



Request for Proposal (RFP)

Auckland Transport Vending Deployment

754-25-199-GS



RFP Overview

Auckland Transport (AT) aims to enhance customer experience, increase non-fare revenue, and attract more people onto public transport.

One of the biggest single opportunities to create an immediate valued customer amenity not previously offered across the network is the deployment of appropriate convenience vending machines to vend food and beverage offerings in line with the 'AT Metro Food and Beverage Policy for Vending'.

There are available vending sites at approximately 34+ AT Metro public transport facilities (rail stations, ferry terminals, busway facilities) in this round of Request for Proposal (RFP), as the current licence term with AT's current vending partners has expired on the 30 June 2024 reverting to a monthly holdover.

AT welcomes all interested parties (including any past or current vending partners, as well as any potential new partners) to participate in this RFP.

What we need

There are available vending sites at approximately 34+ AT Metro public transport facilities (rail stations, ferry terminals, busway facilities) in this round of RFP, as the current licence term with AT's current vending partner(s) has expired on the 30 June 2024 reverting to a monthly holdover.

AT welcomes all interested parties (including any past or current vending partners, as well as any potential new partners) to participate in this RFP. The desired outcome of this process is to identify a suitable partner or partners to deploy vending machines at each location establishing a 'side by side' paired machine configuration with compatible food and beverage offerings suitable for AT's customer "on the move".

Please note that due to an agreement AT has with an existing media partner, third party static advertising is only permitted and able to be displayed if the product is being offered within the vending machine. The operator will still require approval from the Licensor following mock designs being submitted.

What's important to us?

Each Proposal must meet all of the [Preconditions](#) listed in [Section 3.1](#) of the [Non-Price Response Template](#). Participants who are unable to meet all [Preconditions](#) in full should conclude that they will not benefit from submitting a Proposal.

Why should you bid?

This is a fantastic opportunity to expand your vending portfolio into one of the most highly trafficked public facing network of locations in New Zealand.

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, streetlights, 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.
- 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 CCOs, 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 participants 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 Request for Proposal (RFP) is an invitation to suitably qualified participants to submit a proposal for the supply, maintenance and management of appropriate Vending Machines throughout the Auckland Public Transport network (commonly referred to as the “AT Metro network”) as part of Auckland Transport’s strategy to increase customer amenity at these facilities.

This RFP is a single stage procurement process.

Each proposal must meet all of the [Preconditions](#) listed in [Section 3.1](#) of the [Non Price Response Template](#). If you are unable to meet all precondition criteria you should conclude that you will not benefit from submitting a proposal.

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

1.2 Our timeline

Here is our indicative timeline for this RFP.

Description	Date
Publish date	18/11/2024
Deadline for questions from participants	10:00 am 05/12/2024
Deadline for Proposals	10:00am 13/12/2024
Participants’ interviews/ presentations	TBC as required
Unsuccessful participants notified of Award of Contract	24/01/2025 (or earlier)
Anticipated Contract commencement	01/03/2025 (or earlier)

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



1.3 How to contact us

All enquires including registrations for RFP briefings or Site visits if applicable, 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	Isabella McDonnell
Email address	procurement@at.govt.nz

All questions specific to this RFP or the RFP process, terms and conditions should be submitted onto GETS Question and Answer Forum, <http://www.gets.govt.nz>

If technical support is required relating to the functioning of the GETS, then contact the GETS Helpdesk:

Free Phone: **0508 GETS HELP (0508 438 743)**

International: **+64 4 901 3188**

Email: info@gets.govt.nz



1.4 Developing your proposal

This is a competitive tender process. The RFP sets out the general process and conditions that apply.

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

- Develop a strong understanding of our requirements detailed in [Section 2](#).
- In structuring your response consider how it will be evaluated. [Section 3](#) describes [Our Evaluation Approach](#).
- Complete the [Non Price Response Template](#) and the [Commercial Model Response Template](#) and provide the additional information required by those documents.

For helpful hints on tendering and access to a participant resource centre go to: <https://at.govt.nz/about-us/procurement/electronic-tenders/>

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 the GETS Question and Answer Forum.

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 Proposals](#).

1.5 Submitting your proposal

Auckland Transport requires that your proposal be submitted in the form of electronic files, using the GETS tender proposal process. It is recommended that you begin the uploading process with sufficient time to allow the upload to complete before [Deadline for Proposals](#). This is particularly important if you are submitting large files (greater than 10Mb)



Folders being submitted shall be entitled:

Non Price Response – File 1	[Response – 754-25-199-GS - Participant's Name]
Commercial Model – File 1	[Commercial – 754-25-199-GS - Participant's Name]

Additional information can be submitted to support your submission if necessary additional to these files.

Proposals sent by post or fax, or hard copy delivered to our office, will not be accepted for evaluation.

1.6 Our RFP process, terms and conditions

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

Probity is important to us, if participants 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 Tender Evaluation Team.

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

Alternatively, participants 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 RFP or RFP process

If, after publishing the RFP, we need to change anything about the RFP, or the RFP process, or we want to provide participants with additional information, we will let all participants know by placing an Addendum on the GETS website www.gets.govt.nz.

All communications, including Addenda and RFP Q&A proposals will be sent by the Auckland Transport's [Point of Contact](#) via the GETS tendering service and will arrive at the participants' email address from the GETS address noreply@gets.govt.nz



1.8 Other RFP Documents

In addition to this RFP we refer to the following documents. These have been uploaded on GETS and are available for all interested participants. These documents form part of this RFP.

Description	Attached Documents
RFP Documents	<ul style="list-style-type: none">01. Request For Proposal (this document)02. RFP Non-Price Response Template03. RFP Commercial Response Form04. AT Food and Beverage Policy for Vending05. Commercial Model Response Template06. Precedent Licence to Occupy – Vending Sites at Auckland Transport facilities07. RFP – Site Plans
Proposed Contract	Conditions of Contract based on Auckland Transport Licence to Occupy.

An existing Site hazards list has not been completed by Auckland Transport.

1.9 Offer Validity Period

By submitting a proposal, the participant 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 Proposal](#).

2 Our Requirement

This RFP relates to the deployment of Vending machines at select locations throughout the Public Transport Network. The key outcomes that we want to achieve are:

- Measurable increase in customer satisfaction on the Public Transport Network as a result of deploying vending machines as part of the wider Retail Strategy customer offering
- Identify the best vending mix to maximize the customer experience
- Product offering must adhere to the 'AT Metro Food and Beverage Policy for Vending', supporting healthy choices, establishing a wide variety of products and controlling portion sizes.
- Sustainable revenue stream for Auckland Transport.

Please note: Due to an agreement AT has with an existing media partner, third party static advertising is only permitted and able to be displayed if the product is being offered within the vending machine. The operator will still require approval from the Licensor following mock designs being submitted.



2.1. Current Vending Overview

Line(s)	Location	Facility zone	No. of machines*	Machine configuration	Approx annual patronage**
	RAIL STATIONS				
ALL	Britomart (CPO end)	Platform	2	Side by side	5,317,472
ALL	Britomart (Takutai end)	Concourse	2	Side by side	56,457
SOUTH, WEST, ONEHUNGA	Newmarket	Platforms	4	Back to back	2,186,300
SOUTH, ONEHUNGA	Remuera	Platform	2	Side by side	207,112
SOUTH, ONEHUNGA	Greenlane	Platform	2	Side by side	249,758
SOUTH, ONEHUNGA	Ellerslie	Platform	2	Side by side	780,927
SOUTH, ONEHUNGA	Penrose	Platform	2	Side by side	431,708
SOUTH, EAST	Otahuhu	Platform	2	Side by side	888,108
SOUTH, EAST	Middlemore	Platforms	4	Side by side	831,611
SOUTH, EAST	Papatoetoe	Platform	2	Side by side	658,350
SOUTH, EAST	Puhinui	Platform	2	Side by side	546,051
SOUTH	Manurewa	Platform	2	Side by side	608,335
SOUTH	Papakura	Platform	2	Side by side	1,078,586
SOUTH	Pukekohe	Platform	2	Side by side	-
EAST	Orakei	Platform	2	Side by side	91,136
EAST	Glen Innes	Platform	2	Side by side	274,446
EAST	Panmure	Platforms	4	Side by side	528,203
EAST	Sylvia Park	Platform	2	Side by side	318,327
EAST	Manukau	Platform	2	Side by side	665,888
ONEHUNGA	Onehunga	Platform	2	Side by side	128,718
WEST	Grafton	Platform	2	Side by side	783,736
WEST	Kingsland	Platforms	4	Side by side	440,618
WEST	Morningside	Platform	2	Side by side	199,803
WEST	Baldwin Avenue	Platform	2	Side by side	291,969
WEST	Mount Albert	Platform	2	Side by side	366,046
WEST	Avondale	Platform	2	Side by side	418,501
WEST	New Lynn	Platform	2	Side by side	1,100,027
WEST	Glen Eden	Platform	2	Side by side	457,428
WEST	Henderson	Platform	2	Side by side	692,257
	BUS STATIONS				
N BUSWAY	Akoranga	Concourse	2	Side by side	1,421,232
N BUSWAY	Akoranga	Overbridge	1	-	As above



		lobby			
N BUSWAY	Smales Farm	Concourse	2	Side by side	2,018,761
N BUSWAY	Smales Farm	Overbridge lobby	1	-	2,018,761
N BUSWAY	Sunnynook	Platform	2	Side by side	835,965
N BUSWAY	Constellation Drive	Concourse	2	Side by side	2,804,652
N BUSWAY	Albany	Concourse	2	Side by side	3,263,536
N BUSWAY	Hibiscus Coast	Concourse	2	Side by side	1,766,158
OTHER	Manukau Interchange	Concourse	4	Side by side	407,403
OTHER	Otahuhu Interchange	Interchange lobby	2	Side by side	761,440
	FERRY				
OTHER	Downtown Pier 1	Concourse (paid side)	2	Side by side	1,093,297
OTHER	Downtown Pier 2	Concourse	2	Side by side	336,943
OTHER	Devonport	Concourse	2	Side by side	1,065,449
OTHER	Birkenhead	Concourse	2	Side by side	37,722

Notes:

- *The above list is anticipated at the time of deployment, it is acknowledged that the deployment size may vary up or down within a reasonable variance at AT's sole discretion based on performance and initial partner due diligence.
- **Annual patronage is based on the total of annual boarding counts and annual alighting counts for the period 1 July 2023 to 30 June 2024.

2.2. What we require: the solution

We are seeking the best possible vending partners who demonstrate consideration to all elements of the life of the deployment contract. These include but are not limited to:

- Hardware
- Product offering
- Support
- Brand considerations
- Deployment
- Commercial Model



Hardware

Supplied vending machines must meet the following criteria:

1. Dimensions/weight

- Each machine is to be no larger than: 1200mmWx1000mmDx1900mmH
- Max weight 570kg per machine (when filled)

2. Electricity Connection & Isolation Compliance (NZ Power standards):

- Electricity Safety Regulations 2010 mandate the use of the wiring rules standard AS/NZS3000:2007 for safety and compliance.
- Each appliance (Vending Machine) will have its own power supply protected by an RCBO (Residual Current Circuit Breaker with overload protection) which is a lockable device,
- Section 4 of the wiring rules requires a local isolation switch, for safety isolation especially when servicing the machine. The required technical 'solution' is to install an independent lockable isolation switch inside each vending machine enclosure.

3. Power consumption requirements

- 1 x 10A connection will be provided. Any further supply requirements will be discussed as required. Machines must operate efficiently with sufficient technology to support a minimum electricity draw to consistently maintain a cold product offering (as appropriate, linked to product range offered)

4. Data/Communications Connectivity Requirements:

- 4/5G Network (via independent SIM in machine)

5. Required safety & security features:

- "Kickplates" to cuff the bottom of machine
- Perspex 'layer' (over glass) is preferred to prohibit vandalism/theft

6. Optional but desirable

- Angled roof/angled cover affixed to top of machine preferred (as a security measure).

7. Foundation Considerations:

- Must fit to foundation specification below in most instances (site by site approval otherwise).
- Mounting/fixing
 - i. Where foundations are present fixing will be Dynabolt
 - ii. Where machines are not on platform no fixing will be required

Foundation Option 1:

2400mm (length) x 1200mm (width) x 200mm (deep)

Must support up to approximately **1100 kg**

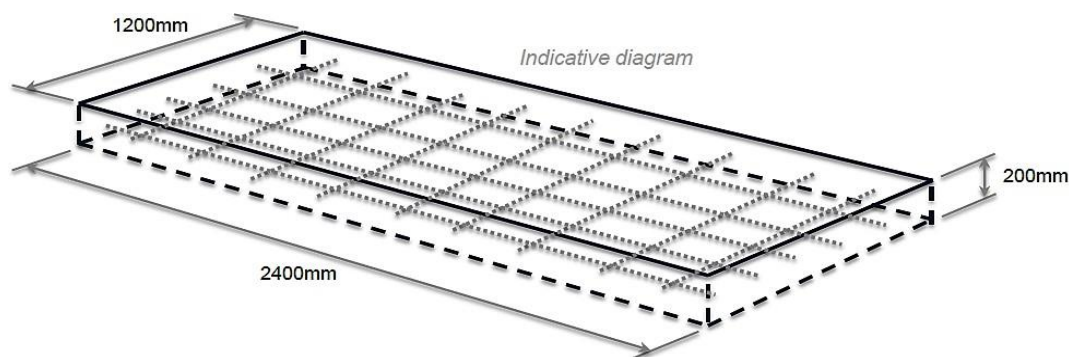
(2 fully stocked vending machines positioned side by side, bolted onto foundation).

Concrete spec: 30Mpa; cast on well compacted subgrade with SE92 mesh centrally placed.

Fixings: M10 Dynabolts or equivalent (aligned to vending machine manufacturer spec)

Anchor effective depth: 45mm (min)

Anchor edge distance: 70mm (min)



Foundation Option 2 (single machine foundation):

1250mm (length) x 1200mm (width) x 150mm (deep)

NB: Must support up to **570 kg**

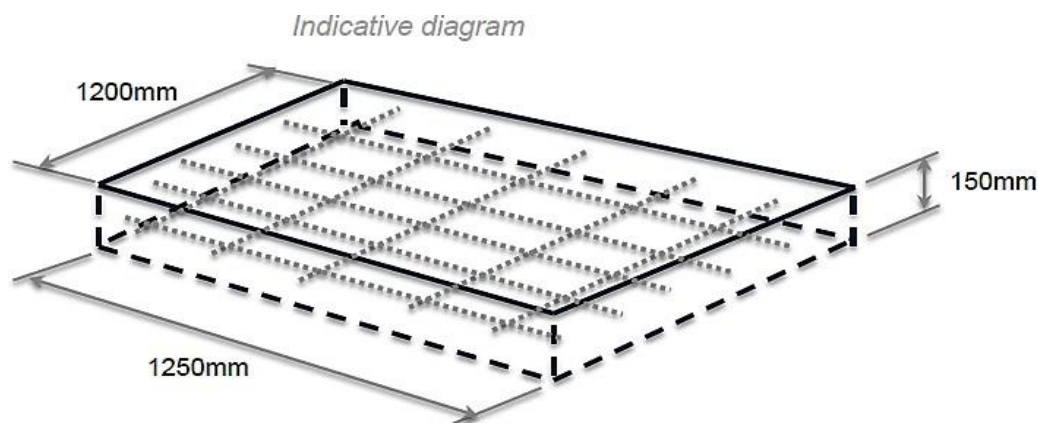
(1 fully stocked vending machine bolted onto foundation).

Concrete spec: 30Mpa; cast on well compacted subgrade with SE92 mesh centrally placed.

Fixings: M10 Dynabolts or equivalent (aligned to vending machine manufacturer spec)

Anchor effective depth: 45mm (min)

Anchor edge distance: 70mm (min)





Product Offering

Product offering must meet the following criteria: NB: While the below criteria are important the key outcome we are looking for is to promote all elements of the 'AT Metro Food and Beverage Policy for Vending' within the product offering.

- Product offering must adhere to the 'AT Metro Food and Beverage Policy for Vending' (refer to attached Appendix 1).
- Supplier must demonstrate flexibility to adapt to changing consumer demands.
- Appropriate packaging and portion sizes must be evident with all products - refer to Appendix 1

Support

We are seeking a fully supported offering. As part of the proposal we would like to see evidence of consideration of the following:

- Appropriate re-stocking alert systems (real time) and delivery and machine loading procedures
- Quality control of product offering
- Response and resolution times and procedures for the following:
 - Machine failure
 - Customer complaints due to product quality
 - Customer complaints due to vending failure
 - Response and resolution times due to accidental or deliberate damage
 - Response and resolution times for potentially dangerous situations caused by machines

Brand Alignment and Trust

This is critical to Auckland Transport as there are strong expectations from our numerous stakeholders in relation to selecting appropriate suppliers to partner with in relation to food and beverage distribution. Consideration should be given to the following:

- Current brand trust and recognition
- Strategy to maintain/improve brand trust and recognition
- Brand placement in relation to promotion of healthy options
- Brand placement in relation to promotion to culturally diverse options

Deployment

Key to the success of this project is the deployment phase. This will involve multiple inputs from the supplier, Auckland Transport and civil, electrical and logistics contractors. It is expected that an appropriate degree of flexibility and outcome based behaviours be exercised to deliver the best outcome. In your proposal Auckland Transport want to see consideration of the following:

- Deployment plan that minimises any impact on AT Metro facilities and customers, while installing machines across the network as fast and efficiently as possible
- Lead-time management to facilitate the deployment programme
- Capacity to support the deployment and immediate machine support for all new machine installations



Commercial Model

We are looking to see a sustainable commercial model, providing a favorable revenue stream to Auckland Transport.

Additionally, we will be considering the cost structure of the product range offered to our customers to ensure that its reasonable and competitive. It's important that we partner with suppliers that aid us to enhance the customer experience and a key measure of this is perceived value by the user.

Other potential considerations in the commercial model could be advertising investment, infrastructure investment and other promotional initiatives that will promote the vending product offerings and drive turnover.

Additional Value

Any additional benefit would be viewed favorably. E.g. This could be sustainability features in hardware like power conservation features etc.

2.3. What we require: commitment to the AT Supplier Code of Conduct

AT undertakes various steps to ensure that the goods and services we procure are ethically sourced. The Auckland Transport Supplier Code of Conduct is the foundation document requiring commitment from our suppliers (including Code suppliers' parents, affiliates, subsidiaries and subcontractors) to best practice relating to social, environmental, ethical and financial responsibility.

It is a mandatory requirement that all AT suppliers acknowledge that they are committed to the principles in the [2023 AT Supplier Code of Conduct](#).

We request that an authorized person from your organization does the following:

1. Read the [Auckland Transport Supplier Code of Conduct](#).
2. Complete and sign the [AT Supplier Code of Conduct Acknowledgement form](#).
3. Email the completed and signed acknowledgement form to sustainableprocurement@at.govt.nz

AT is committed to continuously reviewing and improving our ethical sourcing and procurement due diligence processes, and we intend to work closely and proactively together with our suppliers to understand, address and prevent human rights and environmental risks and abuses at a local level and in our supply chains.

2.4. Contract

We anticipate that the Contract will commence 01 March 2025. The anticipated Contract term and options to extend are:

Descriptions	Years
Form of Contract	Licence to Occupy
Term of the Contract	Five (5) Years



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 [Price Quality Method \(ATPQM\)](#) 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>].

ATPQM Optional Steps	To apply
Will there be shortlisting? (Step 3)	Yes, if more than 3 suppliers bid. Shortlisting will be down to the 3 highest performing in the evaluation.
Will there be presentations? (Step 4)	Yes There will be presentations from short-listed participants.
Will AT seek Best and Final Offer? (Step 7)	Potentially This will be determined by the Tender Evaluation Panel having regard to the tenders submitted. If required, participants will be advised accordingly.

3.2 Evaluation attributes

The following evaluation attributes and weightings will be used:

Attributes	Definition	Weighting
Capability & Track Record	<p>The participant's previous experience in areas relevant to the outputs being sought.</p> <p>The following will be considered:</p> <ul style="list-style-type: none"> • Demonstration of previous track record working in a transport-oriented setting • Demonstrate current levels of brand recognition & trust <p>The participant's record of delivering works or services to the quality standards required, on time and within budget.</p> <p>The following will be considered:</p> <ul style="list-style-type: none"> • Machine reliability • Large scale deployment • KPI Management • Large fleet machine maintenance 	20%



Skills	<p>The competence of the personnel that the participant proposes to use in areas relevant to the outputs being sought.</p> <p>The following will be considered:</p> <ul style="list-style-type: none"> • Deployment • Maintenance • Re-stocking teams • Accounts Management (including operational faults, customer complaints log and performance analytics monitoring) 	15%
Methodology	<p>The procedures the participant proposes to use to achieve the specified end result.</p> <p>The following will be considered:</p> <ul style="list-style-type: none"> • Strategy • Risk Management • Operational • Maintenance & Repairs • Customer Support / Customer Service • Reporting • Deployment • Health & Safety 	10%
Requirements	<p>Specifics of the products and services offered</p> <p>The following will be considered:</p> <ul style="list-style-type: none"> • Machine specification (including security considerations, customer experience and product offering, accommodation flexibility) • Operational support • Product Offering (including wide range, transit considerations, cultural, local and sustainable considerations and adherence to “F & B” policy) • Deployment • Presentation 	15%
Commercial Model	<p>The financial structure proposed and additional benefits offered.</p> <p>The following will be considered:</p> <ul style="list-style-type: none"> • Revenue/fee structure (for AT) (e.g. monthly base rental per machine plus turnover percentage share (if higher)) • Brand (customer confidence/awareness and appeal) • Other investment considerations 	40%
Health and Safety	<p>The ability of the participant to meet the required Health and Safety standards.</p>	Pass/Fail
Financial Viability	<p>The participant’s ability to access the financial resources required to deliver the outputs sought.</p>	Pass/Fail
Total Weightings		100%



3.3 Grading scale

The following grading scale will be used in evaluating proposals.

85, 90, 95, 100	Excellent (significantly exceeds the criterion)	Exceeds the criterion. Exceptional demonstration by the participant of the relevant ability, understanding, experience, skills, resource and quality measures required to meet the criterion. Response identifies factors that will offer significant potential added value, with supporting evidence.
65, 70, 75, 80	Very Good (exceeds the criterion in some aspects)	Satisfies the criterion with minor additional benefits. Above average demonstration by the participant of the relevant ability, understanding, experience, skills, resource and quality measures required to meet the criterion. Response identifies factors that will offer potential added value, with supporting evidence.
45, 50, 55, 60	Good (meets the criterion in full)	Satisfies the criterion in full. Demonstration by the participant of the relevant ability, understanding, experience, skills, resource and quality measures required to meet the criterion, with supporting evidence.
25, 30, 35, 40	Minor Reservations (marginally deficient)	Satisfies the criterion with minor reservations. Some minor reservations of the participant's relevant ability, understanding, experience, skills, resource and quality measures required to meet the criterion, with little or no supporting evidence.
5, 10, 15, 20	Serious Reservations (significant issues that can't be addressed)	Only partially satisfies the criterion with major reservations. Considerable reservations of the participant's relevant ability, understanding, experience, skills, resource and quality measures required to meet the criterion, with little or no supporting evidence.
0	Unacceptable (significant issues not capable of being resolved)	Does not meet the criterion. Does not comply and/or insufficient information provided to demonstrate that the participant has the ability, understanding, experience, skills, resource and quality measures required to meet the criterion, with little or no supporting evidence.

Note: Scoring a 'fail' on any attribute assessed on a pass/fail basis, or failing to score above 40 on any weighted attribute, will result in the participant's offer being rejected and removed from any further evaluation.

3.4 Commercial Model

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

If the model offered is substantially different than other proposals Auckland Transport may seek to verify that the participant is capable of fully delivering all of the Requirements and meeting all of the conditions of the Proposed Contract. Where Auckland Transport is not satisfied that the Commercial Model is adequate to meet the obligations of the Proposed Contract, Auckland Transport may at its sole discretion exclude the Proposal from further evaluation.

If we discover errors and/ or omissions in any proposal, we 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 proposal remains open for acceptance notwithstanding the error; or withdraw your proposal.

Acceptance of a proposal that contains errors will not invalidate the contract formed by that acceptance.



3.5 Reference checking

We may carry out reference checking to assist in determining whether the participant can deliver the output described in their proposal. Reference checking will be carried with referees provided in the [Non Price Response Template](#). Referees should be available during the RFP evaluation period for telephone interviews.

Reference checking will be carried out using [ATPACE](#) 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.
- Completed on time.
- Completed within agreed budget.
- Responsive to client's requirements.
- Traffic management (if applicable).
- Dealing with difficulties.
- Length of time to closeout defects after practical completion (if applicable).

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.

3.6 Due diligence

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

We may undertake the following due diligence:

- Entity and covenant checks, e.g. Companies Office.
- Interview participants.
- Request participants make a presentation.
- Arrange site visits.
- Test products.
- Inspect audited accounts for the last three financial years.
- Undertake a credit check.
- Undertake a Police check for all named personnel.



4 RFP Process, Terms and Conditions

4.1 Interpretation

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

4.2 Auckland Transport's Point of Contact

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

Only the [Point of Contact](#) is authorised to communicate with participants regarding any aspect of the RFP. 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 participants of any such change. This notification may be posted on GETS or sent by email.

4.3 Deadline for questions

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

All requests for clarification must be submitted onto GETS Question and Answer Forum, www.gets.govt.nz. Auckland Transport will endeavor to respond to requests in a timely manner.

If Auckland Transport considers a request to be of sufficient importance to all participants it may provide details of the question and answer to other participants. In doing so Auckland Transport may summarise the participant's question, and will not disclose the participant's identity. The question and answer may be posted as an Addendum on GETS and/or emailed to all participants. A participant may withdraw a request for clarification at any time.

In submitting a request for clarification a participant 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 participants. In this case, however, the participant will be given an opportunity to withdraw the request or remove the commercially sensitive information.

4.4 Confidential Information

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

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

4.5 Information from Auckland Transport

Any information provided by Auckland Transport to participants has been provided to assist participants in preparing the proposal and in carrying out the Proposed Contract. Auckland Transport does not represent or warrant the completeness or accuracy of such information. Participants 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 a proposal

Participants are to use the [Non Price Response Template](#) and [Commercial Model Response Template](#) provided and include all information requested by Auckland Transport in relation to the RFP.

Each participant who wish to respond to RFP will have:

- Inspected the Site when required in the presence of Auckland Transport's nominated representative.
- Undertaken all reasonable and practicable investigations and measurements and familiarise itself with the requirements of the all relevant authorities.
- Examined the RFP and any documents referenced in the RFP 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 a proposal.
- Satisfied itself as to the correctness and sufficiency of its proposal, including the proposed pricing and the sustainability of the pricing.
- Ensured that pricing information is quoted in NZ\$ exclusive of GST.
- Documented in [Our Statement of Departures](#) (see [Section 4 of Non Price Response Template](#)) all assumptions and qualifications made about the delivery of the Requirements, including any assumption that Auckland Transport or a third party will deliver any aspect of the requirements or incur any cost related to the delivery of the requirements.

There is no expectation or obligation for participants to submit proposals in response to this RFP solely to remain on any prequalified or registered supplier list.

4.7 Alternative proposals

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

4.8 Alternative, tagged and other non-conforming proposals

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

- Evaluate or reject such proposals.
- Assign a price to any Non Conformity.
- Request that the participant withdraws any Non Conformity without adjustment to the proposed price.
- Request that the participant withdraws any Non Conformity with adjustment of the proposed price, provided that the adjustment is for an amount that would have been reasonably expected, if the proposal had been submitted without that Non Conformity. All Non Conformities must be outlined in [Our Statement of Departures](#) in the [Non Price Response Template](#).



Auckland Transport will not be bound by any Non Conformity unless such Non Conformity has been:

- Outlined in [Our Statement of Departures](#).
- Expressly agreed by Auckland Transport and incorporated into the Contract other than the Contractor's proposal.

4.9 Proposal requirements and pricing

Proposals must be prepared in the form and include all the information required by the response templates.

Participants must include the rates or percentages stated in the [Commercial Model Response Template](#).

The participant must include rates and prices for all items described in the [Commercial Model Response Template](#).

Unless otherwise provided in the [Commercial Model Response Template](#), the rates included in the [Commercial Model](#) shall be deemed to be fully inclusive of all allowances for On-site Overheads and for Off-site Overheads and Profit.

4.10 Submitting a Proposal

Each participant is responsible for ensuring that its proposal is uploaded to GETS before the [Deadline for Proposals](#). GETS will acknowledge receipt of each proposal.

Auckland Transport intends to rely on all information provided by the participant (e.g. correspondence and negotiations). In submitting a proposal and communicating with Auckland Transport each participant 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 two file RFP process, the following applies.

- Each participant must ensure that all financial information and pricing components of its proposal are provided in the [Commercial Model Response Template – File 5](#)
- The pricing information must be clearly marked as stated in [Section 1.5](#). This is to ensure that the pricing information cannot be viewed when [Non Price Response](#) is opened.

4.11 Third party information

Each participant 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 RFP evaluation.

Each participant must ensure that all referees listed in [Non Price Response Template](#) agree to provide a reference.

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



4.12 Conflict of Interest

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

4.13 Ethics

Participants 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 RFP may be disqualified from participating further in the RFP process.

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

4.14 Anti-collusion and bid rigging

Participants must not engage in collusive, deceptive or improper conduct in the preparation of their proposals or other submissions or in any discussions or negotiations with Auckland Transport. Such behavior will result in the participant being disqualified from participating further in the RFP process. In submitting a proposal the participant warrants that its proposal has not been prepared in collusion with a competitor.

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

4.15 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 proposals, or any aspect of any proposals.

4.16 Auckland Transport's clarification

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

The participant must provide the clarification or additional information in the format requested. Participants must endeavor to respond to requests in a timely manner. Auckland Transport may take such clarification or additional information into account in evaluating the proposal.

Where a participant 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 Proposal from the RFP process.

4.17 Evaluation and shortlisting

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

Auckland Transport may make enquiries regarding the participant. Auckland Transport may consider relevant information obtained from any source in the evaluation of the proposal. Auckland Transport may verify with any third party any information included in the proposal or disclosed to Auckland Transport in connection with the proposal. Auckland Transport will advise participants if



they have been shortlisted or not. Being shortlisted does not constitute acceptance by Auckland Transport of the participants' proposal, or imply or create any obligation on Auckland Transport to enter into negotiations with, or award a Contract for delivery of the requirements to any shortlisted participant/s. At this stage in the RFP process Auckland Transport will not make public the names of the shortlisted participants.

4.18 Negotiations with preferred participant(s)

Auckland Transport may at any time prior to acceptance of any proposal, negotiate with the preferred participant(s) or any participant. Auckland Transport may invite a participant to enter into negotiations with a view to finalising contractual arrangements.

If a participant is selected as preferred participant then such selection does not constitute an acceptance by Auckland Transport of the participant's proposal, or imply or create any obligation on Auckland Transport to award the contract to that participant.

Auckland Transport may at any time without being liable to the preferred participant cease discussions with, and not award the Contract to, that participant.

Auckland Transport may initiate concurrent negotiations with more than one preferred participant.

4.19 Elimination

Auckland Transport may reject any proposal where:

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

4.20 Auckland Transport's additional rights

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

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

Despite any other provision in the RFP Auckland Transport may:

- Accept a late proposal if it is Auckland Transport's fault that it is received late.
- In exceptional circumstances, accept a late proposal where it considers in its sole discretion that there is no material prejudice to other participants.
- In exceptional circumstances, answer a question submitted after the [Deadline for Questions](#), if applicable.
- Accept or reject any proposal, or part of a proposal.
- Accept or reject any non-compliant, non-conforming or alternative proposal.



- At any time prior to acceptance of any proposal, withdraw the Contract from proposal.
- Not accept the lowest priced, or highest scoring or any proposal.
- Decide not to enter into a Contract with any participant.
- Liaise or negotiate with any participant without disclosing this to, or doing the same with, any other participant.
- Provide or withhold from any participant information in relation to any question arising in relation to the RFP. Information will usually only be withheld if it is deemed unnecessary, is commercially sensitive to a participant, 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 a participant.
- Waive irregularities or requirements in or during the RFP process where it considers it appropriate and reasonable to do so.

4.21 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 participants of the name of the successful participant, if any. Auckland Transport may make public the name of the successful participant and any unsuccessful participant(s). Where applicable, Auckland Transport will publish a Contract Award Notice on GETS.

4.22 Participants' debrief

Unsuccessful participants will be notified in writing by Auckland Transport. Each participant will have 30 Working Days, from the date of this notification, to request a debrief. When a participant 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 proposal was or was not successful.
- Explain how the proposal performed against the pre-conditions (if applicable) and the evaluation criteria.
- Indicate the proposal's relative strengths and weaknesses.
- Explain, in general terms, the relative advantage/s of the successful proposal.
- Seek to address any concerns or questions from the participant.
- Seek feedback from the participant on the RFP and the RFP process.

4.23 Issues and complaints

A participant may, in good faith, raise with Auckland Transport any issue or complaint about the RFP, or the RFP process at any time.

4.24 Costs of participating in the RFP process

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



4.25 Ownership of documents

The RFP and its contents remain the property of Auckland Transport. All Intellectual Property rights in the RFP remain the property of Auckland Transport or its licensors. Auckland Transport may request the immediate return or destruction of any or all RFP documents and any copies. Participants 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. Proposals will not be returned to participants at the end of the RFP process.

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

4.26 Offer validity period

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

4.27 No binding legal obligations

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

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 participant or other person in respect of the RFP process.

Definitions

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

Term	Definitions
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 on GETS.
Deadline for Proposals	The deadline that proposals are to be submitted as stated in Section 1, under 1.2.
Deadline for Questions	The deadline for Participants 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.
Non- Price Response Template	The form to be used by a participant to respond to the RFP non-price attribute requirements.
NTP	Notice to Participants (NTP) or Addenda
Commercial Model Response Template	The template to be used by a participant to respond to the RFP Price attribute – Revenue Model.
Point of Contact	Auckland Transport's Point of Contact is identified in Section 1, under 1.3. The participant's Point of Contact is identified in its tender.
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.
Proposal	Tender submitted by the participant.
RFP	Means Request for Proposal.
RFP-Terms	Means the Request for Proposal - Process, Terms and Conditions as described in Section 4.
Participant	A person, business, company or organisation that supplies or can supply goods or services or works to Auckland Transport.