



TENDER EVALUATION AND PROBITY PLAN

**Invitation to Tender:
to Supply a Truck Mounted Elevating Work
Platform (EWP)
ITT 12/2024**

November 2024

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1. OBJECTIVE

An Invitation to Tender has been developed seeking Tender Responses from suitably qualified firms to supply a truck mounted elevating work platform (EWP). This Tender Evaluation and Probity Plan (Plan) is the planning and control document for the evaluation of Tender Responses received in response to the Invitation to Tender.

This Plan is intended to provide probity and evaluation guidance to persons conducting this Invitation to Tender evaluation process on behalf of Norfolk Island Regional Council (Council). The Plan outlines the market engagement methodology, estimated timetable, Evaluation Panel composition and responsibilities, and the methodology and evaluation criteria by which Tender Responses received will be evaluated. The Plan also provides probity requirements and a mandatory Confidentiality and Conflicts Declaration to be signed off by each stakeholder.

2. LEGISLATION AND COUNCIL'S PROCUREMENT POLICY

The Invitation to Tender process and the evaluation of Tender Responses will be undertaken in accordance with the *Local Government Act 1993* (NSW) (NI).

3. PROBITY PRINCIPLES

The Evaluation Panel must adhere to the following principles of probity (**Probity Principles**) in undertaking their role and functions:

- (a) (**Ensuring fairness and impartiality**): Vendors should be given the same opportunity to participate in the Invitation to Tender process except where the Evaluation Panel considers that to do so would unreasonably waste the time and resources of the vendor and/or Council. Tenders should be assessed objectively against the evaluation criteria in accordance with the Invitation to Tender documents.
- (b) (**Providing transparency and accountability**): The Invitation to Tender process should be conducted in accordance with the Invitation to Tender documents. Detailed records should be created and maintained by the Evaluation Panel throughout the end-to-end process.
- (c) (**Maintaining confidentiality and security of information**): Access to documents which contain Tender-related, commercially sensitive information should be limited to the Evaluation Panel. The Evaluation Panel should take reasonable steps to prevent unauthorised disclosure of such information.
- (d) (**Appropriately managing conflicts of interest**): The Evaluation Panel should each provide a declaration in the form attached in Appendix 1 – Confidentiality and Conflict Declaration. If an Evaluation Panel member discloses a conflict of interest, then the General Manager/CEO will determine the appropriate way to manage any conflict which is disclosed.
- (e) (**Acting ethically**): The Evaluation Panel must act ethically in the conduct of the evaluation process.

Actual or suspected breaches of the Probity Principles should be reported promptly to the General Manager.

4. CONFIDENTIALITY OF INFORMATION

Confidentiality is essential at all stages of the process and information must not be provided to people outside of the Evaluation Panel. All documents and the proceedings of the evaluation are 'Commercial-in-Confidence' and must be secured by members of the Evaluation Panel when not in use. The disclosure of information contained in the Tender Responses may prejudice the commercial interests of the companies concerned and the bargaining position of Council during subsequent negotiations.

The Evaluation Panel must not disclose or reveal to any other party or person, or use or copy for any purpose other than in the discharge of their duties as a member of the Evaluation Panel, such information without first obtaining the written consent of the Evaluation Panel Chair.

Evaluation Panel members who sign this Plan acknowledge and understand the confidentiality requirements.

5. CONFLICTS OF INTEREST

Evaluation Panel members are required to disclose any actual or potential Conflict of Interest (COI) involving themselves, their immediate family or any other relevant relationship in writing. Appropriate action to remedy the COI will be determined and implemented with advice from the General Manager. All disclosures of COI and appropriate remedies will be fully documented.

Evaluation Panel members who sign this Plan acknowledge and understand the COI requirements.

6. CONFIDENTIALITY AND CONFLICTS DECLARATION

Stakeholders must provide a confidentiality and COI declaration in the form attached in Appendix 1 – Confidentiality and Conflict Declaration.

An Evaluation Panel member must not be provided access to the Tenders Responses until the mandatory Confidentiality and Conflicts Declaration (Appendix 1) is signed; and if any COI is declared, it is properly addressed.

7. TIMETABLE

The following Invitation to Tender timetable is planned, noting the time and dates are indicative.

Table 1 - Indicative Timetable

No	Task	Date
1	Invitation to Tender Opening Date	8 November 2024
2	Site meeting (if applicable)	Not applicable
3	Last day for Submitting Clarifications	27 November 2024
4	Invitation To Tender closes	3 December 2024
5	Evaluation of Tender Responses	December 2024, January 2025
6	Letter of Acceptance/Purchase Order to successful Tenderer(s)	February 2025
7	Correspondence to unsuccessful Tenderers and debrief (if necessary)	February 2025
8	Target Contract commencement	February 2025

8. PROCUREMENT METHOD

Following market analysis and a determination of the overall value and risk associated with this procurement project, an open Invitation to Tender process has been selected as the procurement method most likely to:

- realise value in the expenditure of public money;
- provide ethical and fair treatment of participants;
- ensure probity, accountability and transparency in procurement activities; and
- achieve the objectives of the Specification.

An open Invitation to Tender process will allow Council to clearly communicate the desired outcomes to all potential Tenderers and allow suppliers to offer innovative solutions.

8.1 PREPARATION OF TENDER DOCUMENTS

Invitation to Tender documents were prepared as follows:

1. Section A – Tender Information and Conditions

This Section outlines the conditions of tendering and defines the selection criteria that will be used in the evaluation of Tender Responses received.

2. Section B – Specification

This Section contains the specifications (requirements) for the services to be delivered by the appointed Contractor.

3. Section C – Conditions of Contract

This Section comprises the Conditions of Contract.

4. Section D – Tender Response Schedules

This Section encompasses the Tender Response Schedules on which Tender Responses must be submitted.

8.2 FORM OF CONTRACT

Council intends to negotiate the terms and conditions of any contractual arrangements for the Specification with any preferred Tenderer based on Invitation to Tender: Section C – Conditions of Contract.

8.3 ADVERTISEMENT DETAILS

The Invitation to Tender will be advertised on **8 November 2024**. Details of the Invitation to Tender will be uploaded on the Council internet site and Vendor Panel.

8.4 CLOSING OF INVITATION TO TENDER

The Invitation to Tender will close at 2.00pm on **3 December 2024**. Tenders will be opened at the Closing Date. Tenders will not be opened publicly. Late Tender Responses will only be accepted as per Clause 6 of the Tender Information and Conditions.

8.5 SITE MEETING

A site meeting will not be required for Tenderers.

8.6 TRANSMISSION OF INVITATION TO TENDER

The Invitation to Tender is released via VendorPanel at [VendorPanel Public Tenders](#).

8.7 TENDERER QUERIES AND CLARIFICATIONS

If any Tenderer identifies any errors or omissions in any part of the Invitation to Tender or requires clarification as to the meaning of any aspect of the Invitation to Tender, the Tenderer must submit a query in Vendor Panel.

Clarifications will be received up until four (4) business days (nominally **27 November 2024** based on Closing Date) before the Closing Date.

Council will endeavour to provide written responses to Tenderer queries and clarifications within a reasonable period.

8.8 VALIDITY OF TENDER RESPONSE

Tender Responses must remain open for acceptance for a period of not less than ninety (90) calendar days from the Closing Date.

8.9 MODIFICATIONS OR WITHDRAWAL OF THE INVITATION TO TENDER

Council reserves the right to modify, correct, clarify or otherwise vary the Invitation to Tender at any time before the Closing Date. All Tenderers must be notified in writing of any such modifications, changes, updates, revisions or corrections.

Council reserves the right to suspend, terminate or abandon the Invitation to Tender at any time during or after the Closing Date. All Tenderers must be notified in writing of any such modification.

Any notices or amendments issued by Council to the Tenderers during the Tender Period will form part of the Invitation to Tender.

Council reserves the right to:

- (a) change the Invitation to Tender specifications if required; and
- (b) invite all Tenderers to change their Tender Responses to take account of a change in the tender specifications, before deciding on the Tender Responses.

8.10 OMISSION OF ELEMENTS OF WORK

Council reserves the right to omit items from the Specification offered in this Invitation to Tender without penalty to Council.

9. EVALUATION PANEL

An Evaluation Panel has been formed to evaluate all conforming Tender Responses received. Members of the Evaluation Panel have been made aware of their responsibilities in relation to probity including confidentiality, impartiality and equity.

Evaluation Panel members will be responsible for:

- completing all necessary documentation during the Invitation to Tender process;
- evaluation of conforming Tender Responses;
- assessing risk and assigning appropriate remedies; and
- negotiating with the preferred Tenderer (as required).

9.1 MEMBERS

The Evaluation Panel will comprise:

Table 2 - Evaluation Panel

Position	Name	Title
Chair	Scott Hackney	Manager Infrastructure and Services
Member	Allan McConnell	Special Projects Officer
Member	Raymond Grube	Section Leader - Powerhouse

Members of the Evaluation Panel are appointed and should not be withdrawn or replaced without the approval of either the Chair or the General Manager/CEO.

9.2 SPECIALIST ADVICE AND SUPPORT

The Evaluation Panel may, as required, seek specialist advice to assist in the evaluation process. The areas of specialist expertise may include but are not limited to:

- technical analysis;
- procurement expertise;
- financial assessment; and
- legal counsel.

Peak Services have been engaged to support the procurement process.

Where specialists are engaged to provide advice or undertake part of the evaluation, they will be required to sign a Confidentiality and Conflict Declaration (Appendix 1).

10. EVALUATION METHODOLOGY

10.1 EVALUATION PRINCIPLES

Evaluation of the Tender Responses will be generally in accordance with the requirements of the *Local Government Act 1993* (NSW) (NI).and other applicable legislative requirements.

10.2 MANDATORY EVALUATION CRITERIA

Tenderers must meet the following mandatory requirements; failing which their Tender Response may be treated as non-conforming and may be excluded for evaluation, according to Council's absolute discretion:

- (a) Provision of a completed and signed Form of Tender (Invitation to Tender: Section D – Tender Response Schedules); and
- (b) Completed Tender Response Schedules;
- (c) Evidence of financial viability and capacity;
- (d) Evidence of sufficient insurances.

10.3 SCORING EVALUATION CRITERIA

Conforming Tender Responses will then be evaluated against a set of weighted qualitative (i.e., non-price) evaluation criteria. Weightings are allocated based on the relative importance to Council. The total weights assigned equal 100%.

The qualitative evaluation criteria categories are detailed in Table 3 below.

Table 3 - Evaluation Criteria Categories

Item	Criteria	Scoring methodology	Weighting (%)
1.	Capability and Experience	The Evaluation Panel shall consider the following (but not necessarily exclusively): <ul style="list-style-type: none"> • Response Schedule 5 – Capability and Experience • Response Schedule 6 – Key Personnel and Subcontractors • Response Schedule 8 – Quality Assurance • Response Schedule 9 – Work Health and Safety • Response Schedule 10 – Environmental Management 	15%
2.	Fit-for-purpose and quality of the tendered Goods and service	The Evaluation Panel shall consider the following (but not necessarily exclusively): <ul style="list-style-type: none"> • Response Schedule 7 – Goods Details and Specification 	30%
3.	Leadtime for the delivery of the Goods and suitability of delivery arrangements	The Evaluation Panel shall consider the following (but not necessarily exclusively): <ul style="list-style-type: none"> • Response Schedule 7 – Goods Details and Specification 	10%
4.	Price	The Evaluation Panel shall consider the following (but not necessarily exclusively): <ul style="list-style-type: none"> • Response Schedule 11 – Pricing Schedule 	45%

10.4 EVALUATION STEPS

Step 1 - Assessment for Compliance and Mandatory Requirements

- (a) The Evaluation Panel will assess all Tender Responses for completeness, unintentional errors in the Tender Response Schedules, compliance with the Invitation to Tender requirements and mandatory criteria.
- (b) A Tender Response may be excluded if the Tender Response:
- i. is received after the Closing Date; or
 - ii. does not satisfy the compliance or mandatory requirements.
- (c) A Tender Response may be excluded if the Tender Response:
- i. includes electronic files that are corrupted, contains a virus or otherwise cannot be read;
 - ii. is incomplete;
 - iii. includes prices that are not clearly and legibly stated;
 - iv. does not comply with the Invitation to Tender requirements;
 - v. indicates that the Tenderer is not fully capable of undertaking a contract in the form of the Contract;
 - vi. is clearly uncompetitive when compared with other Tender Responses; and

- vii. is rated poor, very poor or unacceptable against one or more of the Evaluation Criteria.
- (d) Tender Responses satisfying the compliance and mandatory requirements will progress for evaluation to Council's multi-disciplined Evaluation Panel using Council's predetermined scoring evaluation criteria.

Step 2 - Evaluation of Scoring Criteria

- (a) Tender Responses will be assessed against the evaluation scoring criteria. These are comprehensive assessment factors that consider technical capability, Tenderer's capacity and value for money, in the context of the risk profile represented by each Tenderer.

(b) Scoring Non-price criteria

Evaluation Panel members will individually without conversation or communication with other Evaluation Panel members (or anyone outside of the Evaluation Panel including Tenderers), allocate a score on a 10-point scale (i.e. 0 to 10) to demonstrate how well each Tender Response meets each specific non-price criterion.

- (c) Table 7 following details the scoring scale and definitions.

Table 7 – Scoring Methodology

Score	Definition
10	Outstanding Response: The Tenderer has provided an outstanding response which substantially exceeds Council's expectations in relation to the criterion/requirements. The response demonstrates outstanding capability, capacity and experience, and an outstanding understanding of the requirements of the evaluation criterion. The response identifies factors that will offer significant added value to Council. The response is comprehensively documented/presented with all claims fully substantiated.
9	Excellent Response: The Tenderer's response is very convincing and credible and exceeds Council's expectations in relation to the criterion/requirements. The response demonstrates excellent capability, capacity and experience, and an excellent understanding of the requirements of the evaluation criterion. Good value-add is offered to Council. Documentation/presentation provides complete details. All claims are well demonstrated and substantiated.
8	Very Good Response: The Tenderer's response complies, is convincing and credible and somewhat exceeds Council's expectations in relation to the criterion/requirements. The response demonstrates very good capability, capacity and experience, and a very good understanding of the requirements of the evaluation criterion. Minor value add is offered. Documentation/presentation provides complete details. All claims adequately demonstrated and substantiated.
7	Good Response: The Tenderer's response complies, is convincing and credible and meets the requirements of the criterion. The response demonstrates good capability, capacity and experience, and a good understanding of the requirements of the evaluation criterion. The Tenderer's substantiation is sound and overall claims are supported.
6	Acceptable Response: The Tenderer's response meets the requirements of the criterion. The response demonstrates acceptable capability, capacity and experience, and an acceptable understanding of the requirements of the evaluation criterion. The Tenderer's substantiation might have minor gaps but is sufficient and overall claims are supported.
5	Marginal Response: The Tenderer's response has minor omissions. The response is credible but barely convincing. The response demonstrates marginal capability, capacity and experience, and a marginal understanding of the requirements of the evaluation criterion.
4	Limited Response: The Tenderer's response is barely convincing. The response has shortcomings and deficiencies in demonstrating the Tenderer's capability, capacity and understanding of the requirements of the evaluation criterion.
3	Poor Response: The Tenderer's response is unconvincing. The response has significant shortcomings and deficiencies in demonstrating the Tenderer's capability, capacity and understanding of the requirements of the evaluation criterion.
2	Very Poor Response: The Tenderer's response is unconvincing. The response is significantly flawed and/or fundamental details are lacking. Minimal relevant information has been provided to demonstrate the Tenderer's capability, capacity and understanding of the requirements of the evaluation criterion.
1	Unacceptable Response: The Tenderer's response is totally unconvincing. The response does not demonstrate the Tenderer's capability, capacity and understanding of the requirements of the evaluation criterion.
0	No Response: The Tenderer's Response does not meet the evaluation criterion in any way. The response may be blank and/or non-conforming.

- (d) The Evaluation Panel members score will be multiplied against the weighting allocated to determine a weighted score for each Tender Response for each criterion.

(e) The reasons for individual scores must be documented and Evaluation Panel members must be prepared to discuss the reasoning behind the allocated score at the Evaluation Panel moderation meeting.

(f) At the completion of individual scoring by Evaluation Panel members, the Evaluation Panel will convene to consider individual scoring and reach a consensus or moderated score for all Tender Responses. The consensus evaluation score (weighted) will be based on individual assessments and discussion. The reasons for the consensus scores will be documented.

(g) Scoring of Price

For the scoring of Price, the lowest priced Tenderer receives a full score (i.e. 45% out of 45%) and the rest of the Tenderers receive a proportionate score based on their price, proportionately compared to the lowest price.

(h) Alternative Tenders

The Evaluation Panel will evaluate Alternative Tender Responses in accordance with the evaluation methodology, as best as practical. Council is not bound to consider or accept any Alternative Tender Response.

(i) Clarification of Tender Response

At any stage after the Closing Date, Council may engage in discussions with the Tenderer or seek clarification of any Tender Response in respect of specific matters included in the submission. Council may request the Tenderer to provide additional information in writing or via a presentation to assist with the evaluation process.

(j) Independent Enquiries

Council may make independent enquiries about matters relevant to the evaluation of the Tender including the Tenderer's referees, or any other person directly, and without notifying the Tenderer.

(k) At the conclusion of Step 2, the Evaluation Panel may shortlist Tenderers. Selected Tenderers will move to Step 3.

10.5 SHORTLISTING TENDERERS

- (a) the Evaluation Panel may, in its absolute discretion, shortlist Tenderers on one or more occasions during the Tender Response evaluation process.
- (b) Notwithstanding that the Evaluation Panel has shortlisted (or notified Tenderers of a decision to shortlist) one or more Tenderers:
 - i. the Evaluation Panel may continue to evaluate all Tenders Responses (including Tender Responses of Tenderers not shortlisted);
 - ii. the Evaluation Panel may include in a shortlist one or more Tenderers that were previously excluded from the shortlist;

10.6 NEGOTIATIONS WITH TENDERERS

After the Closing Date, Council may enter into negotiations with one or more Tenderers. During negotiations Council may engage in detailed discussions with the goal of maximising the benefits for Council as measured using the evaluation criteria.

10.7 DEPARTURES TO CONTRACT CONDITIONS

If a Tenderer identifies terms in the proposed Contract which it considers to be unacceptable, the Tenderer must complete the register of Contract Departures included in the Tender Response Schedules.

The Evaluation Panel may accept, reject or negotiate the terms and conditions of any contractual arrangements for the Specification with any preferred Tenderer on the basis of the Conditions of Contract.

10.8 SECURITY, FINANCIAL AND PROBITY CHECKS

The Evaluation Panel may conduct such security, financial (including credit) and probity checks as it deems necessary on Tenderers, their partners, associates or related entities (including consortium partners) or their officers and employees, for the purpose of evaluating the Tender Response, at any stage in the Invitation to Tender process.

11. EXECUTION OF CONTRACT

At the conclusion of the evaluation process, Council will issue a Notice of Award or Purchase Order (as appropriate) to the successful Tenderer and then execute a Contract in the form of the Conditions of Contract.

12. ADVICE TO UNSUCCESSFUL TENDERERS AND OPPORTUNITY FOR DEBRIEFING

At the conclusion of the Invitation to Tender process, Council will notify each unsuccessful Tenderer that its Tender Response has not been accepted and will offer the opportunity for a debriefing.

EVALUATION PANEL SIGN OFF AND APPROVAL

I have read this Tender Evaluation and Probity Plan and agree to abide by it.

Scott Hackney

Evaluation Panel Chair

Signature

Date

Allan McConnell

Evaluation Panel Member

Signature

Date

Raymond Grube

Evaluation Panel Member

Signature

Date

APPENDIX 1 – CONFIDENTIALITY AND CONFLICTS DECLARATION

I, [NAME] _____

declare that, in relation to the Tender Responses to Invitation to Tender - to Supply a Truck Mounted Elevating Work Platform (EWP) issued by Norfolk Island Regional Council (**Council**):

(a) I acknowledge that in the course of my involvement with this Invitation to Tender process I may have access to or possession of commercially sensitive information relating to the Invitation to Tender, Tender Responses or Tenderers. I agree that I will use such information only to the extent necessary to fulfil my role in connection with this Invitation to Tender process and will take reasonable steps to prevent the unauthorised disclosure of such information.

(b) I acknowledge and understand that:

- i. An Actual conflict of interest exists where I have an interest or relationship which will conflict with my obligations as an Evaluation Panel member;
- ii. A Potential conflict of interest exists where I have an interest or relationship which could in the future conflict with my obligations as an Evaluation Panel member; and
- iii. A Perceived conflict of interest exists if it may appear to a third party that I have an interest or relationship which conflicts with my obligations as an Evaluation Panel member (even if the Tenderer considers that no actual conflict exists);
- iv. I will notify the General Manager/CEO if a conflict of interest (whether actual, potential or perceived) that is not disclosed in this declaration arises or is likely to arise.

(c) The Tenderers who have submitted a Tender regarding this Invitation to Tender are:

- i. NNNNNNNNNNNNNNNN
- ii. NNNNNNNNNNNNNNNN
- iii. NNNNNNNNNNNNNNNN
- iv. NNNNNNNNNNNNNNNN
- v. NNNNNNNNNNNNNNNN
- vi. NNNNNNNNNNNNNNNN
- vii. NNNNNNNNNNNNNNNN

I declare that I am not aware of any conflict of interest (whether actual, potential or perceived) other than:

Details of actual, potential or perceived conflicts of interest	
1.	[INSERT DETAILS OR INSERT 'NIL KNOWN']
2.	
3.	

I hereby declare the details stated in this declaration are true and correct to the best of my knowledge and I make this declaration in good faith.

Name

Signature

Date
