



FREEDOM OF INFORMATION COVERSHEET

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI reference: 23-053

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Schedule	Published
4. Documents	Published
5. Additional information identified	Not Applicable
6. Fees	Not Applicable
7. Processing time (in working days)	99 Days
8. Decision made by Ombudsman	Not applicable
9. Additional information identified by Ombudsman	Not Applicable
10. Decision made by ACAT	Not applicable

11. Additional information identified by ACAT	Not applicable
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Freedom of Information - Access Application to Transport Canberra and City Services - Submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

Reference code

24 May 2023 6:28:30 AM

G5MS8ZL6

Transport Canberra and City Services (TCCS)

GPO Box 158
Canberra ACT 2601

Phone: 02 6207 2987

Email: TCCS.FOI@act.gov.au

Applicant details

Title

Given name

Family name



Preferred name

Preferred method of contact



Phone



Email



Post

Contact phone number

Contact email address

Contact postal address

Address line 1

Address line 2

Suburb

State

Postcode

Preferred method to receive information *



Email



Post

Same as contact email address

Delivery email address *

Information request

Who are you making the request on behalf of?

What type of information are you requesting access to? *

Other information

What information are you requesting access to under the Act? *

Dear Transport Canberra,

I hope this email finds you well. I am writing to submit a formal request under the Freedom of Information Act for access to all documents related to the procurement process of the next generation ticketing system, where NEC Australia has been appointed to deliver the said system for Transport Canberra.

Specifically, I kindly request access to the following information and documentation:

Request for Proposal (RFP) or tender documents issued by Transport Canberra for the procurement of the next generation ticketing system.

All prequalification submissions and proposals received from all suppliers in response to the RFP and Expression of Interest (EOI) for the next generation ticketing system.

Evaluation criteria and scoring methodology used during the selection process.

Any contracts, agreements, or memorandums of understanding (MOUs) between Transport Canberra and NEC Australia pertaining to the delivery of the next generation ticketing system.

Correspondence, including emails, letters, and meeting minutes, between Transport Canberra and NEC Australia regarding the next generation ticketing system procurement.

Any reports, assessments, or studies conducted during the evaluation and decision-making process.

Any records of meetings, discussions, or presentations related to the selection of NEC Australia for the next generation ticketing system.

I understand that some information may be exempt from disclosure under the Freedom of Information Act. However, I request that any possible exemptions be applied only to the extent necessary, and that all reasonably releasable information be provided.

Please inform me of any fees or charges that may be applicable for this request. I am prepared to pay reasonable costs associated with the processing of this request.

I would appreciate receiving the requested information in an electronic format, preferably PDF or Word documents, sent to the email address associated with this FOI request.

Thank you for your attention to this matter. I look forward to a timely response within the statutory timeframe of the Freedom of Information Act.

Yours sincerely,

Attach a description or additional details about the information you are requesting access to (optional)

Do you have a similar or identical request currently under review by another ACT Government Directorate?

Yes

No

Are you enquiring as

Other

Do you wish to apply for a waiver of fees associated with processing your application?

Yes

No

Provide a statement about how the release of information is in the public interest (optional)

Would you like to provide any additional information? (optional)

Attach additional documents to support your application (optional)

Dear [REDACTED]

Freedom of Information Request - Reference 23-053

I refer to your application for access to government information received by Transport Canberra and City Services (TCCS) on 24 May 2023. It is my understanding that you are seeking access to the following government information under the *Freedom of Information Act 2016* (FOI Act):

*“all documents related to the procurement process of the next generation ticketing system, where NEC Australia has been appointed to deliver the said system for Transport Canberra.
Specifically, I kindly request access to the following information and documentation:*

- *Request for Proposal (RFP) or tender documents issued by Transport Canberra for the procurement of the next generation ticketing system.*
- *All prequalification submissions and proposals received from all suppliers in response to the RFP and Expression of Interest (EOI) for the next generation ticketing system.*
- *Evaluation criteria and scoring methodology used during the selection process.*
- *Any contracts, agreements, or memorandums of understanding (MOUs) between Transport Canberra and NEC Australia pertaining to the delivery of the next generation ticketing system.*
- *Correspondence, including emails, letters, and meeting minutes, between Transport Canberra and NEC Australia regarding the next generation ticketing system procurement.*
- *Any reports, assessments, or studies conducted during the evaluation and decision-making process.*
- *Any records of meetings, discussions, or presentations related to the selection of NEC Australia for the next generation ticketing system.”*

I thank you for including your views on public interest in your application:

“I understand that some information may be exempt from disclosure under the Freedom of Information Act. However, I request that any possible exemptions be applied only to the extent necessary, and that all reasonably releasable information be provided.”

Your views have been considered in making my decision on access.

Timeframes

A decision was due on your access application by 26 June 2023. I thank you for agreeing to additional time to decide on your application until 15 September 2023.

On 12 September 2023, a fee estimate was provided to you under section 107 of the FOI Act. In accordance with the FOI Act, a notice of suspension was provided to you on 14 September 2023 as a response to the fee estimate had not been received.

On 18 September 2023, you applied for fee waiver. Under section 40(2)(e) for the FOI Act, the time to decide on your application is extended by the number of working days required to decide on your fee-waiver application.

My decision on your fee-waiver application is detailed under the sub-heading 'charges'.

Authority

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the FOI Act.

Decision on access

In accordance with the FOI Act, a search of TCCS records has been completed and records have been identified as relevant to your application.

Upon review of your application, it was identified that some of the information you are seeking access to is available to the public. In accordance with section 45 of the FOI Act, I am refusing to deal with part of your application because the information is publicly available. Guidance on where to access these records is contained in the schedule enclosed at Attachment A.

Fifty-five additional records have been identified that are relevant to your application. Following a review of the information within the records and applying the public interest test under section 17 of the FOI Act, I have decided to provide you with:

- Full access to 22 records; and
- Partial access to 10 records.

I have refused access to 23 records. Reasons for my decision are detailed further below in the statement of reasons.

The records identified as relevant to your application are listed in the schedule enclosed at Attachment A.

Statement of Reasons

In making my decision on disclosing the relevant government information, I must identify all relevant factors in schedule 1 and 2 of the FOI Act and determine, on balance, where the public interest lies. I have taken the following into account:

- The FOI Act; and
- The *Human Rights Act 2016*.

Schedule 1:

- 1.2 – Legal professional privilege

Schedule 2:

Factors favouring disclosure (Schedule 2.1)

- Schedule 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability;
- Schedule 2.1(a)(ii) - contribute to positive and informed debate on important issues or matters of public interest;
- Schedule 2.1(a)(iii) - inform the community of the government's operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community;
- Schedule 2.1(a)(iv) - ensure effective oversight of expenditure of public funds;
- Schedule 2.1(a)(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision.

Factors favouring non-disclosure (Schedule 2.2)

- Schedule 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2016*;
- Schedule 2.2(a)(xi) - prejudice trade secrets, business affairs or research of an agency or person;
- Schedule 2.2(a)(xii) - prejudice an agency's ability to obtain confidential information;
- Schedule 2.2(a)(xiii) - prejudice the competitive commercial activities of an agency.

Schedule 1.2

In reviewing records 51, 52 and 55, information subject to legal professional privilege has been identified. In accordance with schedule 1.2, access to this information is deemed to be contrary to the public interest. I have decided to refuse access to records 51 and 52 in their entirety. However, record 55 contains information that is not solely subject to legal professional privilege. The remaining information has been reviewed under the public interest test.

Public interest test

In reviewing the relevant records, I have identified a number of factors favouring disclosure of the requested records, including that information is likely to inform the community on the government's operations and background to relevant decisions.

However, I have also identified some instances where factors favouring non-disclosure are applicable. My considerations on the weight of these factors are discussed below.

Personal Information

Records 7, 25, 26 and 40 contains third party personal information, such as names or identifiers. I have considered that this information is not readily available to the public and the disclosure of this information is likely to prejudice the protection of an individual's right to privacy under the *Human Rights Act 2004*. I have attributed significant weight to this

factor and find the disclosure of personal information to be, on balance, contrary to the public interest.

Business affairs, confidential information, and commercial activities

In reviewing the relevant records, information relating to the business affairs of third parties have been identified. This includes the name, financial, contractual, and operational information. I have considered that this information has come into the possession of TCCS for the purpose of procurement and was provided with the expectation that the information be held in confidence.

The confidentiality of information is an expectation of tenderers and is agreed upon during the procurement process. I have also noted that the tender called for innovative solutions, which require a respondent to provide extensive information about their operations and limitations. I have extended this consideration to information where the capabilities of respondent submissions are measured against each other, as this deliberative process is unable to be disclosed without also disclosing information relating to their business affairs. I have also considered that this information is not readily available to the public and is likely to reveal information that results in a competitive disadvantage.

The ability for TCCS to obtain confidential information is essential for a competitive procurement process and its ability to procure a service vital to its functions. I have considered that the disclosure of information likely to harm third party business affairs is likely to prejudice the ability of obtaining confidential information in future.

I have placed significant weight on schedule 2.2(a)(xi), 2.2(a)(xii) and 2.2(a)(xiii) as the disclosure of the information is likely to prejudice the ability to obtain confidential information in future procurement processes, by prejudicing the business affairs of the relevant third parties.

I have found that the factors favouring disclosure can be satisfied with the deletion of information which is contrary to the public interest.

Charges

In accordance with [Freedom of Information \(Fees\) Determination 2018](#), a fee of \$0.35 per page of information disclosed, except for the first 50 pages, may be applied to an access application.

On 12 September 2023, you were provided with a fee estimate of \$288.40 under section 107 of the FOI Act.

On 18 September 2023, you made an application for fee waiver under section 107(b) of the FOI Act. It is my understanding that your view on grounds for the fee to be waived is under the provision of special benefit to the public. I thank you for providing the following views:

“The information in question pertains to matters that, when made accessible to the public, would further enrich public discourse and understanding of key issues that have broad societal implications. The value of such information being freely available goes beyond mere numbers of pages or the format in

which it's delivered; it touches upon our collective right to be informed and engage in matters of public importance.

Considering the above, and after reviewing the guidelines provided, I earnestly request a waiver of the associated fees, as I firmly believe the release of this information aligns with the overarching intent of the FOI Act, which is to foster a more informed and participative citizenry."

In making my decision on your application for fee waiver, I have considered the guidance provided by the ACT Ombudsman in *the Freedom of Information Guidelines: Dealing with Access Applications, February 2020*. The Ombudsman considers information is of special benefit to the public if it better informs the public about government or concerns a public issue. For example, the information would add to the public record on an important and recurring aspect of decision making.

I acknowledge your views, including that the information you have applied to access pertains to matters that would further enrich public discourse and understanding of key issues that have broad societal implications.

While the delivery of a ticketing system, including reasons behind the government's decision to introduce a new system, may relate to a public issue, the information requested under this application is specific to a commercial decision about evaluating proposals. The information contained within the relevant records is unique to this process and is not a type that would inform the public in an important and reoccurring aspect of decision making.

In this instance I have found that your application does not meet the requirements of a fee-waiver as the disclosure of the relevant records is not of special benefit to the public.

A fee of \$288.40 is payable on the pages to be disclosed to you, excluding the first fifty. An invoice for payment will be provided to you separately by email within the next three business days.

In accordance with section 49 of the FOI Act, access to the information to be disclosed is deferred. Following notification that payment has been made, the relevant records to be disclosed will be provided to you within 2 business days.

Online publishing – disclosure log

Under section 28 of the Act, TCCS maintains an online record of access applications called a disclosure log. In accordance with section 28, your application, my decision and the information disclosed to you will be published within 3 – 10 business days of the information being disclosed to you. Your personal information will be removed prior to publication. You may view the TCCS' disclosure log [here](#).

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek an Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in TCCS' disclosure log, or a longer period allowed by the Ombudsman.

TCCS.FOI@act.gov.au | phone: (02) 620 72987 | www.act.gov.au

If you wish to request a review of my decision, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601
Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) review

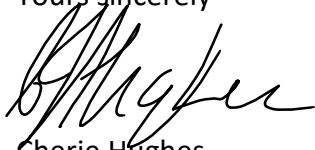
Under section 84 of the Act, if a decision is made under section 82 on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore Street
GPO Box 370
CANBERRA CITY ACT 2601
Telephone: (02) 6207 1740
www.acat.act.gov.au

If you have any queries concerning the directorate's processing of your request, or would like further information, please contact the TCCS FOI team on (02) 6207 2987 or email to tccs.foi@act.gov.au.

Yours sincerely



Cherie Hughes
Information Officer

13 October 2023

ATTACHMENT A - ACCESS APPLICATION SCHEDULE, FREEDOM OF INFORMATION

Reference Number: 23-053

Please be aware that under the *Freedom of Information Act 2016*, some of the information provided to you will be released to the public through the ACT Government's Open Access Scheme. The Open Access release status column of the table below indicates what documents are intended for release online through open access.

Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform the contact officer immediately.

Information about what is published on open access is available online at: https://www.cityservices.act.gov.au/about-us/freedom_of_information/disclosure-log

Factors favouring non-disclosure:

Schedule 1.2 – Legal professional privilege;

Schedule 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2016;

Schedule 2.2(a)(xi) - prejudice trade secrets, business affairs or research of an agency or person;

Schedule 2.2(a)(xii) - prejudice an agency's ability to obtain confidential information;

Schedule 2.2(a)(xiii) - prejudice the competitive commercial activities of an agency.

Reference number	Page number	Description	Date	Status	Reason for non-release or deferral	Open Access release status
1	-	Published EOI Tender Package	Multiple	Refused	Already available. Copies can be obtained through the Tenders ACT website.	Decision to be published on the TCCS Disclosure Log . Applicant's personal information will be removed prior to
2	-	EOI Debriefs - 220214 Deed of Acknowledgement and Agreement	February 2022	Refused	Schedule 2.2(a)(xi)	
3	-	EOI Debriefs - 11Feb2022	11 February	Refused	Schedule 2.2(a)(xi), Schedule 2.2(a)(xii) and	

			2022		Schedule 2.2(a)(xiii)	publication.
4	-	EOI Tender Responses and attachments, multiple	August 2021	Refused	Schedule 2.2(a)(xi), Schedule 2.2(a)(xii) and Schedule 2.2(a)(xiii)	
5	-	EOI Evaluation Team Workbooks, multiple	November 2021	Refused	Schedule 2.2(a)(xi), Schedule 2.2(a)(xii) and Schedule 2.2(a)(xiii)	
6	1	EOI Next Gen Ticketing EOI Tender Evaluation Report	November 2021	Partial access	Schedule 2.2(a)(xi), Schedule 2.2(a)(xii) and Schedule 2.2(a)(xiii)	
7	48	EOI Signed TET Ticketing - Tender Evaluation Plan EOI	November 2021	Partial access	Schedule 2.2(a)(ii)	
8	100	RFP Published RFP Tender WIRE - TRSY21-36622 GS0314302 Request for Proposal (RFP)	25 February 2022	Full access	Not applicable	
9	132	RFP Published RFP Tender WIRE - TRSY21-41148 RFPGS0314302 Attachment A Statement of Requirements	25 February 2022	Full access	Not applicable	
10	167	RFP Published RFP Tender WIRE - TRSY21-47922 RFPGS0314302 Attachment A SOR Cyber Security Policy Version 3.0.6	17 February 2021	Full access	Not applicable	
11	209	RFP Published RFP Tender WIRE - TRSY22-12227 RFPGS0314302 Attachment B General Response Schedule	Undated	Full access	Not applicable	
12	242	RFP Published RFP Tender WIRE - TRSY21-36621 RFPGS0314302 Attachment C Pricing Pro Forma	Undated	Full access	Not applicable	
13	248	RFP Published RFP Tender WIRE - TRSY21-47920 RFPGS0314302	Undated	Full access	Not applicable	

		Attachment D Draft Agreement				
14	434	RFP Published RFP Tender WIRE - TRSY21-36624 RFPGS0314302 Attachment E LIPP	April 2019	Full access	Not applicable	
15	-	RFP Published RFP Tender WIRE - TRSY21-47921 RFPGS0314302 Request for Proposals Active Travel Framework	May 2015	Refused	Publicly available here	
16	442	RFP Published RFP Tender Addendum 1 RFPGS0314302 Request for Proposals V2	21 April 2022	Full access	Not applicable	
17	475	RFP Published RFP Tender Addendum 1 RFPGS0314302 Attachment A Statement of Requirements V2	Undated	Full access	Not applicable	
18	510	RFP Published RFP Tender Addendum 1 RFPGS0314302 Attachment B General Response V2	Undated	Full access	Not applicable	
19	543	RFP Published RFP Tender RFP GS0314302 Addendum 1	21 April 2022	Full access	Not applicable	
20	546	RFP Published RFP Tender RFP GS0314302 Addendum 2	28 April 2022	Full access	Not applicable	
21	548	RFP Published RFP Tender RFP GS0314302 Addendum 3	28 April 2022	Full access	Not applicable	
22	557	RFP Published RFP Tender RFP GS0314302 Addendum 4	21 April 2022	Full access	Not applicable	
23	562	RFP Published RFP Tender RFP GS0314302 Addendum 5	21 April 2022	Full access	Not applicable	

24	564	RFP Published RFP Tender RFP GS0314302 Addendum 6	28 April 2022	Full access	Not applicable
25	569	RFP Evaluation Report - Signed By DG	22 June 2022	Partial access	Schedule 2.2(a)(xi), Schedule 2.2(a)(ii), Schedule 2.2(a)(xii) and Schedule 2.2(a)(xiii)
26	643	RFP NEC Australia GS0314302 - Successful Tenderer Letter	23 June 2022	Partial access	Schedule 2.2(a)(ii)
27	-	RFP GS0314302 Pricing Evaluation workbook 20220602	June 2022	Refused	Schedule 2.2(a)(xi), Schedule 2.2(a)(xii) and Schedule 2.2(a)(xiii)
28	-	RFP PA GS0314302 Att 4 Tender Evaluation Plan - Update to TET Jan23 SIGNED - with TEC acceptance 060622	June 2022	Refused	Schedule 2.2(a)(xi), Schedule 2.2(a)(xii) and Schedule 2.2(a)(xiii)
29	-	RFP RFP Compliance 6 May	6 May 2022	Refused	Schedule 2.2(a)(xi), Schedule 2.2(a)(xii) and Schedule 2.2(a)(xiii)
30	-	RFP Responses and attachments	Multiple	Refused	Schedule 2.2(a)(xi), Schedule 2.2(a)(xii) and Schedule 2.2(a)(xiii)
31	-	RFP Referee Reports	Multiple	Refused	Schedule 2.2(a)(xi), Schedule 2.2(a)(xii) and Schedule 2.2(a)(xiii)
32	-	RFP Debriefs	Multiple	Refused	Schedule 2.2(a)(xi), Schedule 2.2(a)(xii) and Schedule 2.2(a)(xiii)
33	644	BAFO GS0314302 Request for BAFO - Final	22 December 2022	Full access	Not applicable
34	648	BAFO GS0314302 Attachment B - Response Schedules - Final	December 2022	Full access	Not applicable
35	659	BAFO GS0314302 Attachment C Pricing Pro Forma	December 2022	Full access	Not applicable

36	665	BAFO GS0314302 Territory Approach to Market (ATM) Terms and Conditions	December 2022	Full access	Not applicable
37	686	RFP GS0314302 Addendum 07 - Issued 091222	December 2022	Full access	Not applicable
38	688	BAFO Evaluation Report NGT BAFO - Fully Executed	February 2022	Partial access	Schedule 2.2(a)(xi), Schedule 2.2(a)(xii) and Schedule 2.2(a)(xiii)
39	730	BAFO GS0314302 Tender Evaluation Plan - Stage 2 BAFO Jan23	January 223	Full access	Not applicable
40	782	BAFO NEC Australia Successful Tenderer GS0314302 13022023	13 February 2023	Partial access	Schedule 2.2(a)(ii)
41	-	BAFO Attachment C GS0314302 Evaluation Scoring Workbook BAFO	Undated	Refused	Schedule 2.2(a)(xi), Schedule 2.2(a)(xii) and Schedule 2.2(a)(xiii)
42	-	BAFO Responses and attachments	Multiple	Refused	Schedule 2.2(a)(xi), Schedule 2.2(a)(xii) and Schedule 2.2(a)(xiii)
43	-	BAFO Debriefs	Multiple	Refused	Schedule 2.2(a)(xi), Schedule 2.2(a)(xii) and Schedule 2.2(a)(xiii)
44	-	BAFO Attachment J	Undated	Refused	Schedule 2.2(a)(xi), Schedule 2.2(a)(xii) and Schedule 2.2(a)(xiii)
45	-	Negotiations Correspondence	Multiple	Refused	Schedule 2.2(a)(xi), Schedule 2.2(a)(xii) and Schedule 2.2(a)(xiii)
46	-	Negotiations NGT System - Negotiation Log - 30 Jan 23	30 January 2023	Refused	Schedule 2.2(a)(xi), Schedule 2.2(a)(xii) and Schedule 2.2(a)(xiii)
47	-	Contract TCCS - NEC - NGT Contract - FINAL - 20Feb23 EXECUTED	20 February 2023	Refused	Schedule 2.2(a)(xi), Schedule 2.2(a)(xii) and Schedule 2.2(a)(xiii)

48	-	Contract TCCS - NEC - NGT Contract - FINAL - 20Feb23 - PUBLIC TEXT V2 PDF	20 February 2023	Refused	Public version available here
49	-	Contract GS0314302 - Deed of Variation	20 February 2023	Refused	Public version available here
50	-	BAFO Attachment F GS0314302 Contract Departures Report	Undated	Refused	Schedule 1.2
51	-	RFP TCCS - NGT System - Legal Compliance Risk Report - 25May22	25 May 2022	Refused	Schedule 1.2
52	783	EOI NGT EOI Evaluation - Delegate (DG) briefing 20211109	9 November 2021	Partial access	Schedule 2.2(a)(xi), Schedule 2.2(a)(xii) and Schedule 2.2(a)(xiii)
53	798	RFP Evaluation - Delegate Briefing 20220623 v2	23 June 2022	Partial access	Schedule 2.2(a)(xi), Schedule 2.2(a)(xii) and Schedule 2.2(a)(xiii)
54	821	RFP Evaluation - EC Briefing 20220606	6 June 2022	Partial access	Schedule 2.2(a)(xi), Schedule 2.2(a)(xii) and Schedule 2.2(a)(xiii)
55	850	BAFO Attachment H GS0314302 Delegate Briefing 20230210	10 February 2023	Partial access	Schedule 2.2(a)(xi), Schedule 2.2(a)(xii), Schedule 2.2(a)(xiii), and Schedule 1.2





ACT
Government

Procurement ACT

Evaluation Report

GS0314302

**Request for Expressions of
Interest (REOI)**

**Next Generation Ticketing
System for Transport
Canberra**

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1. Executive Summary

1.1. Introduction

- 1.1.1. This procurement is being conducted in two stages;
 - (a) Request for Expression of Interest (REOI) – with the aim to select a shortlist of Tenderers who will be invited for the second stage; and
 - (b) Request for Proposal (RFP) – to appoint the successful Contractor to deliver the Services.
- 1.1.2. This Evaluation Report is for the Request for Expression of Interest (REOI) – Next Generation Ticketing System for Transport Canberra and describes the evaluation process that was undertaken in accordance with the REOI and the approved Evaluation Plan.
- 1.1.3. This Evaluation Report details the outcomes of the evaluation process and provides recommendations to the Delegate of a shortlist of Tenderers to be invited to participate in the second stage of the procurement process.

1.2. Background

- 1.2.1. The Territory had a requirement to market test the provision of Next Generation Ticketing System for Transport Canberra to support its requirements and operations.
- 1.2.2. The EOI was developed utilising the Procurement ACT suite of tendering documents with the assistance of Procurement ACT.
- 1.2.3. In accordance with the *Government Procurement Act 2001* and the *Government Procurement Regulation 2007*, the REOI was issued by the Territory as a Public Tender via Tenders ACT on 06/08/2021 and closed at 2:00pm (ACT Local Time) on 16/09/2021.
- 1.2.4. Three (3) addenda were issued providing answers to questions of clarification in relation to the REOI.
- 1.2.5. All responses were lodged using the Tenders ACT electronic distribution functionality, which allows potential Suppliers to submit Response to a secure electronic Response Box via the Tenders ACT website.
- 1.2.6. 20 Response responses were received, with one (1) set aside due to not meeting the general compliance requirements of the REOI.

1.3. Evaluation Summary

- 1.3.1. A Shortlisting Assessment was conducted in accordance with the approved Evaluation Plan to determine the Respondents deemed capable to proceed to the next stage of the procurement process.
- 1.3.2. On 16 November 2021, the Evaluation Committee met to consider the findings of the Evaluation Team and agree the recommendations to the Delegate.

1.4. Evaluation Recommendations

- 1.4.1. The Evaluation Committee through this Evaluation Report wishes to seek Delegate approval of the evaluation outcomes and the recommendation to shortlist the following Respondents to participate in the RFP process:

RESPONDENT	TOTAL WEIGHTED TECHNICAL SCORE	ROUGH ORDER OF MAGNITUDE COST (GST INC)	RISK RATING	RANK
NEC Australia Pty Ltd				

2. Tender Evaluation Team Membership

2.1. Evaluation Team

- 2.1.1. The Evaluation Team comprised the following members:

ROLE	NAME
Evaluation Team Chair	Sarah Taylor Dayus
Evaluation Team Facilitator (Procurement Officer - G&S Procurement)	Fiona Vink
Member	Paul Skidmore
Member	Hamish Stephens
Member	John Bowdery

2.2. Technical / Specialist Advisors

NOT USED

2.3. Probity Advisors / Auditor

- 2.3.1. The Evaluation Team was supported throughout the evaluation by the following Probity Advisors, who were called upon on an ‘as-required’ basis:

PROBITY ADVISORS / AUDITORS	
Probity	Sparke Helmore Lawyers

3. Probity, Disclosure of Conflicts of Interest and Confidentiality

- 3.1.1. All members of the Evaluation Team were asked to disclose any conflict of interest or association they might have with the Tenderers that have submitted Responses.
- 3.1.2. No Evaluation Team member has disclosed that he or she has a conflict of interest or association with any of the Respondents.
- 3.1.3. All documents and proceedings of the Evaluation Team have been treated as confidential.

4. Evaluation Overview

4.1. Evaluation Approach

- 4.1.1. The evaluation was conducted in accordance with the guidelines and methodology detailed in the approved Evaluation Plan dated 5/8/2021.
- 4.1.2. The evaluation was based upon the requirements published in the REOI and the Assessment Criteria set out in the approved Evaluation Plan. The evaluation approach utilised a weighted scoring system supported by qualitative judgement.
- 4.1.3. As outlined in the approved Evaluation Plan, the evaluation process was divided into the following stages and parts:

Phase 1 REOI	<u>Stage 1.1: Receipt and Registration of Responses (Tenders ACT)</u>
	<i>Stage 1.1A: Lodgement</i>
	<i>Stage 1.1B: Late Tenders</i>
	<u>Stage 1.2: Compliance Assessment</u>
	<i>Stage 1.2A: General Compliance</i>
	<i>Stage 1.2B: Threshold Assessment Criteria</i>
	<i>Stage 1.2C: Incomplete Response</i>
	<u>Stage 1.3: Technical Assessment</u>

	<i>Stage 1.3A: Technical Evaluation</i>
	<i>Stage 1.3B: Clarifications (if required)</i>
	<i>-Risk assessment</i>
	<i>Stage 1.3C: Shortlisting</i>
	<u>Stage 1.4: Evaluation Report (Shortlisting Report)</u>
	<u>Stage 1.5: Notification of the Second Stage Respondents</u>
	<u>Stage 1.6: Notification of Unsuccessful Respondents and Debriefing</u>
Review and approve RFP Documentation	<ul style="list-style-type: none"> • Amend/Refine RFP documentation if required, Delegate to approve any changes to documents including refinement of evaluation criteria and weightings. • RFP released to shortlist • Stage 2 begins upon RFP Close (refer to Tender Evaluation Plan for detail)

4.2. Evaluation Methodology

4.2.1. Prior to commencing the evaluation process, all Evaluation Team members and Advisors involved in the evaluation completed and/or familiarised themselves with:

- (a) declarations of confidentiality and conflict of interest;
- (b) the REOI, Standard Conditions of Response and all addenda;
- (c) the relationship between the Assessment Criteria, the Goods and Services and the Territory’s requirements / operations; and
- (d) the evaluation processes (as relevant to them) outlined in the approved Evaluation Plan; and
- (e) all requirements of the Territory’s procurement, probity and financial policies.

5. Assessment Criteria

5.1. Threshold Assessment Criteria

5.1.1. Not applicable.

5.2. Weighted Assessment Criteria

5.2.1. Responses were assessed against the following Weighted Assessment Criteria:

NO.	WEIGHTED ASSESSMENT CRITERIA	WEIGHTING
<p>WC 1</p>	<p>Experience</p>	<p>35%</p>
	<p>Respondents are required to demonstrate their experience in the delivering full ticketing and real time passenger information solutions by providing information on previous project examples that have been successfully undertaken and completed. Respondents will be evaluated to the degree that their experience demonstrates the relevance of the proposed reference sites to the Solution being sought in this REOI.</p> <p>(a) Respondents are to provide information on their success in projects of comparable scope and complexity to the project. Details should involve:</p> <ul style="list-style-type: none"> i. project names; ii. client organisations; iii. approximate contract \$ values; iv. Contract implementation timeframes; v. key client contacts; vi. Key project challenges and how they were addressed <p>Responsibility for the outcomes at the reference sites.</p>	
<p>WC 2</p>	<p>Capability</p>	<p>55%</p>
	<p>Respondents are to demonstrate their capability against the project objectives and scope overview detailed in this REOI, pursuant to meeting the Territory’s desired outcomes.</p> <p>a) Respondents are required to provide an outline of:</p> <ul style="list-style-type: none"> i. the organisational structure and team they have to service the project objectives of the TCCS Next Generation Ticketing System and Realtime Passenger Information Services. Information is it include roles and responsibilities of proposed key personal and any sub-contractors. ii. typical risks involved in the delivery of a Solutions such as required in this REOI and 	

NO.	WEIGHTED ASSESSMENT CRITERIA	WEIGHTING
	<p>management measures that may be used in addressing those risks.</p> <p>b) Respondents will also be evaluated against the degree to which they demonstrate the capability to deliver:</p> <ul style="list-style-type: none"> i. All elements of the Solution to work together seamlessly. ii. Completeness of the solution across the full Objectives. iii. Assurances pursuant to open standards and architecture. <ul style="list-style-type: none"> (b) Quality and completeness of project planning. (c) Solutions to integrate with management systems. (d) Credible cost estimates. <p>An organisational structure to service the project objectives to include sub-contracts and key personal aligned with titles and positions for resource allocation.</p>	
WC3	Social Outcomes	10%
	<p>The Territory will assess the extent to which the response demonstrates how the business will support employment security, health and wellbeing, diversity, and career development for personnel/subcontractors.</p> <p>The response must have been developed in consultation with the Tenderer’s personnel and include a statement about how this has been done.</p> <p>In addition to the above, please provide a detailed response on how the Tenderer will deliver the diversity and social procurement outcomes (including any targets proposed) for the Territory which may include initiatives such as:</p> <ul style="list-style-type: none"> • Gender diversity - through the inclusion of women in the Tenderer’s management and the subcontractor teams. Refer https://www. 	

NO.	WEIGHTED ASSESSMENT CRITERIA	WEIGHTING
	<p>communityservices.act.gov.au/women/womens-plan-2016-26/second-action-plan-2020-22;</p> <ul style="list-style-type: none"> • ACT Aboriginal and Torres Strait Islander engagement and participation - through providing opportunities for Aboriginal and Torres Strait Islander people in employment or enterprises as subcontractors. Refer https://www.procurement.act.gov.au/policy-and-resources/procurement-from-aboriginaland-torres-strait-islander-organisations; and <p>Social outcomes for the Canberra community – through employment of culturally and linguistically diverse persons, disadvantaged persons, apprentices, cadets and graduates by the Tenderer and its subcontractors.</p>	

5.3. Non-Weighted Assessment Criteria

Responses were assessed against the following Non-Weighted Assessment Criteria:

NO.	NON-WEIGHTED ASSESSMENT CRITERIA
NWC 1	Pricing: EOI – Tenderers are requested for "Rough order of magnitude" ROM response (risk based assessment).

6. Stage 1: Receipt and Registration of Responses

6.1. Stage 1A: Lodgement

- 6.1.1. Responses were received and registered in accordance with the approved Evaluation Plan and the Territory's electronic Tender Box protocols.
- 6.1.2. Responses received were securely stored by the Evaluation Team Facilitator and the information contained in them was treated as Commercial-In-Confidence.

6.1.3. 20 responses were received from the following Respondents by the Closing Time and Date and registered by the Tenders ACT team:

NO.	REGISTERED BUSINESS NAME	ABN/ACN
[Redacted]		
10	NEC Australia Pty Ltd	86001217527
[Redacted]		

6.1.4. These were registered in the EDRMS.

6.2. Stage 1B: Late Responses

6.2.1. No Late Responses were received after the Closing Time and Date.

7. Stage 1.2: Compliance Assessment

7.1. Stage 1.2A: General Compliance

7.1.1. Procurement ACT undertook a conformity/compliance check on all lodged Responses.

7.1.2.

7.1.3.

7.1.4. All other responses were assessed as “compliant” and proceeded to **Stage 3: Technical Assessment**.

7.2. Stage 1.2B: Threshold Assessment Criteria

7.2.1. Not applicable.

7.3. Stage 1.2C: Incomplete Responses

7.3.1. [REDACTED] submitted a Response that had one or more areas of incompleteness. The areas of incompleteness are:

- (a) Insurance Certificates not provided; and
- (b) Referees not provided.

The Chair agreed to seek the additional information to enable progression of the Response. This was requested and received the same day of the request.

7.3.2. All other Response responses were assessed as “complete” and proceeded to **Stage 3: Technical Assessment**.

7.4. Stage 1.2D: Redaction and Removal of Pricing Information

7.4.1. Pricing elements were redacted and removed from all Responses to ensure a two-stage evaluation process was conducted, whereby price does not influence evaluation of the technical assessment.

7.4.2. Pricing elements were provided to the Evaluation Team at the completion of the Stage 3: Technical Assessment, in preparation for the Stage 4: Pricing Assessment, Stage 5: Risk Assessment and Stage 6: Value for Money Assessment.

8. Stage 1.3: Technical Assessment

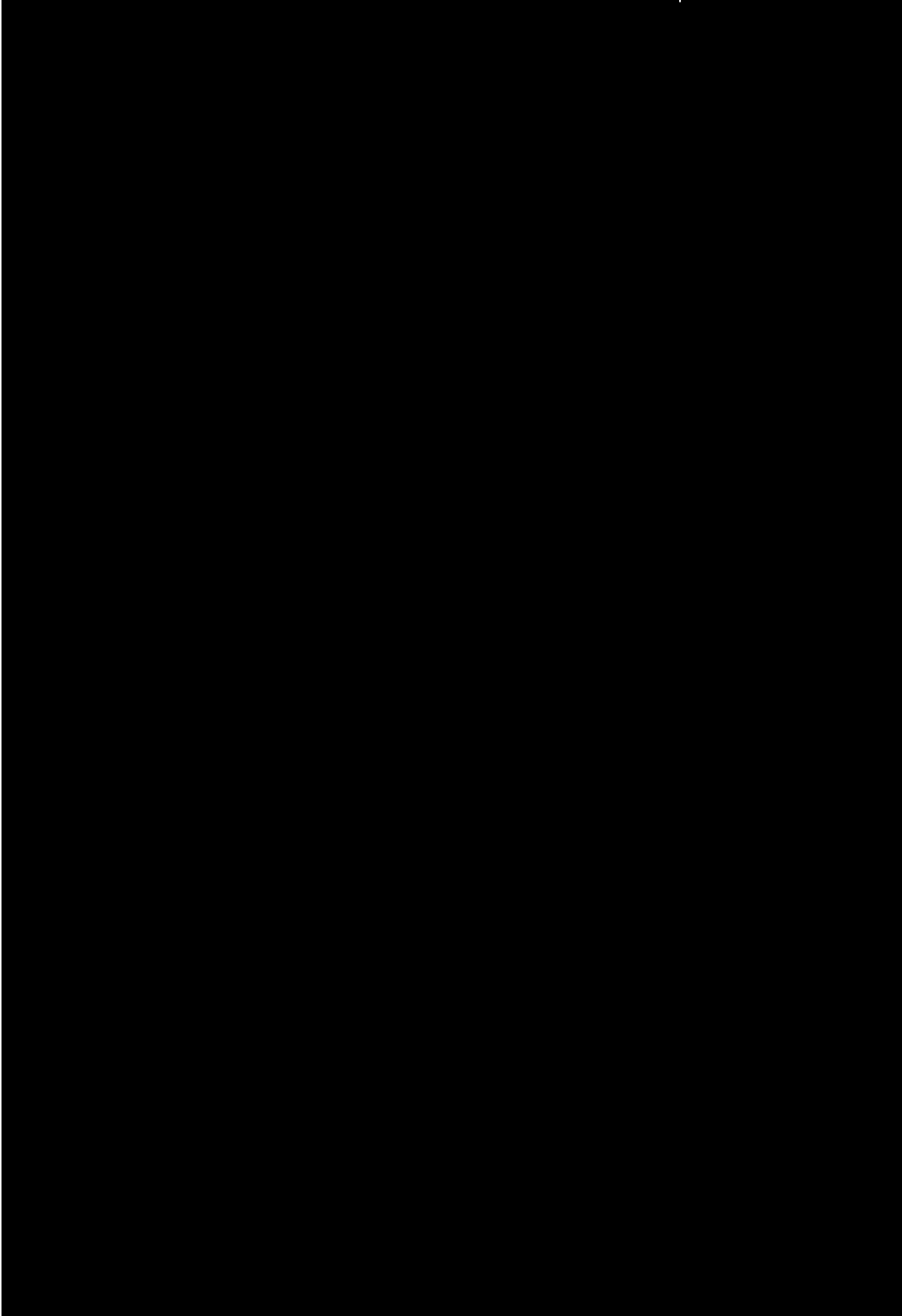
8.1. Stage 1.3A: Technical Evaluation

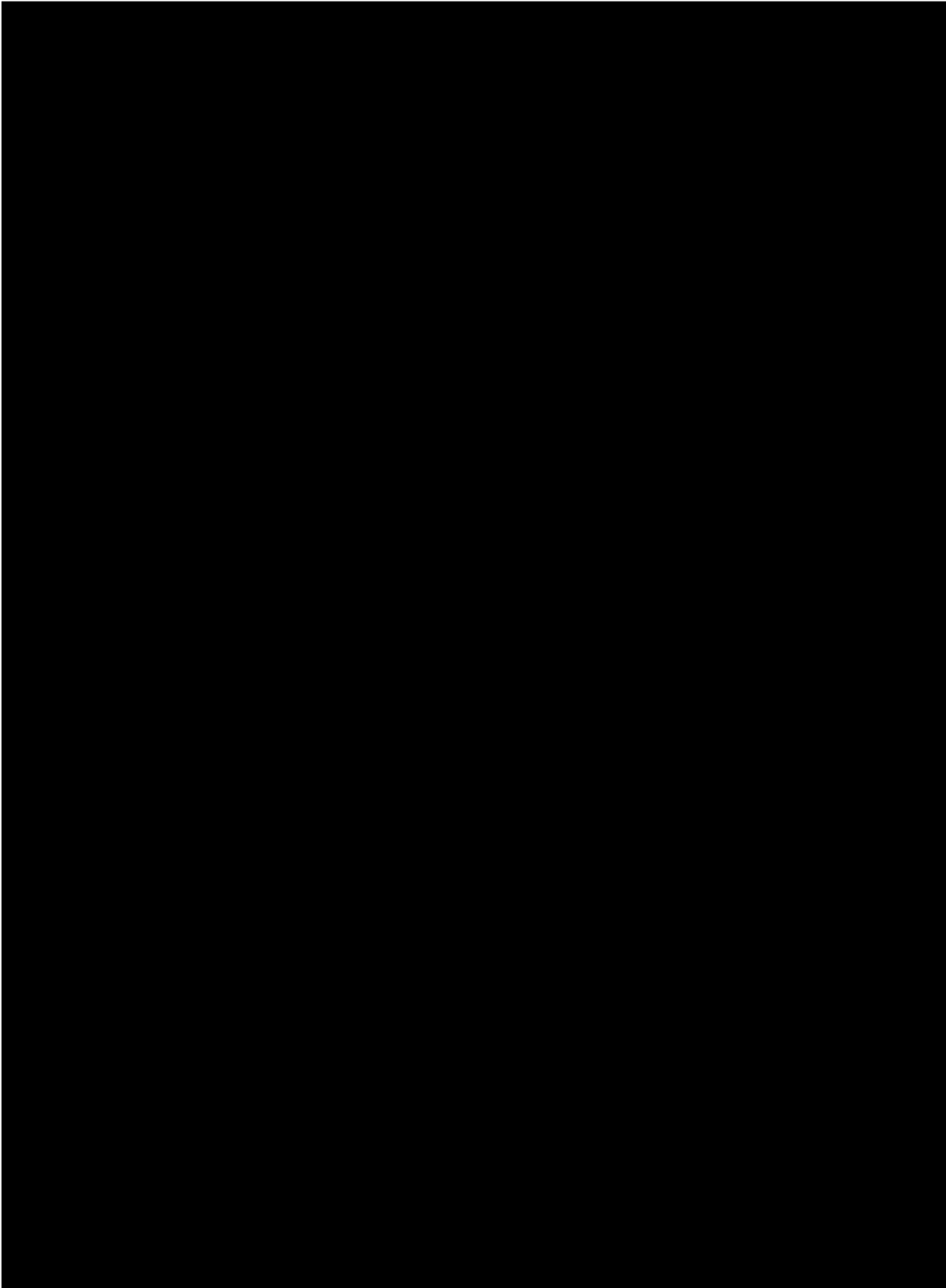
8.1.1. The Evaluation Team considered all relevant information, conducted an objective analysis and scored each evaluation criterion of the Responses using the Scoring Scale as detailed in the approved Evaluation Plan.

8.1.2. A summary of each Respondent’s weighted technical score and ranking is provided in the following table:

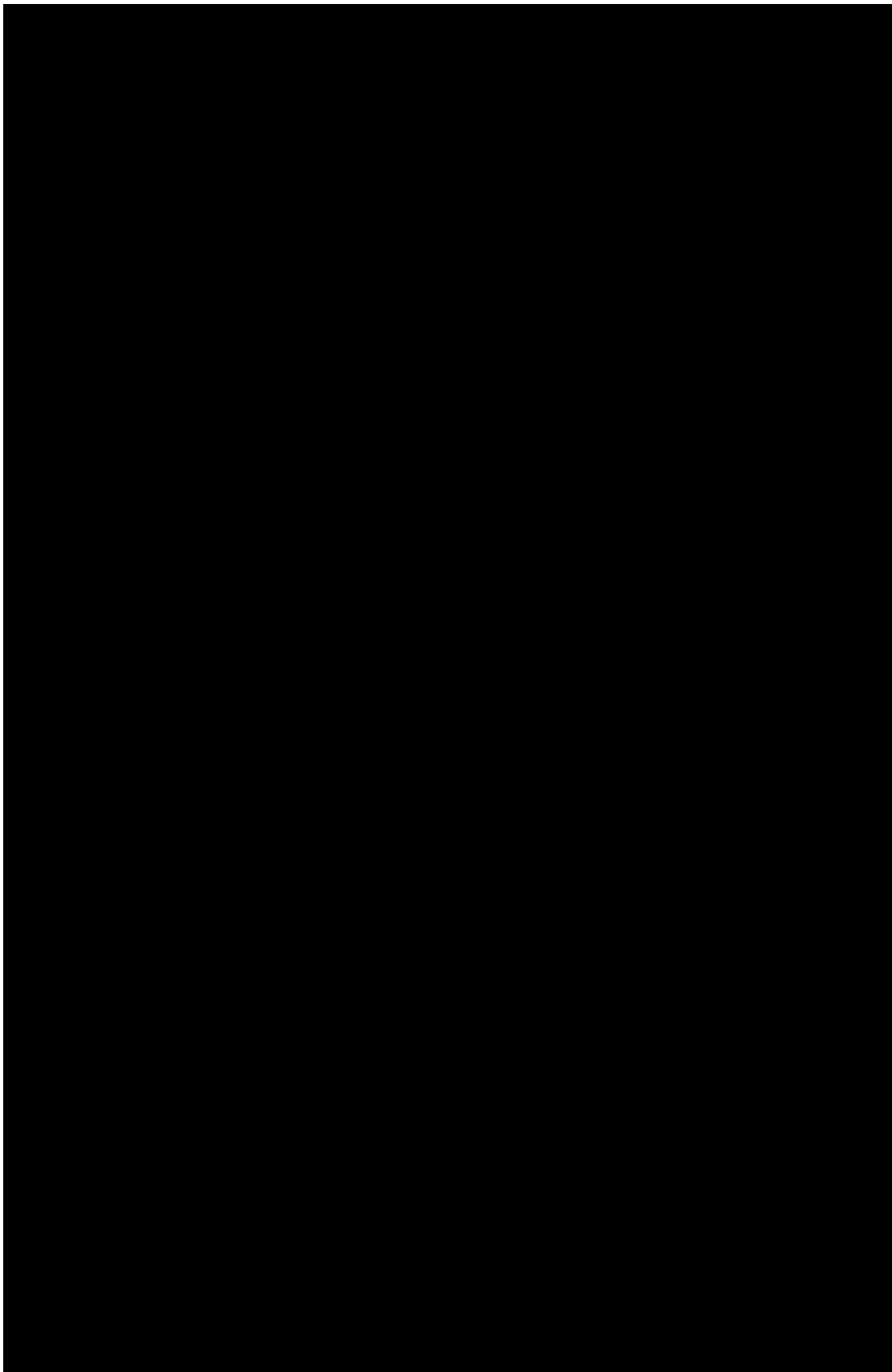
No.	Respondent	Tech score/1000	Rank
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.	NEC Australia Pty Ltd		
11.			
12.			
13.			
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19.			
20.			

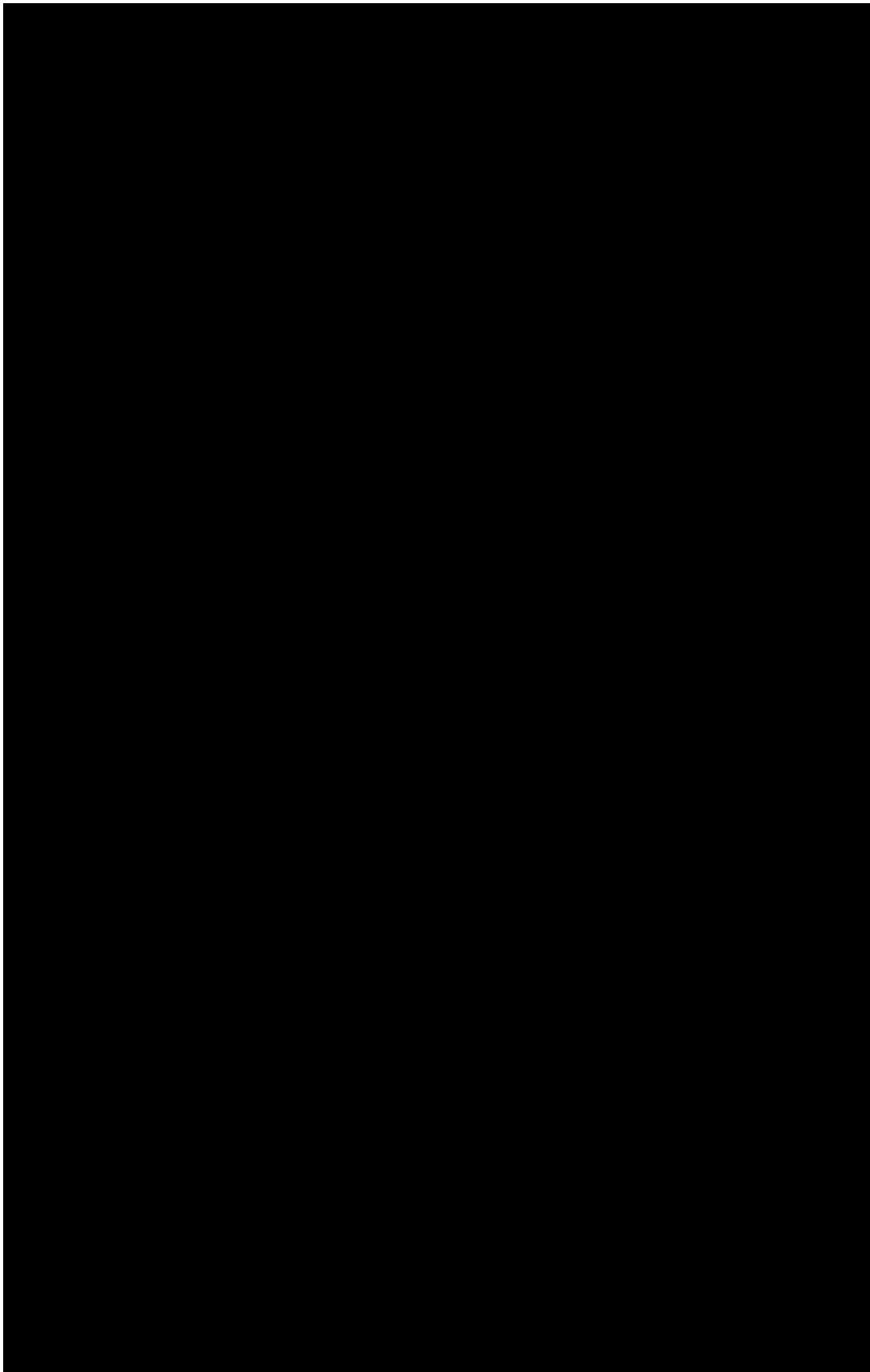
8.1.3. A summary of the technical evaluation commentary of each Response is provided in the following table,

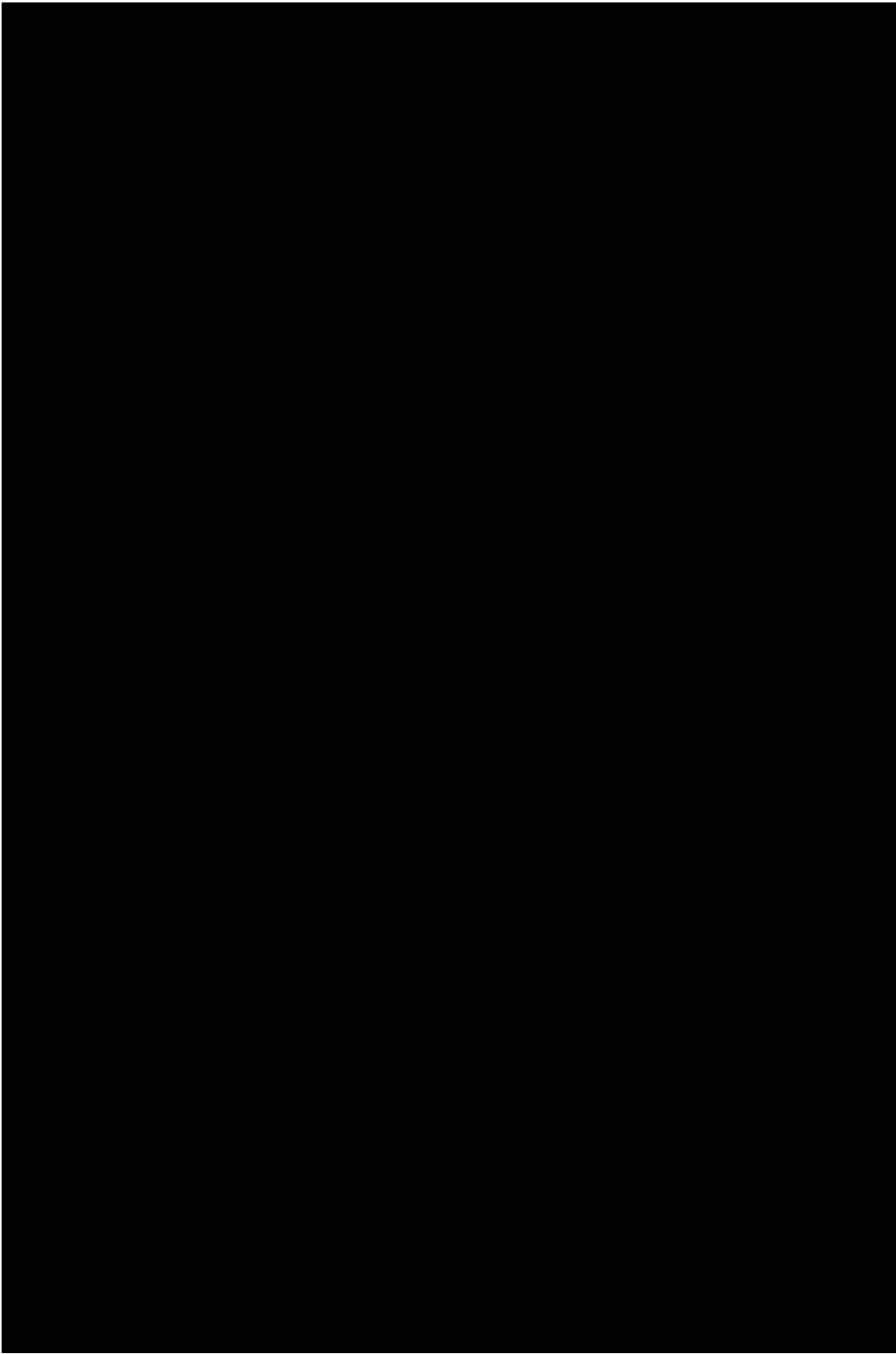


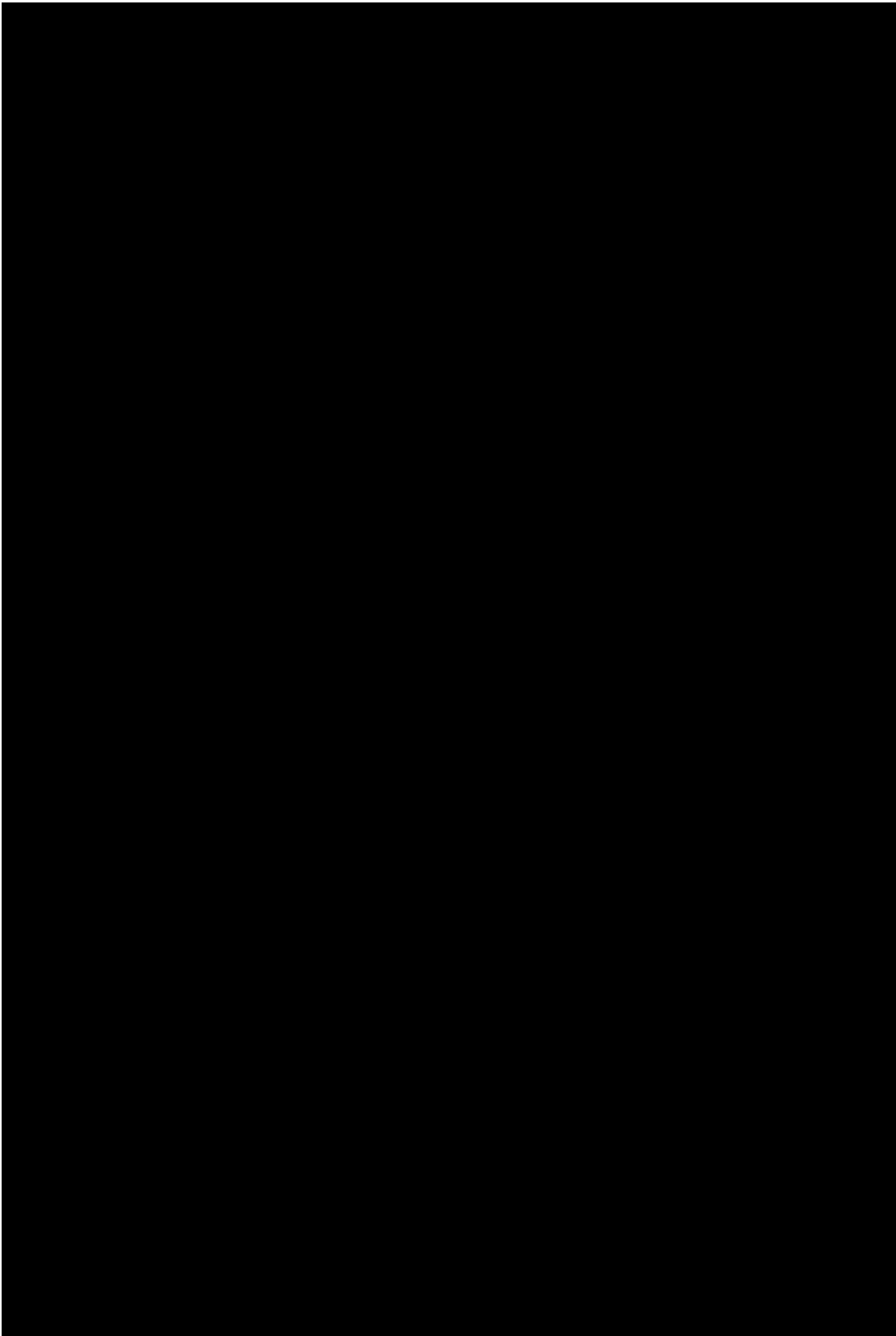


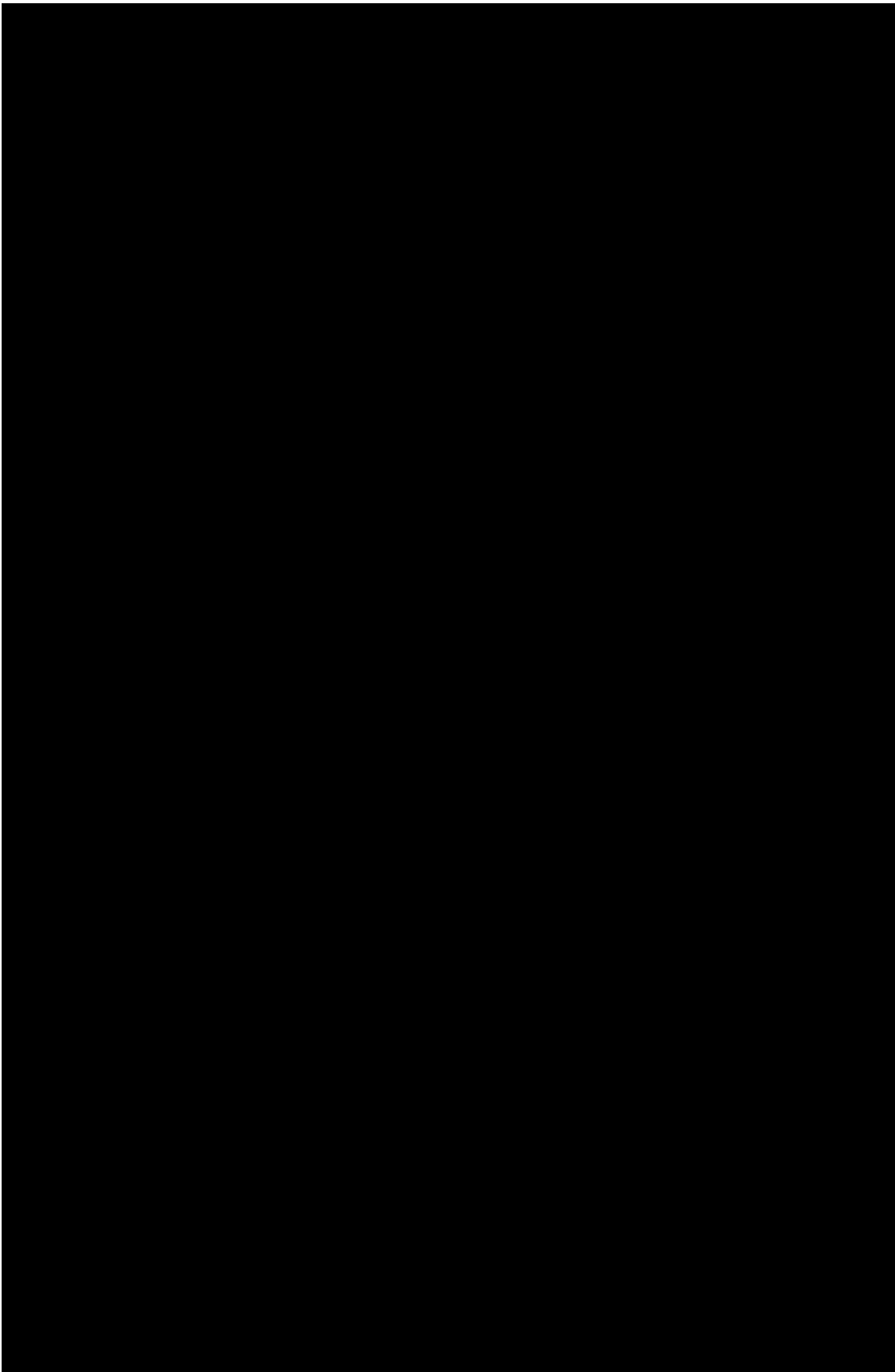
NEC AUSTRALIA PTY LTD

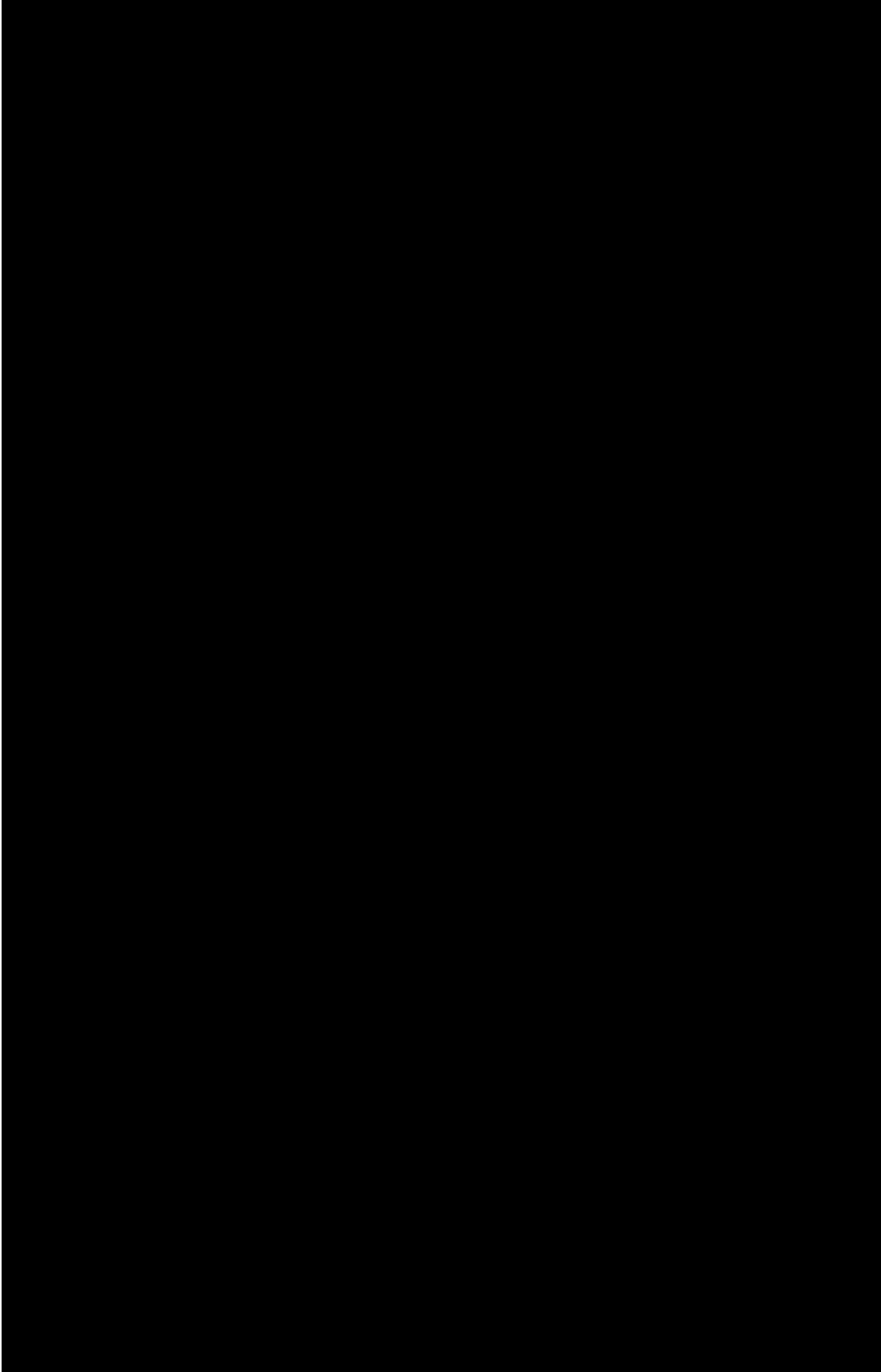


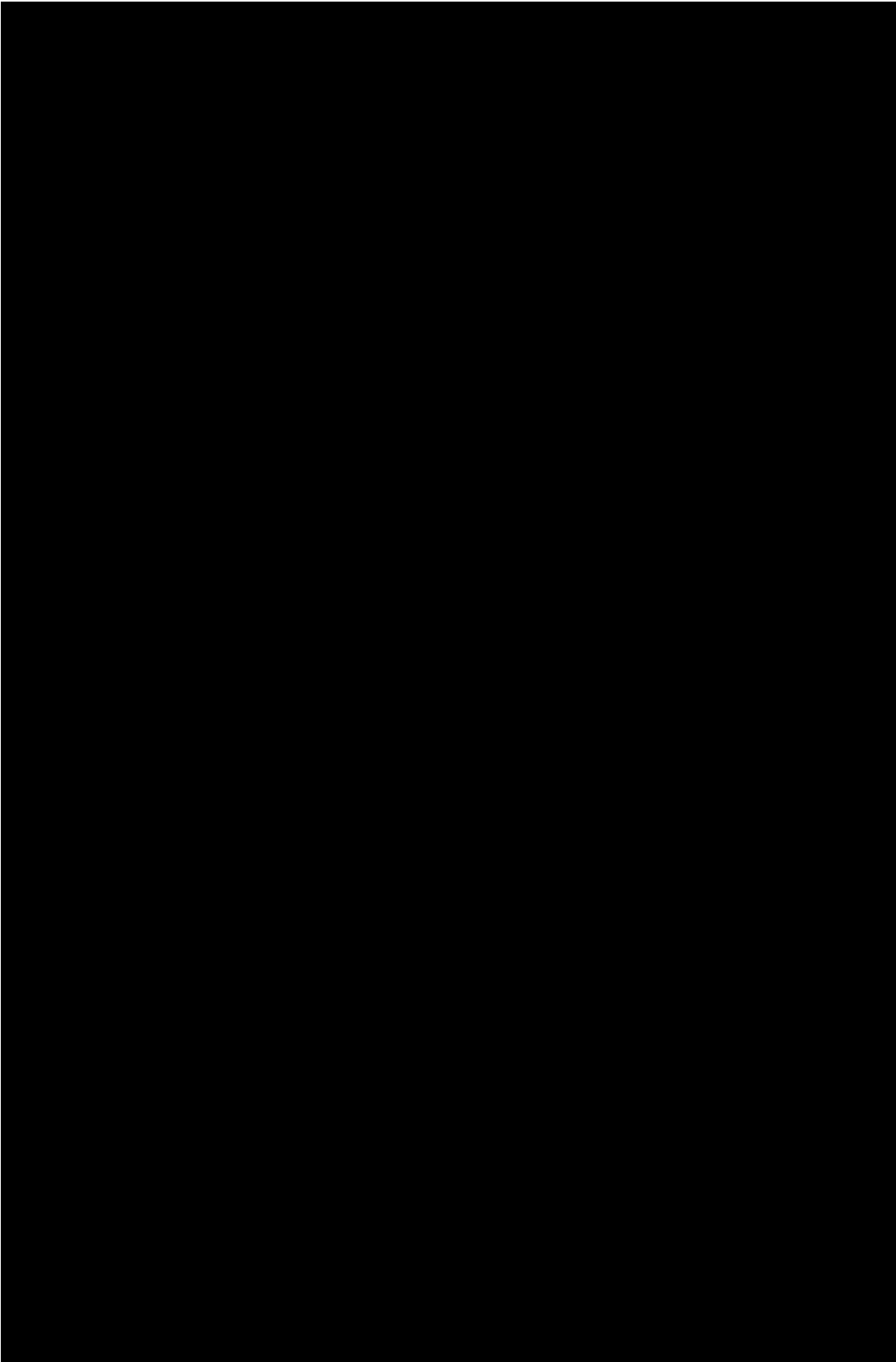


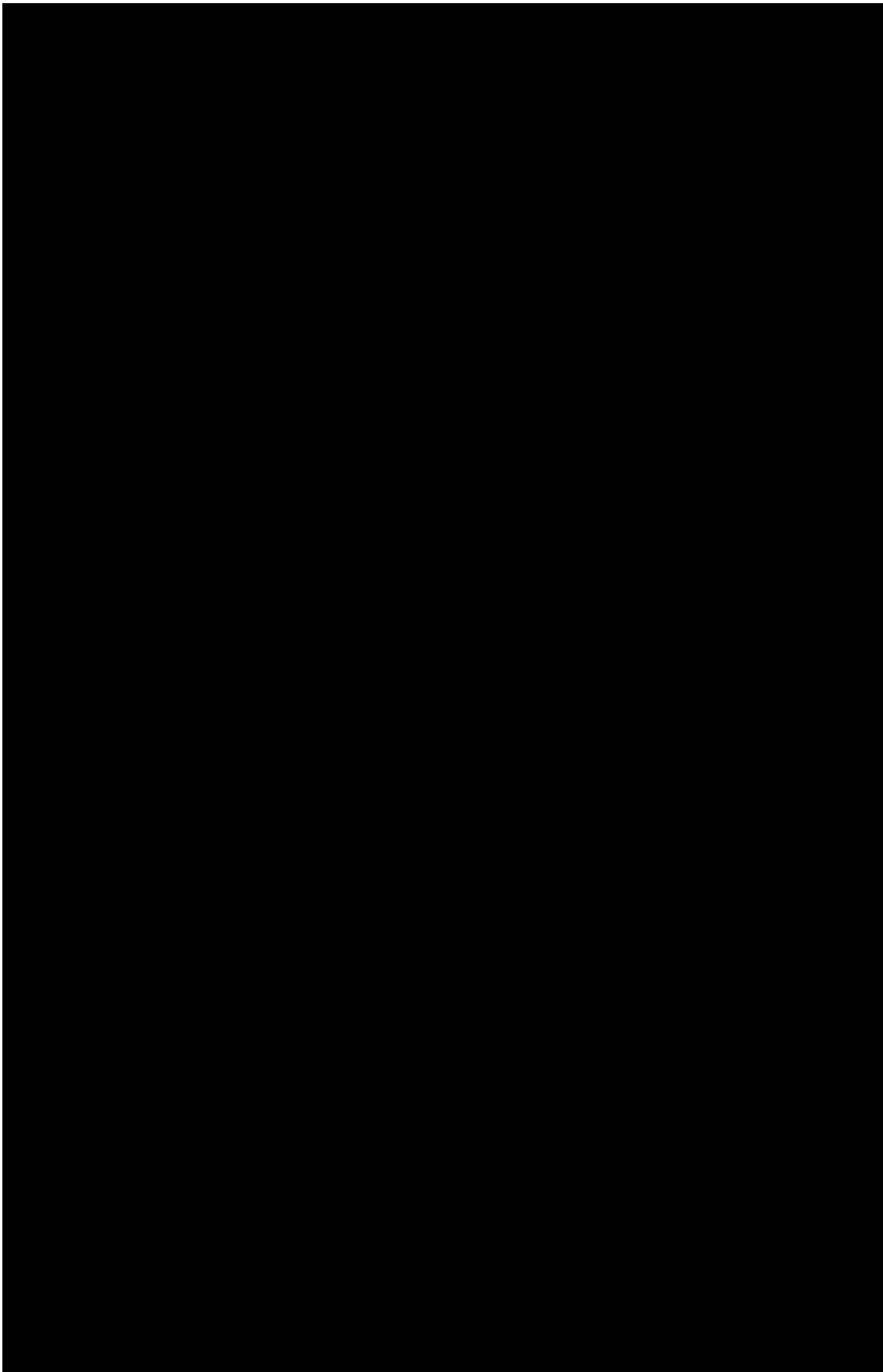


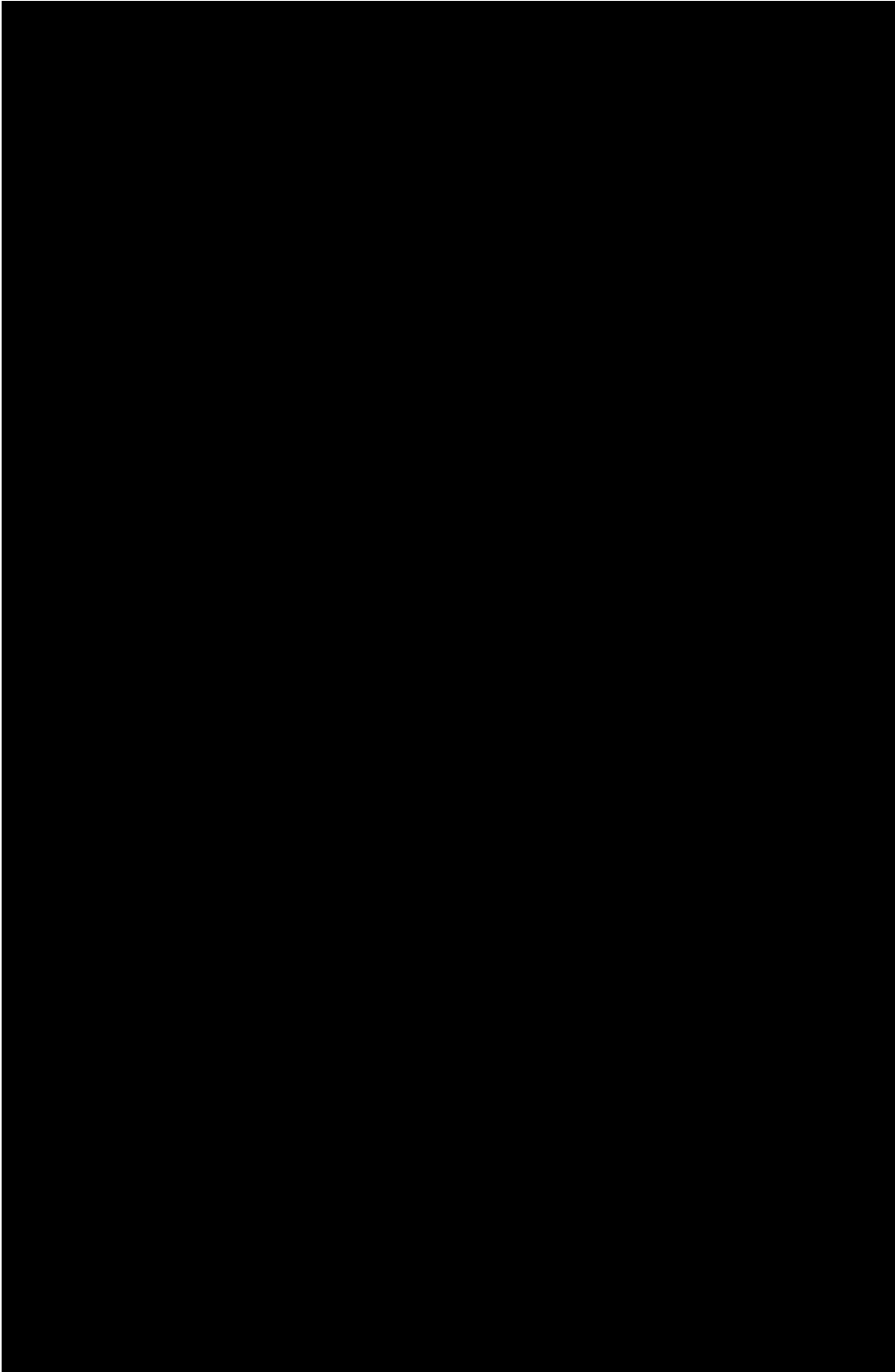


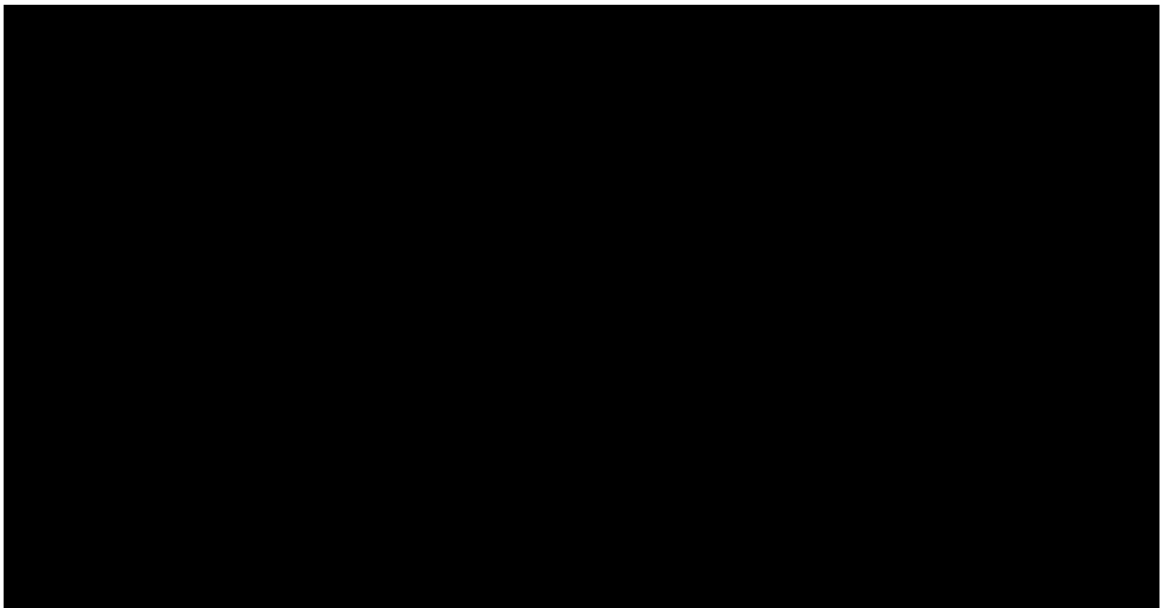




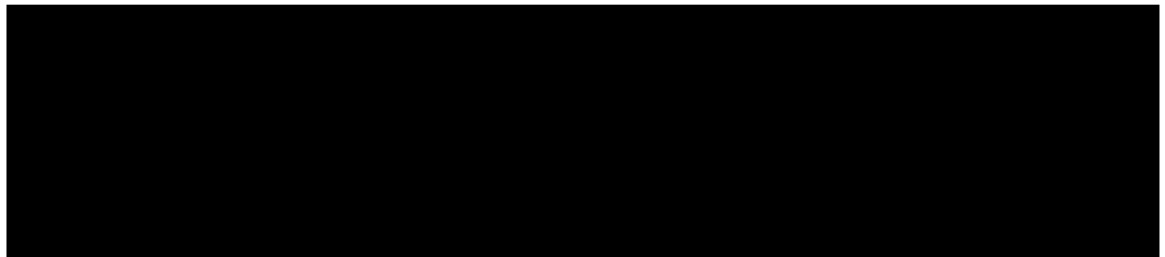








- 8.1.4. A detailed summary of each Response, against each of the individual assessment criterion as well as the Evaluation Team’s individual and final assessment of each Response, inclusive of their scores and commentary, is provided at **Schedule 1 - Detailed Evaluation Workbook**.
- 8.1.5. No interviews, presentations, demonstrations, samples or prototypes were sought or required during the evaluation process.
- 8.1.6. During the evaluation of the technical criteria the TET determined that the following Respondents lower technical scores were a reflection that their offering was not a full Solution as per the Requirements:



These Respondents did not satisfy the requirement to provide a full solution and were therefore considered a high risk as detailed in the Risk evaluation

8.2. Stage 1.3B: Clarifications

- 8.2.1. As part of the evaluation process, the Evaluation Team deemed it was necessary and appropriate to request clarifications from the Respondents.
- 8.2.2. All clarifications were managed by the Evaluation Team Facilitator with assistance of other Evaluation Team members, and in accordance with the approved Evaluation Plan.
- 8.2.3. A summary of the Response clarification outcomes for each Respondent is provided in the following table:

RESPONDENT	REQUIREMENT	RESPONSE / OUTCOME
------------	-------------	--------------------



8.2.4. The results of the clarifications were discussed by the Evaluation Team and, where appropriate, were factored into the evaluation scores.

9. Pricing Assessment

9.1. Pricing Analysis

9.1.1. As part of the evaluation process, the Evaluation Team undertook an analysis of pricing submitted by the Respondents. Assessment was based upon each Respondent’s Total Price, for the initial 10-year Term (excluding extension options).

9.1.2. The analysis was on the basis of the pricing representing Rough Order of Magnitude (ROM) estimates. The pricing was standardised to include consistent GST treatment and escalation assumptions. No standardisation or analysis of the detailed assumptions was undertaken, as the Evaluation Team determined agreed price would not be a determining factor in finalising the recommended shortlist. A detailed pricing assessment will be undertaken as part of the RFP evaluation in the second stage of the procurement process.

9.1.3. A more detailed analysis is provided at Schedule 2 - Detailed Pricing Analysis Workbook.

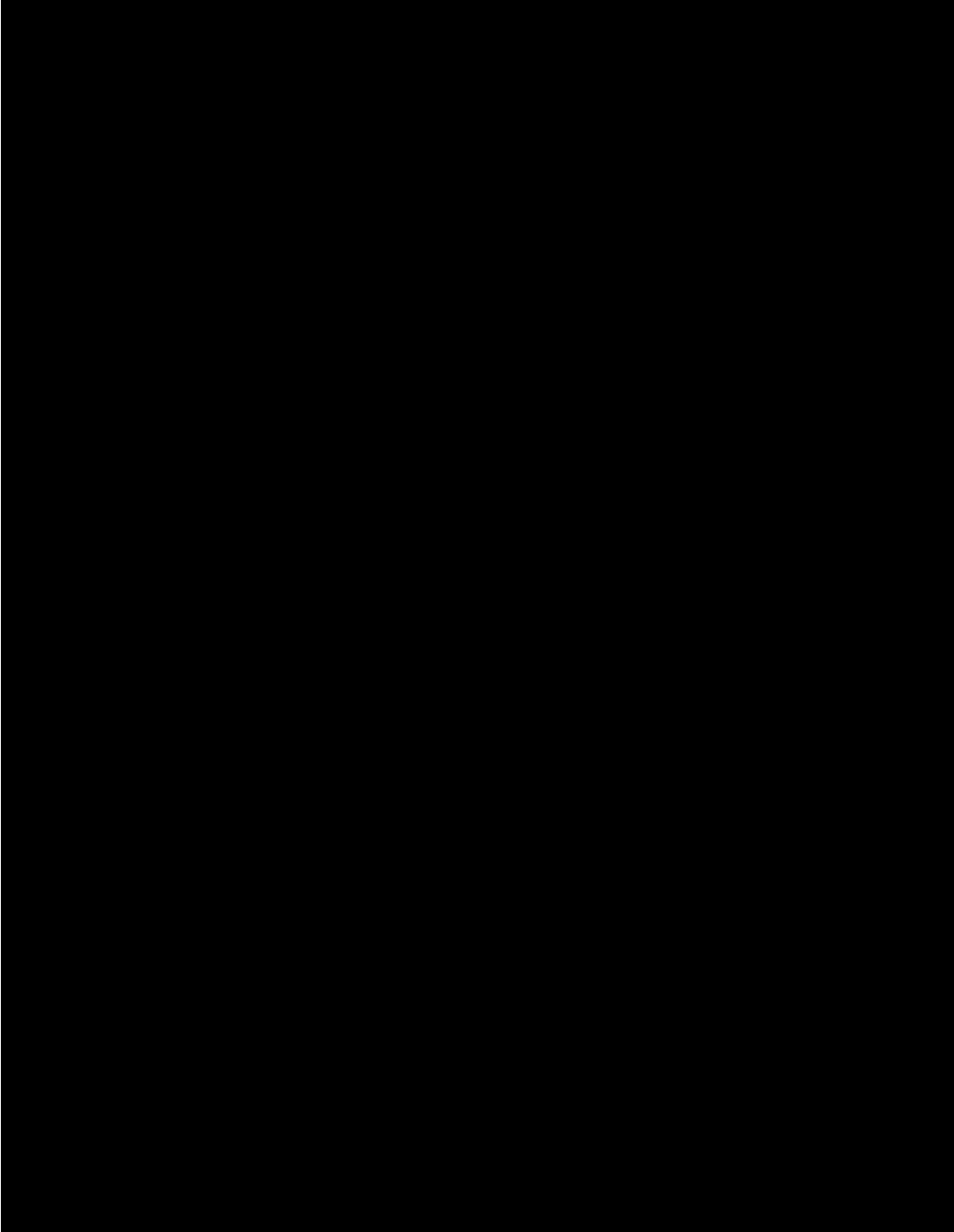
9.1.4. The Total Price for each Response is provided in the following table, which is not ranked and provided in alphabetical order:

Respondent	Total Price initial 10 year Term (inc GST)	Summary of ROM / commercial offer
[Redacted content]		

Respondent	Total Price initial 10 year Term (inc GST)	Summary of ROM / commercial offer

Respondent	Total Price initial 10 year Term (inc GST)	Summary of ROM / commercial offer
[Redacted content]		

Respondent	Total Price initial 10 year Term (inc GST)	Summary of ROM / commercial offer

Respondent	Total Price initial 10 year Term (inc GST)	Summary of ROM / commercial offer
		

Respondent	Total Price initial 10 year Term (inc GST)	Summary of ROM / commercial offer
NEC Australia Pty Ltd		

Respondent	Total Price initial 10 year Term (inc GST)	Summary of ROM / commercial offer

Respondent	Total Price initial 10 year Term (inc GST)	Summary of ROM / commercial offer
[Redacted content]		

9.1.5. Overall, the Evaluation Team determined that price would not be a determining factor in determining the shortlisting recommendation.

10. Risk Assessment

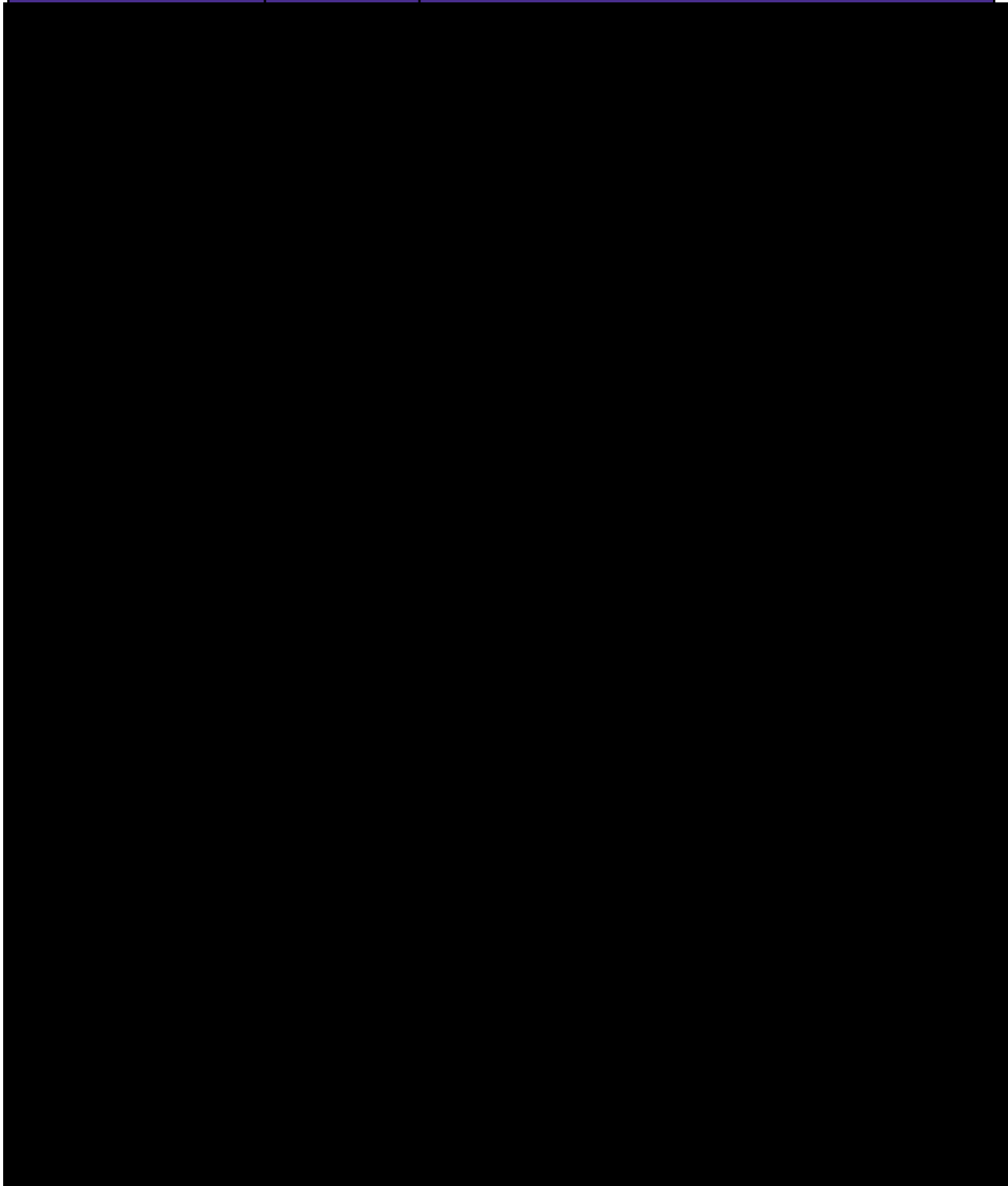
10.1. Assessment of Risk

10.1.1. As part of the evaluation process, the Evaluation Team undertook a risk assessment of the various Respondents to identify risks associated with a Response and if required, any mitigating actions that could be applied to the Goods and Services to render the bid to an acceptable risk.

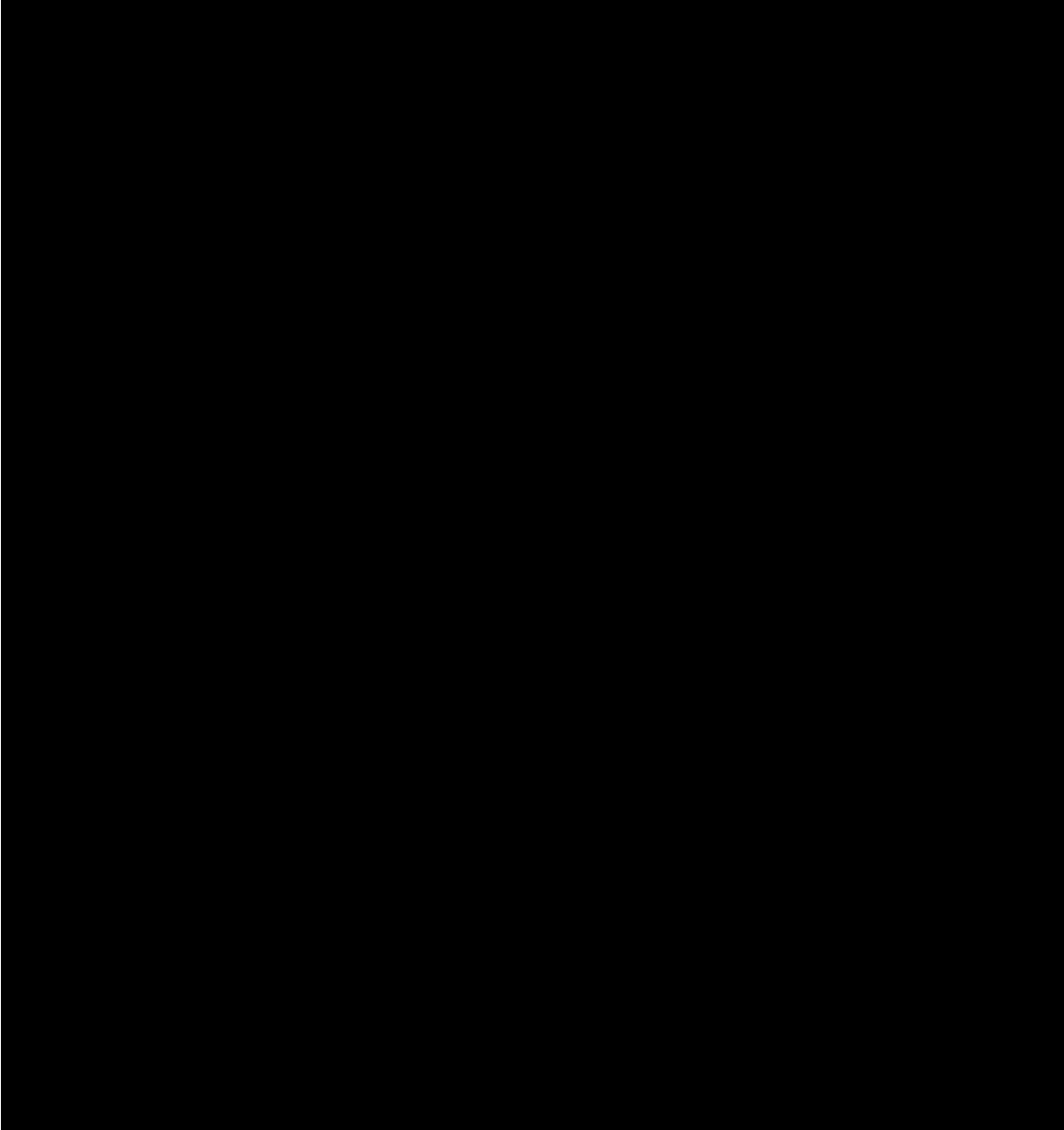
10.1.2. A summary of risks identified for each Respondent and the mitigations proposed is provided in the following table:

Respondent	Risk Rating	Risk detail
<p>NEC Australia Pty Ltd</p>		

Respondent	Risk Rating	Risk detail
------------	-------------	-------------



Respondent	Risk Rating	Risk detail
------------	-------------	-------------



11. Stage 1.3C: Shortlisting

11.1.1. In accordance with the approved Evaluation Plan, members of the Evaluation Team were responsible for performing the analysis to inform the assessment of the likely shortlist. The Evaluation Committee was responsible for endorsing the final shortlist recommended to the Delegate.

11.1.2. The REOI did not determine a set methodology or number for the shortlisting of Respondents, other than indicating the Territory’s preference to shortlist up to five (5) respondents.

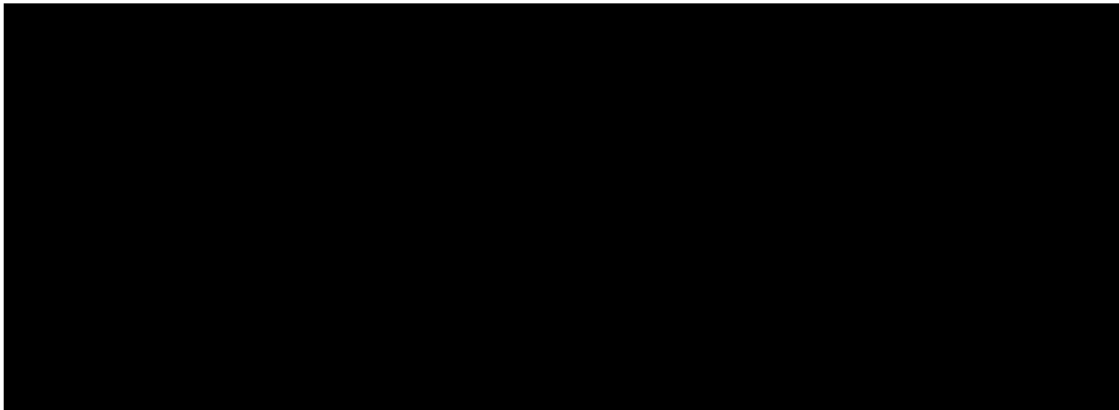
11.1.3. The Evaluation Committee held a moderation workshop on 16 November 2021 to discuss and consider all information gathered and documented during the evaluation process by the Evaluation Team, including:


- (a) technical worth represented by the Weighted Technical Scores;
- (b) the level of risk a Response is likely to pose to the Territory;
- (c) whole of life costs represented by the ROM Price;

11.1.4. The Evaluation Committee considered the following options to determine the shortlist:

- (a) Option 1: Invite a fixed number of respondents to participate
- (b) Option 2: Invite Respondents who achieved a minimum technical score of 500 (Reservations) to participate.

11.1.5. The Evaluation Committee endorsed determining the shortlist in accordance with Option 2



11.1.6. Based on the shortlisting assessment methodology endorsed by the Evaluation Committee, the Evaluation Team ranked the Responses as set out in the following table, 



Respondent	Tech score	Rank	Total price initial 10 year Term (inc GST)	Risk Rating	Shortlist?

Respondent	Tech score	Rank	Total price initial 10 year Term (inc GST)	Risk Rating	Shortlist?

12. Stage 1.4: Evaluation Report (Shortlisting Report)

12.1.1. This Evaluation Report has been prepared to:

- (a) describe the evaluation process that was undertaken in accordance with the REOI and the approved Evaluation Plan;
- (b) detail the outcomes of the REOI evaluation;
- (c) provide recommendations to the Delegate based on the overall evaluation outcome for the determination of a shortlist of Respondents which can progress to the next stage Request for Proposal.

13. Stage 1.5: Notification of the Second Stage Respondents

13.1. Stage 8A: Selection of the Shortlist

13.1.1. As an outcome of the assessment activities, the Evaluation Committee endorsed the Evaluation Team’s recommendation to shortlist the following respondents and invite them to participate in the second stage of the RFP process:

Respondent	ABN/ACN
[Redacted]	
4	NEC Australia Pty Ltd 86001217527

13.1.2. The Evaluation Team’s assessment was based on the following key factors:

- (a) the Evaluation Team was satisfied that all 4 shortlisted Respondents demonstrated to a high standard the capability and capacity to deliver the Goods and Services;
- (b) while not all ROM were within the expectations of the Territory budget, the TET deemed it worthwhile further exploring more detailed responses from all 4 capable suppliers. Price was not a determining factor in assessing the overall shortlist.
- (c) the Evaluation Team considered that all 4 shortlisted Respondents represented an acceptable level of commercial risk that could be mitigated via analysis of a more detailed proposal.

13.1.3. Following on from Delegate approval of this Evaluation Report, the Evaluation Team will finalise the RFP documentation in readiness for provision of the RFP to the successful shortlisted Respondents.

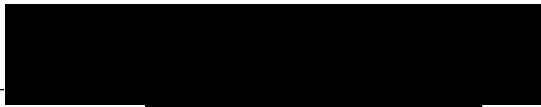


13.2. Stage 1.6: Notification of Unsuccessful Respondents and Debriefing

13.2.1. Once Successful shortlisted Respondents have been notified letters will also be sent to all/the unsuccessful Respondents and will include:

- (a) appreciation for submitting a response;
- (b) regret that they were unsuccessful on this occasion;
- (c) an offer to debrief (post RFP); and
- (d) the encouragement to submit offers in the future.

14. Evaluation Team Endorsement

14.1.1. As members of the Evaluation Team for the procurement of the Next Generation Ticketing System for Transport Canberra we confirm that the EOI Response evaluation process was conducted in accordance with the approved Evaluation Plan.

EVALUATION TEAM: ENDORSEMENT	
Evaluation Team	Signature
Name: Sarah Taylor-Dayus Title: Executive Branch Manager, Planning and Delivery, Transport Canberra Date: 22/11/2021	Signature: _____ Evaluation Team Chair 
Name: Hamish Stephens Title: Senior Director, Infrastructure Finance Date: 22/11/2021	Signature: _____ Evaluation Team Member 
Name: Paul Skidmore Title: Senior Director, Systems Management Date: 22/11/2021	Signature: _____ Evaluation Team Member 
Name: John Bowdery Title: Executive Branch Manager Date:	Signature: _____ Evaluation Team Member

14. Evaluation Team Endorsement

14.1.1. As members of the Evaluation Team for the procurement of the Next Generation Ticketing System for Transport Canberra we confirm that the EOI Response evaluation process was conducted in accordance with the approved Evaluation Plan.

EVALUATION TEAM: ENDORSEMENT	
Evaluation Team	Signature
Name: Sarah Taylor-Dayus Title: Executive Branch Manager, Planning and Delivery, Transport Canberra Date:	Signature: _____ Evaluation Team Chair
Name: Hamish Stephens Title: Senior Director, Infrastructure Finance Date:	Signature: _____ Evaluation Team Member
Name: Paul Skidmore Title: Senior Director, Systems Management Date:	Signature: _____ Evaluation Team Member
Name: John Bowdery Title: Executive Branch Manager Date: 22/11/2021	Signature: _____ Evaluation Team M

15. Evaluation Committee Endorsement

- 15.1.1. As members of the Evaluation Committee for the procurement of the Next Generation Ticketing System for Transport Canberra we confirm that the EOI Response evaluation process was conducted in accordance with the approved Evaluation Plan.

EVALUATION COMMITTEE: ENDORSEMENT	
Evaluation Committee	Signature
Name: Judith Sturman Title: Executive Group Manager, Transport Canberra Date: 22/11/21	Signature: [Redacted] Evaluation Committee Chair
Name: William Mudge Title: Executive Branch Manager and Chief Information Officer Date:	Signature: [Redacted] Evaluation Committee Member
Name: Hugh Maclachlan Title: A/g Executive Branch Manager, FABG Date: 23/11/2021	Signature: [Redacted] Evaluation Committee Member

16. Evaluation Recommendation




16.1.1. The Evaluation Committee recommends that you approve:



- (a) The recommended shortlisted respondents to be invited to participate in next phase of the procurement (RFP).

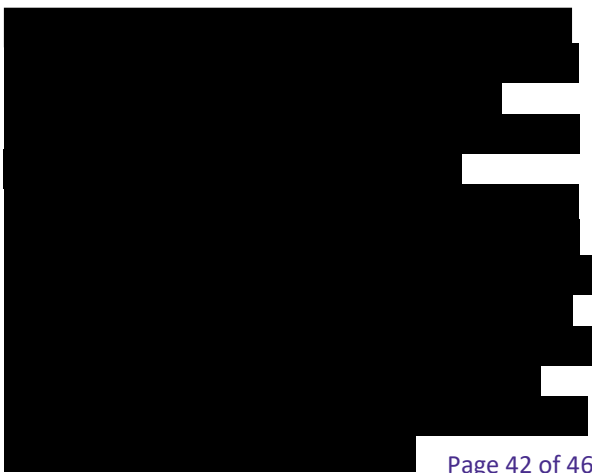
17. Delegate Approval

17.1.1. The Evaluation Committee recommendation is Approved /Not Approved and the Evaluation Team is authorised to:

- (a) Progress the procurement to the second stage of the process (RFP).
- (b) Invite the shortlisted Respondents to participate in the second stage of the procurement process (RFP).
- (c) Arrange for the Evaluation Facilitator to notify the Unsuccessful Respondents and provide a Debriefing if requested.

DIRECTOR GENERAL / DELEGATE: NOT APPROVED	
Name	Alison Playford
Position	Director-General, Transport Canberra and City Services
Signature	
Date	26 November 2021
Statement	This Evaluation Report is not approved.
Comments	Thank you for your work on this - in considering the total available budget and the risks of the companies recommended I instead approve shortlisting to participate in the RFP of   NEC

Thank you for your work on this - in considering the total available budget and the risks of the companies recommended I instead approve shortlisting to participate in the RFP of   NEC



Schedule 1. Detailed Consensus Workbook

Schedule 2. Detailed Pricing Analysis Workbook.

Schedule 3. Tender Evaluation Committee Feedback

No.	TEC Comment or Recommendation
1	Recommend the documentation is reviewed and revised as required to: a) A b) B c) C
2	Support the TET findings and Recommend progression to RFP stage.



ACT
Government

Procurement ACT

Address: GPO Box 158 Canberra ACT 2601

Phone: +61 2 6205 9797

Email: procurementact@act.gov.au



ACT
Government

Procurement ACT

GS0314302

**Request for Expressions of Interest (REOI)
and Request for Proposal (RFP)**

Next Generation Ticketing System for Transport Canberra

Evaluation Plan

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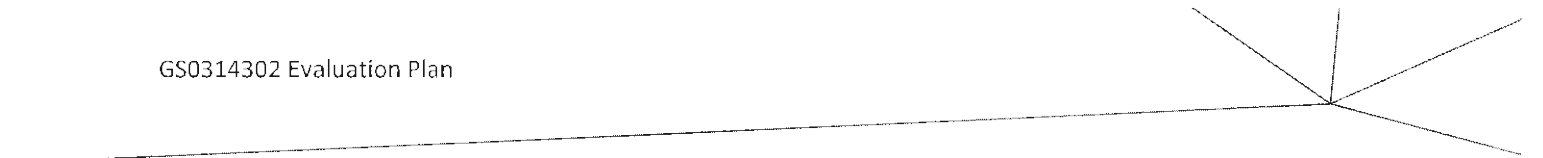
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