

NORDUnet Learning Management System (LMS) Framework Procurement: Invitation to Submit Outline Proposal Vol. 1

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Definitions

Term	Definition
Bidder	A candidate (including consortia or joint venture arrangements) who submitted a response to the ITT who was selected and invited to participate in dialogue with NORDUnet
Contract Notice	Contract Notice 2016-116380, published in the Official Journal of the European Union
Final Bid	The bid(s) prepared and submitted by each Bidder in response to the ITSFB, based on the Solution, or Solutions, presented and specified during the dialogue stage
Descriptive Document	A procurement document that contains: Volume 1 – Instructions and Invitation to Participate in Dialogue (ITPD) Volume 2 – Invitation to Submit an Outline Proposal (ITSOP) Volume 3 – Terms & Conditions for the Framework Contract, and Call-off contract structure
IOP	Initial Outline Proposal in response to the requirements of the ITSOP
ITSOP	Invitation to Submit an Outline Proposal
ISoR	Initial Statement of Requirements
ITPD	Invitation to Participate in Dialogue
ITSFB	Invitation to Submit Final Bid
Preferred Bidder	Bidder chosen as the winner of the competition process for the award of the framework contract
ESPD	European Single Procurement Document
Solution	Means the Learning Management System as well as any professional or other associated services to meet the requirements defined in Volume 2 of the Descriptive Document.
SoR	Statement of Requirements

1 Introduction

1.1 Background

It is anticipated that all NRENs (as listed in the OJEU) could eventually benefit from the framework agreements that are awarded. However, the procurement for the framework agreements is being carried out with representatives from a subset of the NRENs, forming the Project LMS procurement team (PT).

NORDUnet is the procuring authority acting on behalf of the procurement team, and will be the contracting authority that will enter into the Framework Agreement with the Preferred Bidder.

This document is Volume 1 of the three-volume Descriptive Document that both outlines, and is a mechanism for conducting, the procurement process.

1.2 Invitation to Participate in Dialogue and Submit an Outline Proposal

NORDUnet invites you to participate in dialogue for the award of a framework agreement, and to submit an outline proposal.

NORDUnet is making this document available on 12th September 2016,

1.3 Explanation of the Descriptive Document

Table 1.1 below provides an explanation of each volume in the Descriptive Document, and identifies their key sections.

Volume	Name	Purpose of the Volume
1	ITSOP Vol. 1 Instructions	To provide an overview of the process and timetable for the Competitive Dialogue process Participation instructions for Bidders
2	Invite to Provide Outline Proposal (ITSOP)	An ITSOP to be replied to evaluated as part of the prequalification and discussed in the dialogue

Volume	Name	Purpose of the Volume
3	Terms & Conditions for the Framework Agreement	NORDUnet is providing it's standard terms and conditions for framework and call off. Bidders are requested to comment and suggest limited changes.

Table 1.1: Explanation of the Descriptive Document

1.4 Communications

All communications between NORDUnet and Bidders shall be via email: using tender@nordu.net.

1.5 Conditions of Participation in Dialogue

In participating in dialogue Bidders are deemed to have accepted the Conditions for participating in dialogue as set out in Annex A.

2 Dialogue Process

2.1 Overview

- Stage One, the prequalification where bidders have to respond to the requirements in the ESPD and ITSOP.
- Stage Two is the dialogue sessions.
- Stage Three is the final bids.

Revisions to the Descriptive Document will be issued simultaneously to all Bidders. Further detail on the later stages will be provided as the procurement process progresses.

2.2 Invitation to Submit an Outline Proposal (ITSOP)

2.2.1 Objectives

The objectives of the ITSOP are as follows:

- To have Bidders answer to the initial Statement of Requirements (SoR) in Vol 2 and corresponding questions.
- To give Bidders the opportunity to identify to NORDUnet areas that should be considered in the ITPD document (and subsequent ITSFB) so that a comprehensive evaluation that considers all relevant elements of potential Solutions may be undertaken.

2.2.2 ITSOP Vol 2 Assessment

Vol 2 has been divided in to a number of sections and sub-sections that each have a weighting attached to it that reflects the importance. All the weighted scores combined will total 100%, with a score of 100% being considered the highest and most desirable score.

For each sub-section the Requirements and the Questions will be scored according to table 2.2, and the bidder with the best score for the section or subsection will be awarded the corresponding percentage points, and all other bidders will be awarded percentage points that matches their relative score for the section or sub-section.

Section	%
Technical Requirements	50%
General	5%
Data Security	3%
Access control and Identity management	3%
User Interface	8%
Structure and User groups	3%
Integration and support	8%
Archiving	5%

Learning analytics	8%
Examination and assessment	5%
End of contract provisions	2%
Operations	10%
Commercial	40%
TCO	30%
Service Catalogue	5%
Legal	5%

The PT will award scores on the requirements and questions reflecting reasoned professional judgement as to the merits of each answer. Each answer will be given a mark out of 5 (0 being the lowest and 5 being the highest).

Marks will be awarded in accordance with the allocations shown in Table 2.1: General ITSOP evaluation scoring criteria below. Where specific characteristics are expected, but not limited to, in order to secure a certain score.

Score	Performance	Judgement
5	Shows considerable evidence of capacity and capability that meet the service requirements in most areas. Demonstrates proven experience in business and/or technical ability in providing added value to similar grant agreements or contracts, above and beyond standard provision. This could entail the use of technology in an innovative manner, new ways of working that had not been previously considered, or adopting a proactive approach in working with the contract counter parties at no extra cost.	Excellent
4	Shows sufficient evidence of capacity and capability that meet the service requirements in most areas.	Good
3	Shows sufficient evidence of required capability and capacity to provide the service in some areas.	Fair
2	Limited evidence of required capacity and capability to provide the service	Doubtful
1	Significantly fails to demonstrate required capacity and capability to provide the service.	Poor

Score	Performance	Judgement
0	Completely fails to demonstrate required capacity and capability to provide the service.	Not Answered / Unacceptable

Table 2.1: General ITSOP evaluation scoring criteria

2.2.3 Responding to the ITSOP

The response to the ITSOP should be given by completing the word document LMS ITSOP Vol 2 - reply form. The form should be completed by adding the Bidder replies to Requirements and Questions directly below the Requirement or Question in the Document. The reply form must be no longer than 100 Pages in total using the document font and formatting. Where it makes sense, responses to questions may be given in the form of separate document, but the reference to such documents should be given in the reply form.

2.2.4 Schedule Dialogue Sessions

Dialogue sessions will take place at the NORDUnet office in Stockholm. The dialogue sessions for the Bidders will be schedule in alphabetic order according to the bidder company name.

The final schedule will be confirmed on the VC on the 26th October 2016.

2.2.5 Dialogue Agenda

The agenda will be the same for all Bidders will be the same and is set out in Table 2.2 below.

The appropriate representatives from the Project LMS Procurement Team will attend each session.

NOTE: All times are local

Time Slot	Subject	Participants
9:00 – 09:30	Arrival, registration and refreshments	All Bidder representatives, NORDUnet host
9:30 – 11:30	Introductions, overview presentation and Demonstration of services	All
11:30 – 12:30	Technical dialogue	Bidder representatives, LMS Procurement Team
12:30 – 13:00	Lunch	All
13:00 – 14:00	Technical dialogue	Bidder representatives, LMS Procurement Team
14:00 – 15:00	Operational dialogue	Bidder representatives, LMS Procurement Team
15:00 – 16:00	Commercial dialogue	Bidder representatives, LMS Procurement Team
16:00 – 16:30	Close	All
16:30 – 17:30	Debrief	LMS Procurement Team only

Table 2.2: Agenda for initial dialogue sessions

*Demonstration of services should include a demonstration of the management/user and or provisioning interfaces as applicable.

2.2.6 Logistics

A coordinator will be assigned to handle all requests for logistic support and questions.

NORDUnet will provide lunch during the meetings, but each Bidder will need to let the coordinator know the number of representatives and any special diet or meal requests in advance.

NOTE: Please contact the coordinator directly No Later than 1 week prior to the session to ensure sufficient catering can be booked.

2.2.7 Methodology

For the dialogue, Bidders are expected to have prepared for the relevant dialogue sessions, and have taken in to consideration the ITPD document.

The time available for dialogue is limited. Bidders are therefore advised to consider the following:

1. The overview presentation should be as specific to the Bidder's particular Solutions and NORDUnet's requirements as possible. The Learning Management System Procurement Team perceives no benefit in receiving standard corporate presentations. The time limit will be enforced; introductions should be assumed to last no longer than 10 minutes.
2. The email can be used throughout the procurement process to request, within any time constraints published in the Descriptive Document, any clarifications on requirements, process or evaluation questions.
3. The dialogue session should therefore be used by Bidders to:
 - a. Discuss any complex requirements that cannot be resolved via the clarification process using email.
 - b. Demonstration of services should include a demonstration of the management/user and or provisioning interfaces as applicable
 - c. Advocate that the Procurement Team incorporate additional requirements, or remove or amend some of the requirements already issued, to ensure that the requirements allow a comprehensive, high-level evaluation of proposals.
 - d. Discuss the Vol. 3 provided draft terms and conditions, and the structure and content of both the framework agreement and call-off contract.
 - e. Discuss the implication of should and shall on stated requirements.
4. **The Procurement Team will chair each dialogue session. However, it will be for the Bidder to construct an agenda of points they wish to cover within the time limit.**

During the dialogue sessions, the Procurement Team will make notes on the discussions with a view to identifying changes to the Descriptive Document.

There will be no de-selection of Bidders between stage 2 and 3 except in instances where Bidders have failed to actively participate in the dialogue.

3 Final Bids

3.1 ITSFB Methodology

A The Bidders will be issued with a revised Descriptive Document that will be more detailed than that issued at Stage one and Two. Bidders are requested to reply with their final solution and price.

Annex A **Conditions for Participating in Dialogue**

A.1 General

- A.1.1** NORDUnet is using the competitive dialogue procedure under the EU procurement directive. Bidders are referred to those Regulations.
- A.1.2** Bidders are deemed to understand the processes that NORDUnet is following under those Regulations and all applicable European and domestic legislation and case law.
- A.1.3** Bidders participate in the process and submit Outline Proposals in the knowledge, and on the understanding and acceptance, that these conditions apply to the process and agree these terms in all respects.
- A.1.4** It is the responsibility of each Bidder to ensure that they have all of the information they need to prepare their Outline Proposals.
- A.1.5** All contact must be made via email using tender@nordu.net.

A.2 Surveys, Inspections and Investigations

- A.2.1** Insofar as a Bidder seeks to place any reliance on the information relating to the project then the Bidder shall satisfy itself as to the accuracy of such information by carrying out such surveys, site inspections and investigations as the Bidder shall deem necessary.
- A.2.2** Bidders may carry out surveys, inspections and investigations at their own cost.

A.3 Bidding Costs

- A.3.1** Each Bidder shall bear its own costs of bidding and dialogue. NORDUnet reserves its position as to whether or not it will enter into contractual arrangements as the result of the procurement process, and participation in the competitive dialogue is entirely at the Bidder's risk. NORDUnet shall bear no liability whatsoever for the outcome of the competitive dialogue and shall not be liable for the costs of detailed Solutions' preparation, fine-tuning, or any loss of profit or other economic loss incurred by Bidders as a result of this competitive process whatsoever (whether or not a contract is concluded with that Bidder, another Bidder or not at all).

A.3.2 Bidders participate in this process and submit Outline Proposals in the knowledge and understanding that this is the case.

A.4 Confidentiality

A.4.1 Subject to the exceptions referred to in paragraph A.4.2, the information in this Descriptive Document is being made available by NORDUnet on condition that:

- Bidders shall at all times treat the information as confidential;
- Bidders shall not (or allow anyone else to) disclose, copy, reproduce, distribute or pass the information to any other person at any time or allow any of these things to happen;
- Bidders shall not use the information for any purpose other than for the purpose of making (or deciding whether to propose) Solutions; and
- Bidders shall not contact the media in relation to the project, the procurement or this Descriptive Document nor make any statement or pass comment without the express written approval of NORDUnet. Bidders shall not undertake (or permit to be undertaken) at any time, whether at this stage or after any contract award, any publicity activity with any section of the media in relation to the project other than with the prior written agreement of NORDUnet. Such agreement shall extend to the content of any publicity. In this paragraph the word “media” includes, without limitation, radio, television, other broadcast media, newspapers or other print media, trade and specialist press, the Internet and email accessible by the public at large and the representatives of such media.

A.4.2 Bidders may disclose, distribute or pass information to another person (including but not limited to, for example, legal advisers and the Bidder's insurers) if either:

A.4.2.1 This is done for the sole purpose of enabling Solutions to be developed and the person receiving the Bidder undertakes in writing to keep the information confidential on the same terms as set out in this paragraph A.4; or

A.4.2.2 The Bidder obtains the prior written consent of NORDUnet in relation to such disclosure, distribution or passing of information.

A.4.3 NORDUnet may disclose detailed information relating to Solutions to its own or any of the NRENs' members, directors, officers, employees, agents, auditors or advisers and it may make the key Contract Documents available for private inspection by its own or any of the NRENs' members, directors, officers, employees, agents, auditors or advisers. NORDUnet also reserves the right to disseminate information that is materially relevant to the Contract/project to all Bidders, even if the information has only been requested by one Bidder, subject to the duty to protect any Bidder's commercial confidence in its Solutions.

NORDUnet will act reasonably as regards the protection of commercially sensitive information relating to the Bidder in the light of the latest published guidance on this area.

A.5 Accuracy of the Information and Liability of NORDUnet and its Advisers

A.5.1 This Descriptive Document has been prepared by NORDUnet in good faith but does not purport to be comprehensive or to have been independently verified. Bidders should not rely on the information and should carry out their own due diligence checks and verify the accuracy of the information. Nothing in this Descriptive Document is or shall be a promise or representation as to the future.

A.5.2 Bidders considering entering into a contractual relationship with NORDUnet should carry out their own due diligence, and make their own enquiries and investigations (and shall be deemed to have done so). The subject matter of this Descriptive Document shall only have contractual effect when it is contained in the express terms of an executed Contract.

A.5.3 None of NORDUnet's, or the NRENs', members, directors, officers, employees, agents, auditors or advisers makes any representation or warranty as to, or accepts any liability or responsibility in relation to, the adequacy, accuracy, reasonableness or completeness of the information or any part of it (including but not limited to loss or damage arising as a result of reliance by the Bidder on any of the information contained in this Descriptive Document).

A.5.4 This invitation by NORDUnet to a Bidder to submit an Outline Proposal and any subsequent invitation to submit a Final Bid does not mean that the Bidder has satisfied NORDUnet regarding any matter raised during prequalification, and NORDUnet makes no representations or warranties regarding the Bidder's financial status or stability, technical competence or ability in any way to carry out the project.

A.6 Copyright

A.6.1 The copyright in this Descriptive Document is vested in NORDUnet and may not be reproduced, copied or stored in any medium without the prior written consent of NORDUnet. This Descriptive Document, and any document issued as supplemental to it, are and shall remain the property of NORDUnet and must be returned upon demand.

A.7 NORDUnet's Right to Reject Solutions

- A.7.1** The issue of this Descriptive Document in no way commits NORDUnet to award any Contract pursuant to this Descriptive Document process and NORDUnet shall be able at its sole discretion to withdraw from competitive dialogue and/or negotiations with any Bidder or all Bidders at any time.
- A.7.2** NORDUnet is not bound to participate in further dialogue in respect of the lowest priced Solutions.
- A.7.3** NORDUnet may (but shall not be obliged to), at its discretion but always acting proportionately and in accordance with the law, de-select a Bidder or a Solution if (without limitation):
- The price is unaffordable;
 - The Solution places excessive risk on NORDUnet;
 - The Solution scores below the satisfactory threshold in any area (as described further in the Evaluation Model);
 - The Solution is incomplete, misleading or inaccurate;
 - (At Final Tender Stage) the Final Tender amends, reneges or moves away from the Solution or the outcome of the dialogue in a way that worsens the position of NORDUnet;
 - The Bidder seeks to enter dialogue on Non Dialogue Topics unless NORDUnet has expanded the Dialogue Topics to include such matter for all remaining Bidders;
 - The Bidder makes material changes to, or (in NORDUnet's opinion) a material change takes place in respect of, any aspect of either their prequalification submission or Solution(s) unless substantial justification can be provided to the satisfaction of NORDUnet.

A.8 Consistency of Information

- A.8.1** NORDUnet is relying on the information provided by Bidders during prequalification. If, at any time prior to the submission of the Final Bids or during the competitive dialogue, there are any material changes to the same, the Bidder must advise NORDUnet as soon as practicable.

A.9 Interpretation

- A.9.1** The definitions included in Section 1 of the draft Contract, Volume 3, shall apply to this document except to the extent that any terms are defined in the Definitions section of the Descriptive Document, Volume 1.

A.10 Amendments to the Descriptive Document

A.10.1 NORDUnet reserves the right to issue amendments or modifications to the Descriptive Document. These will be issued to all Bidders simultaneously and Solutions will be assumed to take account of any such modifications and amendments arising from competitive dialogue.

A.11 Prequalification and Due Diligence

A.11.1 The Bidder must confirm in the Solutions that any statement made in the completed ESPD and ITSOP remains true and accurate in all material respects, save as specifically disclosed in the Outline Proposal. NORDUnet reserves the right to return to any matters raised in the Prequalification Questionnaire as part of the competitive dialogue process, where circumstances have changed in some material respect.

A.11.2 NORDUnet has selected those invited to participate in this dialogue in reliance on the information provided by the Bidders at prequalification. NORDUnet wishes to ensure that the Bidders to which it awards the Framework Agreement will be capable of performing their obligations under that Framework Agreement. As it believes that changes may occur to the ability of the Bidders to perform those obligations in the time between prequalification and the award of the Framework Agreement, NORDUnet reserves its right to carry out due diligence on Bidders after the evaluation of Final Bids and to reject the Final Bid of any Bidder whom that due diligence shows to be not then capable of meeting the minimum requirements for performing the obligations under the Framework Agreement.

A.12 Sub-Contractors

A.12.1 Where a Bidder intends to use a sub-contractor, it will be the responsibility of the Bidder to provide the sub-contractor with all the necessary information (having regard to the provisions relating to confidentiality in this ITSOP). Where information about a Bidder is requested in competitive dialogue or in this ITSOP, such information must be given about all sub-contractors of that Bidder.

A.13 Changes to Consortium Membership or Key Sub-Contractors

- A.13.1** If a Bidder proposes a new consortium member(s) or key sub-contractor(s), different to those proposed at stage one or two, the Bidder must notify NORDUnet in writing as soon as possible with regard to the proposed change. The Bidder should ensure that any changes comply with the principles of the EU directive.
- A.13.2** The new consortium member or key sub-contractor may be subject to full ESPD assessment. Failure to meet a selection criterion, if no satisfactory substitute is put forward, will result in disqualification from the procurement process.