



ACT
Government

Chief Minister and Treasury

139
MINUTE

SUBJECT: Tender Evaluation Report for the Provision of Supply, Installation and Maintenance of Pay Parking Machines in the Territory.

To: Under Treasurer

Critical Date for consideration: URGENT – for your approval on 3 December 2013

Purpose: To seek your agreement to the tender evaluation report on the provision of supply, installation and maintenance of pay parking ticket machines.

Key Points:

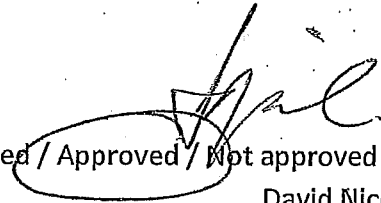
- The Tender Evaluation Team (TET) has completed their evaluation of the tenders received under the *Supply, Installation and Maintenance of Pay Parking Machines*. A copy of the report is at **Attachment A** for your approval.
- The report has been developed by the TET, with members from CMTD (Chair), JACS and ESDD. Officials from Shared Services Procurement and the Government Solicitor's Office have also been involved in the development of the report.
- The report recommends you agree to the engagement of Duncan Solutions as the preferred tenderer. It also recommends that you agree to the Territory entering into contract negotiations as soon as possible to further explore the development of Key Performance Indicators and any further savings/efficiencies for the Territory.
 - Once the contract negotiations have been completed, the proposed contract will be brought forward for your agreement as delegate. It is anticipated that contract negotiations will be completed by 20 December 2013, when the successful tenderer will be announced.
- Throughout this process, we have been involved in constant discussions with the National Capital Authority (NCA) as per the arrangements set out in the Memorandum of Understand.
 - The NCA are currently seeking approval from their delegate on the outcome of their tender evaluation.
 - A meeting will be convened between the Territory and NCA in the coming days to discuss the outcomes of the various tenders and to determine whether a combined solution can be entered into.

Recommendations:

- It is recommended that you:
 - approve the Tender Evaluation Report (**Attachment A**); and
 - sign the report at page 26.



Karen Doran
Executive Director
Investment and Economics Division
3 December 2013



Noted / Approved / Not approved / Please discuss
David Nicol 3 / 12 / 2013



ACT
Government

TENDER EVALUATION REPORT

REQUEST FOR TENDER No 22293.110

**FOR THE PROVISION OF SUPPLY, INSTALLATION AND MAINTENANCE OF PAY
PARKING TICKET MACHINES**

FOR THE TERRITORY

AND

COMMONWEALTH OF AUSTRALIA

[ACTING THROUGH THE NATIONAL CAPITAL AUTHORITY]

**ON BEHALF OF
THE CHIEF MINISTER AND TREASURY DIRECTORATE**

3 December 2013

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ATTACHMENTS

- A. Procurement Plan
 - (i) Evaluation Plan
 - (ii) Risk Plan
 - (iii) Probity Plan
 - (iv) Amendment to the Evaluation Plan (agreed 29 October 2013)
- B. Memorandum of Understanding
- C. Conformance and Minimum Content Format Requirements
- D. Evaluation Worksheets
- E. Pricing analysis
- F. Invitation to Tenderers for Presentation
- G. Request for clarifications following presentations
- H. Whole of life costings
- I. Combined offers – analysis
- J. Referee reports

1. PURPOSE

To seek approval for the engagement of **Reino International Pty Ltd trading as Duncan Solutions** to undertake the supply, installation and maintenance of pay parking ticket machines, subject to satisfactory conclusion of a contract on terms agreed by the Territory.

2. PROJECT BACKGROUND

A Procurement Plan was developed by the Territory which included an Evaluation Plan, Risk Plan and Probity Plan (see **Attachment A (i), (ii) and (iii)**). An amendment to the Evaluation Plan was agreed to by the delegate on 29 October 2013 (see **Attachment A (iv)**).

3. MEMORANDUM OF UNDERSTANDING

The Memorandum of Understanding (MOU) between the Australian Capital Territory (Territory) and the National Capital Authority (NCA) sets out the proposal to conduct a joint approach to market for the procurement of parking ticket machines (see **Attachment B**).

4. PROJECT DETAILS**Program**

The following timetable applies to the Project:

No	Tasks	Date
1.	Tenders Advertised	23 September 2013
2.	Industry Briefing	3 October 2013
3.	Tenders Closed	23 October 2013
4.	Presentations	22 November 2013
5.	Steering Committee Approval	2 December 2013
6.	Delegate Approval	3 December 2013
7.	Contract Negotiations	4-19 December 2013
8.	Award Contract	20 December 2013

Funding

Funding for this procurement has been made available by the redirection of under spent funds from the John Gorton Drive Extension projects. This was agreed to by Cabinet in April 2013.

Specifications of the tender

The tender was released on 21 October 2013. As part of the RFT, tenderers were advised that they could tender for: (a) ACT works only; (b) NCA works only; or (c) a combined solution with the ACT and the NCA.

In addition to the basic requirements of the Territory, there were a number of areas where the Territory sought further information to inform its findings. These are briefly outlined below.

Maintenance

The tender of pay parking machines for the Territory included the option for tenderers to provide details on both preventative and comprehensive maintenance for consideration by the Territory.

Comprehensive maintenance services would include preventative maintenance as well as the elements listed above for day to day operations. Comprehensive maintenance would also include weekly inspections and online diagnostics. In short, comprehensive maintenance provides a single monthly cost for the Territory for maintenance – with only costs due to vandalism and ticket rolls (but not the labor to replace the ticket rolls) not covered. Under this option, the Territory would still be responsible for collecting coins from the machines.

Preventative maintenance includes online diagnostics and major faults only. Under this option, the Territory would continue to be involved in the ongoing day to day operations and reactive maintenance for the machines, including:

- fixing coin, card and paper jams;
- replacing batteries;
- fixing programming errors;
- cleaning the coin validator;
- replacing parts (if they are a plug in component); and
- graffiti removal.

Upgrade of existing machines

The tender also included the option for tenderers to upgrade the existing PSA 2000 parking machines. Two tenderers provided options for an upgrade of the Territory's existing machines.

Options under the tender

Under the tender, three different options were included for tenderers to consider, including:

- pay by phone options;
- compatibility with the Territory's MyWay machines; and
- contactless card readers.

Combined solution with the NCA

Tenderers were also invited to put forward a proposal for a combined solution of 490 machines for both the Territory and the NCA, with the view for both jurisdictions to benefit from further savings/efficiencies through a large order.

5. PROBITY, DISCLOSURE OF CONFLICTS OF INTEREST & CONFIDENTIALITY

All members of the Tender Evaluation Team, including support personnel, the Tender Evaluation Working Group, the Steering Committee and Mr Glenn Caldwell of Parking and Traffic Consultants were asked to disclose any conflict of interest or association they might have with the Tenderers for this procurement. The ACT Government Solicitor's Deputy Chief Solicitor Loretta Zamprogno, as Probity Adviser, issued a Probity Plan (August 2013) to all personnel who were to be involved in the evaluation process, and instructed all such notified personnel to execute confidentiality and conflict of interest undertakings (or deeds, as applicable) and to declare any conflict of interest.

Michael Lawrence from TAMS, a nominated member of the Tender Evaluation Team (TET), contacted Dr Zamprogno after reading the list of tenderers, which included [redacted] and sought probity advice in the context of his "involvement with [redacted] when implementing the MyWay system and being involved with the ongoing contract management". Dr Zamprogno advised the Chairperson of the TET and the delegate:

"... on balance, in view of the considerable role that Michael has in contact with [redacted] and with [redacted] being apparently a joint tenderer with another firm, it seems the probity risk (even if only one of perception of bias) would better be avoided by Michael not being on the evaluation team. He could possibly be drawn into providing technical advice, as in that capacity he would not be a decision-maker."

The Chairperson of the TET sought and obtained delegate approval to the request to substitute Michael Lawrence with Paul Isaks from ESDD and for Michael Lawrence to become a member of the Tender Evaluation Working Group. This change was agreed to by the delegate on 29 October 2013.

Following his review of the tenders, a member of the TET, David Snowden, Senior Director Transport Regulation, with the ACT Office of Regulatory Services notified Dr Zamprogno that he had become "aware that a former staff member of ORS Parking Operations who directly reported to me, is employed as the Canberra based 'Technical Manager' of one of the tenderers". In addition, Mr Snowden indicated that the former ORS officer had nominated as a referee the ORS Senior Director Registrations & Fair Trading, being also "a current work colleague" of Mr Snowden. Following consideration of additional information Mr Snowden provided, Dr Zamprogno concluded that the circumstances did not give rise to a conflict of interest, but that it was advisable the nominated referee not be asked to provide a reference. The TET did not need to contact the ORS officer for a reference.

No other member disclosed any conflict of interest or association with any of the Tenderers.

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

6. PROBITY ADVISER

Dr Loretta Zamprogno, Deputy Chief Solicitor, ACT Government Solicitor's Office was the probity adviser for the procurement. Her role included:

- (a) developing and issuing the Probity Plan;
- (b) advising Territory officers and providing drafting and legal advice to Territory officers in the development of the Request for Tender in conjunction with the NCA;
- (c) advising on the development of the MOU between the ACT and the NCA;
- (d) advising ACT officers during the Industry Briefing;
- (e) advising the ACT TET, and as required liaising with the NCA's probity adviser, in relation to a range of matters, including settling communications with Tenderers;
- (f) attending and advising as relevant during the presentations by three Tenderers selected by the respective ACT and NCA Tender Evaluation Teams;
- (g) reviewing drafts Tender Evaluation Report; and
- (h) will provide on-going probity advice, as required, during development of a contract with the preferred Tenderer for the ACT Works.

7. TENDERS RECEIVED

The following tenders were received on 3 October 2013. All tenders were in respect of the ACT Works, NCA Works and the combined package of both Works.

	Tenderer	ABN
1	Australian Parking and Revenue Control Pty Ltd (ARPAC)	35 131 621 666
2	Cale Australia Pty Ltd	72 146 914 276
3	Designa Verkehrsleittechnik GmbH	87 160 442 062
4	Downer EDI Engineering Power Pty Ltd	53 000 983 700
5	Reino International Pty Ltd trading as Duncan Solutions	75 079 147 201
6	Secure Parking Pty Ltd	31 669 263 037
7	TMA Tech Pty Ltd	80 151 272 463

8. LATE TENDERS

The tender from [redacted] was received and registered after the nominated closing date and time. Consistent with **Clause 3.3 Late Lodgment Policy** of the Request for Tender, this tender was not accepted for evaluation and returned to the Organisation. No further communication was received.

All tenders received for the ACT Works component were registered on the Internal Tender Notice located at folio 115 of file 2013/14617.

The tenders received for the combined offers for the ACT Works and NCA Works were registered on the Internal Tender Notice located at folio 117 of file 2013/14617.

9. CONFORMANCE AND MINIMUM CONTENT FORMAT REQUIREMENTS

A conformity check of tenders was undertaken by Shared Services Procurement (**Attachment C**). The conformity check concluded that the tenders received from APARC, Cale Australia Pty Ltd and TMA Tech Pty Ltd were fully compliant with the conformity requirements of the RFT.

The following Tenders were assessed as partially complying with the conformity requirements of the RFT and therefore clarifications were sought as follows:

- (a) **Downer EDI** – omission of Attachment 2 Tenderers Deed.

- (b) **Reino International Pty Ltd trading as Duncan Solutions** – omission of Attachment 2 Tenderers Deed.
- (c) **Designa Verkehrsleittechnik GmbH** – omission of Attachment 2 Tenderers Deed and Attachment 11 Financial Viability.
- (d) **Secure Parking Pty Ltd** – omission of Attachment 2 Tenderers Deed, Attachment 11 Financial Viability.

After the tenderers provided the requested information, all Tenders were deemed as fully compliant with the conformity requirements of the RFT and progressed through to the next stage of the evaluation process.

10. EVALUATION

Tenders were evaluated in accordance with the published criteria and other relevant provisions of the RFT, and with the endorsed Evaluation Plan (Attachment A (i) (ii) and (iii)).

ASSESSMENT CRITERIA

WEIGHTED CRITERIA	WEIGHTING
Criterion 1 – Technical Specification The extent to which the Tenderer's solution satisfies the requirements of the relevant Specification set out in Attachment 2 of Schedule 4 for the ACT works and for Attachment 3 of Schedule 4 for the combined ACT and NCA works (as relevant).	35%
Criterion 2 – Tenderer's Experience and Capacity <ul style="list-style-type: none"> a) Previous experience directly relevant to the provision of the works; b) Demonstrated capacity to undertake the Works to the standards specified in the relevant Specification c) Record of performance in meeting time and quality expectations. 	35%
Criterion 3 – Task Appreciation and Methodology <ul style="list-style-type: none"> a) Task appreciation and management of identified risks; b) Program, including proposed methodology for delivery of the Works; and c) Safety systems and management plans. 	20%
Criterion 4 – Resources and Key Personnel Technical and managerial resources including contractor's representative and other key personnel and subcontractors.	10%
TOTAL	100%
UNWEIGHTED EVALUATION CRITERIA	
Criterion 5 – Price Schedule	

Criterion 6 – Compliance with ACT only requirements as relevant	
Criterion 7 – not applicable to ACT	
Criterion 8 – Finance	
Criterion 9 - Benefits to the ACT and the NCA of a Tender for the combined package (combined NCA Works and ACT Works package only)	

Assessment of Tenders against the Weighted Criteria – ACT Works only

Tenders were evaluated by individual TET members against each weighted assessment criterion and rated a score from the scoring regime out of 10. The TET members were assisted by the Tender Evaluation Working Group – Technical with regards to the assessment of Criterion 1 – Technical Specification.

The scores allocated by the individual TET members were discussed at a formal evaluation meeting and a consensus score was reached for each Tender against each weighted criterion.

The consensus scores were then multiplied by the relevant weightings to obtain a total weighted score (out of a possible 1000) for each Tender to determine the technical ranking of tenders. (see **Attachment D – Evaluation Worksheets**).

Summary of Tenders

- (1) **Australian Parking and Revenue Control Pty Ltd (ARPAC)**
 - Based in Sydney, APARC are the distributors and support providers for the Parkeon machines. Parkeon's factory and IT environment are based in France.

(2) Cale Australia Pty Ltd (Cale)

- Cale are the distributors of the Cale ticket machines from Sweden. They are a smaller organization with only a few sites in Australia.

(3) Designa Verkehrsleittechnik GmbH (Designa Sabar)

- Designa Sabar commenced in 2013 and they are representatives of Hectronic equipment from Germany.

(4) **Downer EDI Engineering Power Pty Ltd (Downer)**

- Downer EDI is a large engineering services firm who has partnered with the New Zealand firm GIS to supply ticket machines.

(5) Reino International Pty Ltd trading as Duncan Solutions

- Duncan Solutions commenced business in 1936 and merged in 2005 with Reino Parking Systems. They are the engineers of the current PSA 2000 parking machines that currently exist in the Territory.

(6) Secure Parking Pty Ltd

- Secure Parking is better known as a car parking operating company, running a number of private car parks in Canberra. CDS Australia are a Melbourne based equipment manufacturer that has been in place for the past 18 years.

(7) TMA Tech Pty Ltd

- TMA Tech has been involved in the parking industry for many years. They have recently moved their operations to the Philippines.

11. ASSESSMENT OUTCOMES OF TENDERS AGAINST ASSESSMENT WEIGHTED CRITERIA

Summary of Scores against Weighted Evaluation Criteria

A summary of scores agreed by the TET for each Tender against each assessment weighted criterion are set out in tables below.

Criteria / Weighting
Criterion 1 – (35%)
Criterion 2 – (35%)
Criterion 3 – (20%)
Criterion 4 – (10%)
Total Weighted Score against Weighted Criteria (out of a possible 1000)

12. PRELIMINARY ANALYSIS OF PRICING ACT WORKS

Pricing envelopes for all tenders were opened following the evaluation of the weighted criteria. A preliminary analysis of pricing for the ACT Works component was undertaken for the purpose of identifying a ranking of Tenders for the purpose of inviting presentations (see **Attachment E**).

13. CLARIFICATION/PRESENTATIONS

At the completion of the technical assessment and the preliminary pricing analysis the TET determined the top three (3) ranked Tenderers to be (in alphabetical order):

These three tenderers were invited to deliver presentations to the ACT and NCA Evaluation Teams. A copy of this correspondence can be found at **Attachment F** and **Attachment G**.

On 22 November 2013, each gave a presentation to the Territory and the NCA on their tenders. The Territory's Probity Adviser, in consultation with the NCA's Probity Adviser, provided conditions of presentation which were issued to the tenderers, including to restrict their presentation to the weighted evaluation criteria, and to not augment their tender by introducing new information. None of the presentations enhanced any tender, but provided the ACT representatives with such further clarification as they required in relation to the submitted tender. After each presentation, the ACT and the NCA asked questions of each tenderer.

The ACT's TET questions focused on gaining a greater understanding around areas of key risk, such as: the Tenderer's plans for ensuring timely supply and installation; how the tenderer will provide maintenance services; how the machines operate in an environment of condensation; and credit card arrangements.

Post-presentations

The TET met and discussed the outcome of the presentations. Following the presentation of the ACT Evaluation Panel gained a better understanding of the and agreed that the mark for the technical component of the weighted criteria should be increased to reflect this. The criterion increased the mark) No other changes were made to the weighted criteria.

Rankings of Presenting Tenderers

Following the revision to the technical component, the rankings of the presenting tenderers (based on the weighted criteria evaluations) are provided below.

Ranking	Tenderer	Score before presentation	Adjusted Score after presentation
1			
2			
3			

The TET proceeded to undertake a final analysis of the pricing schedule submitted by the Tenderers for the ACT Works to ascertain the whole of life costings.

To best consider the different number of combinations that were open to the Territory, a whole of life analysis was undertaken using three different assumptions namely:

- capital costs only;
- comprehensive maintenance; and
- preventative maintenance.

A summary of this analysis is provided below. Further detail of this costing undertaken is presented in the paper at Attachment H.

Purchase of new machines

The table below presents the costs of the purchase of 300 parking machines (280 mains powered, 20 solar) only.

Capital Cost	Total (\$'million)	Rank
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15. COMBINED OFFER

The Territory and the NCA sought details from tenderers on the possible savings/efficiencies that could be received through a bulk order of 490 machines with comprehensive maintenance included. Overall, the results of the combined offer were disappointing. While many tenderers stated a range of benefits including economies of scale in procurement and economies of scale with regards to maintenance, these savings were not realized through the pricing schedule. A number of submissions inferred that if both the NCA and the Territory were to enter into a combined solution with the same tenderer, then further efficiencies and savings could be identified during the contract negotiation phase.

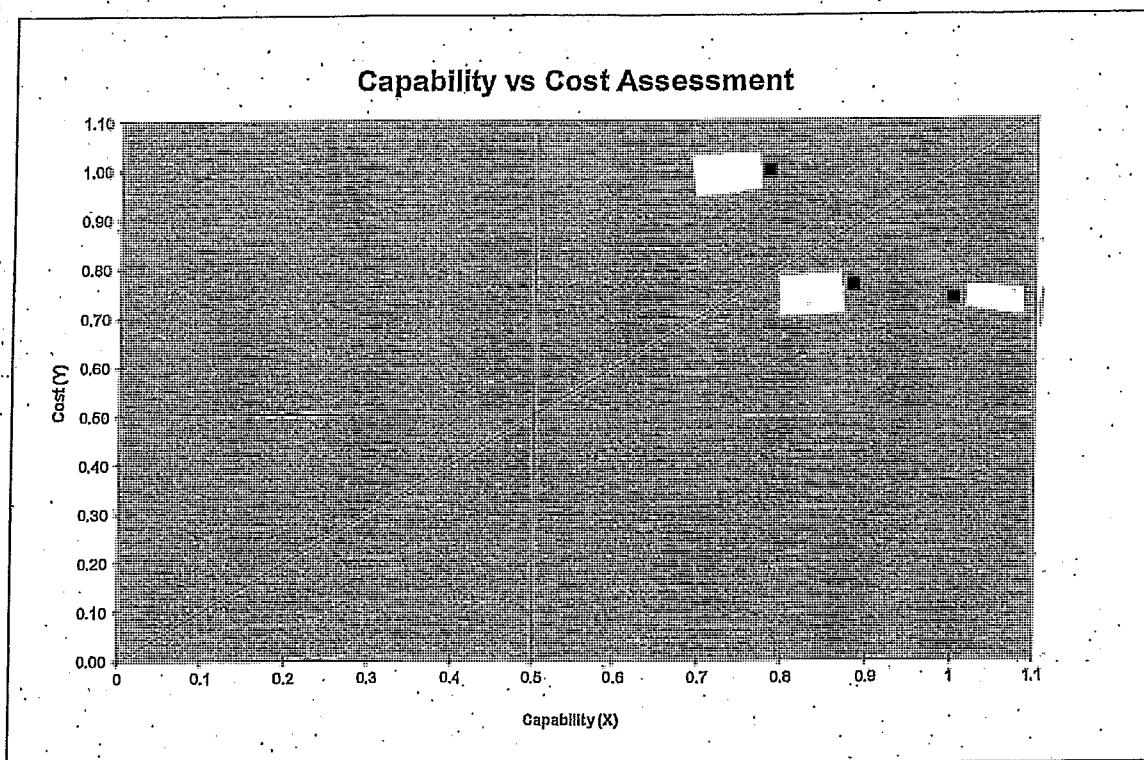
A summary of the combined offers is provided below. Further information on the combined offers is at Attachment I.

16. VALUE FOR MONEY

- (1) The TET conducted an assessment to determine which tender offers the best value for money, having regard to:
 - (a) the results of the evaluation against technical capability;
 - (b) Whole of Life costing analysis; and
 - (c) risk (inclusive of referee reports and financial viability).

The following Chart, produced by Shared Services Procurement shows the correlation between the weighted scores and pricing for the top three ranked tenderers (in alphabetical order)

It shows that Duncan Solutions offers the best 'value for money' overall¹.



¹ Assumptions: The Capability vs Cost Assessment has been undertaken for shortlisted tenderers only. The Capability Score is drawn from the assessment of tenders against the weighted components of the Evaluation Criteria. The Cost Analysis draws on information provided by tenderers and analyzed by the Territory over a period of seven (7) years - expected lifecycle of the equipment. The Assessment confirms the order of ranking of shortlisted tenders being, in order of ranking: [Redacted]
The Assessment does not take into consideration the risk profile of tenders and this will need to be undertaken separately to confirm the standing of the Assessment.

Maintenance

A Cost benefit analysis undertaken demonstrates savings to the Territory from entering into a maintenance arrangement with the preferred tenderer. However, the final contract will require the preferred tenderer and the Territory to develop strict Key Performance Indicators (KPIs) to ensure a high standard of customer service in the Territory.

Options

At this stage, it is recommended that machines be purchased with the contactless reader option, as this will allow for new payment methods including MyWay in the future.

Combined offer with the NCA

The RFT states that the NCA and the Territory will have their respective delegates sign off on their preferred tenderer on 3 December 2013. After this signoff, representatives from the Territory and the NCA will meet to discuss the outcomes of the tender. At this point, it will become apparent whether or not there is a combined solution to be entered into, or whether both parties go their own separate ways with different tenderers.

As there are a number of different variables that are yet to be determined, the Tender Evaluation Team has developed a series of steps/stages for the Territory to progress through as part of the contract negotiation stage. The outcome of the final contract will be dependent on the outcome of the contract negotiations. At the completion of contract negotiations, a contract will be provided to the delegate for endorsement.

17. WORKPLACE GENDER EQUALITY ACT 2012 (CTH).

The Tender Evaluation Team confirms that the preferred tenderer is not listed on the following website:

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

18. DEBRIEFING OF UNSUCCESSFUL TENDERERS


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

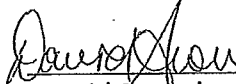
- appreciation for submitting a tender, registration or pre-qualification information;
- regret that they were unsuccessful on this occasion;
- advice of public notification on the "Contracts Register" which is available from the Shared Services Procurement Website at www.procurement.act.gov.au;
- an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

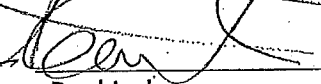
19. RECOMMENDATION

The Tender Evaluation Team recommends that **Reino International Pty Ltd trading as Duncan Solutions** be nominated as the preferred Tenderer, and that the Tender Evaluation Team be authorised to enter into pre contract negotiations based on one of the options below (commencing with option one and progressing through each of the options until an agreement can be reached):


The Director General, Justice and Community Safety Directorate (whose directorate will be responsible for the resulting contract) will need to be directly involved/give endorsement for the final contract in line with their responsibilities and delegations under the *Financial Management Act 1996*.

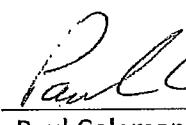

 Emma Kilkelly
 Chairperson
 3/12/2013

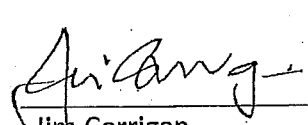

 David Snowden
 Member
 3/14/13


 Paul Isaks
 Member
 3/12/13

21. STEERING COMMITTEE APPROVAL


 Karen Doran
 Chairperson
 3/12/13


 Paul Coleman
 Member
 3/12/13

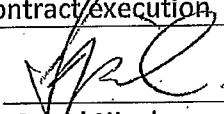

 Jim Corrigan
 Member
 3/12/2013

(Two of the original Steering Committee members have been replaced due to illness. Jim Corrigan is replacing Erin Brady from the Environment and Sustainable Development Directorate and Paul Coleman is replacing Brett Phillips from the Justice and Community Safety Directorate).

22. DELEGATE APPROVAL

The Tender Evaluation Teams recommendation is **approved** and the Tender Evaluation Team is authorized to:

1.	Enter into pre contract negotiations with the preferred Tenderer within the parameters outlined in their recommendation above.	<input checked="" type="checkbox"/>
2.	Report the outcomes of the pre contract negotiation back to me for approval	<input checked="" type="checkbox"/>
3.	On approval (Item 2 above) arrange for a contract to be prepared between the Territory and the preferred Tenderer, provided the outcomes of the contract negotiations are successful as outlined in the TET's recommendation.	<input checked="" type="checkbox"/>
4.	Arrange public announcement (as applicable) following contract execution.	<input checked="" type="checkbox"/>
5.	Provide a debriefing to unsuccessful Tenderers following contract execution.	<input checked="" type="checkbox"/>

Signature: 
 Name: David Nicol

Date: 3/12/2013
 Position: Under Treasurer

23. CONTRACT EXECUTION REQUEST

I have the properly delegated authority from the Director General of the Chief Ministers and Treasury Directorate with regard to the above approved procurement and authorise an officer of Shared Services Procurement, to sign, as may be required to affect the delivery of the Project, specifically the Letter of Intent to the preferred tenderer.

Signature: _____

Date: _____

Name: David Purser

Position: Director, Shared Services Procurement

24. CONFIDENTIAL TEXT

As part of the tender release, tenderers were not asked whether they have a request for any part of the contract to be kept confidential. However, as part of the contract negotiation stage, this issue will be discussed and the successful tenderer will have the opportunity to request that any information will be kept confidential. Once contract negotiations have been completed, a brief will be provided to the delegate requesting approval for any text to be kept confidential.