



Template

Expression of Interest (EOI)

Agency User Guide

- This template is suitable for Expression of Interest (EOI) processes that have been assessed as routine, complex or strategic.
- It is designed to meet the requirements of the Procurement Planning Policy and Sourcing Policy, and provides suggestions about the minimum details to be included in an EOI.
- Additional guidance can be found in other supporting resources provided by Procurement SA.
- All guidance notes for using this template are provided within the <brackets> and written in **blue font** and *italics*. This indicates where you are required to insert details relevant to the specific procurement. An example of this is shown below:

EOI DETAILS	
Public Authority	<Insert details>

- Drop down boxes are also in use.
- Specific guidance for each Part of the EOI is provided below:

Part	Guidance
Part A	Part A contains general information about the EOI process.
EOI Summary	This section should be tailored to suit each individual EOI process
Evaluation Criteria	This section must reflect what was in the approved Procurement Plan
Part B	Part B sets out the Public Authority's Requirements in detail.
Public Authority Requirements	This section should be tailored to suit each individual EOI process and EOI objectives/expected outcomes.
Part C	Part C is the Supplier Response Form.
Supplier Response Form	This section should be tailored to suit each individual EOI process
Signed Declaration	DO NOT AMEND WITHOUT CROWN SOLICITOR'S OFFICE ADVICE
Attachments	Use if and as required
Appendix: EOI Conditions	DO NOT AMEND WITHOUT CROWN SOLICITOR'S OFFICE ADVICE

- The amount of detail you include in the EOI should be commensurate to the scope, value and risk level of the procurement.
- Your agency may tailor some sections of this template to ensure it is fit-for-purpose and meets the requirements of your internal procurement framework.
- If you are including attachments, ensure you name and number all the attachments, so they are easily identifiable by suppliers.
- If you would like assistance in preparing market approach documents, or a constructive peer review of your draft, please contact your agency's Head of Procurement, procurement team, or contact Procurement SA at procurement@sa.gov.au

All guidance notes including this Agency User Guide should be deleted before the EOI is released to the market.



[Insert name of Public Authority]

Expression of Interest (EOI)

[Insert EOI Title]



Part A – EOI SUMMARY

EOI DETAILS	
Public Authority	<Insert details>
EOI title	<Insert details>
Reference Number	<Insert details>
EOI objectives/expected outcomes (‘Public Authority’s Requirements’)	<Provide a concise description of the: - identified client, community or business need - the EOI objectives/expected outcomes - where the requirements are to be supplied/delivered - whether it is intended to appoint a sole supplier or multiple suppliers>

CONTACT OFFICER		
Please do not attempt to contact any persons from the public authority other than the Contact Officer listed below to discuss this EOI.		
Contact Officer	Name	<Insert details>
	Job title	<Insert details>
	Email address	<Insert details>

EOI DATES AND TIMES	
EOI Issue Date	00:00AM/PM (SA time) xx/xx/20xx
Last queries date and time	00:00AM/PM (SA time) xx/xx/20xx
EOI closing date and time	00:00AM/PM (SA time) xx/xx/20xx
Response validity period	<Insert number of days from EOI closing date and time>

INDICATIVE EVALUATION TIMELINE	
Completion of evaluation	xx/xx/20xx
Approvals	xx/xx/20xx
Expected Notification to supplier(s)	xx/xx/20xx
Secondary procurement process (if applicable)	xx/xx/20xx

INDUSTRY BRIEFING <delete if not applicable>	
Industry briefing session	Choose an item.
Date and time	00:00AM/PM (SA time) xx/xx/20xx
Location	<Insert details>
Registration process	<Insert details>
Attendance	Choose an item.

SITE VISIT <delete if not applicable>	
Site Visit	Choose an item.



EXPRESSION OF INTEREST

Date and time	00:00AM/PM (SA time) xx/xx/20xx
Location	<Insert details>
Registration process	<Insert details>
Attendance	Choose an item.

METHOD OF LODGEMENT

Select and provide details and delete the rows not applicable

☐ Electronic via the SA Tenders and Contracts website	Website address: www.tenders.sa.gov.au	
☐ Electronic via Email	Email address: <Insert details>	
☐ Hardcopy	Location for lodgement	<Insert details>
	Access hours for lodgement	<Insert details>
	Any access restrictions for lodgement	<Insert details>
	Information to be marked on Response	Refer to Section 3 Clause 4.2 for further details on requirements for lodgement in hardcopy.
	Number of hard copies required	<Insert details>
	USB or CD copy of hardcopy documents (Word, Excel, PDF) required.	Choose an item.

COMPLAINTS OFFICER CONTACT INFORMATION

Name	<Insert details>
Job title	<Insert details>
Public Authority	<Insert details>
Email address	<Insert details>

PART A - EVALUATION CRITERIA

EVALUATION DETAILS

Responses will be evaluated on their merits according to the following evaluation criteria.

Mandatory Evaluation Criteria (if applicable) Note for Suppliers: Mandatory criteria are pass/fail and if not met may result in an Response not being considered further	Choose an item.
	<List Mandatory Criteria (or remove if Mandatory Criteria do not apply)> ▪ X ▪ X ▪ X



Weighted Criteria (including sub-criteria if applicable)	<i><List weighted criteria in no particular order></i> ▪ x ▪ x ▪ x ▪ x
Non-Weighted Criteria (if applicable)	<i><List non-weighted criteria in no particular order></i> ▪ x ▪ x ▪ x
SA Industry Participation Policy (SAIPP)	<i><detail></i>

PART B PUBLIC AUTHORITY REQUIREMENTS

Background

<Provide brief description of the requirement and its purpose and objectives. Keep it short, avoiding jargon and acronyms. This information should link to the public authority's strategic objectives>

[Delete guidance notes and include your own text from here]

Requirements

- *<Determine the type of specification to be used to enable the best outcome – functional, performance or technical.*
- *Provide a description of the requirement and the application, purpose or function of the goods or services required.*
- *Describe what is out of scope and what the supplier will not be required to do.*
- *Describe the proposed location or locations where the contract goods and services are required to be delivered.*
- *Describe any specific requirements to address the periods of transition - both transition in and out.*
- *Detail (where known) the proposed delivery schedule, including possible future contract start date, milestones, expected completion dates of deliverables, and contract expiry date etc.*
- *Ensure the requirements link directly to the evaluation criteria and weightings and the information requested in Part C – Supplier Response Form.*
- *Detail if any of the requirements are mandatory (if applicable)*
- *Explain any specific confidentiality requirements or sensitive documents, information etc*

[Delete guidance notes and include your own text from here]

SAIPP

<Procurement Plans consider if at the EOI stage the procurement is to consider economic contribution in the short listing process, and public authorities must seek advice from the Office of the Industry Advocate (OIA).

If IPP is to be addressed at the EOI stage, then the OIA will provide an appropriate set of words to include here and will provide the template for suppliers to complete.

If it is deemed better to only address IPP at the Invitation to Supply stage – state: “The South Australian Government will require completion of an Industry Participation Plan at the next stage of the procurement and an acceptable response will be required prior to contract award.”

[Delete guidance notes and include your own text from here]



PART C – SUPPLIER RESPONSE FORM

SUPPLIER DETAILS		
Supplier registered name	<Enter Response>	
Supplier trading name	<Enter Response>	
Supplier ABN	<Enter Response>	
Supplier ACN	<Enter Response>	
Address of registered office	<Enter Response>	
Type of entity	Choose an item.	
Supplier contact information	Email address	<Enter Response>
	Telephone Number	<Enter Response>
	Website URL	<Enter Response>
Supplementary Information <Attach any necessary evidence>	Aboriginal Business	Choose an item.
	Aboriginal Community Controlled Organisation	Choose an item.
	Aboriginal Community Controlled Health Organisation	Choose an item.
	Australian Disability Enterprise	Choose an item.
	Not-for-Profit organisation	Choose an item.
	South Australian business	Choose an item.
	Social Enterprise	Choose an item.
	Small-Medium Enterprise	Choose an item.
	Women-Owned Business	Choose an item.
Do you intend to engage sub-contractor(s) to deliver any part of the Public Authority's requirement?	Choose an item. <i>If yes, provide details of each proposed subcontractor, including their identity, involvement in the proposed contract and the nature and value of the goods and/or services they will provide.</i>	Details <Add additional rows below if easier>
Is this a joint or consortium response?	Choose an item. <i>If yes, provide details of each consortium member, including their identity, relationship to the consortium, the role they will perform in delivering the Public Authority's requirements, and the estimated value of the goods and/or services they will provide.</i>	Details <Add additional rows below if easier>

SUPPLIER'S CONTACT PERSON FOR EOI	
Name	<Supplier to Enter Response>
Job title	<Supplier to Enter Response>



EXPRESSION OF INTEREST

Name of organisation	<Supplier to Enter Response>
Address	<Supplier to Enter Response>
Postal address	<Supplier to Enter Response if different to above>
Email address	<Supplier to Enter Response>
Telephone number	<Supplier to Enter Response>

Supplier Response

Mandatory Criteria

Does the Quote comply with the following mandatory criteria? Provide details or attach supporting documents as evidence of your compliance with each of the mandatory criteria listed below.

<Public Authority insert mandatory evaluation criteria>	
<Public Authority insert criteria>	Choose an item.
Add more rows if required	

Evaluation Criteria

<Public Authority insert name of evaluation criteria>

<Public Authority insert first question related to the above evaluation criteria>
<Supplier to Enter Response>

<Public Authority to insert the above for each criteria and questions as required>

Risk Management

<Public Authority insert question>
<Supplier to Enter Response>

Price

<Public Authority to insert table here (or in an appendix) for the supplier to provide their pricing information. Provide instructions for how the supplier should submit their pricing.>

Pricing element	Price or Rate (excluding GST)
<Supplier to Enter Response>	<Supplier to Enter Response>

South Australian Industry Participation Policy (SAIPP)

You must complete an Industry Participation Plan online at: <https://industryadvocate.sa.gov.au/policy-and-resources/> and submit a copy of your completed Industry Participation Plan with your quote.

Industry Participation Plan has been submitted online and a copy is attached	Choose an item.
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Guidelines are available to assist you to understand the detail and information required to meet Industry Participation Policy requirements. Under the functions of the *Industry Advocate Act 2017* the Industry Advocate has the discretion to review and assist in the negotiations of Industry Participation Plans to ensure they comply with the SAIPP prior to the finalisation of contract conditions.



Insurance

Provide details of your current insurance policies. Insert additional tables as required.

Policy Type	<Supplier to Enter Response>
Policy Number	<Supplier to Enter Response>
Policy Insurer	<Supplier to Enter Response>
Policy Cover (\$ value)	<Supplier to Enter Response>
Expiry Date	<Supplier to Enter Response>

References

Please provide up to three references that may be contacted in relation to your quote.

Name	Contact Details
<Supplier to Enter Response>	<Supplier to Enter Response>
<insert or remove rows as required>	

Supplier Declaration

You must submit with your quote a signed declaration, in the form set out below.

Remember to select 'agree' or 'disagree' at the end of each row. If you don't, you will be deemed to have agreed.

You must have the declaration signed by someone who is authorised to sign and able to verify each of the elements of the declaration e.g. chief executive or a senior manager.

If you are submitting a joint or consortium quote, each entity comprising the consortium or partnership must complete a separate declaration.

Topic	Declaration	Supplier's Declaration
EOI Process, Terms and Conditions	I/we have read and fully understand the EOI, including the applicable procurement process and EOI Conditions of Quote detailed in the Appendix . I/we confirm that the Supplier/s agree to be bound by them.	Choose an item.
Collection of further information	The Supplier/s authorises the Public Authority to: a. collect any information about the Supplier, except commercially sensitive pricing information, from any relevant third party, including a referee, or previous or existing client b. use such information in the evaluation of this Response. The Supplier/s agrees that all such information will be confidential to the Public Authority.	Choose an item.
Public Authority Requirements	I/we have read and fully understand the nature and extent of the Public Authority's requirements as described in this EOI. I/we confirm that the Supplier/s has the necessary capacity and capability to fully meet or exceed the requirements and will be available to deliver throughout the relevant contract term.	Choose an item.



EXPRESSION OF INTEREST

Ethics and Unlawful Collusion	In submitting this Response the Supplier/s warrants that: - it is independent and that there has not been any unlawful collusion or anti-competitive conduct with any other Supplier or party in connection with this EOI process. This clause does not apply to any formal joint venture contractual arrangement entered into between the Supplier and any other person(s), the details of which have been provided to the Public Authority as part of the Response submitted by the Supplier. - the total value of the goods and/or services to be provided by sub-contractors, to the extent known at the time of making this declaration, is \$<i><supplier to enter value></i>. - it has not directly or indirectly approached any employee or representative of the Public Authority (other than the Public Authority Contact Officer) to lobby or solicit information in relation to the EOI. - it has not offered any incentive, or otherwise attempted to influence or provide any form of personal inducement, reward or benefit to any employee or representative of the Public Authority.	Choose an item.
Use of Artificial Intelligence (AI)	I/we advise that Artificial Intelligence (AI) has been used in the preparation of this Response. If yes, please provide details of how AI was used.	Choose an item.
	<i><Supplier to enter details about the use of AI in the preparation of this Response></i>	
Electronic Files	I/we confirm that I/we have checked any electronic files contained in the Response and that these are free from viruses.	Choose an item.
Validity Period	I/we confirm that this Response, including the price, remains open for acceptance for the Validity Period stated in this EOI.	Choose an item.
Insurance	The Supplier agrees to comply with the Insurance requirements, or is willing to obtain the insurance, as specified in Part A, Section 1.4, if successful in this EOI process	Choose an item.
Liability cap	The Supplier agrees with the Liability Cap	Choose an item.
Conflict of Interest declaration	The Supplier warrants that it has no actual, potential or perceived Conflict of Interest in submitting this Response, or entering into a contract to deliver the Public Authority's requirements.	Choose an item.
	<i><Supplier to enter details of any conflicts of interest></i>	
	Where a Conflict of Interest arises during the EOI process the Supplier/s will report it immediately to the Public Authority's Contact Officer.	Choose an item.
DECLARATION I/we declare that in submitting the Response and this declaration: the Response is made under seal and is enforceable by the Public Authority		



- b. the information provided is true, accurate and complete and not misleading in any material respect
- c. the Response does not contain Intellectual Property that will breach a third party's rights
- d. I/we have secured all appropriate authorisations to submit this Response, to make the statements and to provide the information in the Response and I/we am/are not aware of any impediments to enter into a formal contract to deliver the Public Authority's requirements.

I/we understand that the falsification of information, supplying misleading information or the suppression of material information in this declaration and Response may result in the Response being excluded from further consideration in the EOI process and may be grounds for termination of any contract awarded as a result of the EOI process.

By signing this declaration, the signatory below represents, warrants and agrees that they have been authorised by the Supplier/s to make this declaration on its/their behalf.

Authorised Person signature	<Supplier to Enter Response>
Authorised Person name	<Supplier to Enter Response>
Job title	<Supplier to Enter Response>
Name of organisation	<Supplier to Enter Response>
Date	<Supplier to Enter Response>
Signature of Witness	<Supplier to Enter Response>
Witness name	<Supplier to Enter Response>
Date:	<Supplier to Enter Response>

ATTACHMENTS

<Supplier to List>

-
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APPENDIX: EOI CONDITIONS

1. EOI INVITATION

1.1 Public Authority's Requirements

The Public Authority invites You to make a Response in accordance with this EOI Invitation (Invitation) for the provision of the Public Authority's Requirements.

The Public Authority is seeking a more detailed understanding of the supplier market and range of solutions that may be available. This EOI process may be the first stage of a multi-stage procurement process (see clause 7.5 of this Invitation).

1.2 Accuracy of Invitation

The Public Authority makes no promise or representation that any factual information supplied in or in connection with this Process or Invitation is accurate.

Information is provided in good faith and the Public Authority will not be liable for any omission from this Invitation.

1.3 Your Use of Invitation

Without the express prior written consent of the Public Authority, You must not re-produce, re-advertise and/or in any way use the contents of this Invitation either in whole or in part, other than for the purpose of preparing and lodging a Response.

1.4 Your Use of third-party Websites

All information necessary to submit Your Response to this Invitation can be accessed via www.tenders.sa.gov.au (the SA Tenders and Contracts Website). You can download the Invitation documentation, upload Your Response and receive notifications about this Invitation through that website for free.



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For all other tender websites, controlled by a third party, the South Australian Government does not guarantee that the information contained is accurate, complete or current, or that Responses submitted through these sites will be logged as received by the South Australian Government.

If you choose to access information about this Invitation and submit Your Response through a site other than www.tenders.sa.gov.au you do so at your own risk.

1.5 EOI Process does not create a contract

Your participation in this EOI Process, (including the preparation and lodgement of Your Response), is at Your sole risk.

Nothing in this Invitation, the EOI Process, or Your Response must be construed as creating any binding contract or other legal relationship (express or implied) between You and the Public Authority.

2. COMMUNICATION

2.1 Contact Person

Unless otherwise advised by the Contact Person, You may only communicate with the Contact Person about this Invitation.

2.2 Requests for Clarification

Up to and including the Last Queries Date and Time, You may submit a query or request for further information in writing to the Contact Person.

The Public Authority does not guarantee that it will respond to any query, particularly queries received after the Last Queries Date and Time.

The Public Authority reserves the right in its' discretion to inform all other Suppliers of any question or matter You raise and the response given (but may choose not to do so).

The Public Authority is not obliged to consider any clarification from You that it considers to be unsolicited or otherwise impermissible.

Additional information about this Invitation may be made available at the tenders page of the SA Tenders and Contracts website (www.tenders.sa.gov.au).

2.3 Industry Briefing and Site Visits

If specified in the Invitation Summary the Public Authority will hold an industry briefing session/site visit related to the Public Authority's Requirements.

Your attendance is required where the industry briefing session/site visit is specified as mandatory in the Invitation Summary.

If You fail to attend a mandatory industry briefing session/site visit, the Public Authority may exclude You from further consideration.

3. YOUR RESPONSE

3.1 Format of Response

Your Response must be completed using the Part C Supplier Response Form, (unless You are otherwise directed).

Your Response must:

- a) be in English
- b) be endorsed by an appropriately authorised officer with any alterations or prices clearly and legibly stated and any alterations initialled
- c) quote prices in Australian Dollars that are GST inclusive and, in relation to GST, must state where the GST is applicable and show that amount separately

The Public Authority may disregard any content in a Response that is illegible.

3.2 Cost of Preparing Your Response

You are responsible for the cost of preparing and submitting Your Response(s) and all other costs arising from Your participation in this EOI Process.

4. LODGING A RESPONSE

The Closing Date and Time for lodging Your Response(s) is nominated in the Invitation Summary. The Public Authority may extend the Closing Date and Time in its absolute discretion.

4.1 Electronic Lodgement

If You are lodging a Response electronically via email or the SA Tenders and Contracts Website You must satisfy the requirements for Electronic lodgement specified in the Invitation Summary.

You must virus check any Response (including all constituent files and/or documents) before lodging electronically.

You are encouraged to lodge Your Response at least two hours before the Closing Date and Time.

Where a Response is lodged electronically via email or the SA Tenders and Contracts Website, each lodgement will be regarded as full and complete. If You need to modify a single document or a group of documents, You will need to submit all documents again.

Response(s) lodged electronically cannot exceed 20MB.



4.2 Hardcopy Lodgement

If You lodge a Response in hardcopy You must satisfy the requirements for hardcopy lodgement identified in the Invitation Summary.

Any Response lodged in hardcopy must be:

- a) prominently endorsed with its Reference Number and the Closing Date and Time
- b) enclosed in a sealed envelope
- c) delivered to the Location by the Closing Date and Time.

You must include the requested number of copies as specified in the Invitation Summary. The copies must be numbered and the original must be clearly marked.

If You lodge a Response by postal mail any loss or delay is at Your own risk.

4.3 Late Responses

If a Response is lodged after the Closing Date and Time, it may be ineligible for consideration unless:

- a) the Public Authority determines in its sole discretion that the Public Authority has caused or contributed to the failure to lodge by the Closing Date and Time; or
- b) the Public Authority decides that exceptional circumstances exist which warrant consideration of the late Response and that acceptance of the late Response does not compromise the integrity of the EOI Process.

4.4 Public Authority's Use of Your Response Materials

Upon lodgement, all of Your Response Materials will become the property of the Public Authority.

Intellectual Property owned by You or any third parties forming part of the Response Materials will not pass to the Public Authority with the physical property comprising the Response Materials. However, You acknowledge and agree that You have the authority to grant to the Public Authority an irrevocable, royalty free licence to use, reproduce and circulate any copyright material contained in the Response to the extent necessary to conduct the Evaluation and in the preparation of any resultant contract.

5. CONSORTIA AND SUB-CONTRACTING

5.1 Consortia

If You are a member of a consortium then your Response must stipulate which part(s) of the Public Authority's Requirements that each entity comprising the consortium will provide and how the entities will relate with each other to ensure full provision of the Public Authority's Requirements. All consortium members that are not natural persons are to provide details relating to their legal nature and any relevant corporate structure.

The Public Authority will treat You as the preferred contact person for any consortium Response.

5.2 Sub-contracting

If Your Response relies on a sub-contracting arrangement, then You must stipulate in Your Response the tasks that the proposed sub-contractor(s) would undertake. You remain legally responsible for meeting the Public Authority Requirements.

6. EOI PROCESS CONDUCT

6.1 Your Conduct

You must:

- a) Unless otherwise advised by the Contact Person, ensure all communications are undertaken via the Contact Person
- b) declare any actual or potential conflict of interest
- c) not employ or otherwise engage any person who has either a present or past duty to the Public Authority in relation to this Procurement Process as an adviser, consultant or employee
- d) not Response any incentive to, or otherwise attempt to influence or provide any form of personal inducement, reward or benefit to any employee or representative of the Public Authority or any member of an evaluation team at any time
- e) not directly or indirectly approach any employee or representative of the Public Authority (other than the Contact Person) to lobby or solicit information in relation to the Invitation.
- f) not engage in any collusive or anti-competitive conduct with any Supplier
- g) comply with all laws in force in South Australia applicable to this EOI Process
- h) disclose whether You are acting as agent, nominee or jointly with another person(s) and disclose the identity of the other person(s)
- i) not issue any news releases or responses to media enquiries and questions regarding this EOI Process or this Invitation without the Public Authority's written approval.

If You act contrary to the expectations outlined above, the Public Authority reserves the right (regardless of any subsequent dealings) to exclude Your Response from further consideration.



6.2 Public Authority Conduct

The Public Authority will:

- a) preserve the confidentiality of any information marked as confidential (subject to conditions concerning confidentiality)
- b) give Suppliers the opportunity to compete fairly.

6.3 Confidentiality

You must identify any aspect of Your Response that You consider should be kept confidential including reasons. The Public Authority is not obliged to treat information as confidential and in the absence of any agreement to do so, You acknowledge that the Public Authority has the right to publicly disclose the information.

Any condition in Your Response that seeks to prohibit or restrict the Public Authority's right to disclose will not be accepted.

Notwithstanding any undertaking regarding confidentiality, by submitting a Response, You agree that the Public Authority may forward information relating to You or Your Response to the Australian Competition and Consumer Commission (ACCC) if the Public Authority reasonably suspects, or is notified by the ACCC that it reasonably suspects, that there is cartel conduct or unlawful collusion in relation to this EOI Process (whether or not the suspicion relates to Your Response).

Information supplied by or on behalf of the Public Authority is confidential to the Public Authority and You are obliged to maintain its confidentiality. You may disclose confidential information to any person that has a need to know the information for the purposes of submitting Your Response.

7. EVALUATION PROCESS

7.1 Evaluation

In evaluating Responses the Public Authority will consider:

- a) the Evaluation Criteria
- b) references from referees (where applicable)
- c) any presentations, interviews or site visits (where applicable)
- d) any other information that the Public Authority considers relevant.

Where mandatory criteria are specified in the Invitation Summary and Your Response does not comply with these criteria the Public Authority may choose not to further evaluate Your Response.

The Public Authority may seek the advice of external consultants to assist the Public Authority in evaluating the Responses.

The Public Authority may in its absolute discretion:

- a) take into account any relevant consideration when evaluating Responses
- b) invite any person or entity to lodge a Response
- c) allow a Supplier to change its Response
- d) consider, decline to consider, or accept (at the Public Authority's sole discretion) a Response lodged other than in accordance with this Invitation
- e) seek further information from You regarding Your Response including but not limited to requests for additional information or presentations by, or interviews with You or Your key personnel
- f) seek and evaluate relevant financial viability data concerning any Suppliers' business and related entities including seeking any assistance from third party providers
- g) make enquiries of any person or entity to obtain information about any Supplier and its Response (including but not limited to the referees)
- h) visit facilities operated by any Supplier, proposed subcontractors of any Supplier and/or by their customers in order to assess their capabilities and performance (at a mutually convenient time).

7.2 Discontinue Process

The Public Authority may decide not to proceed any further with the EOI Process for the Public Authority's Requirement.

7.3 Shortlisting

The Public Authority may choose to short-list some Suppliers and continue evaluating Responses from those short-listed Suppliers. The Public Authority is not at any time required to notify You, any Supplier or any other person or organisation interested in making a Response of its intentions or decision to short-list.

7.4 Negotiation

The Public Authority may choose to:

- a) enter into negotiations with You or any Supplier (including parallel negotiations with more than one Supplier) in order to vary its Response on grounds of capability / capacity, technical issues, cost, effectiveness, to finalise agreement on the terms of the contract, or any other matters



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- b) re-evaluate Responses generally after any negotiation
- c) suspend, discontinue or terminate at any time negotiations with You or any Supplier or any other person or organisation
- d) negotiate with You or any Supplier for the provision of any part of the Public Authority's Requirement and negotiate with any other Supplier with respect to the same or other parts of the Public Authority Requirement and to enter into one or more contracts for part or parts of the Public Authority's Requirement
- e) negotiate at any time with any organisation that is not a Supplier and enter into a contract in relation to the Public Authority Requirement or any part of the Public Authority's Requirement with that organisation on such terms as the Public Authority, at its absolute discretion, considers appropriate

7.5 Secondary Procurement Process

After evaluating all Suppliers' Responses the Public authority may choose to conduct a subsequent procurement process.

7.6 Further Approach to Market

The Public authority may choose to make a further approach to market on a similar or different basis than that specified in this Invitation.

8. COMPLAINTS AND FEEDBACK ABOUT EOI PROCESS

8.1 Complaints

If at any time during the EOI Process, You consider that You have been unfairly treated, You must first notify the Contact Person in writing.

If the matter is not resolved, You may then notify the nominated Complaints Officer in writing setting out the details of the complaint.

The issue will then be dealt with in accordance with the Public Authority's complaint management process.

8.2 Supplier Feedback

You may provide feedback directly to the Public Authority through the Contact Person.

If You access this Invitation via the SA Tenders and Contracts website, You can provide anonymous feedback using the survey tool on the website:

<https://www.tenders.sa.gov.au/tenders/index.do>.

Your feedback may be provided, either:

- a) after You have downloaded the Invitation but decided not to proceed with lodging a Response or
- b) at the end of the EOI Process following debrief or contract award (as applicable).

If using the survey tool for the first time, additional information about the Supplier feedback initiative is included on both websites.

9. GOVERNMENT POLICIES

South Australian Government policies apply to all South Australian Government purchasing and related activities.

9.1 South Australian Industry Participation Policy

Government agencies and private parties contracting to the Government of South Australia are required to comply with the South Australian Industry Participation Policy (SAIPP) and the supporting procedural and reporting requirements.

The SAIPP is the high-level framework for delivery of the South Australian Government's objectives including promoting capable businesses based in South Australia being given full, fair and reasonable opportunity to participate in government contracts.

You are required to complete an IPP Plan as specified in the Invitation Summary. The IPP and supporting information, including the IPP template that can be completed and submitted online is available at: <https://industryadvocate.sa.gov.au/policy-and-resources/>

Part C, the Supplier Response Form, also contains the link to the IPP online template

The Office of the Industry Advocate (OIA) is available to help You understand how this policy may apply to Your Response and can also help You to prepare any required SAIPP documentation. Contact details for the OIA are:

Office of the Industry Advocate

Level 17 Wakefield House

30 Wakefield Street

ADELAIDE SA 5000

Tel: (08) 8226 8956

Email: oia@sa.gov.au

9.2 State Federal Cooperation on Trade Practice Matters

You must submit with your Response a signed declaration, in the form set out in Section 4 of Part C to this Invitation.

If Your Response is submitted jointly with another party or parties then each party must provide a signed declaration in the form set out in Section 4 of Part C to this Invitation.



10. GLOSSARY

In this Invitation, unless the contrary intention is apparent:

- a) "Closing Date and Time" means the date and time nominated in the Invitation Summary by which Responses are required to be lodged
- b) "Complaints Officer" means the person nominated in the Invitation Summary authorised to deal with complaints about this EOI Process
- c) "Contact Person" means the person nominated in the Invitation Summary authorised by the Public Authority to communicate with Suppliers about the EOI Process
- d) "EOI Process" means the process commenced by the issuing of this Invitation and concluding upon the award of a contract (or other outcome as determined by the Public Authority) or upon the earlier termination of the process
- e) "Evaluation" means the process for considering and evaluating Responses in accordance with clause 7.1
- f) "Intellectual Property" means any patent, copyright, trademark, trade name, design, trade secret, knowhow, semi-conductor, circuit layout, or other form of intellectual property and the right to registration and renewal of the intellectual property
- g) "Invitation" means this document inviting persons to lodge a Response
- h) "Invitation Summary" means the Invitation Summary in Part A of this Invitation
- i) "Last Queries Date" means the date and time nominated in the Invitation Summary as the last date for Suppliers to seek information or clarification of any matters relating to this Invitation
- j) "Mandatory Criteria" means the criteria considered by the Public Authority to be critical to the supply of the Public Authority's Requirement and identified in the Invitation Summary
- k) "Part" means a part of this Invitation
- l) "Public Authority" means the agency of the State Government of South Australia conducting the EOI Process
- m) "Public Authority's Requirement" means the requirements specified in the Invitation, the Specification and the contract
- n) "Response" means the documents constituting a Response lodged by a Supplier to meet the Public Authority's Requirement in accordance with this Invitation
- o) "Response Material" means all documents, data, computer programs, computer discs and other materials and things provided by a Supplier in relation to a Response arising out of this Invitation
- p) "South Australian Time" means the time applicable to South Australia, as defined at <http://www.australia.gov/about-australia/our-country/time>
- q) "Specification" means the information about the Public Authority's Requirement described in Part B
- r) "Supplier" or "You" or "Your" means any person or organisation responding to this Invitation by lodging a Response.