

Approved by the decision of the
Supervisory Board
dated July 26, 2022

Rules of tendering process on media measurement, rights and obligations of the Tender Board

Chapter 1. General

1. These Rules of tendering process on media measurement (hereinafter – Rules) define the tender procedure on media measurement, as well as rights and obligations of the Tender Board.

2. The following concepts are used in these Rules:

1) application for participation – an application provided by the tender participant to the Tender Board and executed according to the requirements of these Rules, accompanied by the package of documents, mentioned in paragraph 7 hereto;

2) tender participant – potential media measures which declared their participation in the tender on media measurement according to these Rules;

3) National media association (hereinafter - Association) – tendering authority on media measurement;

4) Tender Board – a board founded by the supervisory board of the Association for the tendering process;

5) tender documents – a package of tender documents on media measurements, containing description and required technical, qualitative and operational factors of media measuring equipment, putting into commission;

6) tender application – an application submitted by the tender participant to the Tender Board accompanied by the technical and economic calculations;

7) technical and economic calculations – cost calculation of media measurement, prepared by the tender participant based on the description and required technical, qualitative and operational factors of media measuring equipment, putting into commission.

Chapter 2. Tender procedure on media measurement

3. The Association holds a tender on media measurements (hereinafter – tender) specifying terms of its conduction for media measurements on the territory of the Republic of Kazakhstan.

4. The Tender Board develops and approves the tender documents, which contain:

1) description and required technical, qualitative and operational factors of media measuring equipment, putting into commission;

2) principal conditions of draft contract for media measurements.

5. Having approved the tender documents, the Tender Board submits the mentioned package of the documents for approval to the Supervisory Board of the Association for consideration and confirmation.

6. The Tender Board publishes tender announcement on the website of the Association not later than three working days as from the date of approval of the tender documents by the Supervisory Board, but not less than thirty calendar days until the end of the date for submission of the documents and materials for tender participation by the tender participant.

7. The tender participants take part in the tender in case of submission of:

1) an application signed by the tender's participant, with Russian translation;

2) a copy of the identity document of the top executive officer;

3) copies of constitutional documents;

Foreign legal entities shall submit legalized documents specified in subparagraph 3) hereof, legalized extract from the commercial register or other legalized document certifying that the foreign legal entity is a company duly organized and existing under the laws of a foreign state, with Russian translation;

4) supporting document for opened rights of use of the technology and software on the territory of the Republic of Kazakhstan (or letter of intent to open these rights in case of winning in the tender within the context of the cost proposal), with Russian translation;

5) technical documentation with description of qualitative and operational factors of media measuring equipment, putting into service, technical and economic calculations, as well as the term of the project implementation, with Russian translation.

Supplying technical and economic calculations, the tender participant provides updated information on cost of the equipment and necessary volumes of this equipment to the tendering authority.

8. The tender participant shall submit the package of documents for the tender participation to the Tender Board in pdf format certified by its signature to email of the Association.

9. Interlining, erasures or subscriptions are not included in the package of the documents except when the tender participant corrects grammar and computational errors.

10. An application with the package of the documents of the tender participant are registered by the secretary of the Board.

11. The time of submission of tender to the Tender Board for participation in the tender is thirty calendar days from the date of its holding announcement.

12. The Tender Board shall execute the protocol of opening of bids within five working days following the day of bids opening.

13. The protocol of opening of bids shall be agreed with all members of the Tender Board presented at the meeting, signed by its chairman, as well as the secretary of the Tender Board.

14. Having signed the protocol of opening of bids, the Tender Board shall send a notification on permit or non-admission to the tender to the tender participant.

Non-admission to the tender is implemented in the absence of any document specified in paragraph 7 hereto.

15. The Tender Board shall consider the technical documentation with description of qualitative and operational factors of media measuring equipment, putting into service, technical and economic calculations, as well as the term of the project implementation submitted by the tender participants, within ten working days from the date of signing of the protocol of opening of bids.

16. The Tender Board shall prepare a conclusion of the Tender Board for submission for consideration to the meeting of the Association's founders of the Conference and making of the final decision on the basis of the results of consideration of the documents stipulated by paragraph 7 hereto submitted by the tender's participants.

If only one participant proceeded with an application for the tender, such applications shall be compared to the technical characteristics of the current database "TV Index 100 000+", provided by TNS Central Asia LLP.

17. The chief executive officer of the Association shall convene the Conference of the Founders of the Association not less than 10 working days up to the date of the Conference based on the obtained conclusion of the Tender Board. A copy of the conclusion of the Tender Board shall be attached to the notification on convocation of the Conference of the Founders of the Association.

18. The Conference is entitled to make decisions if Founders of the Association possessing at least half of the total number of votes are present. Lacking a quorum, the Conference is convened again within 5 (five) consequential working days. In case of the repeated Conference, the decisions are made regardless of quorum.

19. Decisions of the question on selection of a provider of the services on media measurement are made at a Conference by qualified majority voting in number not less than 2/3 of total votes.

20. The tender is declared void if:

20.1. neither of the potential suppliers proceeds with an application for participation in the tender;

20.2. Founders of the Association decided that none of the submitted tender proposals of the potential suppliers is eligible for implementation on the territory of the Republic of Kazakhstan.

21. If the tender is declared void, the Association is entitled to hold a repeated tender by the decision of the Founders of the Association.

22. The repeated tender is held in the same order as the initial tender.

23. A participant, which submitted all documents, specified in paragraph 7 hereto, as well as which proposals are the best with respect to fulfillment of conditions stipulated in the tender documents, by the decision of the Founders' Conference, shall be recognized as the preferred tenderer.

24. The tendering authority shall send the draft contract on media measurement to the tender participant, recognized as the preferred tenderer, within fifteen calendar days from the date of the tender summary.

25. The preferred tenderer shall sign the mentioned contract within twenty working days of the day of receipt of draft contract on media measurement.

3. Arrangement of the Tender Board activity

26. Chairman of the Tender Board:

- direct activities of the board;
- plans its work;
- acts on its behalf in relationship with the Founders of the Association and Supervisory Board.

27. Chairman or its deputy of the Tender Board act as meetings' moderators.

28. Secretary of the Tender Board:

- keeps records of all meetings of the board;
- invites experts of media market and tender participants to the meetings of the Tender Board on behalf of the Chairman of the board;
- transfers records of the Tender Board to the Association for publication on the website of the tendering authority.

29. The meeting of the Tender Board is considered duly constituted in case of participation of all members of the board.

If any member of the Tender Board is absent, the reason of its absence shall be specified in the records of the Tender Board enclosing document (if available), confirming such fact.

30. Decisions of the Tender Board are made under the principle: 1 member - 1 vote by a simple majority of votes.

In case of disagreement with the decision of the Tender Board, any member of this Tender Board shall express its special opinion in written form and attach it to the records of the Tender Board.

31. Except members of the Tender Board, representatives and experts of media market invited by the Chairman of the Tender Board are entitled to take part in work of the meeting of the board without the right to vote on the issues of the agenda of the meeting.

Opinion of the invitees, including the tender participants, must be taken into account, but not included into count of the voting.

32. Based on the results of meetings of the Tender Board, a minute is prepared and it must be agreed with all members of the board, signed by the Secretary and Chairman of the board before publication on the website of the tendering authority.
