

Market Consultation

Detainee Telephony Services and possible additional services

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1 Introduction

This consultation has been prepared by the Procurement Implementation Centre of the Custodial Institutions Agency (IUC DJI) in order to obtain (additional) information about the possibilities of combining additional services to the detainee telephony services system, such in preparation for a possible (European) tender procedure.

This document is set up as follows:

- Chapter 1: Details the background and purpose of the consultation.
- Chapter 2: Details the current situation and the subject of the market consultation.
- Chapter 3: Describes the market consultation procedure.
- Annexe A: Consultation principles and preconditions.
- Annexe B: Response form.

1.1 Custodial Institutions Agency

The Custodial Institutions Agency (hereinafter: the DJI) is an agency of the Dutch Ministry of Justice and Security. This means that the DJI has a certain degree of independence. Each year, the DJI is allocated a budget by the Ministry and agreements are made about the performance to be delivered by the DJI.

With its 38 institutions all over the country and some 15,600 employees, the DJI is one of the largest government bodies in the Netherlands. Each year, some 26,000 new detainees come under its responsibility. The DJI uses the term "detainee" for any person held in a DJI institution. On average, 11,700 detainees are held in a DJI institution on any single day.

They are incarcerated in various types of institutions, such as the prisons and remand centres for adults, which are referred to as penitentiaries. Youths are incarcerated in special institutions, the correctional institutions for juvenile offenders (JJI), while patients, placed under a hospital order or otherwise, are detained in forensic psychiatric centres (FPC), and aliens are held in detention centres.

1.2 Need

The DJI wishes to put the detainee telephony services out to tender, as the current agreement will lapse in November 2023. By way of this market consultation, the DJI aims to obtain a better view of the options available on the market and to investigate the options for including the following two additional services in the same tender procedure:

- Video calling for detainees. The DJI uses the term "video calling" for digital contact featuring video (e.g., Skype, Webex, MS Team). This service will allow detainees to communicate with a limited number of contacts on appointment. The detainees will be able to use the video calling service in the common areas or interview rooms. As holds for the telephony services system, the DJI does have certain requirements concerning watching/listening along, recording and reviewing/playing back recordings, and transferring recordings.
- Detainee telephony services subject to additional security requirements (BBN3).

Chapter 2 features a more extensive description.

In addition, the IUC DJI may also use the information obtained to determine which tender strategy is most suitable. Finally, the market consultation has the general purpose of involving economic operators with the need at an early stage and to raise their interest in the upcoming tender procedure.

2 Consultation subject

2.1 Current Detainee Telephony Services (DTS)

The DJI has concluded an agreement on the provision of Detainee Telephony Services (DTS), which will lapse in November 2023. The DJI will start up a (European) tender procedure for the next agreement.

Current situation

The current agreement provides detainees with telephony services by way of telephones in the common areas, outside of the cell. It includes the telephone signal, the entire calling cost settlement process with the detainees, and the telephones, including hoods, in the common areas.

An On-cell Telephony Project (OTP) has been running since 2020 to provide almost all DJI cells with a telephone facility. The OTP has by now provided telephone facilities in about half of the cells and will run until at least 2024. The on-cell telephones are provided by a different supplier and installed under the direction of the Central Government Real Estate Agency. Once the on-cell telephones have been installed and rendered operational, a large number of telephones in the common areas will be removed. Because of the roll-out of the On-cell Telephony Project, the number of connections covered by the agreement will significantly increase.

Method

In all cases, detainees have been provided with a telephone card with a call allowance that can be topped up. Telephone use is paid for on the basis of the call time and the amount is deducted from the telephone card.

Telephone conversations can be recorded, played back, and, if a claim has been received, transferred to partners in the judicial system. Conversations with lawyers are not recorded. Netherlands Bar provides the list of telephone numbers of lawyers.

At present, a cloud solution is used to record the telephone conversations. However, there are also institutions in which the storage of recorded telephone conversations is realized locally. This means that recorded phone calls do not leave the DJI domain.

2.2 Requirements and principles with respect to DTS in the tender procedure

The DTS tender procedure currently being prepared at this time at any rate includes the following, non-exhaustive, requirements and principles:

- The non-disruptive transfer to the new situation;
- The DJI must, prior to the system entering into use, be able to transparently demonstrate that telephone conversations with persons with privilege cannot be tapped, such on the basis of the telephone numbers provided by Netherlands Bar;
- The DJI must be able to listen along with, record, and play back telephone conversations in a simple fashion;
- The costs for the DTS are paid by the detainees by way of the charging on of costs based on the use of the DTS;
- Both common area and on-cell telephone services must be provided, with the service gradually shifting to an on-cell telephone service. At the request of the institution, the common area telephony services may continue to be provided in addition to on-cell telephone services;
- The telephone functionality is provided via fixed telephone cables.

2.3 Additional services

The market consultation concerns both DTS and two components that may be included in the same tender procedure:

- Video calling;
- Telephone facility suitable for use with an increased security level (BBN3).

2.3.1 *Video calling*

At the start of the COVID-19 pandemic, the DJI has itself developed a video calling functionality allowing detainees to maintain contact with their families, such in response to the visiting restrictions. Video calling is also used for conversations with officials, such as the Dutch Probation Service.

Both the DJI and the detainees are very happy with the video calling option and we intend to keep on offering this functionality.

The DJI now wishes to explore whether the video calling functionality can be included in the detainee telephony services tender procedure. The market consultation topics include:

- Functional and technical aspects, such as the options to schedule conversations, watch/listen along, and record and play back conversations;
- The option to have detainees pay for the service on a per-time unit basis;
- The safe video calling devices on offer;
- The impact of adding the video calling functionality to the DTS tender procedure.

Video calling principles and requirements

With respect to video calling, the DJI has at any rate envisaged the following, non-exhaustive, requirements and principles:

- The video contact option is not combined with the on-cell telephone service. Video calling is offered exclusively in one or more common areas / interview rooms in the institution, at certain times;
- Video calling is possible by appointment and for a (maximum) duration, laid down in advance, only;
- The scheduling of appointments forms part of the service requested for and the register of appointments will be stored for an adjustable period of time;
- The DJI must be able to listen and watch along with video calls, to record image and sound, and to rewatch and play back the recordings;
- Detainees may come to pay for the service on an actual-use basis, with the amount charged being calculated in a transparent and traceable fashion.

2.3.2 *Telephone facility suitable for use with an increased security level (BBN3)*

An additional requirement may be imposed at certain locations, namely the following: comply with BBN3 ¹, based on ISO27001 and ISO27002 requirements.

A possible solution could be:

1. the files of recorded phone calls are not allowed to leave the DJI environment and
2. the administration of the telephone system must be performed on-site: no remote access is permitted.

The additional requirement of this market consultation focuses in particular on the possibilities of meeting the BBN3 requirement.

¹ Within the Government Information Security Baseline (BIO), a distinction is made on the basis of generic damage and threats into three basic security levels (BBNs) with associated security requirements. Each BBN in turn consists of a number of controls (measures) and an accountability and supervision regime. The higher the level, the higher the potential impact. BBN3 has a threat profile that includes organized crime and/or state actors.

3 Consultation procedure

Every economic operator deeming itself able to contribute to the consultation can participate. By participating in this consultation, you unconditionally agree with the principles and preconditions as laid down in Annexe A.

3.1 Schedule

The IUC DJI has drawn up the following schedule for this consultation:

Activity	Final date
Consultation release	2 March 2022
Final date for submitting questions	18 March 2022, before 12 PM (noon)
Answers to questions (summary of additional information and changes)	25 March 2022
Final date for submitting the consultation response	6 April 2022
Scheduling interviews*	Second half of April

* the participants will be informed of the subjects addressed, the place, date, and time well in advance.

No rights may be derived from the above schedule. The IUC DJI may adjust the schedule in the interim if cause to do so exists. The schedule is therefore indicative only, even though the IUC DJI will endeavour to keep to this schedule.

3.2 Information

Should the consultation document give rise to questions and/or a lack of clarity, you will be given the opportunity to ask questions. You can submit your questions and/or comments until the final date listed in the schedule using the "Berichtenmodule" functionality for the relevant subject on TenderNed.

Ultimately by the final date listed in the schedule, the summary of additional information and changes, containing the answers to all questions, will be published on www.tenderned.nl. The questions submitted will be included in the summary of additional information and changes in anonymised format.

The IUC DJI contact is Mirjam de Pater; all correspondence is to take place using the "Berichtenmodule" functionality on TenderNed.

3.3 Submission of the consultation response

All participants are requested to submit their responses to the questions posed in Annexe B using the "Berichtenmodule" functionality on TenderNed. You are requested to submit your response ultimately on the date listed in the schedule.

The IUC DJI retains the option to invite participants to provide an additional (oral) explanation of the information submitted by them, should the response submitted give reason to do so. Such explanations may be provided during a plenary session or in individual (digital) meetings, by way of a presentation and/or additional questions.

The IUC DJI is expressly not obliged to invite every participant to provide an additional explanation or to indicate its reasons for selecting, or failing to select, a specific operator.

3.4 Consultation completion

The IUC DJI will complete the consultation process by publishing a public report of the consultation on www.tenderned.nl. The report will contain the conclusions of the consultation believed to be of primary importance by the project team.

The IUC DJI in this connection expressly informs participants of the following:

- The report will be made public. All participants grant the IUC DJI permission to use their response and other information and/or data provided by them as input for this report. Prices or other company-sensitive information will not be published;
- All information will be included in the report in anonymised format. The report will, however, state all parties that have participated in the market consultation;
- The report contains the conclusions as phrased by the IUC DJI.