that the results of the search in eCertis complies with what is required by DR.

Non-European businesses: For businesses not registered in a European country, the documentation must follow the rules for documentation implemented in the country in which the Tenderer is established. Non-European businesses cannot use eCertis.

NOTIFICATION OF THE RESULT OF DR'S EVALUATION OF THE BIDS:

All participants in the procurement procedure will be informed simultaneously and in writing of the result of DR's evaluation of the bids. The notification to the winning Tenderer that its bid has been identified as the winning bid, is a declaration that DR intends to award and thus conclude an agreement with said Tenderer. There is no binding agreement or a promise to that effect until the contract has been signed by both parties. The contract is signed immediately after expiry of the stand-still period, unless during this period an official complaint is submitted to the Public Contracts Appeals Board. DR does not consider the procurement procedure completed until the contract has been signed.

Notification about the result of the procurement procedure will also be announced in the Official Journal of the European Communities in compliance with applicable rules to that effect.

VI.4. Procedures for review

VI.4.1. Review body

Official name: Klagenævnet for udbud

Postal address: Toldboden 2

Town: Viborg

Postal code: 8800

Country: Denmark

E-mail: klfu@naevneneshus.dk

Telephone: +45 72405708

Internet address: <https://erhvervsstyrelsen.dk/klagenaevnet-for-udbud>

VI.4.3. Review procedure

Precise information on deadline(s) for review procedures:

A review procedure must be initiated before 45 days after DR has published a notice in the EU Official Journal that DR has entered into a contract with the winning Tenderer. The deadline is calculated from the day after the day where the notice has been published in the journal.

VI.4.4. Service from which information about the review procedure may be obtained

Official name: Konkurrence- og Forbrugerstyrelsen

Postal address: Carl Jacobsens Vej 35

Town: Valby

Postal code: 2500

Country: Denmark

E-mail: kfst@kfst.dk

Telephone: +45 41715000

Internet address: www.kfst.dk

VI.5. Date of dispatch of this notice

08/09/2023