



INDUSTRY
CAPABILITY
NETWORK
New Zealand

**Understanding Public Sector Procurement Processes
A Supplier's Guide to the Procurement of ICT Goods and Services**

REQUESTING AND RECEIVING OFFERS

Booklet 3

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PREFACE

This booklet series has been developed by the Industry Capability Network (ICN) to assist suppliers of information and communications technology (ICT) services in the public sector.

It is intended to provide a practical understanding of the policies, rules and processes that agencies follow when undertaking the procurement of ICT goods and services. By understanding these policies, rules and processes, suppliers are able to communicate with agencies in a more informed manner and are better positioned to respond to an agency's requirements.

Whilst every effort has been made to ensure these booklets reflect current best practice, readers should refer to the Ministry of Economic Development web site www.med.govt.nz for current government procurement policy and rules.

These booklets have been developed in parallel with the training material taught to public sector procurement practitioners as part of the Ministry of Economic Development's procurement training programme.

Structure of the Booklets

- Booklet 1 provides an introduction to the framework governing public sector procurement and the procurement life cycle model.
- Booklets 2 to 6 detail the activities and processes that occur within each of the five phases of the procurement life cycle model:
 - Planning
 - Requesting and Receiving Offers
 - Evaluation of Offers
 - Contract Award
 - Contract Management

Procurement Life Cycle Model

This diagram shows the five phases of the procurement life cycle model.



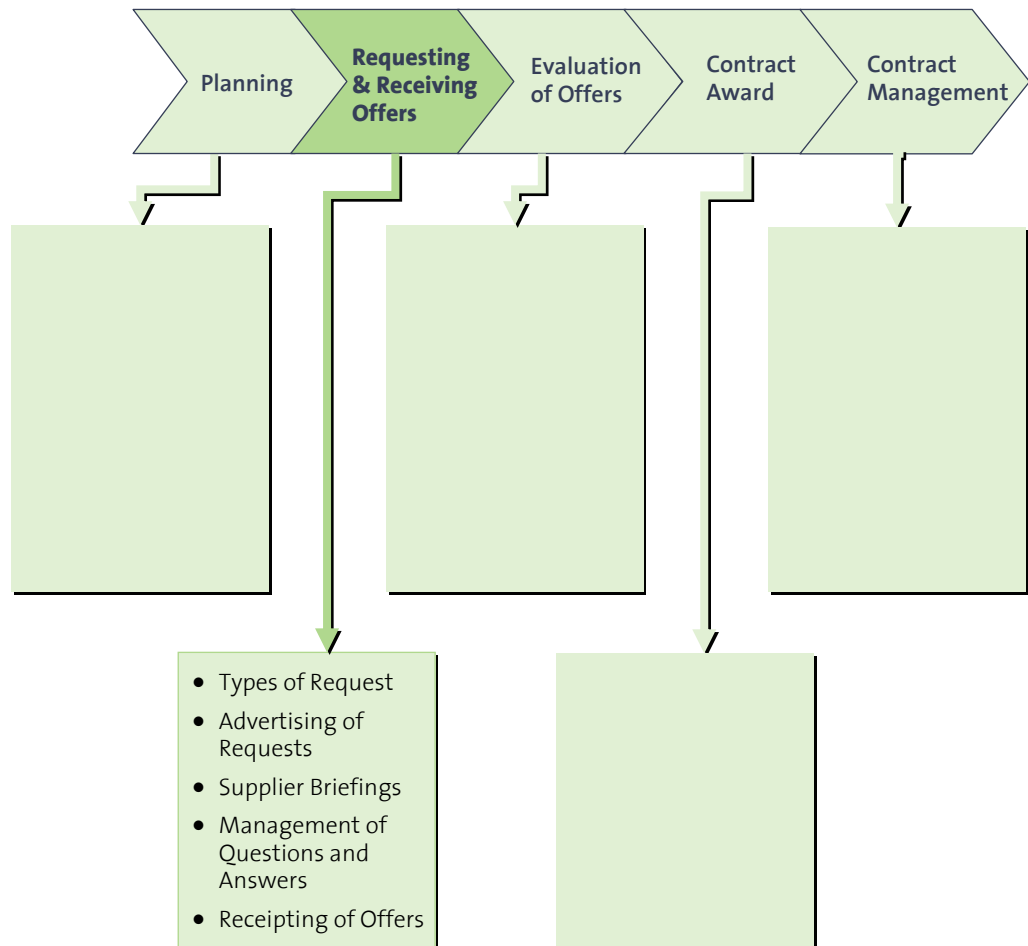
INTRODUCTION

The requesting and receiving offers phase covers the development of the Request for Offers (RFx) from the market, advertising, the management of questions of clarification, closing and the receipt of offers. It also covers the use of selective (sole source) procurement.

As discussed in Booklet 1, the planning around the requesting and receiving offers phase occurs as part of the planning phase. However, for ease of reference we have grouped all material relevant to this phase in this booklet.

REQUESTING AND RECEIVING OFFER ACTIVITIES

This diagram shows the activities and processes in the requesting and receiving offer phase of the procurement life cycle model.





REQUESTS FOR OFFERS (GENERICALLY TERMED RFX)

Methods

There are five recognised methods by which agencies request offers from the market. These are:

- Requests for Quotation (RFQs)
- Requests for Expression of Interest (known as EOI or REOI) and Requests for Registration of Interest (known as ROI)
- Requests for Proposal (RFP)
- Requests for Tender (RFT)
- Selective procurement (sole source selection)

Deciding Which Method to Use

In deciding which method to use, agencies consider:

- the requirements of the [Government Procurement Policy](#)
- the [Mandatory Rules for Procurement by Departments](#)
- the value and complexity of the procurement
- the degree to which they are able to specify the requirements
- whether they are looking for innovative solutions
- the cost and resources required of both themselves and the supplier

Decision Support Flowchart

An example of a decision support flowchart that agencies use when determining the appropriate market engagement model is at [Appendix 1](#). This flowchart is a guide only, with most agencies having a decision framework within their own procurement policies and procedures.

SOFTWARE DEVELOPMENT PROJECTS

While the competitive bid process is an essential component of demonstrating fairness and transparency in public sector procurement, and is intended to deliver the best value-for-money solution, in procurements like these it can appear to be working counter to this objective. However, this is not necessarily the case. There is scope to apply innovation in the competitive procurement process that can ensure the objectives and needs of both the buyer agency and suppliers are met.

Example:

An agency had a requirement for a complex, time-critical and high-value software development. The solution was critical to the delivery of the agency's outputs. The agency carried out a two-stage procurement process. In the first stage, open EOIs were called. As part of the process suppliers were advised the agency would be selecting a shortlist of three suppliers. These three suppliers would each be partially funded to undertake a pilot development. At the end of the pilot phase the three developments were evaluated and a single supplier selected to complete the project.

Positive outcomes

Positive outcomes from this approach:

- a large number of suppliers were able to compete in the EOI process without a large investment in time or cost
- the suppliers knew they would be partially funded for the pilot work if they were shortlisted, and therefore it was an *attractive* project (see [Supplier Positioning](#) in [Booklet 2](#)).
- the agency had managed the important risk associated with selecting a single supplier at the outset that the supplier subsequently might not be able to complete the development within the required timeframe
- the agency had raised the supplier capability and maintained a competitive



REQUEST FOR QUOTATIONS (RFQ)

Request for Quotations are commonly known as Request for Quotes or RFQ

An RFQ is a formal means of seeking offers from the market for goods or services where:

- price is the main selection criterion
- the requirement is reasonably “stock standard, off the shelf”
- the procurement is low risk

An example of an RFQ is at [Appendix 2](#).

Examples of where an RFQ may be used include the purchase of computer hardware (e.g. desktop PCs, laptops, monitors) to a predetermined specification, cabling work and consumables.

Where an RFQ is used for a procurement of over \$100,000 and is being undertaken by a government ministry, department, the New Zealand Police or the New Zealand Defence Force, it must be advertised on the [Government Electronic Tenders Service \(GETS\)](#) in accordance with the [Mandatory Rules for Procurement by Departments](#). Other state sector agencies are encouraged to comply with this requirement.

Where agencies use an RFQ, they apply the same rules as they would for any other competitive procurement process, such as an RFP. These include:

- ensuring any relevant information is made available to all those who have been invited to quote
- use of a tender box (or other secure location) for storing quotes once they are received
- not opening quotes until after the closing date and time have passed
- opening the quotes with at least two people and recording details of those suppliers that responded
- completing conflict-of-interest declarations
- ensuring the process is documented and auditable
- generally being able to demonstrate the process has been fair, robust and transparent

Evaluation of quotes is based on the Lowest Price Conforming evaluation model (refer to [Evaluation Models](#) in [Booklet 4](#)).

Unsuccessful suppliers will be advised accordingly.



REQUEST FOR EXPRESSIONS OF INTEREST (EOI/REOI) AND FOR REGISTRATIONS OF INTEREST (ROI).

EOI and ROI are different names for the same activity. The EOI/ROI is the first stage in a two-stage procurement process. Its primary use is as a shortlisting tool to reduce the number of interested suppliers as quickly as possible, so as to minimise costs to all parties. The second stage of the two-stage procurement process, the issuing of an RFP or RFT to the shortlisted suppliers, is covered later in this booklet.

EOI/ROI are often confused with Requests for Information (RFI). As noted *Request for Information* in *Booklet 2*, the RFI is not a request for offers from the market. It is a formal request for *information* only, and is used as part of undertaking market analysis and developing the agency's requirements.

As a general rule an EOI/ROI process will be used where:

- there are more than three or four potential suppliers, or
- the agency is unsure about the size of the market and the likely number of interested suppliers

EOI/ROI are advertised openly. If the procurement is over \$100,000 and being undertaken by a government ministry, department, the New Zealand Police or the New Zealand Defence Force, it must be advertised on *GETS* in accordance with the *Mandatory Rules for Procurement by Departments*. Other state sector agencies are encouraged to comply with this requirement.

EOI/ROI Content

An EOI/ROI only requests sufficient information for shortlisting purposes. This means an EOI/ROI normally only contains up to four to five questions requesting information such as:

- the supplier's contact details
- the supplier's qualifications and experience
- in the case of services, the supplier's capability and capacity to meet the agency's specified requirements
- in the case of goods, what the supplier is able to provide

Price information is generally not requested at the EOI/ROI stage. Indicative price information might be requested where the project has a limited budget and suppliers with solutions over the budget would not be considered. In this instance the evaluation of indicative price is simply a "Yes" for within budget or a "No" for outside budget.

An approach used by some agencies for dealing with the risk of shortlisting suppliers whose solutions are outside the available budget is to advise the budget as part of the EOI/ROI document, and only invite responses from those who have solutions within the budget ceiling.

The "Target Price" evaluation model is also used in this situation – refer to *Evaluation Models* in *Booklet 4*.



An example of an EOI/ROI is at [Appendix 3](#).

The Office of the Controller and Auditor-General's (OAG's) *Procurement – A Statement of Good Practice* provides further guidance on EOI/ROI (see the section *Multi-Stage Tender* in part 2).

Refer to *Requests for Proposal (RFP)/Requests for Tender (RFT)* for a description of the second stage of a two-stage procurement process using EOI/ROI.

EOI/ROI Evaluation Criteria

The EOI/ROI evaluation is normally developed and approved prior to the EOI/ROI being released. This is considered good practice as it ensures the right questions are asked as part of the request for EOI/ROI. At a minimum the evaluation criteria are developed and approved before supplier's EOI/ROI are opened. This is important as it enables the agency to demonstrate that the criteria and any weightings were developed without favour or bias towards any of the responses.

Evaluation criteria usually consist of mandatory criteria (normally scored as a pass/fail or yes/no) and/or non-mandatory criteria (which are normally scored on a 0-5 or 0-10 scale). Weightings may be applied to the non-mandatory criteria, however they are generally not applied to criteria scored on a pass/fail or yes/no rating.

Responding to an EOI/ROI

When responding to an EOI/ROI, ensure that your response follows the instructions contained in the EOI/ROI documentation. Ensure that the level of detail is such that the agency is able to evaluate your offering objectively. Normally there is no referee-checking as part of the EOI/ROI evaluation, so ensure your submission is self-sufficient – don't rely on referee-checking or other forms of due diligence to get you shortlisted.

The EOI/ROI is generally not the place to try to "sell" the agency a different solution from what it is seeking, unless the agency's request specifically provides for responses of that nature. It should be generally assumed the EOI/ROI process is about shortlisting suppliers that can demonstrate they can meet the agency's requirements. Therefore your response should focus on demonstrating that – not proposing alternative approaches or solutions. Once shortlisted, most RFP documents will provide for alternative offers; however, if you are unsure about the process it is recommended you check with the agency. This avoids wasting unnecessary effort bidding an alternative option it will not consider.

REQUEST FOR PROPOSALS (RFP)/REQUEST FOR TENDERS (RFT)

An RFP is a formal means of seeking offers from the market for goods or services where the agency is open to supplier innovation i.e. it is the outputs and outcomes that are important, not the process the supplier follows to deliver the outputs or outcomes.

An RFT is identical in structure and process to an RFP, except that it is used where the agency's specifications/requirements are clearly defined and there is little room for flexibility or innovation.

Examples

ICT Services. An RFP process would be appropriate when the agency is looking for specified outcomes in terms of systems support, performance and availability. In this example it doesn't matter to the agency whether the servers are hosted on site or by a third party. The RFP is used to identify the best value-for-money solution to achieve the required outcomes.

Specified Storage Solution. An RFT might be used where the agency has decided it wants a SAN to be provided in a particular way e.g. a specified volume solution that is to be housed on site. In this example the RFT will request detail on the supplier's capability and expertise in supplying, installing and configuring the required solution – not ask for different approaches to provide the required storage capacity.

In determining whether to use the RFP/RFT process, the agency considers the cost of conducting the RFP/RFT process against the likely benefits. This generally means an RFP/RFT process is not used for low-value procurements. In those instances an RFQ or selective procurement will often be more appropriate. However, consideration will also be given to the [Mandatory Rules for Procurement by Departments](#), which may prevent, on the grounds of openness, any consideration of the cost of the process as a reason for not engaging in an open, competitive procurement process.

RFPs and RFTs may be used as a single-stage procurement process or as the second stage of a two-stage process i.e. following an EOI/ROI.

They may be "open" (all possible suppliers are invited to submit proposals) or "closed" (only some of the possible suppliers are invited to respond). The [Mandatory Rules for Procurement by Departments](#) require all RFPs and RFTs for procurements greater than \$100,000 (excluding GST) to be advertised on [GETS](#) as open RFPs/RFTs (with some limited exemptions).

Refer to [Conducting the Tender](#) in part 2 of the OAG's [Procurement – A Statement of Good Practice](#) for further guidance on RFPs and RFTs.

SELECTIVE PROCUREMENT

There are some circumstances where competitive procurement is not practical, and it is appropriate to make a “selective procurement”. A selective procurement is made without calling for competing quotes or tenders. An individual supplier is simply invited to submit a proposal or quote to provide the required goods and services. When undertaking a selective procurement, agencies give particular consideration to ensuring value for money is achieved. This will generally be done through some form of benchmarking or open-book-based negotiations.

Circumstances where agencies may use selective procurement include the following:

- when purchasing under an existing supply contract
- where a supplier has unique expertise or knowledge. This option is not available when the procurement is greater than \$100,000 and the agency is covered by the *Mandatory Rules for Procurement by Departments*. When making a decision to carry out selective procurement on this basis, agency processes will normally require documentary evidence to demonstrate the supplier holds unique expertise or knowledge. Documentary evidence might include, as appropriate:
 - expert advice on procurement options
 - capability assessments of potential suppliers
 - an analysis of industry or market expectations
- when procuring from another government department, state service or wider state sector agency¹
- for one-off purchases of goods or services where the seeking of quotes or tendering would not be cost effective. Note this option is not available to agencies when the procurement is greater than \$100,000 and they are covered by the *Mandatory Rules for Procurement by Departments*. When planning a selective procurement on this basis, the agency will be looking to demonstrate that a competitive procurement method, e.g. seeking of quotes, is not cost effective
- when goods or services are only available from a specific source of supply (such as proprietary brands where there is no technically acceptable equivalent)
- where compatibility/standardisation with existing equipment is required. In planning a selective procurement on these grounds the agency will be looking to demonstrate objectively the requirement for compatibility/standardisation
- when acquiring spare parts or accessories for existing equipment
- in cases of extreme urgency e.g. replacing critical equipment following an unexpected failure

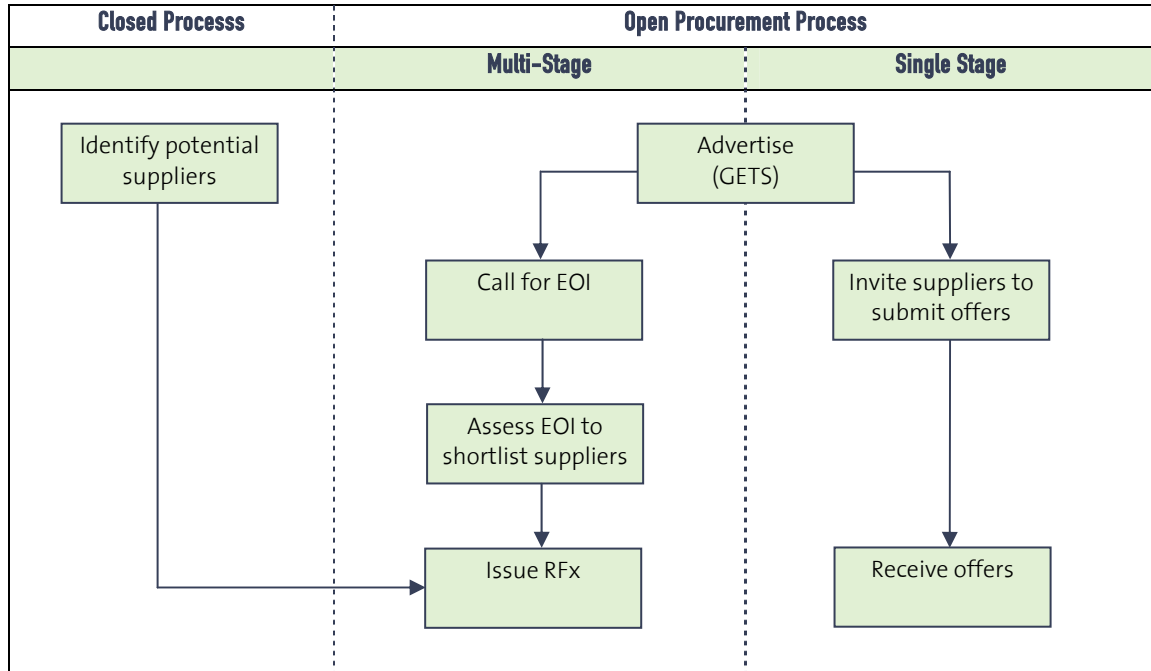
See *Selective Procurement* in part 2 of the OAG’s *Procurement – A Statement of Good Practice*.

See also the exemptions from open tendering in the *Mandatory Rules for Procurement by Departments*.

¹ Except where the public entity provides those goods or services on a competitive commercial basis e.g. New Zealand Post courier services.

Approaches to Competitive Procurement

The different competitive procurement approaches are shown in the following diagram.



Advertising of Requests for Offers (RFx)

All open RFx from government departments, the New Zealand Police and the New Zealand Defence Force are advertised on [GETS](#) in addition to any other advertising they may elect to undertake. Most other state sector agencies will also use [GETS](#) for advertising their open RFx.

[GETS](#) is an effective, simple and free-to-use service that provides an automatic notification service to registered suppliers that an RFx matching their area of expertise/interest has been advertised. Use of [GETS](#) avoids the agency needing to print and distribute hard copies of RFx documents, as well as providing a simple and effective means of distributing any supplementary information.

Registration on [GETS](#) is free for suppliers.

RFx advertisements include:

- a description of the intended procurement
- any conditions that suppliers must fulfil to participate in the procurement process
- the time limits for submissions of offers
- contact details for obtaining all relevant documents and/or asking any questions



How Long Will an RFX be in the market?

The *Mandatory Rules for Procurement by Departments* state: “The time provided between the date of publication of the notice on GETS and the final date for submission of tenders must in no case be less than 10 working days. (N.B. – this is to be regarded as the absolute minimum, not the norm).”

As a general rule, suppliers are given 10-15 working days to respond to an RFQ or EOI/ROI and 20 working days to respond to an RFP/RFT. However, in some cases either more or less time might be appropriate.

Refer to *RFX Distribution* in part 2 of the OAG’s *Procurement – A Statement of Good Practice* (in the section Conducting the Tender) for further guidance on the distribution of RFX.

USING GETS

To receive automatic email notifications of supply opportunities, you (suppliers) should register on [GETS](#) then select the TenderWatch codes that are of interest. Automatic emails will be generated from GETS to advise you when an entry has been placed on the system that matches one of the codes that you have selected.

Supplier registration on [GETS](#) is achieved by following the link from the Industry Capability Network web site or by clicking on the Registration link from www.gets.govt.nz. It is free to register.

By following the link to the “View Post Award Notification”, you can access information on completed procurements, including the name of the successful tenderer, the term of the contract and the dollar value range.

Supplier Briefings

In procurements for the supply of services where relationships are going to be an important component, agencies are often seeking an understanding of suppliers’ cultures and a demonstrated alignment with their own culture, objectives and strategic direction. In order to do this, the agency must first explain its own culture, strategic direction, imperatives, etc. As it can be difficult to do this adequately through a formal written RFX, supplier briefings are sometimes used as a mechanism for conveying this context.

There are several approaches agencies may take to supplier briefings:

- release of the RFX along with advice that a supplier briefing will be held at a certain time (normally around a week after the RFX release to provide the suppliers with time to read the documentation and arrange for appropriate attendees)
- hold the briefing as part of the release of the RFX document. In this approach the briefing is openly advertised (e.g. on [GETS](#)) and the RFX document is released directly after the briefing. A drawback with this approach is that it does not allow suppliers time to familiarise themselves with the agency’s requirements before attending the briefing
- individual briefings with individual suppliers. From the agency’s perspective a key point with the supplier briefing is that it is a formal part of the procurement



process, and therefore the same information must be supplied to all prospective suppliers. In addition to the time commitment of the individual briefings, it can be quite an onerous process for the agency to ensure that not only does each supplier receive the same information, but that the agency can demonstrate that this was the case.

See *Pre-Tender Briefings* in part 2 of the OAG's *Procurement – A Statement of Good Practice* (in the section Conducting the Tender) for further guidance on supplier briefings.

Management of Questions and Answers during the RFx Phase

As noted under the section on supplier briefings, one of the agency's key requirements is to ensure the process is fair to all prospective bidders. This means that any information given to one supplier must also be given to all other prospective bidders unless the question is considered commercially sensitive to the supplier making the request. A clause to this effect is normally standard in all RFx documentation.

Commercially sensitive questions

Suppliers can sometimes be reticent to ask a question because they consider it to be commercially sensitive to their bid, and fear it will be copied to all prospective bidders. In these cases the question should be asked with a caveat similar to the following: "This question is considered commercially sensitive to our offer and it is requested it is not distributed to other prospective bidders. However, if you do not consider this question to be commercially sensitive and intend to copy the question and answer to the other prospective bidders, please advise me accordingly and I may/will withdraw the question."

See *Requests for Additional Information* of the OAG's *Procurement – A Statement of Good Practice* (in the section Conducting the Tender) for guidance on requests for additional information.

Receipt of Offers

On receipt, offers are stored in a secure location until they are opened and registered.

Once the closing date/time has passed, the offers are opened by two people and the following details recorded:

- the supplier's name
- confirmation that the offer was received by the closing date/time
- the number of copies received

Each copy received should be date stamped and initialled at the time of opening.



Late Tenders

As a general rule, late offers will only be accepted if the RFX document makes provision for their acceptance and there is no possibility of collusion or the late bidder having gained an advantage by being late.

Details of any late offers, including the date/time of receipt, are recorded. If the late offer is not accepted, the supplier will be advised accordingly.

See *Late Tenders* in part 2 of the OAG's *Procurement – A Statement of Good Practice* (in the section Conducting the Tender) for guidance on this topic.

Buyer-Side Ethical Considerations Relating to the Requesting and Receiving Offers Phase

Buyer-side ethical considerations relating to the requesting and receiving offers phase are:

- firm intent to proceed. The market has the right to expect that when an agency goes to the market with a formal RFX it intends to procure the goods or services being requested. If agencies are only seeking price and/or capability information as part of their planning or budgeting processes, this will be done using informal discussions with potential suppliers, other market research methods, or through a formal RFI process
- fairness. All parties must be treated fairly throughout the process. In practice this includes ensuring:
 - suppliers all have the same information
 - suppliers all have the same length of time to respond
 - there are no practices deliberately designed to exclude or disadvantage any particular suppliers, e.g. the length of time to respond is very short and only a supplier who had prior knowledge of the agency's requirements would be able to submit a competitive offer in the time permitted

Risks

Generic risks identified by agencies relating to the requesting and receiving offers phase of the procurement life cycle include:

- failing to be aware of meeting their (the agency's) obligations under the *Mandatory Rules for Procurement by Departments*, which may result in complaints and/or reputation damage to their agency
- allowing an insufficient response time, which may result in poor-quality responses or some suppliers with good solutions choosing not to respond
- a poorly constructed RFX document, which may lead to poor-quality responses



RESPONDING TO AN RFX DOCUMENT

Understanding the requirements

Agencies have different formats for their RFX documents. This means that some agencies will group all their requirements and questions in one section, while others will spread them throughout the RFX documents. One of the key requirements for the supplier is to make sure it has identified and understood not only what goods or services the agency requires, but also what information it is required to provide to the agency as part of its response.

To that end it is good practice when reading the RFX document to highlight or develop a list of all requirements in the document that state “the supplier must”, or “the supplier is required to...”. Although not all of these may be included in the RFX section dealing with evaluation requirements, it is good practice to treat these “MUSTs” as being mandatory requirements and cover each in full in your response.

Evaluation Criteria

RFX documents will often, in addition to a list of specific questions or requirements, contain a summary of the high-level evaluation criteria. It is important that when answering the specific RFX questions you cross-check your responses against these high-level evaluation criteria. This check is important to ensure that, in addition to simply answering the question, you have provided the information the agency is seeking from an evaluation perspective. For example:

Criterion:

The high-level evaluation criteria might include a criterion such as:

Business Alignment: *Outsourced ICT services provision forming a major component of the tenderer’s core business with a demonstrated and long-term commitment to services delivery.*

Question:

In the response form, suppliers may be required to respond to a requirement similar to “The bidder is to provide a brief company history, including details of its core business areas”.

Answer:

In answering this question, the supplier should ensure that, in addition to providing the company history and details of its core business areas, it demonstrates (from the high-level evaluation criterion) that *outsourced ICT services provision is a major component of its core business and it demonstrates a long-term commitment to services delivery.*



Evaluation Weightings

RFx documents do not usually contain the detailed weightings, however that does not mean you should treat all requirements and questions as being equally important. The agency will generally have different weights applied to different questions and the amount of detail you provide in response to those questions should ideally try to mirror their relative importance.

Paired Comparison Tool

One tool that can be used to identify the likely ranking of the agency's requirements is a form of paired comparison. The tool works as follows:

1. Copy all the requirements into an Excel table as per the following example:

	Req 1	Req 2	Req 3	Req 4	Req 5	Total
Req 1						
Req 2						
Req 3						
Req 4						
Req 5						

2. Place yourself in the agency's shoes, i.e. think about the agency's requirements from the agency's perspective.
3. Working across row 1, compare Requirement 1 with Requirement 2, then Requirement 3 etc. Where Requirement 1 is considered more important, insert a 1 in the cell. Where Requirement 2 or 3 etc is more important, insert a "0"; for example:

	Req 1	Req 2	Req 3	Req 4	Req 5	Total
Req 1		1	1	1	0	
Req 2						
Req 3						
Req 4						
Req 5						



4. Repeat for each row in the table (noting that those cells below the diagonal are the inverse of those above); for example:

	Req 1	Req 2	Req 3	Req 4	Req 5	Total
Req 1		1	1	1	0	
Req 2	0		1	1	0	
Req 3	0	0		1	0	
Req 4	0	0	0		0	
Req 5	1	1	1	1		

5. Sum the rows; for example:

	Req 1	Req 2	Req 3	Req 4	Req 5	Total
Req 1		1	1	1	0	3
Req 2	0		1	1	0	2
Req 3	0	0		1	0	1
Req 4	0	0	0		0	0
Req 5	1	1	1	1		4

In this example, requirement 5 is the most important followed by 1, 2, 3 and 4.

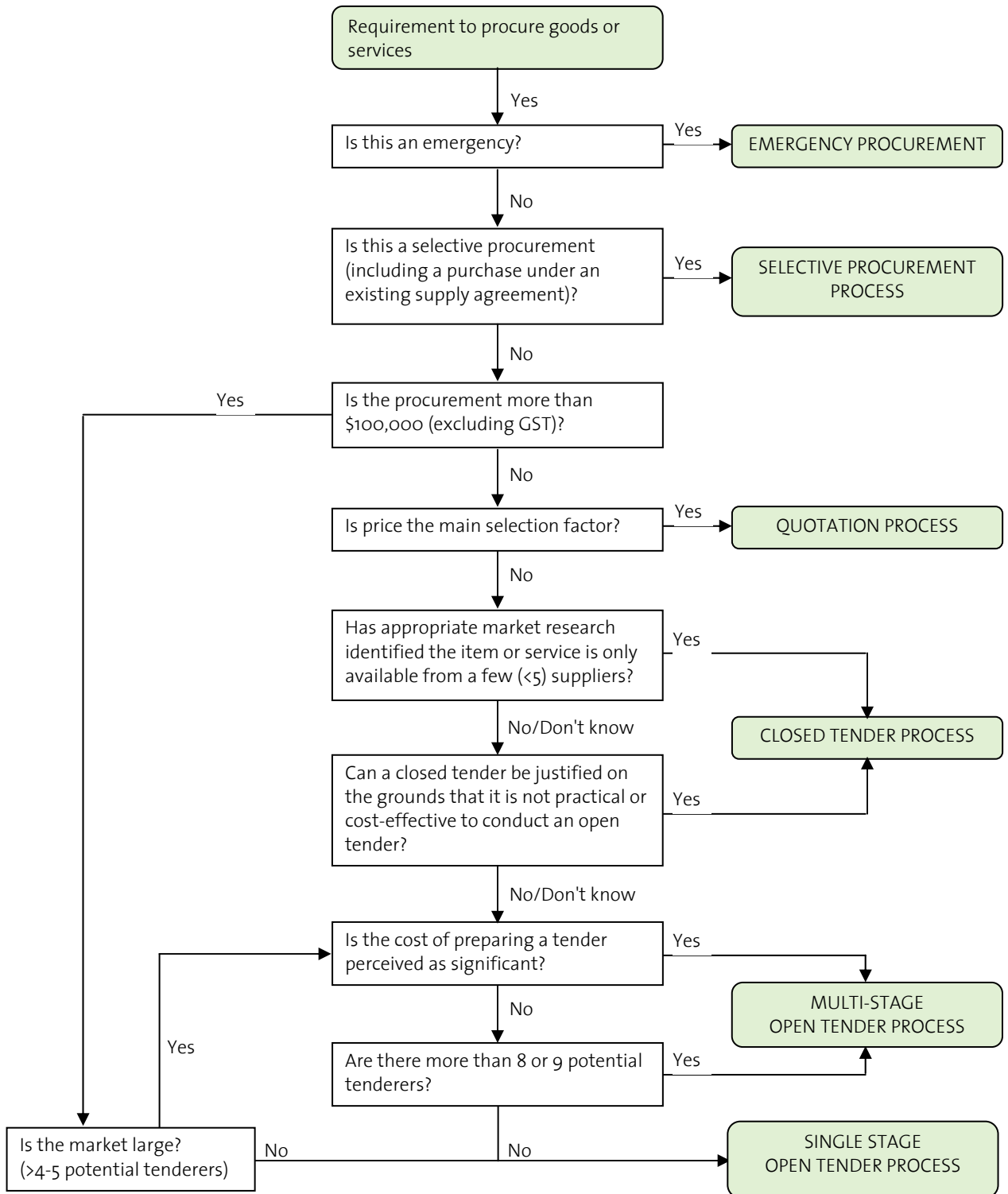
Having completed this exercise, and if you have understood the agency's requirements, you should have a similar view to the agency as to the ranking of its requirements, and can apportion your response effort accordingly.

Note: It is important to note that this tool does not determine the relative importance of requirements i.e. you cannot tell from this tool that Requirement 1 is half as important as Requirement 5 and Requirement 4 is almost as important as Requirement



APPENDIX 1: FLOWCHART FOR DETERMINING THE MARKET ENGAGEMENT MODEL

This generic decision support flowchart is designed for use in determining an appropriate market engagement model.





APPENDIX 2: EXAMPLE REQUEST FOR QUOTATION (RFQ)

REQUEST FOR QUOTATION (RFQ) FOR THE SUPPLY OF ~~XXXX~~ TO XXX

RFQ NUMBER XXX
ISSUE DATE XXX
CLOSING DATE XXX

The [agency] is seeking quotations from organisations for the supply of [describe goods or services]. The full <scope of work/statement of requirements> and the terms and conditions relating to the RFQ are attached.

Written quotations are to be enclosed in a sealed envelope marked “RFQ – <description>” and are to reach:

XXX

by NOON on the closing date of [date].

[XXX] is the [agency] contact person for this RFQ. If you have any questions on the scope of work or the terms and conditions of this RFQ, or would like to inspect the site, please contact [XXX] by phone fax ... or email

Yours sincerely



[AGENCY]

REQUEST FOR QUOTATION (RFQ)

TERMS AND CONDITIONS

1. CONFIDENTIALITY

You shall:

- 1.1 Keep strictly confidential any information or documentation concerning this RFQ or any proposed contract.
- 1.2 Not disclose any such information to any third party except for the purpose of preparing a Quote.
- 1.3 Not make any public statements in relation to this RFQ or any subsequent contract without the prior written permission of [agency].

2. ENQUIRIES, AMBIGUITIES AND NOTICES TO SUPPLIERS

- 2.1 You should make no approach to any [agency] personnel with regard to this RFQ except for the [agency] contact person. Any such approach or attempt may result in your disqualification.
- 2.2 All questions must be asked in writing and sent to the [agency] contact person.
- 2.3 Questions of general interest and importance received from Suppliers will be documented, together with a reply, and advised via email to all parties who have been invited to submit a Quote. The same process will be used to notify Suppliers of any errors and omissions identified, and any new information.
- 2.4 If you provide ideas and matters of importance that are clearly stated to be commercially sensitive or trade secrets, [agency] will not release such information without your prior agreement, unless compelled to do so by law.
- 2.5 If you are unsure about any of the terms or words used in this RFQ, you should enquire at the earliest opportunity. A definition of the terms or words in question will then be forwarded to all parties who have been invited to submit a Quote.

3. INDEPENDENCE OF QUOTES

By submission of a Quote, you certify that:

- 3.1 The price/rates in the Quote have been arrived at without any consultation, communication or agreement for the purpose of restricting competition.
- 3.2 You have not knowingly disclosed the prices/rates in the Quote to any competitor, prior to the closing date for submission of Quotes.



- 3.3 The prices/rates in the Quote allow for all the Supplier's obligations under the contract and all your costs, margin and profit.
- 3.4 You have not made and will not make any attempt to induce any other person or firm not to submit a Quote for the purposes of restricting competition.

4. GENERAL

- 4.1 Your Quote will be held open for acceptance or rejection for 30 days from the closing date for submissions.
- 4.2 All information provided by [agency] to Suppliers has been provided to assist in preparing Quotes and carrying out contracts, but [agency] does not accept responsibility for the accuracy or completeness of such information. You must undertake such further investigations and measurements as you may consider necessary before submitting a Quote.
- 4.3 Any costs or expenses in association with this RFQ or any subsequent contract shall be to your sole account.
- 4.4 [agency] may accept or reject any or all Quotes at its complete discretion. If none is acceptable [agency] may negotiate with other suppliers for a satisfactory offer.
- 4.5 [agency] may request clarification or negotiate any aspect of the Quote with any Supplier with a view to finalising contract arrangements.
- 4.6 All Suppliers who submit a Quote will be advised in writing whether their Quote has been accepted or rejected.
- 4.7 No part of the Quote submitted will be returned to the Supplier.
- 4.8 If agreement cannot be reached to [agency]'s satisfaction, [agency] may negotiate with other Suppliers.
- 4.9 This RFQ and the successful Supplier's response shall form part of the final contract agreement to the extent so selected by [agency].

5. ABSENCE OF OBLIGATIONS

- 5.1 Unless or until [agency] enters into a contract with a Supplier, no legal or other obligations shall arise between parties in relation to this RFQ.
- 5.2 [agency] is not bound to accept the lowest or any Quote, and may discontinue this RFQ at any time.



APPENDIX 3: EXAMPLE EOI/ROI

REQUEST FOR EXPRESSIONS OF INTEREST (EOI) FOR THE SUPPLY OF XXXXTO XXX

EOI NUMBER: XXX
ISSUE DATE: XXX
CLOSING DATE: XXX

The [agency] is seeking expressions of interest from organisations for the supply of [describe goods or services]. Additional information on the required goods and/or services is attached at Appendix 1.

The purpose of this request for EOI is to identify suppliers that have the capability to provide the required goods and/or services. Information supplied in the EOI will be used to compile a short-list of suppliers from which Requests for Tender/Proposal (RFTs/RFPs) may be sought. Accordingly, the EOI should succinctly cover all the matters requested. Suppliers who are not included on the short-list will be advised of that fact. [agency] also reserves the right to enter into direct negotiations for the purchase of services with a supplier based solely on the information provided in an EOI.

The completed response is to be enclosed in a sealed envelope marked “Expression of Interest for []” and is to reach [Name], [Position], [agency] postal and physical address], by NOON on the closing date of [XXX]. EOIs received after the closing time may not be considered.

EOI responses are to include:

- a nominated point of contact with postal, fax, telephone and email contact details
- a profile of the organisation, including experience in supplying and supporting [XXX]
- a profile of the product, including XXXX
- lead time for delivery

[The above list will be tailored as appropriate.

Note: Generally there will not be more than four to five criteria on which EOI are evaluated.]

Responses are to be in the English language and are to be signed by your duly authorised representative. Two copies of the EOI are to be provided. As a guide your EOI should not be more than six A4 pages.

Please note that the documents attached to this request for EOIs are confidential and are covered by copyright, but may be copied to the extent necessary to prepare a response to this request for EOIs. The information contained in your response will be treated similarly.



The issue of and response to this EOI does not create any obligation on [agency] to enter into any commitment to purchase any particular goods or services. [agency] also reserves the right at all times to decide not to proceed to an RFT/RFP.

Any questions on this EOI are to be in writing and sent to XXX either by facsimile ((ox) xxxxxx Attention: xxxxxx) or email (xxxx.xxxxx@buyeragency.govt.nz).

Questions of interest and importance will be documented, together with a reply, and advised via email to all parties who have registered with GETS and received a copy of the EOI from the GETS web site. This will include notification of any errors and omissions identified and any new information provided.

Yours sincerely

XXXXXXX

Attachment:

XXXX