TENDER REQUIREMENTS/SPECIFICATIONS

ANNEX 1: SYSTEMS REQUIREMENTS FOR COLLECTIVE MANAGEMENT ORGANIZATIONS (CMOS) IN KENYA - KENYA ASSOCIATION OF MUSIC PRODUCERS, PERFORMERS RIGHTS SOCIETY OF KENYA, AND MUSIC COPYRIGHT SOCIETY OF KENYA (KPM)

The Kenya Association of Music Producers, Performers Rights Society of Kenya, and Music Copyright Society (KPM) are licensed Collective Management Organizations (CMOs) seeking an automated system with the following specifications:

1. Copyright and Related Rights Licensing System.
2. Media Monitoring System.
3. Royalty Distribution.

The system should provide the following functionalities:

1. Authentication and authorization of licensed consumers of copyright content.
2. Enhance transparency in the collection of licensing fees.
3. Offer a self-service user-friendly interface.

General requirements for the system include:

1. Compliance with Kenya Data Protection and Privacy laws, as well as other applicable laws.
2. Built on modern architectures such as distributed ledger technology.
3. Accessible through web and mobile platforms.
4. Ensured security measures to protect against vulnerabilities.
5. Maintenance of auditable system logs stored remotely for a minimum of seven (7) years.
6. Notifications and alerts via web, SMS, and email.
7. Verification of user/entity contact details through both email and SMS.
8. Capability for bulk administration and management, including bulk uploads and updates.
9. Adoption of a single sign-on mechanism, utilizing the National Rights Registry for authentication and authorization of CMO system access by rights holders.

CMO SYSTEM

1. ICT Licensing Module This module involves business registration, client payment processing, certificate generation, and license issue and distribution management.

a) Registration:

- Platform for business registration based on specified requirements.
- Integration with the Government Business Registration System for verification.
- Geo-location services for visual mapping of registered businesses.
- Automated payment and issuance of royalty licenses.
- Notifications regarding the status of licenses.

b) Royalty Payment:

- Multiple payment options (Bank Deposits, Mpesa, EFT, Card Services, etc.).
- Links to relevant Government systems/databases for licensing verification (e.g., Tourism, BRS, NTSA, and KRA) will be an added advantage.
- Audit trail for all payments.

c) Invoicing:

- Provision for issuing invoices and confirmation of paid invoices.
- Generation of receipts for paid invoices.

- Electronic invoicing

d) License Generation:
- Electronic and automated generation of certificates for paid invoices.

e) Admin Portal:
- Tariff management and configuration (also serving as CMO access portal).
- Automated calculation of license fees based on various tariffs and parameters.
- Allocation of rights for each CMO.
- Ability to reverse transactions if necessary.
- System management features Invoices, Certificates, Reports, User logs, Regions, Access Management, and User/Client Management.
- Verification and clearance by legally mandated entities.
- Granular access levels for system management (user rights management).
- Analytics module for creating and querying visual reports and analysis.
- Utilization of emerging technologies such as machine learning for data analysis.
  b) Field Officer and Agent User Accounts:
- Compliance management module for license payment verification.
- Mobile accessibility.
- Notifications and reminders via email and SMS.
- Remote and offline access with data synchronization.
  c) SMS Platform and API
  d) Integration with Third-Party Systems
  e) Server and Backup Options for the system

2. Media Monitoring Module

The Media Monitoring Module offers the capability to comprehensively monitor and record all TV and radio stations nationwide, providing scientific data crucial for the equitable distribution of royalties. This module incorporates the following key features:

a) Extensive Coverage:

The system is designed to monitor and log ALL licensed TV and Radio stations throughout the country, with a direct link to the authoritative Communications Authority (CA) database of licensed broadcasters.

b) Auditable Statistics:

The module maintains auditable statistics of airplay for all assets metadata belonging to Rights Holders. These statistics include information such as the Rights Holder's name, song, timestamp, station, and the number of times the content is played.

c) Robust Tracking:

To ensure comprehensive coverage, the system employs physical monitoring stations strategically placed across the entire country. Additionally, it extends its reach to internet-distributed content, monitoring online radios and similar platforms.

d) High Uptime Guarantee:

The Media Monitoring Module assures a remarkable uptime of 99.9%, backed by effective business continuity plans to address any unforeseen disruptions promptly.

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e) **Rights Holder Reporting Portal:**

Rights Holders gain access to an exclusive reporting portal/dashboard that provides clear visibility into their entitlements, past, and future. The calculations behind the entitlements are thoroughly explained.

3. Distribution Module

The Distribution Module streamlines the automated payout process for royalties collected, catering to both scientific and general distribution. Key features of this module include:

a) **All-inclusive Royalty Distribution:**

The module facilitates the distribution of royalties to ALL Collective Management Organization (CMO) members, ensuring a systematic and transparent payout process.

b) **Automated and Electronic Payments:**

All payments, whether scientific or general, are executed automatically and electronically, providing efficiency and accuracy in the distribution process. Users have the flexibility to choose from multiple electronic payment options such as bank deposits and mobile money.

c) **Statutory Obligations Management:**

The module adeptly manages all statutory obligations, including tax calculations, generating withholding tax certificates to ensure regulatory compliance.

d) **Rights Holder User Accounts:**

Rights Holders gain access to personalized user accounts and dashboards where they can review their entitlements, including past and future earnings. The module also displays details of any statutory deductions from their earnings.

e) **Notifications and Reachability Verification:**

Users are promptly notified of payments made through email and SMS. The module ensures verification of the medium of reachability for all users.

f) **Admin Portal:**

The Admin Portal empowers administrators with comprehensive management capabilities and data analysis tools. Key components of the Admin Portal are:

g) **Content Management System:**

Administrators can efficiently manage content related to the distribution process.

h) **Automated Royalty Distribution:**

The module's automation capabilities enable seamless and precise distribution of royalties across the entire CMO membership.

i) **System Management:**

Admins have access to various tools for managing receipts, reports, user logs, regions, and access permissions.

j) **Granular Access Control:**

The system ensures granular access control, allowing administrators to manage user rights effectively.

k) **Analytics Module:**

Admin users can create and query visual reports and analyses using the Analytics Module. Additionally, automated reports can be scheduled to be sent out at predefined intervals.

l) **Utilization of Emerging Technologies:**

The system embraces emerging technologies, including machine learning, for advanced data analysis and decision-making processes.

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QUALIFICATION REQUIREMENTS

1. Solid financial foundation.
2. Valid Registration Certificate, current Tax Compliant Certificate, KRA PIN certificate, and current CR12.
3. Understanding collective management organizations is advantageous.
4. Demonstrated track record in building and maintaining large-scale distributed systems.

Applications should include:

1. Technical proposal and financial proposal.
2. Five references from current clients with operational systems.
3. Detailed company profile, including certified financials for the last three (3) years.
4. Contact information of the primary contact person.
5. Proposed cost structure for the provision of service and software creation.

DISCLOSURES:

1. This document provides minimum specifications. Further details regarding system specifications will be provided prior to contracting.

All applications must be addressed to the Chairperson of the Tender Committee and submitted to the MCSK offices located at AK119, Slip Road off Waiyaki Way, between TOYOTA Kenya and Malawi High Commission. The submission deadline is 26th July 2023 at 12:00 pm. The sealed tenders will be opened at 2:00 pm.

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