



Invitation to Qualify (ItQ)

Total Mobility Taxi Operator Scheme Auckland Region



ItQ Overview

The Total Mobility Scheme assists eligible people with long term impairments to access appropriate transport to meet their daily needs and enhance their community participation. The Total Mobility Scheme is intended to complement the provision of public transport services, which are expected to be as accessible as possible to meet different mobility needs. The Total Mobility Scheme is governed by the NZTA but administered in Auckland by Auckland Transport. The Scheme represents a key part in the provision of transport options for Aucklanders.

Demand for the scheme is projected to grow at around 2.5% per year with the rapidly aging Auckland population, as the “baby-boomer” generation nears retirement.

What we need

Auckland Transport is looking for operators with Small Passenger Service Licenses (or who could obtain a licence by September 2022) in order to supply services to eligible customers under the Total Mobility Scheme.

Auckland Transport ensures that eligible customers are able to access appropriate transport quickly; be transported safely; and be treated with dignity. This means that coverage of suitable operators across the region is important as is the quality of the actual service provided. Auckland Transport is also keen to ensure that the operation of the Scheme itself is effectively managed and that suitable systems and processes are embedded in operators’ organizations.

What’s important to us?

Each application must meet the [Preconditions](#) listed in [Section 3.1](#) of the [ItQ Submission Template](#). Applicants who are unable to meet the [Preconditions](#) should conclude that they will not benefit from submitting an application.

Here at Auckland Transport, Health and Safety is important to us. As a result of this we require all operators who wish to submit a proposal to ensure that they have a Health and Safety Management Plan that complies with the principles of NZS 4801:2001 – full certification is not necessary.

Why should you bid?

Total Mobility services offer a discounted transport option for many customers in Auckland. By successfully applying, operators will have access to this group for the duration of the Agreement. Over the duration of the Agreement, the total value of the transport fares charged to customers will provide the a significant value as well as the subsidy provided through Auckland Transport – it will be up to each operator to compete for their portion based on their own strategy.

Further, by being an approved provider to this Scheme, it demonstrates to other organisations that an operator is able to deliver safe and dignified transport to customers and is also able to maintain a professional and solution-focussed relationship with Auckland Transport.

Being a Total Mobility Operator is more than just a financial decision; the ability to support eligible customers to lead full and active lives in their community is a worthwhile end in itself.

A bit about us

Auckland Transport is a Council-Controlled Organisation (CCO) of Auckland Council.

“Our task is to connect the city’s people and places with safe and sustainable transport choices that they can afford and can access easily.”



We design, build, maintain and upgrade Auckland's entire transport infrastructure, excluding state highways.

Our key activities are:

- Construction and guardianship of transport assets including roads, road signs and footpaths, bridges, street lights, bus shelters and busways, rail and bus stations, electric trains, ferry facilities and wharves, car parking buildings and on-street parking machines.
- Planning, funding and coordinating bus, rail and ferry services and management of the Total Mobility Scheme in Auckland.
- Managing the road network as 'one system' in partnership with the NZ Transport Agency.
- Coordinating road safety and travel demand initiatives such as travel plans
- Preparing strategic transport programmes that order by priority all planned activities.

We work closely with a wide range of partners, including: Auckland Council and its other CCO's, the Transport Agency and KiwiRail, to give our customers a seamless, personalised experience of using the transport system and interacting with us.

Auckland Transport and our stakeholders have an important role to play in contributing to the wider sustainability and wellbeing of Auckland's communities, ecosystems, culture, and economy.



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1 Key Information

1.1 Context

This Invitation to Qualify (ItQ) is an invitation to suitably qualified applicants to submit an application for the provision of Total Mobility Services.

This ItQ is a single-stage procurement process.

Each proposal must meet the [Preconditions](#) listed in [Section 3.1](#) of the [ItQ Submission Template](#). If you are unable to meet the precondition criteria you should conclude that you will not benefit from submitting an application.

Words and phrases that have a special meaning are shown by the use of capitals e.g. ItQ. [Definitions](#) are described at the back of this document.

1.2 Our timeline

Here is our indicative timeline for this ItQ.

Description	Date
Publish date	15 August 2022
Deadline for questions from applicants	2 September 2022
Deadline for Applications	9 September 2022

All dates and times are dates and times in New Zealand.



1.3 How to contact us

All enquires must be directed to our [Point of Contact](#). We will manage all external communications through this [Point of Contact](#).

Our [Point of Contact](#) is:

Name	Nekel Upton
Email address	Nekel.Upton@at.govt.nz

All questions specific to this ItQ or the ItQ process, terms and conditions should be submitted by email to Nekel.Upton@at.govt.nz

1.4 Developing your application

This is not a competitive tender process. The New Zealand Transport Agency's Procurement Manual requires that all applicants who meet the stated standards are to be allowed entry into the Total Mobility Scheme; our evaluation determines if applicants are able to meet these standards. The ItQ sets out the general process and conditions that apply.

Take time to read and understand the ItQ. In particular:

- Develop a strong understanding of our requirements detailed in [Section 2](#).
- In structuring your response consider how it will be reviewed. [Section 3](#) describes [Our Evaluation Approach](#).
- Complete the [ItQ Submission Template](#) and provide the additional information required by this document.

If anything is unclear or you have a question, ask us to explain but, please do so before the [Deadline for Questions](#). Questions should only be submitted via email to Nekel.Upton@at.govt.nz

Check you have provided all information requested, and in the format and order asked for.

Having done the work, don't be late – please ensure you get your proposal to us before the [Deadline for Applications](#).

1.5 Submitting your proposal

Auckland Transport requires that your proposal be submitted in the form of electronic files, submitting by email to Nekel.Upton@at.govt.nz. It is recommended that you begin the uploading process with sufficient time to allow the upload to complete before [Deadline for Applications](#). This is particularly important if you are submitting large files (greater than 10Mb)

Separate electronic folders being submitted shall be entitled:

ItQ Submission Template	[ItQ submission - Applicant's Name]
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Applications sent by post or fax, or hard copy delivered to our office, will not be accepted for evaluation.



1.6 Our ItQ process, terms and conditions

The ItQ is subject to the ItQ Process, Terms and Conditions (shortened to [ItQ-Terms](#)) described in [Section 4](#).

Probity is important to us, if applicants have any probity concern with regard to this particular procurement activity the Probity Auditor should be contacted. The Probity Auditor is not a member of the Evaluation Team.

The Probity Auditor function will be provided by: Auckland Transport Risk and Audit; Phone 09 355 3553.

Alternatively, applicants can contact the Auckland Transport Independent Hotline to report any concerns Phone: 0800 287 376 or e-mail AT.report@nz.pwc.com

1.7 Later changes to the ItQ or ItQ process

If, after publishing the ItQ, we need to change anything about the ItQ, or the ItQ process, or we want to provide applicants with additional information, we will let all applicants know by email.

1.8 Other ItQ Documents

In addition to this ItQ we refer to the following documents. These have been uploaded on our website and are available for all interested applicants. These documents form part of this ItQ.

Description	Attached Documents
ItQ Documents	ItQ TM Taxi Operator Scheme Auckland Region (this document) ItQ Submission Template – Total Mobility services RideWise Training Manual
Proposed Contract	Conditions of Contract based on a Term Service Agreement

1.9 Offer Validity Period

By submitting an application, the applicant will be deemed to be representing that their offer will remain open for acceptance by Auckland Transport for 60 Working Days from the [Deadline for Applications](#).



2 Our Requirement

2.1 Background

This procurement relates to the delivery of Total Mobility Services.

Previously these have been provided by multiple operators across the region. Going forward we wish to ensure that sufficient suitable operators are available across the region to ensure that customers are able to travel safely, with dignity and in a timely manner.

2.2 What are we buying and why

This ItQ relates to the procurement of Total Mobility Services. The key outcomes that we want to achieve are safety, customer experience and affordability, as is having a professional and effective working relationship with operators.

2.3 What we require: the solution

We are seeking a solution that meets the following attributes:

Key Area	Attributes
Safety	An adequate process to meet driver training contractual standards
	Late model vehicles with current Certificates of Fitness
	A H&S Management system that meets the principles of NZS4801:2001
Technology	Compatibility with Ridewise (when delivered in the contract term)
Customer Service	Ability to book a TM vehicle using all media (including apps)
	Complaint resolution process
Relationship Management	Issue resolution process and attitude
	Proactive management engagement
	Invoicing and administration processes and systems
	Data management and accuracy
	Financial viability
	Growth and development opportunities
Cost Efficiency	Past experience of government contracts is desirable
	General Tariff rate for TM
	Charging methodology

2.4 What we require: capacity

We are seeking multiple operators that are able to contribute quality vehicles and drivers to an overall level of capacity that meets the transport needs of the eligible client base. This means that there needs to be sufficient capacity at all times.

2.5 What we require: capability

We are seeking multiple operators that are able to demonstrate they have capability to provide late model vehicles, with trained drivers to provide safe and dignified transport for eligible customers. In addition we are seeking operators who have appropriate systems, skills and attitudes to be able to proactively engage with Auckland Transport to ensure the Total Mobility Scheme is effectively delivered in Auckland.

2.6 Contract form

We anticipate awarding a Contract under terms and conditions of a Term Services Contract.



2.7 Contract term

We anticipate that the Contract will commence 1 January 2023. The anticipated Contract term and options to extend are:

Descriptions	Years
Initial term of the Contract	We will anticipate that the ITQ process will be completed and the contract will be awarded by 1 January 2023
Options to extend the Contract	N/A
Maximum term of the Contract	30 June 2024 – this is to align with the end of all current Total Mobility Operators current contracts, when a new Invitation to Qualify process will be put in place. We expect to have a longer term relationship with the future applicants.

2.8 Key outcomes

The following are the key outcomes that are to be delivered.

Description	Indicative date for delivery
New Agreements are signed by both operator and Auckland Transport	We will anticipate that the ITQ process will be completed and the contract will be awarded by 1 January 2023
New Agreement comes into effect and operators start delivering Total Mobility Services	1 January 2023

2.9 Key Risks

Description
There is no guarantee of any value or volume of work resulting from an applicant entering the Scheme; each trip is booked by individual Customers, and successful operators will need to compete based on their own pricing and service models.
Auckland Transport will re-open the Scheme annually allowing additional operators to join; the existing Agreement Terms in relation to end date and potential extensions will remain for the duration of the original Agreement.

2.10 Key Opportunities

Description



Auckland's population is growing and is ageing; entry into the Scheme allows access to a market that is growing quickly.

Being an approved TM operator is often viewed by other large purchasers as an advantage in other procurement activity run external to Auckland Transport.

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3 Our Evaluation Approach

Subject to meeting the [Preconditions](#) criteria referred in [Section 3.1](#) of the [Non Price Response Template](#), the evaluation approach will be as below.

3.1 Supplier selection method

The Supplier Selection Method that will be used is [Quality Based Method \(ATQBM\)](#) as described in the Auckland Transport Procurement Strategy, Section 5.2 Supplier Selection Methods [<https://at.govt.nz/media/1184542/PRO2-01-Procurement-Strategy-July-2015.pdf>].

ATQBM Optional Steps	To apply
Will there be shortlisting? (Step 3)	No
Will there be presentations? (Step 4)	No
Will AT seek Best and Final Offer? (Step 7)	No

3.2 Evaluation attributes

The following evaluation attributes and weightings will be used:

Attributes	Definition	Weighting
Safety	The applicant’s ability to ensure compliant: <ul style="list-style-type: none"> Vehicles Qualified drivers are deployed for every trip Underpinned by a Health & Safety Management system that meets the principles of NZS4801:2001 	Pass/Fail
Technology	Technology must comply with the specific requirements of RideWise Operator must use (or agree to use any of the Service Providers from the list below: <ul style="list-style-type: none"> Smartpay StringTM Verifone Smartmove 	Pass/Fail
Customer Service	The procedures and resources the participant proposes to use to ensure that booking trips are available to all Total Mobility Customers and to resolve complaints effectively. In additional, the areas and times that participant providers to cover are sought.	Pass/Fail



Relationship Management	The participant's records Auckland Transport, processes and structures that will be available to deliver this contract and to build proactive, positive relationships with Auckland Transport. In addition, the financial viability of the Participant's business model and any growth/development opportunities needs to be understood.	Pass/Fail
Cost Efficiency	Auckland Transport and customers would need to understand any General Tarrifs needs to be highlighted.	Pass/Fail

3.3 Price

The NZ Transport Agency's Procurement Manual (Rule 10.32) allows for all operators that meet Auckland Transport's criteria to be allowed to join the Scheme.

Auckland Transport is under no obligation to check applications for error and omissions.

If the price offered is substantially lower than other applications (an abnormally low submission), Auckland Transport may seek to verify that the applicant is capable of fully delivering all of the Requirements and meeting all of the conditions of the Proposed Contract for the price quoted. Where Auckland Transport is not satisfied that the price quoted is adequate to meet the obligations of the Proposed Contract, Auckland Transport may at its sole discretion exclude the applicant from further evaluation.

If Auckland Transport discover price errors and/ or omissions in any application, Auckland Transport will notify you and you may allowed to correct such error and/or omission so long as by the correction there would be no material prejudice to any other submission (as determined by Auckland Transport in its sole discretion), or you may be given the opportunity to:

- Confirm that your application remains open for acceptance notwithstanding the error; or
- Withdraw your application.

Acceptance of an application that contains errors will not invalidate the contract formed by that acceptance.

3.4 Reference checking

Auckland Transport may carry out reference checking to assist in determining whether the applicant can deliver the outputs described in their application. Reference checking will be carried with referees provided in the [Non Price Response Template](#). Referees should be available during the ITQ evaluation period for telephone interviews.

Reference checking will be carried out using [ATPACE](#) (Auckland Transport Assessment by Coordinated Evaluation) methodology.

The reference check will contain, but not necessarily be limited to, the following subjects:

- Compliance with Health, Safety and Environmental standards.
- Compliance with quality standards.
- Responsive to clients' requirements.
- Dealing with difficulties.

Auckland Transport reserves the right to use any other source of information to assist in the evaluation of the attribute including prior performance on Auckland Transport projects.



3.5 Due diligence

In relation to applicants/ preferred applicants we may carry out due diligence investigations. The findings will be taken into consideration in the evaluation process.

Auckland Transport may undertake the following due diligence:

- Other checks, e.g. Companies Office.
- Interview applicants.
- Request applicants make a presentation.
- Inspect audited accounts for the last three financial years.
- Undertake a credit check.
- Undertake a Police check for all named personnel.

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4 ItQ Process, Terms and Conditions

4.1 Interpretation

This section contains Auckland Transport's standard ItQ Process, Terms and Conditions (shortened to [ItQ-Terms](#)) which apply to this procurement.

4.2 Auckland Transport's Point of Contact

All enquiries regarding the ItQ must be directed to Auckland Transport's [Point of Contact](#). Applicants must not directly or indirectly approach any representative of Auckland Transport, or any other person, to solicit information concerning any aspect of the ItQ.

Only the [Point of Contact](#) is authorised to communicate with applicants regarding any aspect of the ItQ. Auckland Transport will not be bound by any statement made by any person including the [Point of Contact](#) unless that statement is subsequently expressly incorporated into the Contract.

Auckland Transport may change the [Point of Contact](#) at any time. Auckland Transport will notify applicants of any such change. This notification may be posted on GETS or sent by email.

4.3 Deadline for questions

Each applicant should satisfy itself as to the interpretation of the ItQ. If there is any perceived ambiguity or uncertainty in the ItQ document/s applicants should seek clarification before the [Deadline for Questions](#).

All requests for clarification must be submitted by email to Nekel.Upton@at.govt.nz. Auckland Transport will endeavour to respond to requests in a timely manner.

If Auckland Transport considers a request to be of sufficient importance to all applicants it may provide details of the question and answer to other applicants. In doing so Auckland Transport may summarise the applicant's question, and will not disclose the applicant's identity. The question and answer may be emailed to all applicants. An applicant may withdraw a request for clarification at any time.

In submitting a request for clarification an applicant is to indicate, in its request, any information that is commercially sensitive. Auckland Transport may modify a request to eliminate such commercially sensitive information, and publish this and the answer where Auckland Transport considers it of general significance to all applicants. In this case, however, the applicant will be given an opportunity to withdraw the request or remove the commercially sensitive information.

4.4 Confidential Information

Auckland Transport may require any applicant to sign a Confidentiality Deed before releasing any confidential or commercially sensitive information to the applicant.

Auckland Transport is subject to the Local Government Official Information and Meetings Act 1987. Information provided by applicants may be required to be disclosed under that Act.

4.5 Information from Auckland Transport

Any information provided by Auckland Transport to applicants has been provided to assist applicants in preparing the application and in carrying out the Proposed Contract. Auckland Transport does not represent or warrant the completeness or accuracy of such information. Applicants shall rely on the information provided by Auckland Transport at their own risk and are responsible for the interpretation of the information.



4.6 Preparing an application

Applicants are to use the [ItQ Submission Template](#) provided and include all information requested by Auckland Transport in relation to the ItQ.

Each applicant who wishes to respond to ItQ will have:

- Undertaken all reasonable and practicable investigations and measurements, and familiarise itself with the requirements of the all relevant authorities.
- Examined the ItQ and any documents referenced in the ItQ and any other information provided by Auckland Transport.
- Considered all risks, contingencies and other circumstances relating to the delivery of the requirements and include adequate provision in its proposal to manage such risks and contingencies.
- If appropriate, obtain independent advice before submitting an application.
- Satisfied itself as to the correctness and sufficiency of its application, including the proposed pricing and the sustainability of the pricing.
- Ensured that pricing information is quoted in NZ\$ exclusive of GST.

There is no expectation or obligation for applicants to submit applications in response to this ItQ solely to remain on any prequalified or registered supplier list.

4.7 Alternative applications

Auckland Transport may consider any alternative applications which fulfil Auckland Transport's requirements. Alternative applications must be submitted as a separate application clearly identified as an alternative application. Applicants may be requested during the ItQ evaluation period to submit additional information to facilitate evaluation of the alternative application.

4.8 Alternative, tagged and other non-conforming applications

Auckland Transport would prefer to receive applications that comply with the ItQ Documents but reserves the right to consider applications submitted with departures tags, qualifications, endorsements and other non-conformities (collectively Non Conformities). Auckland Transport may at its sole discretion:

- Evaluate or reject such applications.
- Assign a price to any Non Conformity.
- Request that the applicant withdraws any Non Conformity without adjustment to the application tariffs.
- Request that the applicant withdraws any Non Conformity with adjustment of the application tariffs, provided that the adjustment is for an amount that would have been reasonably expected, if the application had been submitted without that Non Conformity.

4.9 Submitting an application

Each applicant is responsible for ensuring that its application is submitted by email before the [Deadline for Applications](#). AT will acknowledge receipt of each application.

Auckland Transport intends to rely on the all information provided by the applicants (e.g. correspondence and negotiations). In submitting an application and communicating with Auckland Transport each applicant should check that all information it provides is:

- True, accurate and complete, and not misleading in any material respect.



- Does not contain Intellectual Property that will breach a third party's rights.

Auckland Transport stipulates an electronic file ItQ process.

4.10 Third party information

Each applicant authorises Auckland Transport to collect additional information from any relevant third party (such as a referee or a previous or existing client) and to use that information as part of the ItQ evaluation.

Each applicant must ensure that all referees listed in [ItQ Submission Template](#) agree to provide a reference.

To facilitate discussions between Auckland Transport and third parties each applicant waives any confidentiality obligations that would otherwise apply to information held by a third party, with the exception of commercially sensitive pricing information.

4.11 Conflict of Interest

Each applicant must complete the [Conflict of Interest Declaration](#) in the [ItQ Submission Template](#) and must immediately inform Auckland Transport should a [Conflict of Interest](#) arise during the ItQ process. A material [Conflict of Interest](#) may result in the applicant being disqualified from participating further in the ItQ process.

4.12 Ethics

Applicants must not attempt to influence or provide any form of personal inducement, reward or benefit to any representative of Auckland Transport.

Any participant who attempts to influence the outcome of this ItQ may be disqualified from participating further in the ItQ process.

Auckland Transport reserves the right to require additional declarations, or other evidence from a participant, or any other person, throughout the ITQ process to ensure probity of the ITQ process.

4.13 Anti-collusion and bid rigging

Applicants must not engage in collusive, deceptive or improper conduct in the preparation of their applications or other submissions or in any discussions or negotiations with Auckland Transport. Such behaviour will result in the applicant being disqualified from participating further in the ItQ process. In submitting an application the applicant warrants that its application has not been prepared in collusion with a competitor.

Suspected collusive or anti-competitive conduct by applicants may be reported by Auckland Transport to the appropriate authority.

4.14 Evaluation Panel

Auckland Transport will convene an Evaluation Panel comprising members chosen for their relevant expertise and experience. In addition, Auckland Transport may invite independent advisors to evaluate any applications, or any aspect of any applications.

4.15 Auckland Transport's clarification

Auckland Transport may, at any time, request from any applicant clarification as well as additional information about any aspect of its application. Auckland Transport is not required to request the same clarification or information from each application.



The applicant must provide the clarification or additional information in the format requested. Applicants must endeavour to respond to requests in a timely manner. Auckland Transport may take such clarification or additional information into account in evaluating the application.

Where an applicant fails to respond adequately or within a reasonable time to a request for clarification or additional information, Auckland Transport may cease evaluating and may eliminate the application from the ItQ process.

4.16 Evaluation

Auckland Transport will base its initial evaluation on the proposals submitted in response to the ItQ. Auckland Transport may adjust its evaluation of an application following consideration of any clarification or additional information as described in [ItQ-Terms](#), under [4.11](#) and [4.16](#).

Auckland Transport may make enquiries regarding the applicant. Auckland Transport may consider relevant information obtained from any source in the evaluation of the application. Auckland Transport may verify with any third party any information included in the application or disclosed to Auckland Transport in connection with the application.

Auckland Transport may reject any application where:

- The applicant has failed to provide all information requested, or in the correct format, or materially breached a term or condition of the ItQ.
- The application contains a material error, omission or inaccuracy.
- The applicant is in bankruptcy, receivership or liquidation.
- The applicant has made a false declaration.
- There is a serious performance issue in a historic or current contract delivered by the applicant.
- The applicant has been convicted of a serious crime or offence.
- There is professional misconduct or an act or omission on the part of the applicant which adversely reflects on the integrity of the participant.

4.17 Auckland Transport's additional rights

Despite any other provision in the ItQ Auckland Transport may, on giving due notice to applicants:

- Amend, suspend, cancel and/or re-issue the ItQ, or any part of the ItQ.
- Make any material change to the ItQ (including any change to the [Our Timeline](#), [Our Requirements](#) or [Our Evaluation Approach](#)).

Despite any other provision in the ItQ Auckland Transport may:

- Accept a late application if it is Auckland Transport's fault that it is received late.
- In exceptional circumstances, accept a late application where it considers in its sole discretion that there is no material prejudice to other applicants.
- In exceptional circumstances, answer a question submitted after the [Deadline for Questions](#), if applicable.
- Accept or reject any application, or part of a proposal.
- Accept or reject any non-compliant, non-conforming or alternative application.
- At any time prior to acceptance of any application, withdraw the Contract from the applicant.
- Not accept the lowest priced, or highest scoring or any application.



- Decide not to enter into a Contract with any applicant.
- Liaise or negotiate with any applicant without disclosing this to, or doing the same with, any other applicant.
- Provide or withhold from any participant information in relation to any question arising in relation to the ItQ. Information will usually only be withheld if it is deemed unnecessary, is commercially sensitive to an applicant, is inappropriate to supply at the time of the request or cannot be released for legal reasons.
- Amend the Proposed Contract at any time, including during negotiations with an applicant.
- Waive irregularities or requirements in or during the ItQ process where it considers it appropriate and reasonable to do so.

4.18 Notification of outcome

At any point after conclusion of negotiations, but no later than 30 Working Days after the date the Contract is signed, Auckland Transport will inform all unsuccessful applicants of the name of the successful applicants, if any. Auckland Transport may make public the name of the successful applicants and any unsuccessful participant(s). Where applicable, Auckland Transport will publish a Contract Award Notice on GETS.

4.19 Applicants' debrief

Unsuccessful applicants will be notified in writing by Auckland Transport. Each applicant will have 30 Working Days, from the date of this notification, to request a debrief. When an applicant requests a debrief, Auckland Transport will provide the debrief within 30 Working Days of the date of the request, or of the date the Contract is signed, whichever is later.

The debrief may be provided by letter, email, phone or at a meeting. The debrief will:

- Provide the reasons why the application was or was not successful.
- Explain how the application performed against the pre-conditions (if applicable) and the evaluation criteria.
- Indicate the application's relative strengths and weaknesses.
- Explain, in general terms, the relative advantage/s of the successful applications.
- Seek to address any concerns or questions from the applicant.
- Seek feedback from the applicant on the ItQ and the ItQ process.

4.20 Issues and complaints

An applicant may, in good faith, raise with Auckland Transport any issue or complaint about the ItQ, or the ItQ process at any time.

4.21 Costs of participating in the ItQ process

Each applicant will meet its own costs associated with the preparation and presentation of its application and any negotiations.

4.22 Ownership of documents

The ItQ and its contents remain the property of Auckland Transport. All Intellectual Property rights in the ItQ remain the property of Auckland Transport or its licensors. Auckland Transport may request the



immediate return or destruction of any or all ItQ documents and any copies. Applicants must comply with any such request in a timely manner.

All documents forming the proposal will, when submitted to Auckland Transport, become the property of Auckland Transport. Applications will not be returned to applicants at the end of the ItQ process.

Ownership of Intellectual Property rights in the application remain the property of the applicant or its licensors. However, the applicant grants to Auckland Transport a non-exclusive, non-transferable, perpetual license to retain, use, copy and disclose information contained in the application for any purpose related to the ItQ process.

4.23 Offer validity period

The [Offer Validity Period](#) is calculated from the [Deadline for Applications](#). Applications are to remain valid and open for acceptance by Auckland Transport for the [Offer Validity Period](#).

4.24 No binding legal obligations

No legal or other obligations shall arise between the applicant and Auckland Transport in relation to the conduct or outcome of the ItQ process unless and until that applicant has received written notification of the acceptance of its application.

Auckland Transport, its agents and advisors will not be liable in contract or tort or in any other way for any direct or indirect damage, loss or cost incurred by any applicant or other person in respect of the ItQ process.



Definitions

In relation to the ItQ the following words and expressions have the meanings described below.

Term	Definitions
Applicant	A person, business, company or organisation that supplies or can supply goods or services or works to Auckland Transport.
Confidential Information	Information that: <ul style="list-style-type: none">• is by its nature confidential;• is marked by either Auckland Transport or a participant as 'confidential', 'commercially sensitive', 'sensitive', 'in confidence', 'top secret', 'secret', 'classified' and/or 'restricted';• is provided by Auckland Transport, a participant, or a third party in confidence;• Auckland Transport or a participant knows, or ought to know, is confidential. Confidential information does not cover information that is in the public domain through no fault of either Auckland Transport or a participant.
Contract Award Notice	Means an Award Notice published
Deadline for Applications	The deadline that applications are to be submitted as stated in Section 1, under 1.2.
Deadline for Questions	The deadline for Applicants to submit questions to Auckland Transport as stated in Section 1, under 1.2. See also Section 4.3
Evaluation Panel	Auckland Transport's Evaluation Panel is identified in Section 4, under 4.15.
GETS	Government Electronic Tenders Service available at www.gets.govt.nz
Intellectual Property	All intellectual property rights and interests, including copyright, trademarks, designs, patents and other proprietary rights, recognised or protected by law.
ItQ	Means Invitation to Qualify
ItQ Submission Template	The form to be used by applicants to respond to the ItQ requirements.
ItQ-Terms	Means the Request for Proposal - Process, Terms and Conditions as described in Section 4.
NTA	Notice to Applicants (NTA) or Addenda
Point of Contact	Auckland Transport's Point of Contact is identified in Section 1, under 1.3. The applicant's Point of Contact is identified in its submission.
Proposed Contract	The Contract terms and conditions proposed by Auckland Transport for the carrying out of the Contract Works as described in Section 1.8.