

PART A - EOI - PROCESS GUIDE

PUBLIC AUTHORITY USER GUIDE

Public Authority instructions

- This template is part of the Procurement Services SA's suite of Standard Market Approach templates.
- Its use supports consistent procurement practice across the South Australian Government and makes it easier for suppliers to supply to government.
- Refer to the *Sourcing Policy* for further details on when it is appropriate to use this template.

User specific instructions

- Sections 1 and 2 should be tailored to suit each individual EOI process.
- Section 2 **must** reflect what was approved in the public authority's Acquisition Plan / Evaluation Plan.
- You **must not** alter, add or remove any clauses from Section 3 without first seeking legal advice from the Crown Solicitor's Office (CSO).
- There are instructions highlighted in **yellow** and **green** text throughout the template that provide guidance on tailoring the template. The yellow highlighted text indicates where you are required to insert details relevant to the specific EOI. The green highlighted text is general guidance for your information.
- All highlighted user guidance should be deleted before releasing this template to the market. This User Guide text box should also be deleted before releasing this template to the market.

Further information: Procurement SA
Contact Email: procurement@sa.gov.au

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Value for
money



Creating
jobs



Innovation and
new business



Climate smart
economy



PART A - EOI - PROCESS GUIDE



Government
of South Australia

<Insert Name of Public Authority>
("Public Authority")

Invitation for Expression of Interest (EOI) to Supply

<Insert Procurement Title>

Part A: EOI Process Guidelines



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SECTION 1: INVITATION FOR EOI ('INVITATION') SUMMARY

Please complete the tables below with the relevant details.

1.1 Invitation Details

Public Authority Name:	<Insert Public Authority Name>
Procurement Title:	<Insert Procurement Title>
Invitation Reference Number:	<Insert Invitation reference number>
EOI objectives / expected outcomes ('Public Authority's Requirements'):	<Provide a brief description of: • the identified client, community or business need • the EOI objectives/expected outcomes>

1.2 Structure of Invitation

This Invitation is made up of the following documents.

Part A	EOI Process Guidelines Part A contains general information about the EOI Process and how You can provide a Response.
Part B	Specification Part B sets out the Public Authority's Requirements in detail.
Part C	Supplier Response Form Part C sets out the format and information that You are required to provide in Your Response. You must complete the Part C Supplier Response Form. You must submit with your Response a signed declaration, in the form set out in Section 4 of Part C. 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.

<Insert a new row for each additional supporting attachment as required. Please ensure you name / number all attachments so they are easily identifiable for suppliers.>

1.3 Contact Officer

Name:	<insert name>
Position:	<insert position>
Email:	<insert email address>
Telephone:	<insert phone number>

Please do not attempt to contact any persons from the public authority who are not listed above to discuss this Invitation.

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1.4 Important Invitation Dates and Times

Invitation Issue Date	<insert date the invitation will be issued/advertised>
Industry Briefing Session Date and Time (South Australian Time)	<insert time am / pm on day of the week, day, month, year or delete row if not applicable> See table 1.7 for further details on the Industry Briefing Session.
Public Authority Site Visit Date and Time (South Australian Time)	<insert time am / pm on day of the week, day, month, year or delete row if not applicable> See table 1.8 for further details on the public authority site visit.
Last Queries Date and Time (South Australian Time)	<insert time am / pm> on <day of the week, day, month, year>.
Invitation Closing Date and Time (South Australian Time)	<insert time am / pm> on <day of the week, day, month, year>.

1.5 Indicative Evaluation Timetable

Completion of evaluation	<insert date>
Approvals	<insert date>
Notification to Supplier(s)	<insert date>
Secondary procurement process (if applicable)	<insert date>

1.6 Responses and Lodgement Details

Method of lodgement	Select the public authority's accepted form/s of lodgement: ☐ Electronic – SA Tenders and Contracts website¹: www.tenders.sa.gov.au ☐ Electronic – email: <insert lodgement email address> Note: this option is not permitted for open market approaches valued greater than \$550,000 (GST inclusive). ☐ Hardcopy (see below) Note: hardcopy submissions should only be accepted in exceptional circumstances.
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¹ Where the SA Tenders and Contracts (www.tenders.sa.gov.au) is used by the Public Authority for an Invitation for EOI to Supply, all information necessary to submit Your Response can be accessed via that website. You can download the Invitation documentation, upload Your Response and receive notifications through that website for free.

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 and submit Your Response through a site other than www.tenders.sa.gov.au you do so at your own risk.

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Other format requirements	<insert details or delete row if not applicable>
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Hardcopy lodgement Delete this table if hardcopy lodgement is not accepted	
Location for lodgement	<insert details or delete row if not applicable>
Access hours for lodgement Access restrictions for lodgement	<insert details or delete row if not applicable>
Information to be marked on Response	Refer to Section 3 Clause 4.2 for further details on requirements for lodgement in hardcopy. <insert additional details as required>>
Number of hard copies required	<insert details or delete row if not applicable>
USB or CD copy of hardcopy documents (Word, Excel, PDF) required Other format requirements	☐ Yes ☐ No <insert details or delete row if not applicable>

1.7 Industry Briefing

Industry briefing session	Select from the following options: ☐ Briefing Session ☐ No Briefing Session
Location	<insert details or delete row if not applicable>
Registration process	<insert details or delete row if not applicable>
Attendance is	Select from the following options: ☐ Optional ☐ Mandatory

1.8 Site Visit

Public Authority Site Visit	Select from the following options: ☐ Site Visit ☐ No Site Visit
Location	<insert details or delete row if not applicable>
Registration process	<insert details or delete row if not applicable>
Attendance is	Select from the following options or delete row if not applicable: ☐ Optional ☐ Mandatory

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1.9 Additional Information

Additional information	<list any additional information> Instructions: if this Invitation is a 'covered procurement' under Free Trade Agreements, include the following statement: Free Trade Agreements: This Invitation is a 'covered procurement' for the purposes of the Public authority's obligations under Government Procurement Chapters of Free Trade Agreements to which Australia is a Party.
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1.10 Complaints Officer

This must be a nominated person for handling supplier complaints. The Nominated Complaints officer is to be an independent officer who is not directly involved in the subject matter of the complaint.

Name	<insert name>
Position	<insert position>
Address	<insert address>
Email	<insert email address>
Phone	<insert phone number>

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SECTION 2: EVALUATION CRITERIA

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

2.1 Mandated Criteria

Mandatory criteria	Select from the following options: ☐ Mandatory criteria apply The mandatory criteria are: <list mandatory criteria or remove dot point list> ☐ There are no mandatory criteria
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Please note: mandatory criteria are pass/fail and if not met may result in a Response not being considered further.

2.2 Weighted Criteria

The following criteria are examples only. This table must be tailored for each EOI and must reflect the evaluation criteria approved in the Acquisition Plan / Evaluation Plan.

Criterion
Whole-of-life cost
Quality
Qualitative sub-criterion
Demonstrated experience
Capability and capacity
Level of compliance with specification
Industry Participation Policy
Prior performance
Level of compliance with Govt. policies

2.3 Non-Weighted Criteria

All non-weighted criteria should be listed in order of importance i.e. most important criterion first. State that the criteria are listed in order of importance with the most important first.

Non-weighted criteria	Non-weighted criteria (in descending order of importance): Note: the following criteria are <u>indicative only</u> and must reflect the evaluation criteria approved in the Acquisition Plan / Evaluation Plan for individual EOIs. - Risk - Financial Viability
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2.4 Industry Participation Policy (IPP) Requirements

IPP Requirements	Acquisition 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).
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	If IPP is to be addressed at the EOI stage then OIA will provide an appropriate set of words to include here and the template 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.”
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SECTION 3: INVITATION FOR EOI CONDITIONS

DO NOT AMEND THIS SECTION**1. INVITATION****1.1 Public Authority's Requirements**

The Public Authority invites You to make an Response in accordance with this 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 an Response.

1.4 Your Use of third-party Websites

All information necessary to submit Your Response in 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.

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.



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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 an 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 an 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 an Response by postal mail any loss or delay is at Your own risk.

4.3 Late Responses

If an 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 Offer 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

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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 offer 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 Officer) 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 an 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.

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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 an 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

- 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.



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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>

A link to the survey tool is also available on the Procurement Services SA website at: <http://www.procurement.sa.gov.au>

Your feedback may be provided, either:

- a) after You have downloaded the Invitation but decided not to proceed with lodging an 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



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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 an 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.