



ACT
Government

Chief Minister and Treasury

MINUTE

Ref: M2013/02243
File No. 2013/12264

Date 24 September 2013

To Chief Minister

- Director-General *AS*
- Deputy Director-General *DA/H*

From Director, Economic, Regional and Planning *BO*

Subject Free public Wi-Fi funding options

Critical date and reason

30 September 2013 - to allow us to capitalise on the market interest.

Purpose

To provide an update on the progress of free public Wi-Fi and to identify next steps.

Background

Free public Wi-Fi is one of your top issues. It is an election commitment and a great opportunity for the ACT Government to provide a service with tangible benefits to Canberrans, especially students, low income earners and tourists. This high profile service will show that we are willing to lead by example and ready to become a world class digital city.

Issues

Delivering public Wi-Fi – options, partnerships, and contributions

In order to achieve value for money, CMTD will approach the market with a Request For Proposal, allowing the market to identify what is needed to deliver free public Wi-Fi.

The market may be able to offer this service at no, or low financial cost to ACT Government. However, a purely market funded service (i.e. no contribution from ACT Government), may not meet broader objectives of Government relating to social inclusion, service quality and coverage, user experience, and promotion – e.g. the service may be focused on paid subscription and advertising heavy.

CMTD expects that the market will request some ACT Government contribution to help offset costs associated with implementation, as seen in other cities that have implemented free public Wi-Fi. Cities that have made a contribution, such as Adelaide City Council, are building a free public Wi-Fi service that will meet objectives around social inclusion including offering a free, untimed service.

Approach to Market

Proposals will be sought to provide a free public Wi-Fi service that will support the Government's objectives. Proponents will:

- be made aware that a small grant *may* be available to assist in implementation of free public Wi-Fi and that in-kind contributions *may* be offered (such as advertising and access to infrastructure);
- asked to identify the level of financial support (if any) needed from the ACT Government;
- be asked for innovative financial solutions that will support free public Wi-Fi without the need for regular financial support from the ACT Government.

Shared Services Procurement have advised that single approach to market is ideal as it results in a faster and more streamlined process. They have also advised that it is not best practice to approach the market without first identifying a funding source.

Funding Source

Once the market has identified whether a funding contribution is required, a brief will be prepared for your approval.

Note that free public Wi-Fi is currently unfunded and CMTD does not have capacity to fund this initiative internally.

Digital Canberra Fund – 2014/15 Budget Business Case

You have expressed interest in the creation of a Digital Canberra Fund to be used to progress your digital agenda. This fund could be self sustaining through implementation of digital government services that result in cost reductions. This fund ^{can} also be used to fund digital projects, for example those in the Digital Canberra Action Plan.

CMTD will prepare a business case for your consideration as part of the 2014/15 budget process.

Next Steps

Upon your approval, CMTD and Shared Services Procurement will prepare a Request For Proposal to approach the market in October 2013.

CMTD will liaise with your office to coordinate announcement of the Request For Proposal and associated media.

Recommendations

That you:

- agree a single approach to the market with a Request For Proposal issued to the market, noting that a funding source is yet to be identified; and

AGREED / NOT AGREED / PLEASE DISCUSS



Brook Dixon


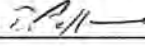
Contact Officer: Mark Lightfoot


Phone: 52735



Date 8 October 2013

To Chief Minister

- Director-General 
- Deputy Director-General 

From Director, Economic, Regional and Planning 

Subject Free public Wi-Fi – Statement of Requirements for approach to market

Purpose

To provide an update on free public Wi-Fi approach to market and to identify the ACT Government requirements.

Background

You agreed CMTD approach the market with a Request for Proposal (Briefing M2013/02243) allowing the market to identify what is needed to deliver free public Wi-Fi.

Issues

Statement of Requirements

CMTD has developed a set of requirements at Attachment A, that will form part of the Request for Proposal. This highly leveraged approach to market seeks to deliver free public Wi-Fi that is of high quality, free to use and value for money for the Government.

The Statement of Requirements will:

- allow the market to tell us what solution it can provide and what support it needs from Government to achieve it;
- highlight that it is essential that there is no ongoing costs for the operation (or liability) for the infrastructure beyond implementation; and
- highlight the following mandatory requirements that proponents must meet, specifically:
 1. will provide free public Wi-Fi access;
 2. will filter undesirable content from the free service;
 3. offer customer support for connection and service issues; and
 4. hold a Carriers Licence as defined by the Australian Communications and Media Authority or have a contractual arrangement with a holder of a Carriers Licence.

Next Steps

Timeframes for the free public Wi-Fi initiative:

- 19 October 2013 - CMTD will advertise the draft Statement of Requirements in the newspaper for industry comment and feedback.
- 2 November 2013 – CMTD will approach the market with a Request for Proposal.
- 21 November 2013 – Evaluation Panel will meet, evaluate proposals and recommend preferred applicant to the delegate.
- 2 December 2013 – Delegate will select a proposal, taking into account the recommendations of the Evaluation Panel.
- December 2013 – Subject to funding being identified CMTD will contract successful applicant.
- January – July 2014 – Implementation of free public Wi-Fi network.

This initiative is currently unfunded. The process will be unable to progress to the contract stage if the market requests a government cash contribution, and funding can not be identified.

Recommendations

That you note the attached Statement of Requirements that will form part of the approach to market in October 2013.

NOTED/PLEASE DISCUSS

Brook Dixon

Contact Officer: Mark Lightfoot

Phone: 52735

Katy Gallagher
Katy Gallagher MLA / /

14/10/13



ACT
Government

Chief Minister and Treasury

MINUTE

Date 5 November 2013

To Deputy Director-General

From Director, Economic, Regional and Planning Branch

Subject Free Public Wi-Fi approach to market

Purpose

To seek your agreement to approach the market with a Request for Proposal for free public Wi-Fi.

Background

Free public Wi-Fi is one of the Chief Minister’s top issues. It is an election commitment and a great opportunity for the ACT Government to provide a service with tangible benefits to Canberrans, especially students, low income earners and tourists.

CMTD has previously briefed the Chief Minister on this issue and has agreement to approach the market with a Request for Proposal (Brief Ref: M2013/02243). The Chief Minister has also noted the Statement of Requirements that will form part the approach to market (Brief Ref: M2013/02457).

CMTD has prepared this procurement activity in line with the advice provide by Shared Services Procurement (ICT), the Government Solicitors’ Office and industry feedback.

Issues

In order to approach the market, the attached minute needs to be signed. In order to appear in this Saturday’s paper 9 November 2013, this minute needs to be provided to Shared Services Procurement on Wednesday 6 November 2013. Otherwise, it will appear in the paper the following week.

Recommendations

That you sign the attached Procurement Plan Minute to allow the ACT Government to approach the market to procure free public Wi-Fi capabilities.

Contact Officer: Mark Lightfoot
Phone: 02 6205 52735

AGREED/NOT AGREED

[Signature] 6/11/2012

REQUEST FOR PROPOSAL NO: 2013.23179.210



**FREE PUBLIC WIFI CAPABILITIES
ON BEHALF OF
POLICY AND CABINET DIVISION WITHIN THE
CHIEF MINISTER AND TREASURY DIRECTORATE**

CONTACT OFFICER: HANNAH GILL

SHARED SERVICES PROCUREMENT

PHONE: (02) 6207 0171

EMAIL: ICT.Tenders@act.gov.au

ISSUE DATE: SATURDAY, 9 NOVEMBER 2013

CLOSING DATE: THURSDAY, 28 NOVEMBER 2013

CLOSING TIME: 5:00PM CANBERRA TIME

Responses must be submitted by the closing time and date to:
ICT.Tenders@act.gov.au

CONTENTS

1	INTRODUCTION	3
PART 1	CONDITIONS OF RESPONSE (INCLUDING SPECIAL CONDITIONS OF RESPONSE AND OTHER CONDITIONS OF RESPONSE)	4
PART 2	STATEMENT OF REQUIREMENTS.....	15
PART 3	EVALUATION METHODOLOGY AND EVALUATION CRITERIA	16
ATTACHMENT 1	TECHNICAL AND COST RETURNABLE SCHEDULE.....	19
ATTACHMENT 2	RESPONDENT'S RETURNABLE SCHEDULE ON CONFORMANCE WITH THE RFP	19
ATTACHMENT 3	RESPONDENT'S DECLARATION	23

1 INTRODUCTION

1.1 Purpose

The purpose of this Request For Proposal (RFP) is to seek interested parties to build, own, operate and maintain wireless broadband network(s) using WiFi technology in the public spaces around Canberra and, in these spaces, provide a free service for the public to use, filtered from undesirable content. It should be noted that the ACT Government does not wish to own any part of the network and that it will remain, at all times, property of the successful respondent.

2 STRUCTURE OF THIS REQUEST FOR PROPOSAL

This Request for Proposal comprises of:

Part 1 – Conditions of RFP, including Special Conditions of RFP;

Part 2 – Statement of Requirement; and

Part 3 – Evaluation Methodology and Evaluation Criteria.

RETURNABLE SCHEDULES

Attachment 1 – Technical and Cost Returnable Schedule;

Attachment 2 – Respondent’s Returnable Schedule on Conformance with the RFP; and

Attachment 3 – Respondent’s Declaration.

3 INDICATIVE RFP TIMETABLE

The proposed timetable for the procurement process relating to this RFP is:

ACTIVITY	DATE
RFP Advertised	Saturday, 9 November 2013
RFP Closes	Thursday, 28 November 2013
Proposal Evaluation	6 December 2013
Approval of Evaluation Report	13 December 2013
Negotiations	16 – 31 December 2013
Contract Awarded	January – February 2014
Implementation	January – July 2014

**PART 1 CONDITIONS OF RESPONSE
(INCLUDING SPECIAL CONDITIONS OF RESPONSE AND
OTHER CONDITIONS OF RESPONSE)**

1: CONDITIONS OF RESPONSE - GENERAL

- 1.1 These Conditions must be read in conjunction with the whole Request for Proposal (RFP) documentation, including any attachments and addendums. They apply subject to any special conditions of response set out in this RFP.
- 1.2 In submitting a Response, the Respondent acknowledges that it:
- (a) has examined the RFP, and any other information, including all addenda issued;
 - (b) has examined all information relevant to the risks, contingencies, and other circumstances having an effect on the Response;
 - (c) has made and relied upon its own enquiries as it considers appropriate to address the Evaluation Criteria; and
 - (d) is satisfied as to the correctness and sufficiency of the Response, including the price or rates specified.
- 1.3 Responses must remain open for at least 180 days from the date and time of closing of the RFP to enable the evaluation of Responses by the Territory.

2. SMALL-TO-MEDIUM ENTERPRISE (SME)

To support regional SMEs, the Territory will preference regional SMEs or respondents who subcontract to regional SMEs through a weighted evaluation criteria. A regional SME is defined as a small to medium enterprise with up to 200 FTE employees based within the South East Region of Councils (SEROC).

Respondents are to confirm that they are a regional SME by completing the Respondent's Declaration at Attachment 3 to this RFP or, alternatively, whilst not a regional SME, the respondent intends to subcontract a component of a contract in the event they are selected as the preferred supplier.

The weighting to be applied is based on the value of the subcontracted work as a proportion of the total contract value.

3. DISCLAIMER

- 2.1 The RFP may contain information that may be described as data, documents, and images, prepared by Territory agencies. While that information has been formulated with care, the Territory does not warrant or represent that it is free from misdescription, error or omission.
- 2.2 The Territory is in no way liable for the inaccuracy of any information printed or stored by a Respondent (or other user) after downloading an electronic copy from Shared Services Procurement website. A Respondent (or other user) who utilises an automatic language translation service in connection with the RFP does so at its own risk.

- 2.3 If sufficient information is not available, or a prospective respondent requires clarification of any information in relation to the RFP, the prospective respondent is invited to write to the Contact Officer.

4. TERMINOLOGY

- 3.1 The RFP and these Standard Conditions will use some terms that will have a particular meaning. Unless otherwise stated in an RFP (including in any special conditions of Response), the following meanings apply to terms.

Contact Officer: the Territory officer whose name and contact details appear on the cover sheet of an RFP.

Declaration: the prescribed form of declaration set out in an RFP.

Evaluation Criteria: the criteria by which a Response will be evaluated set out in an RFP.

Goods: the goods sought to be provided in an RFP.

Response / Proposal: a response / proposal lodged by a Respondent in answer to an RFP.

Respondent: the legal entity (e.g. a company or an individual) that submits a Response.

RFP (Request for Proposal): a request for Response issued by Shared Services Procurement, describing the Goods, Statement of Requirements, Evaluation Criteria and other conditions of Response.

Services: the services sought to be provided in an RFP.

Special Conditions: conditions specific to an RFP which are set out in the RFP. Special Conditions take precedence over Standard Conditions of Response to the extent of any inconsistency.

Standard Conditions: conditions that apply to all RFPs.

Statement of Requirements: details the Goods and/or Services being sought by the Territory as set out in an RFP.

Territory:

- (a) when used in geographical sense, the Australian Capital Territory, and
- (b) when used in any other sense, the body politic established by section 7 of the *Australian Capital Territory (Self-Government) Act 1988 (Cwlth)*.

5. SPECIAL CONDITIONS OF RESPONSE

The following Special Conditions of Response apply to this RFP.

4.1 Returnable Schedules

Each Response is to be submitted in one sealed envelope, wrapping or package and should only have the following Returnable Schedules:

Attachment 1 – Technical and Cost Returnable Schedule;

Attachment 2 – Respondent's Returnable Schedule on Conformance with the RFP; and

Attachment 3 – Respondent's Declaration.

4.2 Conformance and Compliance with the RFP

4.2.1 A conforming response is a response which meets the requirements of this RFP, including:

- a) receipt of electronic responses prior to the closing date and time;
- b) provision of the requested electronic copy of the response;
- c) submission of a completed **Attachment 1** (Technical and Cost Returnable Schedule for Responses to the RFP);
- d) submission of a completed **Attachment 2** (Respondent's Returnable Schedule on Conformance and Compliance with the RFP) ;
- e) submission of a completed **Attachment 3** (Respondent's Declaration);
- f) in the instance where a Respondent is named as non-compliant under the *Equal Opportunity for Women in the Workplace Act 1999 (Cwlth)* in the period of twelve months prior to the date and time for closing of Responses and subsequently becomes compliant under the Act, the Respondent shall submit a letter of compliance from the Equal Opportunity for Women in the Workplace Agency with the Response; and
- g) when requested by the Territory, provision of pricing component of the response. (*NOTE: as stated above in 4.1, Pricing Schedule, is not included in this RFP as it will only be submitted by those respondents who have been shortlisted from Step 5 of Part 3 of this RFP*)

4.2.2 A response may be deemed non-conforming where:

- a) a response is at variance with or does not respond to or does not fully conform and comply with any requirement of the RFP;
- b) a response is submitted by a tenderer currently in breach of the *Equal Opportunity for Women in the Workplace Act 1999 (Cwlth)*; or
- c) a response contains erasures or is illegible.

4.2.3 The Territory may, in respect of a response that is nonconforming or which has been deemed by the Territory to be non-conforming:

- a) reject and not further consider the response;
- b) ignore any non-conformance in the response; or
- c) if possible, without impacting on the probity of the RFP process, allow the respondent to correct the non-conformance.

4.2.4 Late responses and incomplete responses may be admitted to evaluation at the absolute discretion of the Territory. In deciding whether to admit a late response to evaluation, the Territory may take into account any factors it considers relevant, including without limitation:

- a) whether the late response is likely to have had an opportunity to obtain some unfair advantage from late submission;
- b) how late the response is, the reasons given for lateness and evidence available;

- c) whether the response was mishandled by the Territory, by an official postal service or by a reputable delivery service; and
- d) evidence of unfair practices.

4.3 OTHER CONDITIONS OF RESPONSE

5.1 Qualifications, Training and Knowledge

- 5.1.1 The successful Respondent will be required to ensure that all employees are adequately supervised to ensure that all Services are delivered in accordance with the requirements of the contract, and any relevant legislation and Australian Standard.

5.2 Alternative Response

- 5.2.1 A Response must be submitted strictly in accordance with this RFP.
- 5.2.2 The Tenderer may submit alternative Responses for consideration, but must also submit a Response which conforms in all aspects with this RFP to be eligible for consideration.
- 5.2.3 Where an alternative response is submitted, the Responses must include a fully detailed description of the alternative tender and must state clearly the manner in which it differs from the requirements of this RFP.

5.3 Lodgement of Responses

- 5.3.1 One electronic copy of the Response must be lodged by the closing date and time to ICT.Tenders@act.gov.au.
- 5.3.2 Following the closing date and time for responses, names of Respondents will be listed on the notice board on Level 5, 40 Allara Street, Canberra City ACT 2601 and on Shared Services Procurement website – www.procurement.act.gov.au. Responses received after the prescribed closing time may not be included on the list.
- 5.3.3 Confirmation of receipt of Responses will be issued to Respondents.
- 5.3.4 All enquiries in relation to this RFP must be directed in writing to the Contact Officer mentioned on the front of this RFP document.

5.4 Ownership of Responses

- 5.4.1 All Responses become the property of the Territory, which may use each Response for evaluation purposes. The Territory will not return Responses to Respondents.

A Respondent:

- (a) retains intellectual property rights in their Response, subject to any other person's rights;
- (b) authorises the Territory to copy, reproduce, use or supply the content of their Response for any purpose in respect of the assessment of their Response; and

- (c) must specify in their Response if any intellectual property or moral rights vest in an entity or a person other than the Respondent, naming the entity or person, and indicating to what extent the authorisation in paragraph (b) may be limited.

5.5 Further Information, Clarification and Enquiries

5.5.1 Despite any other requirement of the RFP, the Respondent must, if so required, submit additional information to allow full consideration of the Response. There is no obligation on the part of the Territory to seek clarifying or any other information.

5.5.2 In responding to the RFP, the Respondent:

- (a) acknowledges that the Territory may seek clarifying or other information about the Respondent's Response and that, if this occurs, that the Respondent will provide the clarification or information within 72 hours of receiving the request from the Territory, unless the response is complex. If the response is complex and will take longer than 72 hours to prepare, the Respondent undertakes to provide advice to the Territory within 48 hours of receiving the request on the revised deadline for the submission of the response;
- (b) acknowledges that no clarification requests on this RFP can be asked by Respondents within 7 days of the RFP Closing Date and time;
- (c) authorises the Territory to:
 - (i) seek further information and enquire into the Respondent's financial status and viability, and
 - (ii) obtain from any Territory, State or Commonwealth government agency, information including information about the Respondent's performance during any previous or current contracts for goods similar to those sought in the RFP;
- (b) acknowledges that the provision and receipt of information by the Territory to any other Territory, State or Commonwealth government agency for the purpose stated in section 5.5.2c(ii) above is a communication in circumstances of qualified privilege and the Respondent shall have no claim against the Territory, in defamation or otherwise, in respect of any matter arising out of the provision or receipt of such information, including any claim for loss to the Respondent arising out of the communication;
- (c) warrants that no other person's or organisation's moral or intellectual property rights will be breached in the Territory's use of the Response for the purpose of the RFP or in any agreement that may be entered into by the Territory with a preferred Respondent; and
- (d) will, if an Act or Regulation requires that a person be registered or licensed supply the Goods include in its Response evidence of registration or licensing. The Territory may seek information from sources, including regulatory and law enforcement bodies, relevant to whether the Respondent is relevantly registered or licensed to supply the Goods and/or Services.

- 5.5.3 Respondents in doubt as to the true meaning of any part of the RFP are requested to notify the Contact Officer to obtain clarification of the RFP:
- (a) Any response by the Territory will be in writing and may, if of general application, be issued as an addendum to the RFP. The Territory will not be responsible for any other interpretation; and
 - (b) The Territory will provide the clarification within 72 hours of receiving the request from the Respondent, unless the response is complex. If the response is complex and will take longer than 72 hours to prepare, the Territory undertakes to provide advice to the Respondent within 48 hours of receiving the request on the revised deadline for the submission of the response.
- 5.5.4 Respondents must not ask clarification questions after 5:00pm on Thursday, 21 November 2013. The Territory will provide answers to clarification questions within 24 hours of receipt.

5.6 Addenda

- 5.6.1 Addenda to the RFP may be issued by the Territory prior to the date and time for closing of Responses for the purposes of clarifying documents or to notify any amendments to the RFP. Respondents that download an RFP from Shared Services Procurement website (www.procurement.act.gov.au), assume responsibility for ensuring that any addenda are incorporated or taken into account in their Responses. It is the sole responsibility of Respondents to check the Shared Services Procurement website for any addenda prior to submitting a Response.
- 5.6.2 If hard copies of the RFP are issued by Shared Services Procurement, addenda will be issued to each person or organisation to which the RFP was issued, or they will each be notified that an addendum is available for collection.

5.7 Unintentional Errors of Form

- 5.7.1 An unintentional error of form is an error that the Evaluation Team is satisfied:
- (a) represents incomplete information not consistent with the Respondent's intentions; and
 - (b) does not materially affect the competitiveness of the Respondent's bid.
- 5.7.2 Examples include:
- (a) the accidental omission of declarations; and
 - (b) an attachment referred to in the body of a tender is unintentionally omitted from the tender.
- 5.7.3 Where one or more submitted Responses appear to contain an unintentional error(s) of form, the Chair of the Tender Evaluation Team may, between the opening of the Response and any decision by the Delegate, provide the opportunity for all Respondents that have made that error(s) of form to correct the error(s).
- 5.7.4 Where the Territory considers that there are unintentional errors of form in a single Response, it may, at its complete discretion, to request a Respondent to correct or clarify the error.

5.7.5 The Territory should first ask the Respondent to confirm whether or not their apparent error was unintentional. If the apparent error was unintentional the Territory may accept the omitted material or pursue clarification in a manner consistent with this Evaluation Plan.

5.8 Selection of Preferred Response

5.8.1 The Territory is under no obligation to select any Response. The Response process may be varied or discontinued upon the Territory giving written notice to Respondents.

5.8.2 Upon conclusion of the evaluation process, the Territory may select a preferred Respondent and then:

- (a) commence contract negotiations with the preferred Respondent with a view to concluding those negotiations within a prescribed period of time; or
- (b) negotiate with another Respondent if contract negotiations with the preferred Respondent are not concluded within the time specified to the preferred Respondent; or
- (c) cease negotiations with any Respondent.

5.8.3 No legal obligations arise until the Territory has executed a contract as specified in an RFP.

5.8.4 The Territory will invite unsuccessful Respondents to attend a debriefing.

5.9 Price Basis, English Language and Metric Units

5.9.1 Prices must be in Australian dollars and include GST.

5.9.2 Responses and all communications with the Territory must be in the English language.

5.9.3 All dimensions and units on plans and drawings and all references to measurements must be in metric units.

5.10 Confidential Text and Disclosure

5.10.1 Respondents must specify in writing any information they believe is confidential in relation to their Tender or which they may wish to be treated as confidential in any contract. Respondents should seek their own legal advice as to the implication for them of the notifiable contracts provisions of the *Government Procurement Act 2001 (ACT)*.

5.10.2 Respondents should be aware that the Territory may be required to disclose information, either under the *Freedom of Information Act 1989 (ACT)* or by the responsible Minister in the Legislative Assembly.

5.11 Costs of Responding

5.11.1 The Territory will make no payment to a Respondent:

- (a) for any costs, losses or expenses incurred by a Respondent in preparing its Response or any alternative Response; or
- (b) in respect of any discussions, negotiations, enquires or requests for details or information made by or on behalf of the Territory after the submission of Responses; or

- (c) for any work undertaken by any Respondent after its Response is submitted including work requested by the Territory in accordance with any provision of the RFP.

5.12 Conflicts of Interest and Collusion

5.12.1 A Respondent with a conflict of interest shall disclose the conflict of interest to the Territory at the time of lodgement of the Response or if the conflict of interest or a risk of a conflict of interest arises after lodgement of the Response and prior to the completion of the Response process, immediately disclose that conflict of interest to the Territory.

5.12.2 In submitting a Response, the Respondent warrants that:

- (a) Respondent has no knowledge of the tender price, including rates, of any other respondent for the Goods;
- (b) except as disclosed in its Response, the Response has not been prepared with any consultation, communication, contract, arrangement or understanding with any competitor; and
- (c) the Respondent has not otherwise engaged in any collusion, anti-competitive conduct or any other similar conduct in relation to the preparation of their Response.

5.12.3 At the sole discretion of the Territory, contravention of this provision may result in the Respondent's Response being deemed to be non conforming.

5.13 Insurance

5.13.1 In addition to all insurance which a Respondent may be required by law to effect (e.g. workers' compensation), a successful Respondent will be required to take out:

- (a) Professional Indemnity Insurance in the amount of \$5,000,000.00 in respect of each claim;
- (b) Public Liability Insurance in the amount of \$20,000,000.00 in respect of each claim;
- (c) Current Worker's Compensation Insurance to carry out the services in the specified State or Territory; and/or
- (d) such other insurances for such other amounts as may be set out in any Special Condition of the RFP.

5.13.2 A preferred Respondent may be required to produce evidence of insurances before a contract is signed.

5.14 Proprietary Names

5.14.1 When proprietary names, brands, catalogues or reference numbers are specified in the RFP, they are intended to set a minimum standard, and preference for any particular material or equipment is not intended. The Respondent may offer material or equipment of similar characteristics, type, quality, appearance, finish, method of construction and performance.

5.15 Sustainability, Waste Reduction and Greenhouse Policies

5.15.1 The Territory is committed to considering environmental issues in the performance of its activities. To this end the following policies and strategies are to be noted by Respondents:

- (a) People, Place and Prosperity: A Policy for Sustainability in the ACT - outlines a set of principles that clarify the concept of sustainability. These principles include using resources prudently and taking all costs and benefits into account;
- (b) *No Waste Strategy* 2010 – establishes a framework for sustainable resource management and lists broad actions which are needed to achieve the aim of a waste-free society; and
- (c) ACT Greenhouse Strategy - seeks to reduce Greenhouse gas emissions resulting from government procurement.

5.15.2 To download these policies see the Department of the Environment, Climate Change, Energy and Water at www.environment.act.gov.au/home.

5.16 Work Health and Safety (WH&S)

5.16.1 Respondents are to provide a copy of their current WH&S policy; or a list of their WH&S procedures or a work manual that includes their WH&S procedures.

5.17 Equal Opportunity

5.17.1 A Response submitted by a Respondent currently in breach of the *Equal Opportunity for Women in the Workplace Act 1999* (Cwlth) (may be deemed to be non-conforming. If a Respondent is named as non-compliant under the Act in the period of twelve months prior to the date and time for closing of Responses and subsequently becomes compliant under this Act, the Respondent shall submit a letter of compliance from the Equal Opportunity for Women in the Workplace Agency with the Response.

5.18 No Guarantee of Business

5.18.1 The Territory does not guarantee, warrant or otherwise represent that any business or any minimum volume of goods or value of business will be contracted, earned or received by the preferred Respondent.

5.19 Exchange of Information Between Government Agencies

5.19.1 By responding to this RFP, the Respondents authorises the Territory to obtain from any ACT Government department or agency, or any other government department or agency, information including, but not limited to, information about the Respondent's performance during any previous or current contracts for Goods and/or Services similar to those sought in this RFP.

5.19.2 The provision of information by the Territory to any ACT or other Government department or agency is acknowledged by the Respondent to be a communication in circumstances of qualified privilege and the Respondent shall have no claim against the Territory, in defamation or otherwise, in respect of any matter arising

out of the provision or receipt of such information, including any claim for loss to the Respondent arising out of the communication.

5.20 National Competition Policy

5.20.1 The Commonwealth and all State and Territory Governments agreed, in April 1995, to a National Competition Policy which comprises three agreements including a Competition Principles Agreement. The policy requires that both public and private sector organisations undertaking business operate within similar regulatory and commercial environments.

5.20.2 The Competition Principles Agreement requires government agencies which undertake significant business activities to observe the principle of competitive neutrality. Among other requirements, this means that government agencies must include in their Tenders all commercial costs that private sector organisations would include in their Tenders. It is the responsibility of a public sector agency submitting Tenders to advise whether all commercial costs have been included in their tender. The Commonwealth Competition Neutrality Policy Statement which all Australian Governments have agreed can be found at:

<http://archive.treasury.gov.au/documents/275/PDF/cnps.pdf>

5.21 Respondent Declaration

5.21.1 Respondents must complete and submit with their Response the Respondent's Declaration in the form provided at **Attachment 3** to this RFP. The Respondent must be a legal entity and the "ACN" or "ABN" must accurately correlate with the legal entity.

5.21.2 Failure to submit the completed Declaration or to supply required information (unless information is specified by a Respondent to be "Not Applicable") may render a Response non-conforming.

5.21.3 If a Respondent is a company, include ACN, and if a partnership or sole proprietor, include the full names of individual members and ABN.

PART 2 STATEMENT OF REQUIREMENT

PART 3 EVALUATION METHODOLOGY AND EVALUATION CRITERIA

6. EVALUATION METHODOLOGY

7.1 Value for Money

7.1.1 In evaluating Responses the Territory has as its objective the attainment of best value for money and not necessarily the lowest tendered price. Apart from the conformity with the requirements of this RFP, the Territory will evaluate Responses in accordance with the staged process and criteria outlined below.

7.2 Evaluation Methodology

Evaluation Methodology

The Evaluation of Proposals will be conducted in a Staged Process as follows:

Stage 1 – Conformance and Compliance Check (including Mandatory Criterion);

Stage 2 – Technical Evaluation;

Stage 3 – Cost Evaluation;

Stage 4 – Relative Risks;

Stage 5 – Value For Money (VFM); and

Stage 6 – Referees (Referees can be approached at any Stage during the evaluation).

8 EVALUATION CRITERIA

Detailed below are the evaluation criteria which will be used to evaluate responses.

Evaluation Criteria

Mandatory Criteria

The Mandatory Criteria are:

1. Licensed Telecommunications Carrier

Including providing the appropriate documentation, Respondents must hold a Carriers Licence as defined by the Australian Communications and Media Authority, or have a contractual arrangement with a holder of a Carriers Licence.

Documentary evidence as an approved and licensed Telecommunications Carrier as defined within the *Telecommunications Act 1997 (Cwth)* must be included with their response.

"Carrier" means the holder of a carrier licence.

A Carrier is the holder of a telecommunications carrier licence granted under the Act. There are no restrictions on the number of carrier licences that may be issued. Any corporation, partnership, (where each member of the partnership is a corporation), or public body may apply for a carrier licence.

Carriers must be individually licensed by the Australian Communications and Media Authority (ACMA). Legislative requirements for granting a carrier licence include the payment of an application fee. There are also special provisions concerning disqualified applicants.

Carriers are obliged to comply with licence conditions, including:

- the *Telecommunications Act 1997* (for example, contributing to the net losses incurred by universal service providers in fulfilling the universal service obligation); and
- the telecommunications access regime and related obligations concerning access to carriers' communications facilities and powers and immunities, such as some exemptions from local planning laws.

2. Free Public WiFi Access

Respondents must provide free public WiFi access.

3. Filter Undesirable Content from the Free Service

Respondents must filter undesirable content from the free public service.

4. Customer Support

Respondents must offer customer support for connection and service issues.

Weighted Criteria

1. Technical (75%)

Delivery Agent

- Capability and Capacity:
 - Can meet all carrier legislation and requirements;
 - Can offer technical support for length of contract; and
 - Ability to offer a free service.
- Solution;
- Innovation;
- Financial viability;
- Technical viability; and
- Testimonials.

Quality

- Coverage;
- Speed of service;
- Free service terms (limits/speeds/login);
- Compatibility;
- Suitability (mesh/hotspots); and
- Length of service offered (5 years).

Time

- Implementation Time;
- Schedule of rollout and upgrades; and
- Customer support timeframes.

1. Cost (20%)

- Funding needed from ACT Government; and
- Revenue stream models.

2. Local Engagement (Small-to-Medium Enterprise [SME]) (5%)

- Use of local SMEs; and
- Use of local contractors.

**ATTACHMENT 1 TECHNICAL AND COST RETURNABLE
SCHEDULE**

ATTACHMENT 3 RESPONDENT'S RETURNABLE SCHEDULE ON CONFORMANCE WITH THE RFP

Respondents Returnable Schedule on Conformance with the RFP			
Clause No.	Title	Response	Yes / No / Not applicable (✓)(X)(N/A)
<i>Part 1</i>			
<i>Conditions of Response (Including Special Conditions and Other Conditions of Response)</i>			
<i>1.</i>	<i>Conditions of Response - General</i>	Have you read and understood these clauses?	
<i>2.</i>	<i>Small-to-Medium Enterprise (SME)</i>	Have you read and understood this clause?	
<i>3.</i>	<i>Disclaimer</i>	Have you read and understood this clause?	
<i>4.</i>	<i>Terminology</i>	Have you read and understood this clause?	
<i>5.</i>	<i>Special Conditions of Response</i>	Have you read and understood these clauses?	
<i>5.1</i>	<i>Returnable Schedules</i>	Have you read and understood this sub-clause?	
	Attachment 1	Have you read and understood this Attachment?	
	Attachment 2	Have you read and understood this Attachment?	
	Attachment 3	Have you read and understood this Attachment?	
<i>5.2</i>	<i>Conformance and Compliance with the RFP</i>	Have you read and understood these clauses?	
<i>5.2.1(a)</i>	Will the Territory have receipt of your response prior to the closing date and time?		
<i>5.2.1(b)</i>	Are you submitting an electronic copy of the response?		
<i>5.2.1(c)</i>	Have you completed Attachment 1 (Technical and Cost Returnable Schedule)?		
<i>5.2.1(d)</i>	Have you completed Attachment 2 (Respondent's Returnable Schedule on Conformance with the RFP)?		
<i>5.2.1(e)</i>	Have you completed Attachment 3 (Respondent's Declaration)?		

Respondents Returnable Schedule on Conformance with the RFP			
Clause No.	Title	Response	Yes / No / Not applicable (✓)(X)(N/A)
5.2.1(f)	Have you including a letter of compliance from the Equal Opportunity for Women in the Workplace Agency if you respondent have been named as non-compliant under the <i>Equal Opportunity for Women in the Workplace Act 1999</i> (Cwlth) in the period 12 months prior to the closing date and time for responses?		
5.2.2	Have you read and understood this sub-clause?		
5.2.3	Have you read and understood this sub-clause?		
5.2.4	Have you read and understood this sub-clause?		
6.	<i>Other Conditions of Response</i>	Have you read and understood these clauses?	
6.1	<i>Qualifications, Training and Knowledge</i>	Have you read and understood these clauses?	
6.2	<i>Alternative Responses</i>	Have you read and understood these clauses?	
6.3	<i>Lodgement of Responses</i>	Have you read and understood these clauses?	
6.4	<i>Ownership of Responses</i>	Have you read and understood these clauses?	
6.5	<i>Further information, Clarification and Enquiries</i>	Have you read and understood these clauses?	
6.6	<i>Addenda</i>	Have you read and understood these clauses?	
6.7	<i>Unintentional Errors of Form</i>	Have you read and understood these clauses?	
6.8	<i>Selection of Preferred Respondent</i>	Have you read and understood these clauses?	
6.9	<i>Price Basis, English Language and Metric Units</i>	Have you read and understood these clauses?	
6.10	<i>Confidential Text and Disclosure</i>	Have you read and understood these clauses?	
6.11	<i>Cost of Responding</i>	Have you read and understood these clauses?	
6.12	<i>Conflicts of Interest and Collusion</i>	Have you read and understood these clauses?	
6.13	<i>Insurances</i>	Have you read and understood these clauses?	
6.14	<i>Proprietary Names</i>	Have you read and understood these clauses?	

Respondents Returnable Schedule on Conformance with the RFP			
Clause No.	Title	Response	Yes / No / Not applicable (✓)(X)(N/A)
6.15	<i>Sustainability, waste reduction and greenhouse policies</i>	Have you read and understood these clauses?	
6.16	<i>Work Health and Safety</i>	Have you read and understood these clauses?	
6.17	<i>Equal Opportunity</i>	Have you read and understood these clauses?	
6.18	<i>No Guarantee of Business</i>	Have you read and understood these clauses?	
6.19	<i>Exchange of Information Between Government Agencies</i>	Have you read and understood these clauses?	
6.20	<i>National Competition Policy</i>	Have you read and understood these clauses?	
6.21	<i>Respondent Declaration</i>	Have you read and understood these clauses?	

ATTACHMENT 3 RESPONDENT'S DECLARATION

I/We tender to the Territory for the Public WIFI Capabilities project for the ACT Government on behalf of the Policy and Cabinet Division within the Chief Minister and Treasury Directorate at the GST-Inclusive prices specified in this Response.

I/We have provided details of any information I/we wish to be treated as confidential in any resulting contract, in accordance with clause 5.10 of Part 1 to this RFP.

I/We undertake to provide insurance policies if selected as the preferred respondent prior to entering into a contract with the Territory.

I/We have sighted all addenda to this RFP.

_____		AND/OR	_____	
Full Name and / or Name of Company			Trading Name (Business Name)	
_____		OR	_____	
ACN (Australian Companies Number)			ABN (Australian Business Number)	
_____			_____	
Business Address			Postal Address	
_____	_____	_____	_____	
State	P/Code	State	P/Code	
_____	_____	_____	_____	
Telephone No	Mobile No	Facsimile No	Email address	
_____		_____		
Name of ACT Professional Standards Scheme		Upper Limit of capped Professional Indemnity Liability Insurance		
_____		_____		
Tenderer's Representative		(include telephone number)		

Position Held by Tenderer's Representative				
_____		_____		
Signature of Director if corporation else Tenderer		Printed Name		
_____		_____		
Date				
_____		_____		
Signature of 2nd Director if corporation else Witness		Printed Name		
Is your organisation a Small to Medium Enterprise SME? YES/NO				
The definition of an SME is: A business with less than 200 full-time equivalent employees.				

Statement of Requirements

23179.110 - Free Public Wi-Fi Capabilities for the Territory.

Table of Contents

1. Background	3
2. Scope.....	3
3. Mandatory Requirements.....	4
4. General Wi-Fi Requirements (Essential)	4
5. Services and Support (Essential).....	4
6. Network and Technology	5
6.1 Wireless Standards (Essential)	5
6.2 Technology, Capacity and Capability (Essential).....	5
6.3 Connectivity Type (Highly-Desirable).....	6
6.4 Handoff (Essential).....	6
6.5 Supported Applications (Essential)	6
6.6 Traffic Prioritisation (Highly-Desirable).....	6
6.7 Quality of Service (Essential).....	6
6.8 Roaming Agreements (Essential)	6
6.9 Security and Filtering (Mandatory).....	6
6.10 Privacy (Essential)	7
6.11 Congestion (Essential).....	7
6.12 Architecture and Design (Essential).....	7
6.13 Spectrum (Essential)	7
6.14 Regulatory and Legal Requirements (Essential)	7
6.15 Wireless Network Equipment (Essential).....	7
6.16 Operating Hours (Highly-Desirable).....	8
6.17 Reliability (Highly-Desirable).....	8
6.18 Scalability and Technology Upgrade (Highly-Desirable)	8
6.19 Network Maintenance (Highly-Desirable)	8
6.20 Health and Safety (Essential)	8
6.21 Subscription Levels (Highly-Desirable).....	8
6.22 Pricing Structure (Highly-Desirable).....	8
6.23 Billing Capability (Essential)	8
6.24 Contract Term (Essential).....	8

Statement of Requirements

23179.110 - Free Public Wi-Fi Capabilities for the Territory.

6.25	Location and Device Identification (Desirable)	8
6.26	Coverage (Highly-Desirable)	9
6.27	Infrastructure Access (Highly-Desirable)	9
7.	Key Performance Indicators (Desirable)	9
8.	Contract Management (Highly-Desirable)	10
9.	Quality Requirements (Desirable)	10
10.	Experience (Highly-Desirable)	10
11.	Implementation (Highly-Desirable)	10
12.	Whole of Life Support (Essential)	10
13.	Sub Contractors (Essential)	10
14.	References (Essential)	11
15.	Industrial Relations/Occupational Health, Welfare and Safety (Essential)	11
16.	Environmental Management (Essential)	11
17.	Innovation (Desirable)	11
18.	Financial Viability (Essential)	11
19.	Insurance (Essential)	11
20.	Conflict of Interest (Essential)	11
21.	Any Other Matters	11
22.	Financial Model and ACT Government Contribution (Essential)	11

Statement of Requirements

23179.110 - Free Public Wi-Fi Capabilities for the Territory.

1. Background

Cities around the world have implemented public wireless broadband capabilities that allow residents, tourists and other visitors to have easy access to the Internet, improving the city's image, social inclusion and enhancing their overall experience. These are sometimes referred to as municipal Wi-Fi networks. The ACT Government is seeking proposals for the establishment of a Canberra Wi-Fi network.

To support this:

- a small grant *may* be available to assist in implementation of free public Wi-Fi; and
- in-kind contributions *may* be offered (such as advertising and access to infrastructure).

It is essential that there will be no ongoing cost to government for operation of the network, or liability for infrastructure beyond any potential initial investment to establish the network infrastructure. Proposals will be assessed on their ongoing commercial viability and a strong preference will be given to those proposals that require minimal contribution. It should also be noted that a staged implementation is preferred ahead of full implementation.

The RFP seeks to investigate the viability of supplying innovative wireless broadband solutions that will encourage economic development, tourism and business attraction. In doing so the RFP seeks proposals from providers interested in working with the ACT Government to make universal wireless broadband access a reality within Canberra.

A free-to-user service offering can be provided through innovative alternative commercial models. The Government's aim is to encourage and support investigations of the viability of such models in Canberra. It is also expected that the service will stimulate greater use of wireless services for a variety of new applications and content services. These may include location-based services, business transaction services, tourism services, and community and government information. These applications and services will in turn stimulate innovation for local companies and developers.

2. Scope

The ACT Government is seeking interested parties to build, own, operate and maintain wireless broadband network(s) using Wi-Fi technology in the public spaces around Canberra and, in these spaces, provide a free service for the public to use, filtered from undesirable content.

Statement of Requirements

23179.110 - Free Public Wi-Fi Capabilities for the Territory.

3. Mandatory Requirements

Responses for the provision of a Wi-Fi Network must meet the following mandatory criteria:

- hold a Carriers Licence as defined by the Australian Communications and Media Authority, or have a contractual arrangement with a holder of a Carriers Licence;
- provide free public Wi-Fi access;
- filter undesirable content from the free public service; and
- offer customer support for connection and service issues.

4. General Wi-Fi Requirements (Essential)

The Canberra Wi-Fi Network must provide Wireless Broadband Service:

- with a basic entry-level service at no cost to users;
- with coverage in public spaces around Canberra:
 - town centres (such as Civic, Belconnen, Tuggeranong);
 - public spaces (such as Garema Place, Glebe Park);
 - bus interchanges (such as Cohen Street); and
 - on buses.
- that is able to facilitate upgrade paths to meet user demand and growth;
- that is based upon Wi-Fi based technology that ensures the widest number of devices supported, and to align with national and international trends;
- that provides for ease of use and low cost setup due to the proliferation of devices with inbuilt Wi-Fi capability;
- that maximises the ease of use of the service, with a focus on ease of log on, authentication and access procedures;
- that complies with emerging standards and certifications for authentication such as the Wi-Fi alliance Hotspot 2.0 process; and
- that supports the Internet Protocol (IP) with an acceptable level of service provisioning, service assurance, customer network management and customer support that includes as a minimum resolution of connectivity problems and service interruptions/degradation.

5. Services and Support (Essential)

The ACT Government envisages that services would be provided on a tiered approach from community level basic free-to-user potentially advertising-supported services to commercial level higher-volume higher-speed fee-based services.

Basic services providing wireless broadband access would be available free of charge to the user, and may be commercially supported through some level of advertising or other sponsorship.

Respondents are to clearly identify the nature of advertising or other commercial support, access speeds and download limits and any other conditions, restrictions,

Statement of Requirements

23179.110 - Free Public Wi-Fi Capabilities for the Territory.

impact on users, commercial arrangements and assumptions that may underpin their proposed solution.

Note that the ACT Government may wish to retain veto rights over sponsorship or advertising deemed inappropriate for a publicly supported service, including the type and frequency at which these ads will be displayed.

Respondents are encouraged to submit innovative alternatives and options that would ensure the sustainability of this basic service. It is expected that the service would be provided, maintained and supported for a period of at least 5 years.

Premium services may be provided in addition to the basic services and these could potentially include a variety of features such as higher-speed access, advertisement-free, tiered technical support and traffic prioritisation.

Respondents are invited to:

- provide details of the access speeds and download limits and all other features of the proposed services;
- identify support available for basic services;
- describe how their solution addresses the registration, authentication and logon process and detail any terms and conditions that are required;
- describe the network statistical information that will be made available to government and any conditions attached to such data;
- identify applications that illustrate innovative use of the services, including basic services, location based retail, smart infrastructure, tourism and events; and
- describe how service will comply with all relevant legal and regulatory requirements for Internet Service Providers, Carriers and Carriage Service Providers.

6. Network and Technology

6.1 Wireless Standards (Essential)

The Respondent should clearly identify which wireless standards the service supports. In particular the Respondent should outline which of the IEEE 802.11 family of standards are supported and in which frequencies, and how upgrades to emergent standards will be addressed.

6.2 Technology, Capacity and Capability (Essential)

Respondents are required to provide details of the proposed technology that would be used in their solution clearly addressing the differentiating features of their solution including capability, capacity and planned upgrades over the next 5 years.

Statement of Requirements

23179.110 - Free Public Wi-Fi Capabilities for the Territory.

6.3 Connectivity Type (Highly-Desirable)

Respondents are required to provide details of their solution's capability to support the following types of wireless broadband connectivity:

- fixed (stationary subscriber at a single location);
- nomadic (stationary subscriber at a variety of locations); and
- portable (in-motion subscriber at a variety of locations).

6.4 Handoff (Essential)

The network should provide seamless handoff between access points for data applications at pedestrian speeds. It is not intended that the network is a replacement for mobile voice networks and as such support for voice handoff is not required. Handoff at vehicular speeds is not required. Respondents are required to provide details on handoff capabilities.

6.5 Supported Applications (Essential)

The network is expected to allow users access to send and receive emails and browse the Internet as a minimum as part of the provision of basic services. Other applications to be considered by respondents as either part of the free or premium service offerings may include Virtual Private Network (VPN) tunnelling, Instant Messaging, Voice-Over-IP (VoIP), CCTV and Video Conferencing. Respondents are to clearly identify the applications supported by their solution.

6.6 Traffic Prioritisation (Highly-Desirable)

Respondents are to identify how their solution addresses traffic prioritisation.

6.7 Quality of Service (Essential)

Respondents are to identify how their solution can provide different levels of quality of service, security and other characteristics for multiple domains over a single physical network.

6.8 Roaming Agreements (Essential)

It is expected that roaming agreements would be setup between the Network Operator and other Service Providers to allow subscribers of all participants to gain access to the network using the same credentials. It is desirable to provide for seamless roaming to and from the proposed service and other hotspot networks (public library etc) without the need to re-authenticate.

6.9 Security and Filtering (Mandatory)

The network is to include appropriate proactive security measures, both physical and logical, to prevent and mitigate risk of attacks.

The network is also to include appropriate levels of protection for viruses and other malicious programs. Respondents are to identify the multilayered security capabilities of their solution. Respondents are also required to provide details of how their solution could restrict access to undesirable and inappropriate material.

Statement of Requirements

23179.110 - Free Public Wi-Fi Capabilities for the Territory.

6.10 Privacy (Essential)

Respondents are to ensure that all customer data held by the organisation is managed within appropriate privacy policies and in a manner that meets all relevant privacy legislation. Respondents are invited to submit information on the privacy policies of their proposed solution. Respondents are also invited to submit information on how the privacy of customer data traversing their network will be maintained.

6.11 Congestion (Essential)

The Principal notes that a number of the areas that may be covered have short term events that will significantly increase potential user numbers and result in substantial congestion of the network. These include events such as Floriade and Summernats.

The Principal recognises that the success of the service may well be judged on its performance during such events. Respondents are to provide details on how such temporary congestion events are to be managed, including the potential for temporary capacity increasing facilities.

6.12 Architecture and Design (Essential)

Respondents are to provide a technical architecture of how the network would be deployed addressing backhaul, roaming, standards-based technologies, security standards, and radio interference, congestion and delay minimisation measures.

6.13 Spectrum (Essential)

Respondents are to provide details of the use of spectrum (licensed or unlicensed) available to them to deploy the network. Providers are responsible to meet any costs associated with the use of the spectrum proposed, and to meet all legal requirements in the use of the spectrum including human exposure to electromagnetic energy (EME) requirements. Respondents are to detail how their proposed solution addresses the potential interference and congestion associated with the use of unlicensed spectrum, where applicable.

6.14 Regulatory and Legal Requirements (Essential)

Respondents will be required to meet all Carrier and/or Carriage Service provider licensing obligations and radiofrequency licensing at their cost. All relevant requirements for the support of emergency calls, provision of location information to Emergency Service Operators, downloading of prohibited material, and lawful interception will also need to be addressed. Respondents must state how these and any other relevant regulatory and legal requirements will be met with their solution.

6.15 Wireless Network Equipment (Essential)

Respondents are to provide details of the wireless network equipment proposed to be deployed to support the network and services outlined. In particular, the space and electricity requirements associated with the equipment are to be

Statement of Requirements

23179.110 - Free Public Wi-Fi Capabilities for the Territory.

clearly identified. Respondents are required to detail costs associated with the acquisition, installation, provision and maintenance of the equipment.

6.16 Operating Hours (Highly-Desirable)

The network is to be operated and supported 24 hours a day, seven days a week. Respondents are to state how their solution meets this requirement.

6.17 Reliability (Highly-Desirable)

The network is expected to mitigate or eliminate single points of failure and ensure high network reliability. Respondents are to detail what reliability targets can be achieved and how this is maintained.

6.18 Scalability and Technology Upgrade (Highly-Desirable)

The network is to be easily scaled and upgraded to support increased coverage, additional users, applications and requirements. Respondents are to detail how their proposed solution meets these needs.

6.19 Network Maintenance (Highly-Desirable)

Respondents are to outline a network maintenance plan.

6.20 Health and Safety (Essential)

Respondents are to outline their approach to deal with any relevant health and safety issues arising from the service, including public reaction to EME impacts on health.

6.21 Subscription Levels (Highly-Desirable)

Respondents are to clearly identify their assumptions of the expected usage levels by retail, government and wholesale customers to support their business plan.

6.22 Pricing Structure (Highly-Desirable)

Respondents are requested to provide the expected range of subscription and fee-based rates of services to retail users and to wholesale service providers.

6.23 Billing Capability (Essential)

Respondents are to clearly indicate their options for billing premium services.

6.24 Contract Term (Essential)

Respondents are to indicate the contract terms that they would expect for the supply of network and services to individual users. Principal would expect that the services are to be supplied, maintained and supported for a minimum of 5 years from launch.

6.25 Location and Device Identification (Desirable)

Respondents are invited to provide details of their solution's capability to identify the location where a device comes into contact with the network (for example: to

Statement of Requirements

23179.110 - Free Public Wi-Fi Capabilities for the Territory.

integrate with location-based applications) and identify the connection of a same device over time (for example: to identify usage pattern over time).

6.26 Coverage (Highly-Desirable)

Ideally, coverage would encompass the town centres, public spaces and parks, busses and bus interchanges. The ACT Government recognises that commercial practicalities and technology limitations may make total coverage of the target area unattainable in the first instance.

6.27 Infrastructure Access (Highly-Desirable)

Respondents are to identify the extent of potential use of government owned infrastructure required such as buildings, bridges, tunnels and poles. Details such as type of access, space, weight, wind load and power requirements, commercial fees and conditions and any other assumptions used in their proposed solution are to be clearly identified.

Respondents are to identify requirements for access to government owned or controlled telecommunications cabling infrastructure including access to fibres or conduits and pits.

Respondents should note that the ACT Government is willing to facilitate negotiations between asset owners for access to government buildings and street infrastructure for the location of communications equipment, and to government owned or controlled cabling, pit and pipe infrastructure for communications pathways, as well as other government-owned facilities.

The ACT Government cannot warrant at this time that such infrastructure will be available for any purpose envisaged by respondents with the exception of some access to powered street lighting for mounting and powering of Wi-Fi radios.

The use of infrastructure is subject to compliance with relevant Commonwealth and ACT legislation and regulation.

7. Key Performance Indicators (Desirable)

Depending on the model ultimately selected the successful Respondent will be required to meet a range of minimum contract management services levels that will be measured over the term of the contract. These minimum contract management service levels will be developed in conjunction with the successful supplier and will be designed to ensure that the network functions as proposed. Respondents are invited to propose a range of key performance indicators that they see as being critical to the establishment and ongoing operation of a Canberra Wi-Fi Network and Support Services.

Statement of Requirements

23179.110 - Free Public Wi-Fi Capabilities for the Territory.

8. Contract Management (Highly-Desirable)

The successful Respondent will appoint an Account Manager for the contract and meet with the ACT Government on a quarterly or as required basis during the term of the contract to address as minimum:

- the performance of the Supplier against the Key Performance Indicators;
- resolution of any issues raised by Customers;
- resolution of any issues that arise from the quarterly report (format of report will be developed with the successful supplier);
- opportunities for continuous improvement; and
- any other matter deemed relevant by the parties.

9. Quality Requirements (Desirable)

The Respondent must provide an outline of any quality assurance systems in place and provide a copy of any applicable quality certification certificates attained by their organisation.

10. Experience (Highly-Desirable)

The Respondent must briefly detail their experience in the design, implementation, and operation of large scale Wi-Fi networks and related telecommunications infrastructure and support services.

11. Implementation (Highly-Desirable)

The Respondent must provide an outline implementation time/line proposal including:

- Implementation Plan
- Transition Plan
- Transition Out Plan

The plans are to identify the tasks and responsibilities attributed to the Respondent and the ACT Government and are required to detail any relevant milestones or other critical dates.

12. Whole of Life Support (Essential)

The Respondent must provide an outline their experience in providing the following support services to a similar sized project:

- warranty and repairs (onsite repair or replacement under warranty);
- supply, delivery, and installation;
- commissioning and training; and
- ongoing maintenance.

13. Sub Contractors (Essential)

The Respondent must provide an outline of any proposed sub-contractor (if any) arrangements.

Statement of Requirements

23179.110 - Free Public Wi-Fi Capabilities for the Territory.

14. References (Essential)

The Respondent must provide three referees that the ACT Government may contact with regards to the goods or services offered.

15. Industrial Relations/Occupational Health, Welfare and Safety (Essential)

The Respondent must provide a summary of their industrial relations and Occupational Health Welfare and Safety record over the last 5 years. For example: court or tribunal appearances or industrial action.

16. Environmental Management (Essential)

The Respondent must provide a summary of their environmental management policy and accreditation (if any) and details of any environmental court or tribunal appearances in the last 5 years.

17. Innovation (Desirable)

The Respondent may provide an Innovation proposal as part of this response which may include (but not limited to) activities which involve the use of leading technologies and best practice.

18. Financial Viability (Essential)

The Respondent must provide evidence of their financial viability and ability to meet the financial obligations of the proposed solution.

19. Insurance (Essential)

The Respondent must provide evidence that they meet or are willing to meet the following insurance provisions:

- Public and Product Liability – \$20,000,000.00
- Professional Liability – \$5,000,000.00; and
- Current Worker's Compensation Insurance to carry out the services in the specified State or Territory.

20. Conflict of Interest (Essential)

The Respondent must state any interests, relationships or clients which may or do give rise to a conflict of interest and the area of expertise in which that conflict or potential conflict does or may arise; details of any strategy for preventing conflicts of interest.

21. Any Other Matters

The Respondent may provide any other relevant information to assist the ACT Government to differentiate between responses.

22. Financial Model and ACT Government Contribution (Essential)

The Respondent is requested to provide a detailed financial model to assist the ACT Government to make informed choices about the value for money of the services offered. The quoted price for the services must be GST inclusive.



ACT
Government

Commerce and Works

COMMERCIAL-IN-CONFIDENCE

Mr John Edwards
National Infrastructure Manager
iiNet Limited
john.edwards@staff.iinet.net.au

Dear Mr Edwards,

**INVITATION TO NEGOTIATE
REQUEST FOR PROPOSAL NO: 2013.2179.210
FREE PUBLIC WI-FI CAPABILITIES**

I refer my recent letter to you dated 7 January 2014, advising that the Territory had selected iiNet Limited as the Preferred Respondent to enter into contract negotiations for the delivery of free public Wi-Fi services in public spaces around Canberra.

As advised in my telephone call last Thursday, the Territory is now in a position to commence negotiations with iiNet and wishes to invite iiNet's representatives to Canberra on Friday, 17 January 2013 to commence the first negotiation meeting – the negotiation meeting is expected to be conducted during 0930-1230 hrs.

You would recall in my earlier letter to you, the Territory had identified seven preliminary negotiation issues which were for either clarification/discovery or formal negotiation. The Territory has developed its position on these and other matters and you will receive advice on these issues by no later than close of business on Tuesday 14 January 2014.

In relation to the logistics for the negotiation meeting on 17 January, Mr Mark Lightfoot, the Project Manager, will be in contact with you early next week to coordinate.

The Territory wishes to take this opportunity to congratulate iiNet again on its success in being selected as the Preferred Respondent and looks forward to commencing its negotiations with your organisation.

If you wish to discuss any matters related to the overall procurement or evaluation processes, please contact Hannah Gill on (02) 6207 0171 or at hannah.gill@act.gov.au

Yours sincerely

Peter DeGraaff
Senior Manager ICT Procurement
Goods & Services Procurement and Policy Group
Shared Services Procurement

11 January 2014

COMMERCIAL-IN-CONFIDENCE



Date November 2013

To Deputy Director-General

From Director, Economic, Regional and Planning *Bo*

Subject Free public Wi-Fi evaluation team

Critical date and reason

28 November 2013: to allow for evaluation of free public Wi-Fi proposals to begin work tomorrow.

Purpose

Your approval is sought to:

- change a member of the evaluation team;
- include short-listing in the evaluation methodology; and
- send shortlisted proposals to an independent technical review provided by a third party.

Background

On 6 November 2013, you approved the Evaluation Team would be comprised of the following members:

- Roger Rooney, *Chair*;
- Geoffrey Rutledge, *Member* or Claire Barbato, *Member*;
- Mark Lightfoot, *Member*;
- Hannah Gill, *Evaluation facilitation and routine probity advice*; and
- Peter DeGraaff, *Evaluation facilitation and routine probity advice*.

Issues

Members Unavailable

On 6 November 2013, you agreed the Evaluation Team would provide a recommendation to you no later than 13 December 2013. In order to achieve this timeframe, evaluation will need to commence this Friday, 29 December 2013.

Unfortunately, Geoffrey Rutledge will not be available to perform his function as a member of the evaluation team as he is currently on leave.

Claire Barbato, his alternate, has been taken offline to assist with the Royal Commission into Child Sexual Abuse.

Replacement Member

Mr David James has offered to stand in Geoffrey's place. The Evaluation Team supports David in this role.

Short-listing and Technical Review

In order to ensure that proposals we may recommend to you can be delivered, when needed, we plan to engage an external technical expert to review shortlisted proposals.

Short-listing is a usual part of the evaluation purpose, however it was not mentioned directly in the original Procurement Plan Minute that you approved on 6 November 2013.

Your agreement is sought to include short-listing to:

- mitigate the risk of the Evaluation Team failing to comply with the Evaluation Plan;
- mitigate the risk of recommending a proposal that may have technical flaws; and
- ensure value for money for the Territory.

Next Steps

Should you agree:

- David James will be included in the Evaluation Team;
- short-listing will be included as part of the Evaluation Plan; and
- short-listed submissions will be reviewed by a technical expert.

Recommendations

That you:

- agree to the addition of David James as a *Member* of the Evaluation Team;
AGREED/PLEASE DISCUSS
- agree to the inclusion of short-listing in the Evaluation Plan; and
AGREED/PLEASE DISCUSS
- agree that short-listed submissions will be reviewed by a technical expert.
AGREED/PLEASE DISCUSS


Brook Dixon

Contact Officer: Mark Lightfoot

Phone: 52735

 28/11/13