

TENDER DOCUMENT

CLOUD-SERVICES

REGIOGROEI

VIA THE COMPETITIVE DIALOGUE PROCEDURE

Modifications made on February 17 are marked yellow

Modifications made on February 22 are marked green

Date: February 22, 2021

TenderNed-ID: 298934

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1. INTRODUCTION

VOF GROE&I (hereinafter: “Regiogroei”) is an organization raised to enhance the development of new innovative products and services on behalf of then (10) Regional Public Broadcasters in the Netherlands listed in **Annex A**.

Regiogroei seeks a service provider (hereinafter Offeror) that shall provide the participating Regional Public Broadcasters (and conceivably three (3) more Regional Public Broadcasters as well as a substantial share of 243 Local Public Broadcasters) with access to technical capabilities that operate in so—called “cloud environments”. In scope are the Service Models (all of which shall be included in the proposal of Offeror) listed below:

- 1) Software as a Service (hereinafter SaaS);
- 2) Platform as a Service (hereinafter PaaS); and
- 3) Infrastructure as a Service (hereinafter IaaS);
- 4) Other available services suitable to be included in this tender procedure.

2. SCOPE OF THE SERVICES

A more detailed scope of the requested services will be disclosed during the tender procedure. The indications provided in this tender document serve to support potential Offerors in their decision(s) to put time and effort in participating in this tender procedure. Hence: these indications are indicative only!

- 1) Estimated contract value over maximum period of eight (8) years: 10 million Euro (excluding VAT). Please note: the estimated contract value published in TenderNed is 15 million Euro. The 5 million difference is a safety measure in the event the actual usage of the services exceeds the estimations of Regiogroei (according to Aanbestedingswet 2012 total actual procurement is not to exceed 10% of the published contract value);
- 2) One (1) contract with Regiogroei that will be procuring services on behalf of:
 - a. Individual participating Regional Public Broadcasters listed in Annex A;
 - b. One or more of the three (3) Regional Public Broadcasters in the Netherlands not listed in Annex A;
 - c. Local Public Broadcasters that participate in the so-called Regio Exchange;
 - d. Other Public Broadcasters that participate in the so-called Regio Exchange.
- 3) The entity Regiogroei shall be entitled to dissolve during the eight (8) year period in which case it shall be allowed to assign its contract to all the Public Broadcasters that are using one or more services at aforesaid moment. A minor administration fee to compensate for such an assignment might be part of the awarding criteria;
- 4) Anticipated contractual model will be the standard Public Service Contract based on ARVODI 2018 and subsequent Annexes (Data Processing Agreement) (all three documents are included in **Annex B**);
- 5) Many topics are open for debate during the tender procedure (and indication of these topics is listed in **Annex C** of this tender document);
- 6) Anticipated awarding methodology will be price divided by quality;
- 7) Anticipated awarding criteria will be primarily quality (for instance technique, security, privacy, risk management, governance, migration and redeployment, data protection -recovery and -disposal, service provisioning, trial and testing processes, energy saving solutions or other

measures with social impact, and so forth) and costs (for instance price, migration costs and so forth).

- 8) Anticipated tender schedule: publication notice in January 2021 and contract award in June 2021. Most of the tender activities between February and May 2021.

3. JUSTIFICATION SELECTED TENDER PROCEDURE

Regiogroei acts, on behalf of the Regional Public Broadcasters listed in Annex A, as the procuring entity in this tender via the procedure of the competitive dialogue (article 29 in the European Procurement Directive 2014/18/EU) which has been codified in article 2.28 of the applicable Dutch Aanbestedingswet 2012.

The reasons for selecting this specific tender procedure are:

- 1) The Regional Public Broadcasters diverge in terms of their existing infrastructure and application(s) landscapes;
- 2) The Regional Public Broadcasters differ as well in terms of short- and long-term ambitions (primarily influenced by their individual financial and or technical resources);
- 3) The objective of this tender is to seek an Offeror that is willing to enter into a contract for a period of 4 + 2 + 2 years;
- 4) The entity Regiogroei might be annulled in 2024 (the organisation is being funded by a specific grant from the Dutch central government) which means that the contract between Regiogroei and Offeror may have to be converted to contracts with all of the, at that time, Public Broadcasters that use one or more of these services;
- 5) Whereby each of these Broadcasters may choose to procure the specific cloud services (Saas, Paas, laas or other services offered) they deem appropriate at such time.

Consequently, several topics need to be verified in a dialogue with interested Offerors before being able to 'freeze' the scope of this tender. The foreseen topics are (but not limited to):

- 1) Adequate scope and definition of the to be procured services;
- 2) Fair Financial model;
- 3) Adequate governance model;
- 4) Fair risk management model;
- 5) Adequate migration(s) processes;
- 6) Adequate service levels for the various cloud services;
- 7) Adequate quality assurance requirements;
- 8) Adequate environmental requirements;
- 9) Fair contractual model including applicable GDPR articles;
- 10) Adequate best value for money criteria;
- 11) Fair evaluation methodology.

4. FORESEEN STRUCTURE OF THE TENDER PROCEDURE

The "foreseen" structure of the tender procedure is illustrated in figure 2 below. In the event modifications to his procedure are deemed necessary by Regiogroei (for instance but not limited to creating better value for money) interested Offerors will be informed by e-mail. More details on the distinct phases are described below.

FORESEEN PROCUREMENT PROCESS

PHASE 1	PUBLICATION TENDER NOTICE AND RECEIPT OF EXPRESSIONS OF INTEREST*
PHASE 2	FIRST SELECTION BASED ON QUALITATIVE SELECTION CRITERIA
PHASE 3	DISSEMINATION "BLUE PRINT" TO THE ALL ELIGIBLE OFFERORS (RFP VERSION 0.7)
PHASE 4	RECEIPT OF CONSIDERATIONS AND SUGGESTIONS BY ALL ELIGIBLE OFFERORS
PHASE 5	EVALUATION OF INPUT AND RANKING TOP 3 INTERESTED OFFERORS
PHASE 6	DISSEMINATION "BLUE PRINT" TO THE THREE (3) SELECTED OFFERORS (RFP VERSION 0.8)
PHASE 7	FIRST ROUND OF BILATERAL MEETINGS BASED ON RFP VERSION 0.8
PHASE 8	DISSEMINATION "BLUE PRINT" TO THE THREE (3) SELECTED OFFERORS (RFP VERSION 0.9)
PHASE 9	SECOND ROUND OF BILATERAL MEETINGS BASED ON RFP VERSION 0.9
PHASE 10	DISSEMINATION RFP VERSION 1.0 TO THE THREE (3) SELECTED OFFERORS

To be followed by a typical European tender exchanging information in writing only:

PHASE 11	TWO (2) ROUND OF QUESTIONS AND ANSWERS
PHASE 12	DEADLINE TO SUBMIT A PROPOSAL
PHASE 13	EVALUATION OF PROPOSALS
PHASE 14	PRELIMINARY AWARDING DECISION
PHASE 15	MANDATORY STANDSTILL PERIOD**
PHASE 16	CONTRACT AWARD

Figure 2: Foreseen Procurement Process

Phase 1:

According to Dutch Law this tender shall be (mandatory) published in the Dutch application called TenderNed ((which will provide for publication in the OJEC (* in the Tender European Daily)) as well. The use of the TenderNed application during the tender procedure shall be limited to:

- 1) Publication of the notice (phase 1);
- 2) Publication of all tender documents (available for download without subscription) throughout the tender procedure to guarantee transparency/level playing field;
- 3) Publication of the contract award (phase 16).

Because TenderNed requires e-recognition and interested Offerors might not necessarily be in the possession thereof, interaction(s) with interested Offerors shall be structured as follows:

- 1) All documents relating to Phases 1 to 11: next to publication on TenderNed also via e-mail (cloudtender@regiogroei.nl) to participating Offerors;
- 2) Phase 12: via SFTP only;
- 3) Phase 14: via e-mail only (cloudtender@regiogroei.nl);
- 4) Phase 15: in the event of a legal challenge according to the applicable legal proceedings in the Netherlands;
- 5) Phase 16: publication in TenderNed and the OJEC Tender Electronic Daily.

In phase 1 interested Offerors have to submit their Expression of Interest (hereinafter EOI) by e-mail to cloudtender@regiogroei.nl before the closing date and time listed in Chapter 7 of this tender document. The applicable format is included in **Annex D**.

Questions regarding the proper usage of Annex D can be raised before Tuesday February 16, 2021 23:59 hours CET. Questions to modify the applicable qualitative selection criteria are allowed but will most likely not result in one or more alterations. Answers will be provided for on Wednesday February 17, 2021. These questions have to be submitted to cloudtender@regiogroei.nl only. Questions submitted in TenderNed will be disregarded.

Phase 2:

In view of the flexibility required and the high level of costs associated with this tender procedure the number of interested Offerors shall eventually be limited to maximum three (3) that are allowed to submit a proposal.

The first qualitative selection will be based on:

1. Personal situation of the Offeror;
2. Economic and financial standing;
3. Technical and/or professional ability;
4. Quality assurance standards;
5. Environmental management standards.

The relevant criteria for the first qualitative selection are listed in in Chapter 5 of this tender document.

In the event there are, after the first qualitative selection, still more than three (3) interested Offerors, a new selection round will be organized based on the evaluation of the overall quality of the considerations and suggestions received from these interested Offerors in phase 4. The applicable evaluation criteria therefore will be listed in RFP version 0.7 because adequate and justifiable evaluation criteria (and allocation of scores) need to be aligned/associated with the questions of Regiogroei in said RFP version 0.7 on which Interested Offerors need to present their considerations and suggestions (thereby demonstrating their ability to think and act from a customer perspective).

Phases 3 and 4:

All interested Offerors that have met the first qualitative selection criteria in phase 2 will receive a so-called “blueprint” RFP version 0.7. These Offerors are invited to submit a paper to Regiogroei providing their considerations/suggestions with the aim to enhance the quality of the RFP:

- 1) Adequate scope and definition of the to be procured services;
- 2) Fair Financial model;
- 3) Adequate governance model;
- 4) Fair risk management model;
- 5) Adequate migration(s) processes;
- 6) Adequate service levels for the various cloud services;
- 7) Adequate quality assurance requirements;
- 8) Adequate environmental requirements;
- 9) Fair contractual model including applicable GDPR articles;
- 10) Adequate best value for money criteria;
- 11) Fair evaluation methodology.

Phase 5:

The quality of the considerations/suggestions received will be used, based on the criteria listed in RFP version 0.7, to rank the top 3 interested Offerors. All other interested Offerors that have submitted considerations/suggestions will be informed of the outcome of their ranking in relation to the ranking of the top 3 interested Offerors. In the event an interested Offeror decides to challenge the outcome of the ranking process, the time schedule (Chapter 7 of this RFP) for this tender procedure shall be modified accordingly. Participating Offerors are not allowed to provide comments or suggestions that cannot be used by Regiogroei to enhance the RFP (at any time during the tender procedure).

Phase 6:

Only the input from the top three (3) selected Offerors shall be used to produce a new enhanced RFP version 0.8. This version 0.8 of the RFP shall be used as the basis for the first round of bilateral discussions between Regiogroei and the three (3) selected Offerors.

Phase 7:

Regiogroei shall organize three (3) separate meetings with the Offerors to discuss in detail their comments on RFP version 0.8. These meetings will take place online if COVID-19 measures are still in place and if not at the premises of Regiogroei. There will be a small compensation fee of Euro 1.250, - (including VAT) to compensate for the efforts of Offerors in phases 7 and 9 to compensate their efforts, travel costs and so forth (maximum in total is Euro 2.500, -- including VAT).

These meeting will be structured by Regiogroei in order to maintain a level playing field. For instance same topics, same questions by Regiogroei and same time schedule per topic).

Phase 8:

Based on the outcome and evaluation of the first round of bilateral meetings RFP version 0.9 will be issued to the three (3) interested Offerors.

Phase 9:

Unless all three (3) Offerors provide a statement that the overall quality of RFP version 0.9 is already adequate to submit a proposal, a second round of bilateral meetings will be organized (text in phase 7 applies here as well).

Phase 10:

Regiogroei will issue RFP version 1.0 to the three (3) interested Offerors. In the event one (1) interested Offeror has decided (during phases 6 to 9) to withdraw their interest, this RFP will also be sent out to the interested Offeror that ranked in position 4 (and so on) to secure genuine competition. The maximum of three (3) proposals that can be submitted remains at all times.

Phase 11:

Because RFP version 1.0 might diverge from RFP version 0.9 (due to choices made by Regiogroei) Offerors are allowed to ask questions in writing which shall be submitted by e-mail Regiogroei. There will be two (2) rounds for submitting questions. The second round of questions shall be limited to (new) questions that have surfaced as a consequence of the answers provided by Regiogroei in the first Q&A round. The Q&A 1 and 2 shall be published on TenderNed and will be sent by e-mail to all, in Phase 11, participating Offerors.

Phase 12:

Regiogroei shall provide the three (3) Offerors with a secure FTP location where they can upload their proposal.

Phase 13:

The proposals will be evaluated by the evaluation committee and shall be conducted in accordance with the evaluation process and awarding criteria described in RFP version 1.0. The evaluation committee may ask questions to Offerors to clarify their proposals. These questions will be in writing only.

Phase 14:

Regiogroei shall inform the Offerors that submitted a proposal on the outcome of phase 13 by e-mail.

Phase 15:

According to the Aanbestedingswet 2012 there is a mandatory standstill period of twenty (20) days starting the day after Regiogroei has informed the Offerors that submitted a proposal on the outcome of this tender. This standstill period does not apply if only one (1) proposal was received. However, given the recent case in the European Court of Justice (case number C-328/17) Regiogroei shall apply the twenty days standstill period **.

Phase 16:

Regiogroei will provide a draft contract to the Offeror that submitted the winning proposal. In the event no agreement can be reached on this draft contract within thirty (30) days after the standstill period has expired, Regiogroei is entitled to cancel the (preliminary) award and award the contract to the next ranking proposal. In such case (contract is after all part of the RFP version 1.0 documents) Offeror is not entitled to any compensation whatsoever.

5. QUALITATIVE SELECTION CRITERIA

As described in Chapter 4 of this tender document, the first qualitative selection will be based on the Expressions of Interests received where Offerors need to demonstrate their conformity on the requirements in this chapter 5. In order to limit the costs of interested Offerors, Regiogroei has designed a simple form to be used in Annex D. This form shall be submitted by e-mail to Regiogroei before the deadline in the time schedule in Chapter 7 of this tender document.

1. Personal situation of the Offeror

Offeror shall sign Annex D, duly authorized, thereby certifying that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or excluded from participation in this tender (and potentially the subsequent contract) by any governmental department or agency in Europe as a consequence of articles 2.86 and 2.88 Aanbestedingswet 2012. If the Offeror cannot certify this statement, Offeror shall attach a written explanation to Annex D for review by the evaluation committee indicating the measures Offeror has taken as defined in articles 2.86a and 2.87a Aanbestedingswet 2012.

2. Economic and financial standing of Offeror

As a consequence of COVID-19 and the potential impact on the economy in the short and longer term, in combination with the fact that the participating Regional Public Broadcasters have a legal task to perform their services, the following economic and financial requirements apply:

- A) Annual turnover on the services requested in this tender of 4 million Euro per year (excluding VAT) over the past three years (2018, 2019 and 2020). A statement demonstrating that this requirement is met shall be attached to Annex D. **See also answer 6 in Q&A of February 17, 2021.**
- B) A parent company guarantee (PCG) shall be attached to Annex D. This PCG should be a 100% unlimited guarantee given by the Service Provider's ultimate holding company in favour of Regiogroei to secure the performance of Offeror's obligations under the contract. **See also answer 8 in Q&A of February 17, 2021.**
- C) Financial:
 - 1) a minimum solvency ratio of 30%;
 - 2) a liquidity ratio of at least 1.

Evidence that has to be attached to Annex D: certified (components of the) annual report/financial statements for 2020, whereby the calculation of the above ratios has been calculated according to the following rules:

- 1) solvency ratio: own funds divided by debt * 100%; and
- 2) liquidity ratio: current assets divided by short-term debt.

Alternatively: proof (other than the requested parts of the annual report/financial statements for 2020) as referred to in article 2:91 Aanbestedingswet 2012.

3. Technical and/or professional ability of Offeror

Offeror shall add an Attachment to Annex D describing:

- 1) the facilities it guarantees to have available to deliver the (anticipated) scope of the services in this tender document;
- 2) for the total contract duration of eight (8) years;
- 3) providing a statement that Offeror owns/controls these facilities or procures these facilities (for instance by organization like Microsoft, Google, AWS and so forth);
- 4) In the event Offeror does not own/control the facilities a duly signed statement submitted by the entity that owns/controls these facilities has to be attached to Annex D, affirming that Offeror shall be able to use these facilities for the maximum contract duration of eight years.

Offeror shall attach two (2) references, both signed by the referees, demonstrating:

- 1) that referees have been contented by the delivery of the services (past performance) of Offeror (equalling the anticipated services in this tender document);
- 2) These references have to be from different ~~public or private broadcasters~~ clients in a country that is part of the GPA of the WTO; (modification as a consequence of answer 4 in Q&A of February 17, 2021)
- 3) the services have to be provided for in the past three years (2018, 2019 and 2020); and
- 4) details (names, e-mail addresses) shall be included in the references allowing Regiogroei to verify them.

4. Quality assurance standards of Offeror

Offeror, by submitting Annex D, guarantees that it has the following standards implemented in its business processes * and that these standards shall be incorporated in the anticipated services in this tender document:

- 1) ISO 27001:2013, a standard for information security management*;
- 2) ~~ISO 27002:2013, a catalogue of information security controls;~~
- 3) ~~ISO 27005:2018, a standard for information security risk management;~~ and
- 4) ISO 22301:2019, a standard for business continuity management*.

*) and shall have the official certification of these standards within one (1) year after the contract is awarded to Offeror. Failure to do so shall be considered as a breach of contract (this is an ultimate term). And will result in full liability of Offeror for any damages of Regiogroei as a consequence of the repercussion early termination for not complying with this one (1) year requirement.

5. Environmental awareness and subsequent efforts

Offeror, by submitting Annex D, guarantees that it has the following standard implemented in its business processes: ISO 14001* (and intends to participate in EMAS in 2021) and continuously evaluates, reports, and improves its environmental performance.

6. GENERAL TENDER PROVISIONS

By submitting an EOI or a proposal in response to this tender procedure, Offeror acknowledges and agrees that the specifications, terms and conditions, or any other elements in the tender documents

are not ambiguous, confusing, contradictory, unduly restrictive, erroneous, or anticompetitive. The Offeror further acknowledges that it has read all tender documents published on TenderNed.

The following general tender provisions apply:

- 1) GOVERNING LAWS: All purchases made under this tender procedure are subject to applicable laws in the Netherlands. By submitting a proposal, the Offeror warrants that it and the procurement item(s) purchased under this tender procedure comply fully with all applicable laws and regulations in the Netherlands, including but not limited to applicable licensure, certification requirements, GDPR and so forth.
- 2) LANGUAGE: The language that shall be used during this tender procedure shall be ENGLISH only. Any communication or receipt of documents and/or questions in another language will be left out.
- 3) SUBMITTING AN EXPRESSION OF INTEREST: Interested Offerors shall submit a request to participate by using the template made available as Annex D.
- 4) LIMITATIONS ON PARTICIPATING IN THIS TENDER: Interested Offerors are allowed to participate only one (1) time in this tender regardless of their position (being the main AND/OR a sub-contractor) to limit the risk(s) of bid-rigging.
- 5) SUBMITTING A PROPOSAL: By submitting a proposal in response to this tender procedure, the Offeror acknowledges that the minimum requirements, technical specifications, scope of work, and the evaluation process, outlined in RFP version 1.0 are fair, equitable, not unduly restrictive, and understood. Any request to modify the content of RFP version 1.0, including the specifications and minimum requirements, must be addressed during the question-and-answer period or protested in writing before the closing date and time for submitting a proposal. The proposal shall be valid six (6) months from the closing date in this tender.
- 6) NO VARIANTS AND ONLY ONE (1) PROPOSAL: Offeror's are not allowed to submit one or more a so-called variant(s) AND/OR more than one (1) proposal.
- 7) NO REIMBURSEMENT OF COSTS: Offeror shall not be compensated for any costs resulting from participating in this tender procedure (other than the three selected Offerors for phases 7 and 9).
- 8) OWNERSHIP PROPOSALS: All proposals that have been submitted to Regiogroei shall become the property of Regiogroei. Regiogroei shall not disclose the content unless Regiogroei is required to do so by law (for instance if required by the Dutch Competition Authority). In such an event Regiogroei shall inform the relevant Offeror prior to disclosure.
- 9) EVALUATION: The evaluation of the Offeror's proposal shall be conducted in accordance with the evaluation process and awarding criteria described in RFP version 1.0. The evaluation committee may ask questions of Offerors to clarify proposals provided the questions are submitted and answered in writing.

- 10) BRAND NAME OR EQUAL (TECHNICAL) SPECIFICATION: Wherever in a tender document an item is defined by using a brand name or a specific technology or technical specification it is intended that the words, "or equivalent " apply and invites the submission of equivalent products/services by the Offerors. Please be aware of the fact that the risk(s) (and subsequent costs) of proving the fact that an "equivalent" has been submitted shall be borne by Offeror only (including the costs for any judicial procedure if challenged by another Offeror).
- 11) DEBRIEFING OF UNSUCCESSFUL OFFERORS: The evaluation committee shall debrief unsuccessful Offerors in accordance with the requirements of the Aanbestedingswet 2012.
- 12) PROTESTS: An Offeror may:
 - 1) protest against the decision in phase 2 that the qualitative selection criteria are not met;
 - 2) protest against the outcome of the ranking in phase 5;
 - 3) the rejection of their proposal in phase 13;
 - 4) protest an alleged grievance in connection with the procurement process; or
 - 5) protest an alleged grievance in connection with the preliminary award decision in phase 14.

Protests must be made by notice in writing to Regiogroei. A notice of protest must be submitted before the closing of date of the proposals.

An Offeror filing a protest must include a concise statement of the grounds upon which the protest is made. A concise statement of the grounds for a protest should include the relevant facts leading an Offeror to contend that a grievance has occurred, including but not limited to specifically referencing:

1. an alleged violation of the Aanbestedingswet 2012;
2. an alleged violation of any other applicable law in the Netherlands;
3. a provision of RFP version 1.0 allegedly not being followed;
4. a provision of RFP version 1.0 alleged to be: ambiguous, confusing, contradictory, unduly restrictive, erroneous, anticompetitive, or unlawful;
5. an alleged error made by the evaluation committee;
6. an allegation of bias by the evaluation committee or an individual committee member; or
7. the scoring criteria allegedly not being correctly applied or calculated.

None of the following qualify as a concise statement of the grounds for a protest:

1. claims made after the opening of bids or closing date of proposals that the specifications, terms and conditions, or other elements of a solicitation are ambiguous, confusing, contradictory, unduly restrictive, erroneous, or anticompetitive;
2. vague or unsubstantiated allegations that do not reference relevant or specific facts including, but not limited to, vague or unsubstantiated allegations by an Offeror that:
 - a) Offeror should have received a higher score or that another Offeror should have received a lower score;
 - b) a service or product provided by Offeror is better than another Offeror's service;

- c) another Offeror, or prospective contractor cannot provide the procured services for the prices offered or perform the services described in RFP version 1.0; or
 - d) any other item that is not relevant or specific; or
- 3. filing a protest requesting:
 - a) a detailed explanation of the thinking and scoring of evaluation committee members, beyond the official justification statement described in article 2.130 Aanbestedingswet 2020;
 - b) disclosure provisions in RFP version 1.0;
 - c) other information, documents, or explanations reasonably deemed to be not in compliance with article 3:14 of the Dutch Civil Code.

Please note that Regiogroei may dismiss a protest if the concise statement of the grounds for filing a protest does not provide an adequate basis for the protest.

Offeror is at any time during the tender procedure allowed to protest and seek an injunction in Dutch court. The applicable court is Rechtbank Midden-Nederland, location Lelystad. More details can be found on www.rechtspraak.nl

- 13) AUDIT: Regiogroei may, at reasonable times and places, audit or cause to be audited by an independent third-party firm, the records and performance of the Offeror, if awarded a contract under RFP version 1.0.
- 14) INSPECTIONS: Regiogroei may, at its discretion, perform an inspection of the Offeror's manufacturing/production facility or place of business, or any location where the work is performed.
- 15) MODIFICATION OR WITHDRAWAL OF PROPOSAL: A proposal may be modified or withdrawn prior to the established closing date and time to submit a proposal.
- 12) REJECTING A PROPOSAL: Regiogroei may reject a proposal if Regiogroei determines that:
 - 1) the person submitting the proposal is not responsible; or
 - 2) the proposal is not responsive or does not meet the mandatory minimum requirements stated in RFP version 1.0.
- 13) TECHNOLOGY MODIFICATIONS: The awarded contract may be modified as a result from technological upgrades for the procured service(s). Any modification for upgraded technology must be substantially within the scope of RFP version 1.0 (to avoid a so-called substantial change), and if both parties agree to the modification, then the contract may be modified, but not extended beyond the limitations indicated in article 2.163g of the Aanbestedingswet 2012.

- 14) PUBLICIZING THE AWARD DECISION: The award shall be publicized in TenderNed disclosing the projected/estimated total contract value (including options) over the total contractual period of eight (8) years. Said projected/estimated total contract value does not constitute any rights to Offeror.

- 15) PERFORMANCE AND COST ANALYSIS: Regiogroei reserves the right to review the awarded contract on a regular basis regarding performance and cost, and may, at its discretion, terminate the contract in the event the actual performance and costs diverge more than ten (10) percent than predicted performance(s) and cost(s) in the winning proposal.

In the event of termination under this General Provision Offeror has no right for any compensation whatsoever and Regiogroei is entitled to contract the second-best proposal received during the tender procedure (in the event the second-best Offeror has agreed to this and otherwise the third-best proposal and so on) or initiate a new tender. In the event Regiogroei has decided to issue a new tender, Offeror which contract was terminated is deemed to be excluded from submitting a proposal based on article 2.87 Aanbestedingswet 2012.

- 16) FREEDOM TO CHOOSE WITHIN SERVICE PORTFOLIO: The awarded contract will allow Regiogroei as well as each of the Participating Regional and or Local Public Broadcasters to choose the specific cloud solutions they need during the contractual term (including switching, upgrading, downgrading).
- 17) ASSIGN: At any time during the contract is Regiogroei allowed to assign the contract to the Regional and Local Public Broadcasters, as far as they have procured services, by written notice but without prior approval of Offeror and without any modifications to the terms and conditions of the services. A small administration fee might be applicable depending on the outcome of this tender process.
- 18) RANKING: In the event two (or more) Offerors are equally evaluated in Phase 5 or 13, Regiogroei shall be entitled to raffle using a dice. This will be done online so the relevant Offerors can monitor this process.

7. ANTICIPATED TIME SCHEDULE TENDER PROCEDURE

The following time schedule for this tender is anticipated at this time.

PHASE 1

PUBLICATION TENDER NOTICE AND RECEIPT OF EXPRESSIONS OF INTEREST*

Publication in TenderNed: **Friday January 29, 2020**

Deadline to submit Expression of Interest: **Monday March 1, 2021 before 23:00 hours CET.**

PHASE 2
FIRST SELECTION BASED ON QUALITATIVE SELECTION CRITERIA

Evaluation of the received Expression(s) of Interest shall commence on **Tuesday March 2, 2021** and is expected to be concluded on **Friday March 5, 2021**. Depending on the number of Expressions of Interest received, more (or less) time might be needed. Potential Offerors will be informed by e-mail once the evaluation has come to an end. Potential Offerors shall refrain from asking questions on the progress of the evaluation.

PHASE 3
DISSEMINATION "BLUE PRINT" TO THE ALL ELIGIBLE OFFERORS (RFP VERSION 0.7)

Anticipated: **Monday March 8, 2021**

Eligible Offerors will be informed in the event a protest (general tender provision 12) has been received in which case the tender procedure shall be interrupted until the moment said protest has been resolved, settled (in our outside court) or withdrawn.

PHASE 4
RECEIPT OF CONSIDERATIONS AND SUGGESTIONS BY ALL ELIGIBLE OFFERORS

Anticipated: **Monday March 15, 2021 before 23:00 CET.**

Please note: failure to submit considerations and suggestions might have an adverse effect on the position/ranking of Offeror.

PHASE 5
EVALUATION OF INPUT AND RANKING TOP 3 INTERESTED OFFERORS

Anticipated: Evaluation of the received considerations and suggestions shall commence on **Tuesday March 16** and is expected to be concluded on **Friday March 19, 2021**.

PHASE 6
DISSEMINATION "BLUE PRINT" TO THE THREE (3) SELECTED OFFERORS (RFP VERSION 0.8)

Anticipated: **Monday March 22, 2021.**

Eligible Offerors will be informed in the event a protest (general tender provision 12) by one or more not selected Offerors in which case the tender procedure shall be interrupted until the moment said protest has been resolved, settled (in our outside court) or withdrawn.

PHASE 7
FIRST ROUND OF BILATERAL MEETINGS BASED ON RFP VERSION 0.8

Anticipated: **Wednesday March 24, Thursday March 25 and Friday March 26 (all in 2021).**

PHASE 8
DISSEMINATION "BLUE PRINT" TO THE THREE (3) SELECTED OFFERORS (RFP VERSION 0.9)

Anticipated: **Monday March 29, 2021.**

PHASE 9
SECOND ROUND OF BILATERAL MEETINGS BASED ON RFP VERSION 0.9

Anticipated: **Wednesday March 31, Thursday April 1 and Friday April 2 (all in 2021).**

PHASE 10
DISSEMINATION RFP VERSION 1.0 TO THE THREE (3) SELECTED OFFERORS

Anticipated: **Monday April 5, 2021.**

PHASE 11
TWO (2) ROUND OF QUESTIONS AND ANSWERS

Anticipated: **Monday April 12, 2021 and Monday April 19, 2021.**

Closing date and time to submit questions in the first Q&A round: **Monday April 12, 23:00 CEST.**

Dissemination of Answers is anticipated on **Wednesday April 14.**

Closing date and time to submit questions in the second Q&A round: **Monday April 19, 23:00 CEST**

Dissemination of Answers is anticipated on **Wednesday April 21.**

PHASE 12
DEADLINE TO SUBMIT A PROPOSAL

Anticipated: **Friday May 14, 23:00 CEST**

Proposals cannot be submitted or modified after this date and time.

PHASE 13
EVALUATION OF PROPOSALS

Anticipated: Evaluation of the received proposals shall commence on **Monday May 17** and is expected to be concluded on **Friday May 21, 2021.**

Offerors that submitted a proposal should allocate resources to provide written answer to any questions received within 48 hours after these questions were send to them.

PHASE 14
PRELIMINARY AWARDING DECISION

Anticipated: **Friday May 21, 2021.**

PHASE 15**MANDATORY STANDSTILL PERIOD****

Anticipated: From **Saturday May 22, 2021** until **Thursday June 10, 2021**.

PHASE 16**CONTRACT AWARD**

Anticipated: **As soon as possible after Friday June 11, 2021**.