

TENDER SPECIFICATIONS

ANNEX I: SYSTEMS REQUIREMENTS FOR ALL COLLECTIVE MANAGEMENT ORGANIZATIONS (CMOS) IN COLLABORATION WITH KENYA COPYRIGHT BOARD.

An automated system for use by both Kenya Copyright Board and licensed Collective Management Organization (CMO) Systems as detailed below:

1. KECOBO System
 - a) National Rights Registry (Managed by KECOBO)
2. Collective Management Organization (CMO) Systems
 - a) Licensing Module
 - b) Media Monitoring Module
 - c) Distribution Module

The System will enable the following:

1. Registration of rights holders and creative content for a national repository (National Rights Registry)
2. Authentication and authorization of Licensed Consumers of Copyright Content
3. A system that will enhance transparency in collection and distribution of royalties.
4. Monitor and log all TV and Radio stations country wide and provide statistics of airplays for all rights holders
5. A self-service user-friendly system.

The general requirements of the system are:

1. Must adhere to Kenya Data Protection and Privacy laws (and other applicable laws)
2. Must be built on a distributed ledger and other modern architectures
3. Easily accessible through web and mobile
4. Must be hardened to guarantee security
5. Auditable system logs with remote storage for a minimum of seven (7) years
6. Notifications and alerts (Web, SMS and email)
7. Verification of all user/entity contact details (both Email and SMS)
8. Allow for bulk administration and management (bulk uploads, updates etc)
9. Must use a Single sign on mechanism for rights holders across all platform: Use of the National Rights Registry to authenticate and authorise access to the CMO systems for all rights holders.

A. KECOBO SYSTEM

A National Rights Registry (NRR): This will be a central repository collating details pertaining to the artists, producers, composers, performers etc. The repository will be the single source of truth for all creative content and rights holders in Kenya. The requirements for the National Rights Register (NRR) are detailed below

1. Rights Holders Self-registration portal
 - a) Ability to have a unique user account for every Rights Holder in Kenya

- b) Generate unique signatures for Rights Holder works uploaded
 - c) Issue unique identifiers per Rights Holder asset AND per Rights Holder
 - d) Rights Holders dashboard with all activities and assets (including who has access to their data)
 - e) Dynamic dashboard reporting – Rights Holders able to define and view visual reports as needed
 - f) Ability to upload smart contracts
 - g) Ability to define split sheets per Rights Holder asset
2. Admin portal for system management
 - a) Content management system
 - b) Granular access level of system management (user rights management)
 - c) Analytics module: users able to create and query to generate visual reports and analysis when needed.
 - d) Use of emerging technology for data analysis e.g. machine learning
 3. Comprehensive and dynamic search function on ANY key word e.g. artist name, lyrics, month, time etc.
 4. Single sign on system for all CMOs and Rights Holders
 5. Link to KECOBO system for issuing copyright. Capability for automated issuance of copyright notices for those who opt for copyright
 6. Based on a distributed Ledger (All CMOs have a copy)
 7. Linked to various Government Databases e.g. IPRS, KRA for verification
 8. Link to CMO systems for Licensing, Distribution and media monitoring
 9. Adhere to global standards (ISRC codes)
 10. Auditable
 11. Capture all forms of Rights Holder assets e.g. music, audio-visual works, spoken word, literary works etc.
 12. Responsive – mobile and web access
 13. Adhere to Kenya Privacy and Data protection laws and Industry standards
 14. Interoperable with other systems e.g. International associations databases
 15. Executive Reporting Dashboard
 - a) Ability to view and auto generate high level reports and trend analysis from all systems i.e. National Rights Registry (NRR), Distribution System, Media Monitoring System and Licensing System. Example of dashboards to be generated include:
 - b) No. of Rights Holders registered in the NRR
 - c) Category of Rights Holders registered – filtered by location, genre etc.
 - d) Total collected vs. no. of licenses issued etc....

B. CMO SYSTEMS

1. Licensing Module

This involves: Business registration, client payment, certificate generation and process management of license issue and distribution.

- a) Registration: A platform where the businesses can be registered based on given registration requirements

- i. Link to Government Business Registration System for verification
- ii. Geo-location services (all businesses mapped visually)
- iii. Automated payment and issuance of royalty licenses
- iv. Notifications on license status
- b) Royalty Payment: Multiple payment options (Cash deposits, Mpesa, EFT, card services etc.)
 - i. Links to relevant Government systems/database for licensing verification e.g. Tourism, BRS, NTSA, KRA
 - ii. MUST have an audit trail of all payments
- c) Invoicing: Provision for issuing of invoices and confirmation of paid invoices.
 - i. MUST generate a receipt on paid invoices
 - ii. Electronic invoicing
- d) License Generation: Electronic and automated generation of certificates for paid invoices.
- e) Admin portal to manage and set tariff to be applied (also serves as CMO access portal)
 - i. Automated to auto calculate License Fee based on various tariffs and parameters
 - ii. Ability to split rights allocation for each collective management organization (CMO)
 - iii. Ability to make reversals for uncleaned transactions
 - iv. System management: Invoices, Certificates, Reports, User logs, Regions, Access management, User /Client Management.
 - v. Allow for information verification and clearance by any legally mandated entity
 - vi. Granular access level of system management (user rights management)
 - vii. Analytics module: Admin users able to create and query visual reports and analysis whenever needed and set automated reports to be sent out at a pre-defined period (e.g. daily, weekly etc)
 - viii. Use of emerging technology for data analysis e.g. machine learning
- b) Field officer and agents' user accounts
 - i. Compliance management module to verify license payments
 - ii. Easily accessible (mobile)
 - iii. Notifications and reminders – email and SMS
 - iv. Remote and offline access. Ability to work offline and be able to sync data
- c) SMS platform and API
- d) Ability to link to third party systems

2. Media Monitoring Module

Capability to monitor and log all TV and radio stations countrywide and provide scientific data to support the scientific distribution of royalties.

- a) Monitor and log ALL TV and Radio stations COUNTRYWIDE
 - i. Link to the Communications Authority (CA) database of licensed TV and Radio Stations
- b) Auditable statistics of airplays for all Rights Holder assets meta data e.g. Rights Holder, song, time, station, no. of plays

- c) Link to the National Rights Registry (NRR) as single source of truth for all Rights Holder works monitored
- d) Link to Distribution and Licensing modules
- e) Carry out Matching based on bits.
- f) Proof of ability to monitor ALL TV and radio stations countrywide e.g. have physical monitoring stations across entire country
- g) Ability to monitor internet distributed content e.g. online radios
- h) Guarantee 99.9% uptime; this includes all relevant business continuity plans
- i) Rights Holder account reporting portal/ dashboard
 - i. All Rights Holders in the National Rights Registry (NRR) have a user account where they are able to view statistics on use of their assets

3. Distribution Module

Automated pay-out system for royalties collected in a monthly basis for both scientific and general distribution.

- a) Distribution of royalties
 - i. ALL CMO members must be paid through this system
 - ii. 7 years Auditable logs
 - iii. All payments must be automated and electronic
 - iv. Multiple electronic payment options – Bank deposits, mobile money etc.
 - v. All statutory obligations (including tax) managed during this process to include generation of withholding tax certificates
- b) Rights Holder User account/dashboards
 - i. Access to all Rights Holders registered in the National Rights Registry (NRR)
 - ii. Visibility of all entitlements (past and future) – with clear explanation of how entitlements were arrived at
 - iii. Visibility of all statutory obligations remitted from their entitlements
 - iv. Notifications and alerts of payment made etc.
 - v. MUST verify medium of reachability for all users (both email and SMS)
- c) Link to the National Rights Registry (NRR)
 - i. MUST use single sign-on or unified sign-on of the NRR database
 - ii. MUST use split sheets defined in the NRR
 - iii. MUST use Rights Holders registered in the NRR
- d) Admin portal
 - i. Content Management System
 - ii. Automated to auto calculate distribution of royalties across entire CMO membership
 - iii. System management: Receipts, Reports, User logs, Regions, Access management, User /Client Management.
 - iv. Granular access level of system management (user rights management)
 - v. Analytics module: Admin users able to create and query visual reports and analysis whenever needed and set automated reports to be sent out at a pre-defined period (e.g. daily, weekly etc.)
 - vi. Use of emerging technology for data analysis e.g. machine learning

QUALIFICATION REQUIREMENTS

1. Sound financial base
2. Valid Registration Certificate , Tax Compliant Certificate , KRA PIN certificate and CR12
3. A good understanding of collective management organization is an advantage
4. Proven track record of building and maintaining large scale distributed systems

Applications should include:

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

Consortiums are encouraged to apply.

DISCLOSURES:

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

All the applications should be physically delivered to the below addresses on or before 16th January 2020 at 12.00pm and opened on 17th January 2020 at 2.00pm.

KAMP-PRISK OFFICES JUMUIA PLACE 1,2nd FLOOR LENANA ROAD, KILIMANI, NAIROBI

OR

MCSK OFFICES at AK119, SLIP ROAD off WAIYAKI WAY between TOYOTA Kenya and MALAWI High Commission.