



COMMERCIAL-IN-CONFIDENCE

EVALUATION REPORT

**REQUEST FOR PROPOSAL No 2013.23179.210
FOR THE PROVISION OF FREE PUBLIC WI-FI CAPABILITIES ("PROJECT")**

ON BEHALF OF

Chief Minister and Treasury Directorate

COMMERCIAL-IN-CONFIDENCE

TABLE OF CONTENTS

1.	PURPOSE	3
2.	PROJECT BACKGROUND	3
3.	PROJECT DETAILS	3
4.	PROBITY, DISCLOSURE OF CONFLICTS OF INTEREST & CONFIDENTIALITY	3
5.	PROBITY AUDITOR/ADVISOR (DELETE IF NOT APPLICABLE) ERROR! BOOKMARK NOT DEFINED.	
6.	TENDERS RECEIVED	4
7.	EVALUATION	4
8.	<i>WORKPLACE GENDER EQUALITY ACT 2012 (CTH).</i>	6
9.	DEBRIEFING OF UNSUCCESSFUL TENDERERS (DELETE IF NOT APPLICABLE)	6
10.	RECOMMENDATION	6
11.	DELEGATE APPROVAL	7
12.	DIRECTOR GENERAL APPROVAL FOR CONFIDENTIAL TEXT	9

ATTACHMENTS

- A. APPROVED PROCUREMENT PLAN MINUTE.
- B. APPROVED EVALUATION PLAN.
- C. CONFORMANCE AND COMPLIANCE CHECKLIST.
- D. EVALUATION SCORING WORKSHEETS.
- E. REFEREE REPORTS.

1. PURPOSE

To seek approval for the engagement of iiNet Limited to provide free public Wi-Fi services in public spaces around Canberra.

2. PROJECT BACKGROUND

For more project background refer to:

- Approved Procurement Plan Minute at **Attachment A**; and
- Approved Evaluation Plan at **Attachment B**.

3. PROJECT DETAILS

Program

The following timetable applies to the Project:

No	Tasks	Date
1.	RFP Advertised	9/11/2013
2.	RFP Closed	28/11/2013
3.	Delegate Approval of this Evaluation Report	By no later than 20/12/2013
4.	Award Contract	January 2014
5.	Debrief Unsuccessful Respondents	February 2014

4. PROBITY, DISCLOSURE OF CONFLICTS OF INTEREST & CONFIDENTIALITY

A Probity Briefing was conducted by Peter DeGraaff on Monday, 2 December 2013 at 11:10am. All members of the Evaluation Team (ET) were present.

All members of the ET have been asked to disclose any conflict of interest or association they might have with the respondents for the Project. No member has disclosed that he or she has a conflict of interest or association with any of the respondents.

All documents and proceedings of the ET have been treated as confidential.

5. PROPOSALS RECEIVED

Proposals from the following companies were received:

- iiNet Limited;
- Infrastructure Logic Pty Ltd;
- SAT Pty Ltd; and
- Telstra Corporation Limited.

These were registered on the Internal Tender Notice at folio 15 of file 2013/15612:

6. EVALUATION

Proposals were evaluated in accordance with the approved Procurement Plan Minute (**Attachment A**) and approved Evaluation Plan (**Attachment B**) including applicable procurement guidelines.

6.1. EVALUATION METHODOLOGY

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

- All proposals were assessed for their conformance and compliance using the Conformance and Compliance Checklist at **Attachment C**. The outcome of the Conformance and Compliance Check is as follows:

PROPOSAL:	COMPLIANT Yes/No:	REASON, if deemed non-compliant:
iiNet Limited	Yes	
Infrastructure Logic Pty Ltd	Yes	
SAT Pty Ltd	No	Did not submit a completed Attachment 2 (Respondent's Returnable Schedule on Conformance with the RFP) or completed Attachment 3 (Respondent's Declaration) as per the requirements of the RFP.
Telstra Corporation Limited	Yes	

- The proposal submitted by SAT Pty Ltd was rejected from further evaluation based on the non-compliance. This was agreed to by the Chair of the ET and all documents and proceedings of this decision have been treated as confidential and filed accordingly at folio 20 of file 2013/15612.

Stage 2 – Technical and Cost Evaluation

- a) Compliant proposals were evaluated by individual team members against the assessment criterion as listed in Table 1 of the Evaluation Plan. The numerical scoring scale (Table 2) at Attachment A of the Evaluation Plan was used to assess the Technical evaluation criteria.
- b) The ET noted that, in its evaluation of the technical criterion 'Delivery Agent', any referee reports obtained would be treated as 'Testimonials' in accordance with the Evaluation Plan.
- c) The Technical evaluation raw scores of each team member were summed and divided by the number of ET members, resulting in an average score for each response.
- d) Clarification (Clarification 1) was sought from all respondents to obtain the contact details of their proposed referees who could attest to the respondent's past performance in delivering similar projects.
- e) The ET noted that all respondents provided the requested information within the required timeframe.
- f) The ET then sought comments from referees who could attest to the past performance of each responding company. All comments were considered by the ET and are listed at **Attachment E** Referee Reports.
- g) Each individual team member then assessed the Cost (weighted at 20%) of each proposal using the numerical scoring scale (Table 2) at **Attachment B** of the Evaluation Plan.
- h) The Cost evaluation criterion raw score of each team member were summed and divided by the number of ET members, resulting in an average score for each proposal.
- i) Clarification (Clarification 2) was then sought from all respondents. The ET noted that all respondents provided the required clarification within the allocated timeframe.
- j) The ET considered all responses to the clarification and updated their individual scores accordingly.
- k) The ET discussed and substantiated any discrepancies between the scores noting any issues or risks for further consideration.
- l) The average raw scores for each criterion were then multiplied by the corresponding criteria weightings to obtain a weighted score against the Technical and Cost assessment criterion for each response. The individual weighted criterion scores were then summed to obtain a Total Weighted Score (TWS) for each proposal.
- m) A percentage out of 5% (SME weighting) was then summed for each respondent and added to the TWS. The final total weighted scores and total costs to government are as follows:

- n) The ET identified all risks associated with each proposal and an assessment of each risk was undertaken and documented. This is inclusive of the Technical and Cost analysis along with any additional risks identified by the ET throughout the evaluation process.
- o) The ET considered the acceptable balance of the Total Weighted Score, potential risk and whole of life cost of each bid.
- p) The ET recommends the preferred Respondent be iiNet Limited based on the best overall technical quotation, acceptable risks, value for money and that it meets the requirements of the Territory.
- q) During the iiNet Limited evaluation, the ET identified the following negotiation issues, noting that this is not an exhaustive list:
 - Whether **Option 1** (\$1.43 million [GST-Exclusive]) or **Option 2** (\$2.89 million [GST-Exclusive]) would provide the best potential value for money to the Territory;
 - Access Point Locations and Coverage;
 - Key Performance Indicators;
 - Implementation Plan;
 - Project Team;
 - Security and filtering including levels of virus protection; and
 - Supplier of hardware and specifications.

7. **WORKPLACE GENDER EQUALITY ACT 2012 (CTH).**

The ET confirms that the preferred Respondent is not listed on the following website:

<http://www.wgea.gov.au/>

8. **DEBRIEFING OF UNSUCCESSFUL RESPONDENTS**

Letters will be sent to all unsuccessful respondents and will include:

- appreciation for submitting an offer;
- regret that they were unsuccessful on this occasion;
- advice of public notification on the “Contracts Register” which is available from the Shared Services Procurement Website at www.procurement.act.gov.au;
- an offer to debrief; and
- the encouragement to submit offers in the future.

9. **RECOMMENDATION**

The ET recommends that iiNet Limited be approved as the preferred Respondent, and that the ET be authorised to enter into contract negotiations on the following issues:

- Whether **Option 1** (\$1.43 million [GST-Exclusive]) or **Option 2** (\$2.89 million [GST-Exclusive]) would provide the best potential value for money to the Territory;

- Access Point Locations and Coverage;
- Key Performance Indicators;
- Implementation Plan;
- Project Team;
- Security and filtering including levels of virus protection; and
- Supplier of hardware and specifications.



Roger Rooney

18/12/13



Mark Lightfoot

18/12/13



David James

18/12/13

10. DELEGATE APPROVAL

10.1. RECOMMENDATION

It is recommended that you:

1. APPROVE iiNet Limited as the Preferred Respondent at a total cost of \$1.43 million (GST-Exclusive) for **Option 1** or at a total cost of \$2.89 million (GST-Exclusive) for **Option 2** subject to contract negotiations to ascertain the best potential value for money to the Territory.
2. APPROVE the ET to enter into contract negotiations with iiNet Limited on the issues at 7.1. q. above, and to provide a post-negotiation report to you prior to contract finalisation.

Approved / Not Approved / Requires Clarification.

The ET is authorised to:

1.	Advise the preferred Respondent.	<input checked="" type="checkbox"/>
2.	Enter into contract negotiations with the preferred Respondent within the parameters outlined in their recommendation.	<input checked="" type="checkbox"/>
3.	Arrange for a contract to be prepared between the Territory and the preferred Respondent, provided the outcomes of the contract negotiations are successful as outlined in the ET's recommendation.	<input type="checkbox"/>
OR		
	Report the outcomes of the contract negotiation back to me for approval prior to arranging for a contract to be finalised between the Territory and the preferred Respondent.	<input checked="" type="checkbox"/>
4.	Arrange public announcement (as applicable) following contract execution.	<input checked="" type="checkbox"/>
5.	Provide a debriefing to unsuccessful Respondents following contract execution.	<input checked="" type="checkbox"/>

Signature: 

Date: 18 December 2013

Name: Dave Pepper

Position: Deputy Director-General
Policy and Cabinet Division

11. DIRECTOR GENERAL APPROVAL FOR CONFIDENTIAL TEXT

[To be completed following contract negotiations].

As part of the RFP process, (*insert preferred Tenderer's name*) has requested under section 34(1)(a)& (b) (*use as applicable*) of the *Government Procurement Act 2001* (GPA) that selected contents of their tender including *provide details of information to be kept confidential* to be kept confidential.

In accordance with section 35(1) of the GPA, the responsible Territory entity must not agree to any part of the contract being confidential text, unless satisfied that –

- (a) *the disclosure of the text would –*
 - (i) *be an unreasonable disclosure of personal information about a person;*
or
 - (ii) *disclose a trade secret; or*
 - (iii) *disclose information (other than a trade secret) having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed; or*
 - (iv) *be an unreasonable disclosure of information about the business affairs of a person;*
 - (v) *disclose information that may put public safety or the security of the Territory at risk; or*
 - (vi) *disclose information prescribed by regulation for this section; or*
- (b) *a requirement imposed under law requires a party to the contract to keep the text confidential*

(use as appropriate) then the Confidentiality request may be granted.

Shared Services Procurement is satisfied that the exemption is allowable in accordance with the provisions of the legislation. Therefore, it is recommended that you agree to the request from the *Contractor/Consultant* to omit from the public text of the proposed contract the (*insert as appropriate*) as contained in their tender response, and treat this as confidential text in accordance with section 35 of the GPA.

* NOTE: The confidential text version of the contract will include all information pertaining to the Agreement.

Signature: _____ Date: 18 December 2013

Name: Dave Pepper Position: Deputy Director-General
Policy and Cabinet Division

Attachment A – APPROVED PROCUREMENT PLAN MINUTE



Procurement Plan Minute

PROCUREMENT OVERVIEW																					
To	Mr Dave Pepper A/g Head of Service and Director General <i>Deputy Director - General</i> Chief Minister and Treasury Directorate (CMTD)																				
Name of Project	Free Public Wi-Fi Capabilities.																				
Purpose	This Minute seeks your agreement to procure free public WiFi services for the ACT.																				
Estimated value (\$)	The estimated total value of this procurement over the proposed 5 year Term of the contract is to a maximum of \$300,000.00 (GST-Inclusive).																				
Timing/urgency	<p>Indicative timeframe:</p> <table border="0"> <tr> <td>Industry Consultation Advertised</td> <td>19 October 2013</td> </tr> <tr> <td>Industry Consultation Closes</td> <td>1 November 2013</td> </tr> <tr> <td>RFP Advertised</td> <td>9 November 2013</td> </tr> <tr> <td>RFP Closes</td> <td>28 November 2013</td> </tr> <tr> <td>Proposal Evaluation</td> <td>By NLT 6 Dec 2013</td> </tr> <tr> <td>Approval of Evaluation Report</td> <td>13 December 2013</td> </tr> <tr> <td>Negotiations</td> <td>16 - 31 Dec 2013</td> </tr> <tr> <td>Contract Awarded</td> <td>Jan – Feb 2014</td> </tr> <tr> <td>Implementation</td> <td>Jan – Jul 2014</td> </tr> <tr> <td>Debrief Unsuccessful Respondents</td> <td>March 2014</td> </tr> </table> <p>(Note: timings are estimates and may change after the Procurement Plan is signed)</p>	Industry Consultation Advertised	19 October 2013	Industry Consultation Closes	1 November 2013	RFP Advertised	9 November 2013	RFP Closes	28 November 2013	Proposal Evaluation	By NLT 6 Dec 2013	Approval of Evaluation Report	13 December 2013	Negotiations	16 - 31 Dec 2013	Contract Awarded	Jan – Feb 2014	Implementation	Jan – Jul 2014	Debrief Unsuccessful Respondents	March 2014
Industry Consultation Advertised	19 October 2013																				
Industry Consultation Closes	1 November 2013																				
RFP Advertised	9 November 2013																				
RFP Closes	28 November 2013																				
Proposal Evaluation	By NLT 6 Dec 2013																				
Approval of Evaluation Report	13 December 2013																				
Negotiations	16 - 31 Dec 2013																				
Contract Awarded	Jan – Feb 2014																				
Implementation	Jan – Jul 2014																				
Debrief Unsuccessful Respondents	March 2014																				
Tender Number	2013.23179.110																				
Is Government Procurement Board sign off required?	No.																				
Is ACT Government Solicitor consultation required?	<p>Yes.</p> <p>This Procurement activity will include an element of information and communications technology (ICT) and will involve a non-standard contractual arrangement such as PPPs and combined a goods/services contract.</p>																				

2013.23179.110 – Free Public Wifi Capabilities.

<p>SME Opportunities Statement</p> <p>To qualify as a regional SME a business may have no more than 200 full time equivalent (FTE) employees and have a registered business office and/or principal place of business within the ACT and South East Region of Councils (SEROC).</p>	<p>The scope, statement of requirement and assessment criteria documents have been developed to provide reasonable opportunities for regional SMEs.</p>
--	---

PROCUREMENT REQUIREMENTS	
<p>Objective or scope of works or services to be provided</p>	<p>This is a new procurement for free Wi-Fi services for the ACT. For more details on the scope of works refer to the Statement of Requirements at Attachment A.</p>
<p>Type</p>	<p>Funding Agreement.</p>
<p>Funding</p>	<p>The funding amount for this project will be determined by Industry following a response to the formal RFP. Refer to Approved Minute at Attachment B.</p>
<p>Industry Consultation and Technical Consultation.</p>	<p>The Territory advertised a DRAFT Statement of Requirements on 19 October 2013, requesting Industry comments by no later than 1 November 2013. An external expert in this field will be engaged to review the recommended proposal for technical viability.</p>

PROCUREMENT RISK	
<p>Risk</p>	<p>Risks associated with this procurement have been identified as <i>Medium</i>. Refer to the Risk Register at Attachment C.</p>

PROCUREMENT METHODOLOGY	
<p>Description of the procurement method to be used</p>	<p>Request For Proposal.</p>
<p>Evaluation</p>	<p>For Evaluation Methodology and Criteria refer to the Evaluation Plan at Attachment D.</p>
<p>Is this suitable to be a Social Procurement?</p>	<p>No. The services described in the Statement of Requirements require the involvement of specialists in the field of telecommunications.</p>

2013.23179.110 – Free Public Wifi Capabilities.

EVALUATION TEAM			
Name	Position	Role	Area/Directorate
Roger Rooney	Senior Manager	Chair	Chief Minister and Treasury Directorate (CMTD)
Mark Lightfoot	Senior Policy Officer	Member	Chief Minister and Treasury Directorate (CMTD)
Geoffrey Rutledge or Claire Barbato	Director / Manager (Social Policy and Implementation Branch)	Member	Chief Minister and Treasury Directorate (CMTD)
Hannah Gill	ICT Procurement Officer	Evaluation Facilitation and Routine Probity Advice	Shared Services Procurement
Peter DeGraaff	Senior Manager ICT Procurement	Evaluation Facilitation and Routine Probity Advice	Shared Services Procurement
Statement on team composition	The CMTD has established a team of three internal government officers to evaluate responses in relation to the procurement of a free public WiFi service for the Territory. Other Specialist Advisors may be called upon to support the Evaluation Team where needed.		

CONTRACT MANAGEMENT	
Number of contracts	It is anticipated that one Funding Agreement will be entered into with the preferred respondent; however there may be need to enter into a second to provide access on buses.
Contract management	TAMSD after implementation phase.
Period of contract(s)	It is anticipated that the contract Term will be 5 years. CMTD for 12 months implementation, then TAMSD.

AUSTRALIAN FREE TRADE AGREEMENTS (FTAs)	
Does the AUSFTA / Australia-Chile FTA apply?	No.

AUSTRALIAN GOVERNMENT FUNDING	
Is there Australian Government funding attached to this procurement?	No.

2013.23179.110 – Free Public Wifi Capabilities.

SHARED SERVICES PROCUREMENT RECOMMENDATION			
Project Officer	Hannah Gill	Signature and Date	
		Phone Number	(02) 6207 0171
Manager	Peter DeGraaff	Signature and Date	
AGENCY ENDORSEMENT			
Name	Roger Rooney	Phone Number	(02) 6205 5327
Position	Senior Manager - Performance and Analysis, CMTD.		
Signature		Date	5/11/13
AGENCY ENDORSEMENT			
Name	Brook Dixon	Phone Number	(02) 6205 0468
Position	Director – Economic, Regional and Planning Branch, CMTD		
Signature		Date	
AGENCY ENDORSEMENT			
Name	Dave Peffer	Phone Number	(02) 6207 6136
Position	Deputy Director-General – Policy and Cabinet Division, CMTD		
Signature		Date	5/11/13
DIRECTOR GENERAL/DELEGATE APPROVAL			
Name	Dave Peffer		
Position	A/g Head of Service and Director General - CMTD		
Statement	The Procurement Plan and Attachments A, C and D are approved, and Attachment B is noted.		
Signature		Date	5/11/13



ACT
Government

Chief Minister and Treasury

MINUTE

Date November 2013

To Deputy Director-General

From Director, Economic, Regional and Planning *ASO*

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

Attachment B – APPROVED EVALUATION PLAN

COMMERCIAL IN CONFIDENCE



Evaluation Plan

**For the provision of
Free Public Wi-Fi Capabilities
No. 2013.23179.210**

On behalf of

Chief Minister and Treasury Directorate

COMMERCIAL IN CONFIDENCE

COMMERCIAL IN CONFIDENCE

1 SERVICE

1.1 Free Public Wi-Fi Capabilities Project (Project).

The Territory, represented by the Chief Minister and Treasury Directorate (CMTD) seeks to establish a single contractor to provide free public Wi-Fi services in public spaces around Canberra. The Contractor will be responsible for the build, ownership, operation and maintenance of wireless broadband network(s) using Wi-Fi technology.

1.2 Background

On Saturday, 19 October 2013, an Industry Consultation Paper, including a draft Statement of Requirements (SoR), was published in The Canberra Times and on the Shared Services Procurement website, which closed on Friday, 1 November 2013. Five responses were received by the Territory.

Following Industry Comments in response to the Industry Consultation Paper and draft SoR, CMTD issued a Request For Proposal (RFP) on Saturday, 9 November 2013 with a view to close on Thursday, 28 November 2013.

1.3 Aim

1. The aim of this Evaluation Plan is to detail the Evaluation Team (ET) and their responsibilities, the evaluation methodology and evaluation criteria by which proposals received will be evaluated.
2. The ET has been formed to evaluate the proposals for the above Project. All members of the ET are aware of their responsibilities and obligation to demonstrate impartiality and equity to all respondents.

1.4 Evaluation Team

Roles and Responsibilities

The ET will be responsible for:

- (a) maintaining probity;
- (b) evaluating the proposals in accordance with the criteria and methodology;
- (c) documenting the evaluation process;
- (d) preparing an evaluation report;
- (e) seeking Director General or Delegate approval to proceed with a contract with the preferred respondent; and
- (f) debriefing unsuccessful respondents.

1.5 Specialist Advice and Support

The ET may, as required, utilise specialist advice to assist in the evaluation process.

The areas of experience may include:

- (a) Technical analysis;
- (b) Financial assessment;

COMMERCIAL IN CONFIDENCE

Evaluation Plan - 2013.23179.210 Free Public Wi-Fi Capabilities.

COMMERCIAL IN CONFIDENCE

- (c) Probity;
- (d) Risk assessment; and
- (e) Legal issues.

2 EVALUATION METHODOLOGY AND CRITERIA

2.1 General

1. The ET will have overall responsibility for the evaluation process for both Technical Worth and Cost consideration.
2. Throughout the evaluation the ET will establish and maintain a 'risk, issue, and negotiation register' (Risk Register) which will record evaluation and negotiation risks and issues.
3. **Regional Small to Medium Enterprise (SME) Support - Evaluation Policy and Application**

To support regional small to medium enterprises (Regional SME), the Territory will weight Regional SMEs or respondents who subcontract to Regional SMEs through 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 will be asked to confirm, when completing the Respondent's Declaration of the RFP, if they are a Regional SME, or alternatively if not a Regional SME, whether the respondent intends to subcontract a component of any contract to a Regional SME in the event the respondent is selected as the preferred Respondent. A 5% weighting is reserved for application of SME status for each respondent, and will be applied at each relevant point where scoring may influence decisions.

If the respondent is not a Regional SME but will subcontract a component of the work to a Regional SME, the evaluation score will be calculated upon the proportion, expressed as a percentage, of the total work under contract with the respondent to be subcontracted to a Regional SME.

(For example, where a respondent who is not a Regional SME confirms it will subcontract to a Regional SME 25% of the total work under contract, that respondent should be awarded an evaluation score of 1.25% (of the possible 5% maximum) against the weighted Regional SME criteria.)

If the respondent is not a Regional SME but will subcontract a component of the work to a Regional SME, the respondent must provide to the Territory:

- (a) the legal entity details of the proposed subcontractor;
- (b) satisfactory evidence of the proposed subcontracting arrangement, which specifies what proportion, expressed as a percentage, of the total work the subcontracted component comprises; and
- (c) at least two referees for the proposed subcontractor in relation to the same or similar work as that proposed in the respondent's proposal.

COMMERCIAL IN CONFIDENCE

Final 3 December 2013

Page 3 of 13

COMMERCIAL IN CONFIDENCE

2.2 Clarification

1. Clarification is permitted throughout the evaluation process if information provided in a proposal is not capable of evaluation because it is uncertain, ambiguous or inconsistent. Respondents must be informed that the request for clarification is not an opportunity to materially amend their proposal.
2. Clarifying questions will not be used to enable a respondent to provide new information or improve their bid. Any additional information submitted by a respondent will need to be assessed to determine whether it is truly a clarification of proposed information, or whether it effectively amounts to the submission of late material that seeks to vary the existing respondent.
3. Clarification must be sought from a respondent in writing or via email, and the question(s) must be cleared in advance by the Chair and the Procurement Advisor. The Chair may require that answers to clarification questions be reviewed by the ACTGS or Procurement Advisor prior to the release of answers to the ET.
4. Requests for clarification must specifically identify the aspects of the proposal that require clarification. Respondents will be advised that if they do not respond to the clarification question, the sections of the proposal in respect of which clarification is sought may not be taken into consideration as part of the deliberations.
5. To maintain the integrity of the process, clarification will not be allowed to be used as an opportunity for respondents or the Territory to revise, modify the scope of the RFP or change a proposal (including the proposed cost to Territory).

2.3 Unintentional Errors of Form

1. An unintentional error of form is an error that the ET 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.
2. Examples include:
 - (a) the accidental omission of declarations; and
 - (b) an attachment referred to in the body of a proposal is unintentionally omitted from the proposal.
3. Where one or more submitted proposals appear to contain an unintentional error(s) of form, the Chair may, between the opening of the proposals 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).
4. Where the Territory considers that there are unintentional errors of form in a single proposal, it may, at its complete discretion, request a Tenderer to correct or clarify the error.
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 Tender Evaluation Plan.

COMMERCIAL IN CONFIDENCE

COMMERCIAL IN CONFIDENCE

3 EVALUATION METHODOLOGY AND CRITERION

3.1 Evaluation Methodology

The evaluation of proposals will be conducted in a Staged Process as follows:

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

- (a) Proposals will be assessed for formal conformance and compliance with the requirements of the RFP.
- (b) The Conformance and Compliance Check will include checking the following:
 - receipt of electronic responses prior to the closing date and time;
 - provision of the requested electronic copy of the response;
 - submission of a completed **Attachment 1** (Technical and Cost Returnable Schedule for responses to the RFP);
 - submission of a completed **Attachment 2** (Respondent's Returnable Schedule on Conformance and Compliance with the RFP) ;
 - submission of a completed **Attachment 3** (Respondent's Declaration); and
 - 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.
- (c) A response may be deemed non-conforming where:
 - a response is at variance with or does not respond to or does not fully conform and comply with any requirement of the RFP;
 - a response is submitted by a respondent currently in breach of the *Equal Opportunity for Women in the Workplace Act 1999 (Cwlth)*; or
 - a response contains erasures or is illegible.
- (d) The Territory may, in respect of a response that is nonconforming or which has been deemed by the Territory to be non-conforming:
 - reject and not further consider the response;
 - ignore any non-conformance in the response; or
 - if possible, without impacting on the probity of the RFP process, allow the respondent to correct the non-conformance.
- (e) 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:
 - whether the late response is likely to have had an opportunity to obtain some unfair advantage from late submission;
 - how late the response is, the reasons given for lateness and evidence available;
 - whether the response was mishandled by the Territory, by an official postal service or by a reputable delivery service; and
 - evidence of unfair practices.

COMMERCIAL IN CONFIDENCE

Evaluation Plan - **2013.23179.210** Free Public Wi-Fi Capabilities.

COMMERCIAL IN CONFIDENCE

- (f) The Conformance and Compliance Check will include checking that the respondent meets the Mandatory Criteria for the proposed system using the RFP Technical and Cost Returnable Schedule (**Attachment 1**) 2.1 Mandatory Requirements.
- (g) If a proposal is not compliant with the Mandatory Criteria, it will be excluded from further consideration in the evaluation process. Proposals that are found to comply with all of the Mandatory Criteria for that system will proceed to Stage 2 Technical Evaluation.
- (h) During Stage 1, a Risk Register will be created in order to record possible risks or contract negotiation issues as the evaluation progresses.

Stage 2 – Technical Evaluation

- (a) Each proposal will be evaluated by individual Members against each Weighted Criterion and Weighted Sub-Criterion for the proposed system and a raw score out of 10 (using the Scoring Regime at **Attachment A**) will be awarded for each criterion;
- (b) When determining the raw score for each Weighted Criterion and Weighted Sub-Criterion, individual Members will take account of the relevant proposal in the Technical and Cost Returnable Schedule;
- (c) Members may request the advice of Specialist Advisors when determining their score;
- (d) Each individual Member's raw score for each Weighted Criterion and Weighted Sub-Criterion as appropriate will be summed and divided by the total number of individual Members, resulting in an average raw score for each Weighted Criterion and Weighted Sub-Criterion as appropriate. The average raw score will then be weighted in accordance with the weightings in **Table 1** below. The weighted scores for each Criterion will then be summed to obtain a total technical weighted score for each proposal;
- (e) The Evaluation Risk Register will be established at the commencement of the evaluation and identified risks with each proposal will be progressively added to the Evaluation Risk Register for reference throughout the evaluation, and, if appropriate, during contract negotiations.
- (f) For SMEs, the ET will determine whether or not the respondent is an SME and allocate the appropriate weightings; and, if there is a nominated subcontractor which is an SME, determine and allocate the appropriate weighting. The SME weighting will not be applied until after the Cost evaluation.

Stage 3 – Cost Evaluation

- (a) The cost for each proposal will be evaluated by the individual ET members against the weighted criterion and awarded a raw score out of ten (10) using the scoring regime at **Attachment B**.
- (b) ET individual Member's raw scores for the Weighted Criterion as appropriate will be summed and divided by the total number of ET individual Members, resulting in an average raw score for the Weighted Criterion as appropriate.
- (c) The average raw score will then be weighted in accordance with the approved weighting, resulting in a Pricing Weighted Score for each proposal.
- (d) The Risk Register will be updated.
- (e) As appropriate, sensitivity testing will be undertaken by the ET.

Total Weighted Score

The Total Weighted Score (TWS) for each proposal will be attained by adding the Total Technical Weighted Score, the Price Weighted Score and the SME weighting (from Stage 2) for each proposal.

COMMERCIAL IN CONFIDENCE

Final 3 December 2013

Page 6 of 13

Evaluation Plan - 2013.23179.210 Free Public Wi-Fi Capabilities.

COMMERCIAL IN CONFIDENCE

Stage 4 – Relative Risks

- (a) A risk (technical, pricing and other risks) evaluation of each compliant proposal will be undertaken taking into account the (now) current Evaluation Risk Register.
- (b) Following the risk evaluation the ET may decide to shortlist proposals before progressing to the value for money assessment.
- (c) The Risk Register will be updated.

Stage 5 – Value For Money (VFM)

- (a) Value for money will be assessed by the ET in a comparative assessment using the relative Technical Worth scores, the respondents' proposed cost to the Territory and the associated risks and issues.
- (b) The best potential value for money will be represented by the respondent(s) which has a relatively high Technical Worth score, at a competitive price with minimal relative risks.
- (c) Early in the value for money assessment, and in order to provide an indication of best potential value for money amongst respondents, the ET will develop a Value for Money Index (VFM) for each shortlisted proposal.
- (d) The VFM index is based on the ratio of Cost to Technical Worth. In interpreting the VFM index, a lower VFM index is considered to be relatively better potential value for money, representing a lower price (money) for the same level of Technical Worth (value). In determining the VFM index for each proposal the following formula will be applied:

$$\text{VFM (\$)} = \frac{\text{Proposed Cost}}{\text{TW Score (\%)}}$$

- (e) Another way to interpret the VFM Index is that it provides a 'price' for each point of Technical Worth, with the lowest price per point of Technical Worth indicating the best potential Value for Money – subject to relevant risks flowing from Stage 5, also being considered.
- (f) Following its value for money deliberations the ET will decide on the preferred Respondent which provides the best potential Value for Money. The proposal submitted by the preferred Respondent will be reviewed by a Technical Advisor. The ET will place the 1-2 next ranked best potential Value for Money proposals on a list in the event that the preferred Proposal is deemed not technically viable by the Specialist Advisor. The ET will request that the Specialist Advisor review the 1-2 next ranked best potential Value for Money proposals if required.

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

- (g) At any stage in the evaluation process, the ET may decide whether or not to seek initial or additional referee comments, including that the ET Chair will decide whether or not to seek nominated referee comments or to seek referee comments from referees who have not been nominated.
- (h) To reflect information received from referees, the ET may revisit, and adjust if necessary, the comments and/or scores from the evaluation to date.
- (i) If referee comments are sought, the Evaluation Risk Register will be updated as appropriate and the ET may decide to shortlist respondents further based on the analysis of referee comments.
- (j) The Risk Register will be updated.

COMMERCIAL IN CONFIDENCE

Evaluation Plan - 2013.23179.210 Free Public Wi-Fi Capabilities.

COMMERCIAL IN CONFIDENCE

Stage 7 – Tender Evaluation Report

- (a) The ET will then finalise the Evaluation Report (ER) which will have been drafted progressively during the evaluation reflecting the outcomes from the various evaluation stages.
- (b) The final draft ER will be submitted to the Delegate.
- (c) The ER will provide the Delegate with a recommendation on the preferred Respondent(s) for approval.

Stage 8 – Best and Final Offers

All shortlisted proposals may be invited to submit a Best and Final Offer (BAFO) at any stage during the RFP process.

3.2 Evaluation Criteria

Table 1 below shows the criteria that will be used to assess proposals.

Table 1

EVALUATION CRITERIA	
1. MANDATORY CRITERION 1 – Licensed Telecommunications Carrier	
Proposals that do not meet the Mandatory Criterion 1 by answering 'Yes' to the following will be regarded as non-compliant and will not be considered for further assessment against remaining criteria.	YES / NO
<p>The respondent must:</p>	<p>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.</p> <p>Documentary evidence as an approved and licensed Telecommunications Carrier as defined within the <i>Telecommunications Act 1997 (Cwth)</i> must be included with their response.</p> <p>"Carrier" means the holder of a carrier licence.</p> <p>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.</p> <p>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</p>

COMMERCIAL IN CONFIDENCE

COMMERCIAL IN CONFIDENCE

	<p>disqualified applicants.</p> <p>Carriers are obliged to comply with licence conditions, including:</p> <ul style="list-style-type: none"> the <i>Telecommunications Act 1997</i> (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. 	
<p>2. MANDATORY CRITERION 2 – Free Public Wi-Fi Access</p> <p>Proposals that do not meet the Mandatory Criterion 2 by answering 'Yes' to the following will be regarded as non-compliant and will not be considered for further assessment against remaining criteria.</p>		YES / NO
The respondent must:	Respondents must provide free public Wi-Fi access.	
<p>3. MANDATORY CRITERION 3 – Filter Undesirable Content from the Free Service</p> <p>Proposals that do not meet the Mandatory Criterion 3 by answering 'Yes' to one or more of the following will be regarded as noncompliant and will not be considered for further assessment against remaining criteria.</p>		YES / NO
The respondent must:	Respondents must filter undesirable content from the free public service.	
<p>4. MANDATORY CRITERION 3 – Customer Support</p> <p>Tenders that do not meet the Mandatory Criterion 2 by answering 'Yes' to one or more of the following will be regarded as noncompliant and will not be considered for further assessment against remaining criteria.</p>		YES / NO
The respondent must:	Respondents must offer customer support for connection and service issues.	
WEIGHTED CRITERIA		WEIGHTING
1. Delivery Agent		34%
2. Quality		28%
3. Time		13%

COMMERCIAL IN CONFIDENCE

COMMERCIAL IN CONFIDENCE

4. Cost		20%
5. Regional SME or subcontracting to regional SMEs	<p>Clause 2, PART 1 of the RFP includes that in order to support regional SMEs, the Territory will weight regional SMEs or respondents who subcontract to regional SMEs through an evaluation criteria.</p> <p>Scoring Regime for SME evaluation</p> <p>(a) Award a 5% weighting if the respondent is a regional SME.</p> <p>(b) If the respondent is not a regional SME but will subcontract a component of the work to a regional SME, the scoring is linked to the value of the subcontracted work as a proportion of the total contract value. For example: Total contract value is \$200,000, work to be subcontracted has a value of \$40,000 – the score awarded would be 1 (1%). If the value of the work subcontracted is \$100,000 – the score awarded would be 2.5 (2.5%).</p>	5%
TOTAL		100%

NON-WEIGHTED CRITERIA		
6. Referees	Respondents are to provide names, addresses, phone numbers, and email addresses of two (2) referees that are able to attest to the capacity of the respondents against each of the assessment criteria. The ET may seek reports from referees.	
7. Financial Viability	<p>The Territory may undertake financial viability assessment of the shortlisted respondents.</p> <p>Respondents do not need to submit information with their proposal. However, a respondent must acknowledge that it may be required to submit financial information if requested by the Territory.</p>	
8. Risk	Any risks inherent in the proposal (Technical, Cost and Other Risks) such as any actual or perceived conflict of interest, level of compliance with this RFP, adequacy of insurance proposed by the respondent.	
9. Work Health and Safety (WH&S)	Respondents are to provide a copy of their current WH&S Policy, or a list of their work procedures, or a work manual that includes their WH&S procedures.	

Note: The respondents are required to submit their proposals using the 'Technical and Cost Returnable Schedule'.

COMMERCIAL IN CONFIDENCE

Evaluation Plan - 2013.23179.210 Free Public Wi-Fi Capabilities.

COMMERCIAL IN CONFIDENCE

3.3 Scoring Regime for SME Evaluation

Award a 5% weighting if the respondent is a regional SME.

If the respondent is not a regional SME but will subcontract a component of the work to a regional SME the scoring is linked to the value of the subcontracted work as a proportion of the total contract value. For example: Total contract value is \$200,000, work to be subcontract has a value of \$40,000.00 – the score awarded would be 1 (1%). If the value of the work subcontracted is \$100,000.00 – the score awarded would be 2.5 (2.5%).

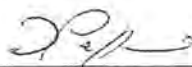
3.4 Evaluation Report (ER)

The ET will prepare the following information for inclusion with the ER.

- (a) background to the process;
- (b) the evaluation process, including comments and scores against each criteria;
- (c) the order of preference of proposals;
- (d) value for money;
- (e) proposed methods for management of risks;
- (f) identification of any issues which should be resolved by negotiation; and
- (g) recommendations to the Director General or approving delegate.

4 Delegate Approval

Approved / Not Approved / Requires Clarification.

Signature:		Date:	3/12/13
Name:	Dave Pepper	Position:	Deputy Director-General Policy and Cabinet Division

COMMERCIAL IN CONFIDENCE

COMMERCIAL IN CONFIDENCE**4.1 Scoring Regime (Technical Evaluation Criterion)**

The ET will use a numerical scoring scale (see **Table 2** below) against which each team member will assess the weighted criteria to derive a raw score. The weighting of the raw scores for the weighted criteria (Delivery Agent, Quality, Time and Regional SME) is described at **Table 1** above.

Table 2

Descriptor	Sample Commentary	Rating
Superior	Highly convincing and credible. Tender demonstrates superior capability, capacity and experience relevant to, or understanding of, the requirements of the Evaluation Criterion. Comprehensively documented with all claims fully substantiated.	10
Outstanding	Highly convincing and credible. Tender demonstrates outstanding capability, capacity and experience relevant to, or understanding of, the requirements of the Evaluation Criterion. Documentation provides complete details. All claims adequately demonstrated and substantiated.	9
Excellent	Tender complies, is convincing and credible. Tender demonstrates excellent capability, capacity and experience relevant to, or understanding of, the requirements of the Evaluation Criterion. Some minor lack of substantiation but the Tenderers overall claim is supported.	8
Very Good	Tender complies, is convincing and credible. Tender demonstrates very good capability, capacity and experience, relevant to, or understanding of, the requirements of the Evaluation Criterion. Minor uncertainties and shortcomings in the Tenderer's claims or documentation.	7
Good	Tender complies and is credible but not completely convincing. Tender demonstrates adequate capability, capacity and experience, relevant to, or understanding of, the requirements of the Evaluation Criterion. Tenderer's claims have some gaps..	6
Adequate	Tender has minor omissions. Credible but barely convincing. Tender demonstrates only a marginal capability, capacity and experience relevant to, or understanding of, the requirements of the Evaluation Criterion.	5
Reservations	Barely convincing. Tender has shortcomings and deficiencies in demonstrating the Tenderer's capability, capacity and experience relevant to, or understanding of, the requirements of the Evaluation Criterion.	4
Poor	Unconvincing. Tender has significant flaws in demonstrating the Tenderer's capability, capacity and experience relevant to, or understanding of, the requirements of the Evaluation Criterion.	3
Very Poor	Unconvincing. Tender is significantly flawed and fundamental details are lacking. Minimal information has been provided to demonstrate the Tenderer's capability, capacity and experience relevant to, or understanding of, the requirements of the Evaluation Criterion.	2
Inadequate	Tender is totally unconvincing and requirements have not been met. Tender has inadequate information to demonstrate the Tenderer's capability, capacity and experience relevant to, or understanding of, the requirements of the Evaluation Criterion.	1
Not Acceptable	Tenderer was not evaluated as it did not provide any requested information and/or contravened nominated restrictions.	0

COMMERCIAL IN CONFIDENCE

Evaluation Plan - 2013.23179.210 Free Public Wi-Fi Capabilities.

COMMERCIAL IN CONFIDENCE**4.2 Scoring Regime (Cost Evaluation)**

The ET will use a numerical scoring scale (see **Table 3** below) against which each team member will assess the Cost weighted criteria to derive a raw score. The weighting of the raw scores for the weighted criteria (Cost) is described at **Table 1** above.

Table 3

Descriptor	Sample Commentary	Rating
Excellent	Value for money will be achievable given the lowest overall price. Insignificant Risk.	10
Very Good	Value for money is probably achievable given a lower overall price. Low risk.	8-9
Good	Value for money is possibly achievable given a lower overall price. Moderate Risk.	6-7
Marginal	Value for money may be achievable but price is relatively high. High Risk.	4-5
Poor	Tender pricing is considered too high to achieve value for money. Very High Risk	1-3
Not Acceptable	Tenderer has either stated non-compliance, demonstrated non-compliance, or there is insufficient information to assess tender, or value for money will not be achievable because of too high pricing. Unacceptable.	0

COMMERCIAL IN CONFIDENCE

Final 3 December 2013

Page 13 of 13

Attachment C – CONFORMANCE AND COMPLIANCE CHECKLIST

Free Public Wi-Fi Capabilities 2013.23179.210	Tenderer 1 iiNET Limited	Tenderer 2 INFRASTRUCTURE LOGIC	Tenderer 3 SAT (Stacey and Taylor) PTY LTD	Tenderer 4 TELSTRA
Response submitted on Time: COB (5:00pm) 28 Nov 13	Yes	No*	Yes	Yes
Original submitted Electronically	Yes	Yes	Yes	Yes
Attachment 1 Completed	Yes	Yes	Yes	Yes
Attachment 2 Completed	Yes	Yes	No	Yes
Attachment 3 Completed	Yes	Yes	No	Yes
Mandatory Requ. 1: Holds a Carriers Licence or has a contractual arrangement with a Carrier.	Yes	Yes	Yes	Yes
Mandatory Requ. 2: Solution offered will provide free public Wi-Fi access.	Yes	Yes	Yes	Yes
Mandatory Requ. 3: Solution offered will filter undesirable content from the free service	Yes	Yes	Yes	Yes
Mandatory Requ. 4: Customer support for connection and service issues offered.	Yes	Yes	Yes	Yes
Cost To Government Completed	Yes	Yes	No	Yes
SME Completed	Yes	Yes	No	Yes

Completed by SS ICT Officers Name: Hannah Gill

Date:
1 December 2013

* Receipt of Infrastructure Logic Pty Ltd emails (containing parts of their proposal) commenced at 4:59pm and continued until 6:14pm. It should be noted that an email containing the entire proposal (Drop Box invitation) was received at 5:15pm to the ICT.Tenders email address.

Attachment D – EVALUATION SCORING WORKSHEETS (separate attachment)

Attachment E – REFEREE REPORTS

