Request for Proposal

# Volume 1: Project Overview and General Requirements

# Part A: General Information and Instructions to Respondents

# Appendix D: Interactive Tender Process Plan

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# Template

## Purpose

This template will be used by procuring agencies preparing a Request for Proposal (RFP) as part of the tender process for a public private partnership project. A new interactive tender process template consolidates the process for all interaction, assisting procuring agencies to adopt a consistent approach to engaging with the private sector during the tender phase.

This template is publicly available and may be amended from time to time as required.

## Policy Requirement

The Partnerships Victoria Requirements 2016 state:

Victorian PPP projects are to incorporate an interactive tender process into the procurement stage. The National PPP Guidelines Volume 2 Practitioners’ Guide includes guidance on the process, and procuring agencies should use the Partnerships Victoria interactive tender process plan template that is part of the request for proposal volume 1A.

## Template instructions

This ITP plan supplements Section 9 (interaction between the State and respondents) of volume 1A (general information and instructions to respondents) of the RFP.

This ITP plan contains a number of interactive elements including the data room, the Q&A process, ITP workshops and site inspections to provide respondents with access to State information and feedback. Application of certain sections of the ITP plan (e.g. the Data Room and Q&A Process) may commence prior to release of the RFP.

This ITP plan can be tailored to project specific circumstances and available resources. Guidance notes are included to assist with content, examples and issues to consider.

The interactive tender process will need to be conducted having due regard to probity and the completed ITP plan should be reviewed by the project Probity Advisor prior to release.

Interactive Tender Process Plan [Template]

Appendix D

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* + 1. Introduction
       1. Objectives of the ITP

The Interactive Tender Process (ITP) provides an opportunity for active interface between the State and all Respondents during the Request for Proposal (RFP) Phase of Partnerships Victoria Public Private Partnership (PPP) projects. Individual Respondents will have an opportunity to communicate with the State to clarify and discuss the State’s requirements so as to assist development of high quality, value for money Proposals that meet the requirements of the RFP.

This ITP Plan relates to the ITP that will be conducted by the State during the RFP Phase of the ***[insert Project name]*** (the **Project**), in accordance with Volume 1, Part A (General Information and Instructions to Respondents) of the RFP[[1]](#footnote-1).

The objectives of the ITP are to:

* + - facilitate communication between Respondents and the State during the RFP Phase to develop high quality, well-considered, value for money Proposals that meet the requirements of the RFP;
    - encourage Respondents to use the opportunity to seek maximum understanding of the State’s requirements as expressed in the RFP and to test the acceptability of Respondents’ proposed technical, commercial, operational, financial and legal offering;
    - allow the State to gain an early understanding of the intentions of Respondents as they develop their Proposals, so as to reduce the likelihood of Respondents submitting unacceptable solutions and therefore, avoiding unproductive work being carried out by Respondents;
    - provide guidance from the State in relation to alternatives to the RFP requirements that Respondents may be considering;
    - provide Respondents with an opportunity to inspect the ***[#Site / #Sites /#Project Area]***, assets and infrastructure, as relevant; and
    - improve the quality of Proposals and minimise the time that would be required for negotiation with the Preferred Respondent(s).

The RFP Phase is a competitive process that is anticipated to involve a significant amount of interaction between Respondents, the State and Project Stakeholders. Therefore, throughout the RFP Phase, the exchange and sharing of all information must occur in a manner that maintains integrity at all times and treats all Respondents fairly.

* + - 1. Purpose of this ITP Plan

The purpose of this ITP Plan is to set out the processes and procedures to be followed by the State and Respondents during the RFP Phase.

This ITP Plan will govern Respondents’ discussions with the State and will provide Respondents with processes and procedures for accessing information that may assist with the preparation of Proposals.

The processes and procedures contained in this ITP Plan have been developed to allow for orderly, equitable and confidential access to information.

This ITP Plan contains a number of interactive elements to provide Respondents with access to the State during the RFP Phase, including:

* + - the Data Room;
    - the Q&A Process;
    - ITP Workshops;
    - [Interim Submissions (if applicable)]; and
    - Site Inspections.

It should be noted that although the ITP Plan reflects the State’s intentions, the State reserves the right to amend the ITP at any time during the RFP Phase.

* + 1. Interactive Protocols
       1. Interactive Protocols

The ITP is subject to the Terms and Conditions. The Terms and Conditions contain a number of important requirements in **relation** to the disclosure of information by the State and its Associates during the Tender Process including information provided:

* + - verbally during any ITP Workshops and Site Inspections; and
    - via the Data Room.

Without limiting the Terms and Conditions, the following overarching protocols will apply to the ITP:

* + - information exchanged in ITP Workshops and Site Inspections and information provided via the Data Room and the Q&A Process during the ITP will not in any way constitute an endorsement, approval or evaluation of a concept or method by the State and, unless expressly stated in the RFP, does not form part of the evaluation process;
    - the State and its Associates may provide feedback regarding the State’s views on information submitted during the ITP, including what it considers to be both positive and negative aspects of Respondents’ proposed solutions, concepts and methods in relation to the State’s requirements set out in the RFP. Such comments, however, are not to be interpreted as directions, instructions or an endorsement, approval or evaluation. Respondents must form their own view on how to incorporate the feedback (if at all) in their Proposals; and
    - while the State may inform Respondents during the ITP that one or more of their proposed solutions, concepts or methods may be inconsistent with or fail to adequately address the State’s requirements, the State cannot, and does not represent, that every inconsistency or issue will be detected and/or commented upon by the State. Silence or failure by the State to comment does not in any way constitute endorsement, approval or otherwise of Respondents’ proposed solutions, concepts or methods.

In addition to the overarching ITP protocols outlined above, the following activity specific protocols will also apply to the ITP:

* + - the ITP Workshop Protocols set out in section 2.2 (ITP Workshop Protocols) of this ITP Plan; and
    - the Site Inspection Protocols set out in section 9.2 (Site Inspection Protocols) of this ITP Plan.

The State reserves its rights under the Terms and Conditions in the event that a Respondent breaches the ITP Plan including the ITP Workshop Protocols and the Site Inspection Protocols.

* + - 1. ITP Workshop Protocols

ITP Workshop Protocols below set out rules that will govern the procedures, timetable and the conduct of any ITP Workshop held during the RFP Phase.

**General Interactive Tender Workshop Protocols**

* + - ITP Workshops are intended to raise the level of understanding of the State’s requirements for the Project and in turn, improve the quality of Proposals.
    - ITP Workshops are not negotiation sessions.
    - Responses provided and concepts presented at any ITP Workshops will not form part of evaluation of Proposals.
    - There should be equitable and respectful dialogue between the State and the Respondents.
    - Open two-way communication is critical to a successful ITP process. All representatives should interact positively with one another.
    - ITP Workshops should be conducted within a framework that ensures the principles of probity are adhered to, and in accordance with a Project’s probity plan.
    - The State’s project team will endeavour to meet prior to any ITP Workshop to discuss the submitted agenda including agenda items and ensure there is agreement amongst the project team members on the State’s position. The project team meetings will seek to determine the State representatives who will attend ITP Workshops based on those persons best placed to respond to particular ITP Workshop agenda items.

**Principle 1: Workshops are to follow meeting agendas agreed in advance**

* + - The State will meet separately with each Respondent in order to conduct ITP Workshops.
    - Respondents will have equal opportunity to engage with the State via ITP Workshops, although it will be up to each Respondent as to the extent it wishes to utilise those opportunities.
    - Unless otherwise agreed with the State, Respondents should provide an ITP Workshop agenda of items to be discussed during an ITP Workshop to the State at least five Business Days prior to each ITP Workshop.

**Principle 2: Workshop attendees are to be aligned according to workshop topics**

* + - The State will seek to be represented at ITP Workshop streams by the same personnel, advisors and consultants to ensure continuity of subject matter experts and that the appropriate members of the Project team attend.
    - Some State representatives will be present for the entirety of ITP Workshops, while others may only attend for limited periods.
    - The State’s advisors and consultants may attend the ITP Workshops either as observers or to assist, to the extent required by the State Representative, in addressing issues raised by Respondents.
    - ITP Workshops may be attended by the Probity Advisor.

**Principle 3: Workshop interaction is to be structured around RFP clarification questions**

* + - Respondents will be entitled to seek clarification during the ITP Workshops on any aspect of their Proposal and the extent to which the Proposal responds to the State’s requirements outlined in the RFP, and on other issues relating to information set out in the RFP.
    - Questions may be directed to any of the State’s representatives at the ITP Workshops. However, the State Representative may (at their discretion) determine who answers the question.
    - Respondent questions are to be restricted to clarifying a specific aspect of the RFP, or seeking the State’s view as to whether it considers an element of Respondents’ Proposals address the State’s requirements outlined in the RFP.
    - Respondents are not to seek endorsement, approval or evaluation of concepts or other issues during any ITP Workshop. The ITP, including the review of concepts undertaken by the State during any ITP Workshops, will not in any way constitute an endorsement, approval or ‘evaluation’ of the concept and, unless expressly stated in the RFP, does not form part of the evaluation process.

**Principle 4: Workshop feedback is to be clear, equitable and relate to the RFP**

* + - The State will endeavour to provide frank feedback regarding its views on the information submitted by Respondents during ITP Workshops, including what it considers to be both positive and negative aspects of Respondents’ solutions and concepts. Such comments, however, are not to be interpreted as directions or instructions of the State. Respondents’ must form their own view on how and whether to incorporate State feedback into their Proposals.
    - The State representatives at any ITP Workshops will not direct Respondents or provide solutions as to how best to address the requirements of the RFP.
    - Silence from the State does not in any way constitute endorsement of Respondents’ proposed solutions and concepts.
    - The State may comment on aspects of Respondents’ Proposals or any other information presented to it, notwithstanding if it has not been specifically requested to do so.
    - Where the State is unsure as to whether a specific concept complies with the RFP (e.g. due to the level of detail provided or to the limited time that the State has to review the designs), the State may direct Respondents’ attention to the specific requirements of the RFP.
    - The State should express a collective view and avoid personal opinions. In responding to questions the State project team shall ensure consistency of responses.
    - The State may decline to discuss any or all issues raised by Respondents.

**Principle 5: Workshops are to be minuted and allow questions on notice.**

* + - The State should take minutes of key matters discussed during any ITP Workshop.
    - The State may provide a written record confirming the State’s feedback to the Respondent promptly following an ITP Workshop.
    - The State may elect to take Respondents question on notice and provide a subsequent written response (which will be circulated to Respondents and the competing Respondents if non-proprietary). In this circumstance, where the State elects to take Respondent questions on notice, Respondents must submit questions via the Q&A function.

**Principle 6: Workshops are to adhere to confidentiality and intellectual property requirements**

* + - Commercial-in-confidence and intellectual property material will be treated appropriately by the State project team to ensure that Respondents’ “competitive advantage” is protected. Although the design concepts to be presented by each Respondent will be different, the approach taken by the State will be to focus discussion on whether the design will achieve the State’s requirements in relation to the RFP. Under no circumstances will any discussion of other Respondent’s concepts, designs or proposals be permitted and the State’s representatives in each ITP Workshop will be specifically briefed to ensure they do not inadvertently disclose information received from other Respondents.
    - At the end of each ITP Workshop, the State will review the discussion and responses provided to the Respondent. Where the State Representative considers that information has been provided to a Respondent that was not included in the RFP, the relevant information will be circulated to Competing Respondents unless the State Representative considers it may breach confidentiality relating to the relevant Respondent’s Proposal.

**Principle 7: Workshops are to allow tabling of drawings, plans or other documents by Respondents at workshops**

* + - Respondent materials presented during an ITP Workshop are generally retained by the Respondent at the conclusion of an ITP Workshop. Materials may only be left with the State with the prior consent of the State Representative and only for a specified period to assist in the State providing feedback to the Respondent.
    - The State will:
      * store any Respondent materials securely; and
      * securely dispose, destroy or return the materials to the relevant Respondent.

**Principle 8: Workshops are to allow for separate break out rooms/spaces and limit discussion between the State and Respondents during break times to assist the ITP process.**

* + - At any time during an ITP Workshop, the State and its Associates may retire to a separate room (or may ask Respondents to do so) to enable the State to consider and discuss information without the Respondent being present and determine responses to the Respondent on issues discussed during the ITP Workshop.

* + 1. ITP Administration
       1. Overview

In order to successfully manage the ITP, it is critical to ensure the following administrative procedures are established and implemented by the State and Respondents prior to commencing the ITP.

* + - 1. ITP Contacts

For the duration of the ITP, Respondents are required to have two ITP Contacts. The ITP Contacts will be the only people authorised to communicate directly with the State on behalf of a Respondent during the ITP (other than during any ITP Workshop and Site Inspection or otherwise with the prior written consent of the State Representative).

Respondents are required to nominate two ITP Contacts by submitting an ITP Contact Request Form in the form set out in Appendix 1 (ITP Request Forms) to this ITP Plan to the State to ***[insert relevant project team email address]***. An ITP Contact Request Form will be accepted by the State if received from the email address of the ITP Contact. The State will provide Data Room access to those persons nominated by Respondents as the ITP Contacts to facilitate written communication and document management as between the State and Respondents. Further details on Data Room access and use are set out in section 4 (Data Room) below.

Respondents may replace an ITP Contact by completing and submitting an ITP Contact Request Form in the form set out in Appendix 1 (ITP Request Forms) to this ITP Plan via the Q&A Facility in the Data Room.

* + - 1. ITP Request Forms

Respondents must complete and submit the following ITP Request Forms to the State via the Q&A Facility in the Data Room in order to participate in the relevant ITP activities:

* + - **ITP Contact Request Form**: to notify the State of any changes to the ITP Contacts in accordance with section 3.2 (ITP Contacts) of this ITP Plan;
    - **User Access Request Form**: to nominate Respondent users who will require access to the Data Room in accordance with section 4.2.4 (Requesting user access to the Data Room) of this ITP Plan;
    - **Site Inspection Request Form**: to request a Site Inspection in accordance with section 9.4 (Respondent requested Site Inspections) of this ITP Plan; and
    - ITP Workshop Request Form: to:
      * request a Respondent Initiated ITP Workshop in accordance with section 7.5.1 (Process for initiating Respondent Initiated ITP Workshops) of this ITP Plan; and
      * confirm attendance at a State Initiated Workshop in accordance with section 7.6.1 (Process for accepting State Initiated ITP Workshops) of this ITP Plan.
      1. Communication with the State

Guidance note: The State may wish to consider providing the contact details for State representatives that will be available to provide relevant project specific assistance to a Respondent e.g. in the development of responses to VIPP local content requirements.

In accordance with Section 9.3 (Communications with the State) of this Volume 1, Part A (General Information and Instructions to Respondents), other than during any ITP Workshop and Site Inspection or with the prior written consent of the State Representative, all communications with the State concerning the RFP or the Project must be made in writing by an ITP Contact via the Q&A Facility in the Data Room.

In exceptional circumstances, contact may be made by Respondents with the State Representative as set out in Section 9.3 (Communications with the State) of this Volume 1, Part A (General Information and Instructions to Respondents).

Respondents, Respondent Members and their respective Associates must not contact any State entity or agency in relation to the Project without the prior written consent of the State Representative.

The State reserves the right to initiate communications with Respondents on any matter at any time.

* + - 1. Communication with Project Stakeholders

Respondents, Respondent Members and their respective Associates must not make contact with Project Stakeholders without the State’s prior written consent.

Any State consent must be obtained in accordance with the process set out in this section 3.5 (Communication with Project Stakeholders).

Where a Respondent considers that it requires access to a Project Stakeholder, the Respondent must submit a detailed request to the State using the **ITP** **Workshop Request Form** (provided in Appendix 1 (ITP Request Forms) to this ITP Plan) via the Q&A Facility in the Data Room. Following receipt of an ITP Workshop Request Form, the State, in its absolute discretion, will determine whether to:

* + - facilitate the Respondent’s enquiries with the relevant Project Stakeholder;
    - invite the Project Stakeholder representatives to an ITP Workshop;
    - permit the Respondent to contact the Project Stakeholder directly;
    - attend any meeting with a Project Stakeholder; or
    - decline the Respondent’s request.

Where the State considers that consistent information be provided to all Respondents, the State may arrange a Project Stakeholder meeting to be attended by all Respondents.

* + - 1. Probity Advisor

The State has appointed a Probity Advisor to monitor interactions between Respondents and the State during the Tender Process to ensure appropriate standards of probity are maintained.

The Probity Advisor’s contact details are set out in Section 11.8 (Probity for the Tender Process) of this Volume 1, Part A (General Information and Instructions to Respondents).

* + 1. Data Room

**Data Room – General Guidance:**

Partnerships Victoria PPP projects generally require significant market interaction including the issuing of the RFP and addenda, responding to Q&A clarifications and providing other relevant associated project information e.g. policy, standards, frameworks, feasibility studies, site information reports, demand estimates etc. Given the size and nature of these projects, there is a need for the interface with Respondents to be managed in a secure, organised and timely manner.

The efficiency of this interaction process can be enhanced by the implementation of a Data Room to store and control access to information.

It is common practice on all Partnership Victoria PPP projects for the State to adopt a virtual or Electronic Data Room (EDR). This form of cloud-based tender management is less time-consuming and labour-intensive, reduces manual processes, improves access, document security and the searching of large volumes of documents.

There are several EDR providers in the marketplace who can set up, host, maintain, train, support and archive the EDR on behalf of the State. It is recommended that the State undertake their own research and due diligence on EDR providers to determine which EDR product functionality best meets the project specific needs of the State to enable the smooth and efficient running of all elements of the ITP.

The State should consider making the Data Room available to Respondents prior to the release of the RFP and ideally when the EOI commences subject to potential Respondents acknowledging and agreeing to the Terms and Conditions.

**Data Room Management Plan – General Guidance:**

All Respondents should be offered the same opportunity to access Proposal related information and the State must not discriminate between Respondents in providing access to this information. The State should take steps well in advance of the Tender Process commencing to establish sound internal processes for controlling and monitoring the flow of information to and from Respondents. Communication of any Proposal related information should be in keeping with an approved predetermined process, in writing, and forwarded through the State Representative or relevant Project representative. Communication with any Respondent in respect of any aspect of the Tender Process should be held in accordance with a Data Room Management Plan.

The purpose of the Data Room Management Plan is to document processes for the implementation and ongoing maintenance of the Data Room during the RFP Phase of the Project addressing the following issues:

* key roles and responsibilities;
* the initial identification and uploading of documents to the Data Room;
* subsequent uploading (or revision) of documents in the Data Room;
* removal of documents from the Data Room;
* monitoring Data Room usage and interaction;
* access to Data Room for project team members;
* the question and answer process; and
* relevant probity requirements.

To ensure an effective Data Room is maintained throughout the RFP Phase, it is critical that the Data Room administrator manages all Data Room processes in accordance with the Data Room Management Plan.

* + - 1. Overview

Guidance note: This section of the Data Room can be complemented further by State run Data Room user training sessions (should the State think appropriate) to ensure Respondents understand all the necessary aspects of the Data Room to participate in the ITP.

Respondents will have access to the Data Room to facilitate written communication and document management as between the State and Respondents. The address of the Data Room is: ***[insert relevant internet address]***.

* + - 1. Data Room
         1. Structure

Guidance note: Data Room structures may vary from project to project and from provider to provider, however it is essential that their set up is appropriately tailored so that communication and document exchange functionality restrictions are in place to safeguard confidentiality between Respondents.

The folder structure for the Data Room, at the time of RFP release, is as follows:

***[Provide description of the Data Room structure adopted and implemented for the Project. Consider including pictures of relevant Data Room internet screen pages combined with detailed step-by-step instructions to provide an effective way to inform Respondents on how to access the Data Room and use the necessary functionality.]***

* + - * 1. Timing

Guidance note: The State should consider making the Data Room available to Respondents prior to the release of the RFP and ideally when the EOI commences subject to potential Respondents acknowledging and agreeing to the Terms and Conditions. This will enable relevant general project information to be made available to Respondents to familiarise themselves well in advance of the RFP release.

The Data Room has been made available to the Respondents ***[prior to the release of the RFP]***.

* + - * 1. Data Room Access

Guidance note: The State should clearly communicate to Respondents within this section, step by step instructions on how to access the Main Data Room.

Most EDR products will allocate Respondent users a username and enable them to create a password to access the Main Data Room. Respondents are required to ensure that users do not share their usernames and passwords and keep their passwords secure and confidential. Dual logins should not be permitted.

The Data Room can only be accessed on a computer with internet access at the address provided in section 4.1 (Overview).

The State intends to make the Data Room available 24 hours a day, however there may be infrequent periods of maintenance when it will be unavailable. Should this be the case, the State will attempt to provide Respondents with advance notice.

Data Room Conditions of Use govern the use of the Data Room and are provided in Appendix 3 (Data Room Conditions of Use) to this ITP Plan.

Access to the Data Room by Respondent users is conditional on Respondent users acknowledging and agreeing to the Data Room Conditions of Use.

* + - * 1. Requesting user access to the Data Room

The Data Room is managed by the State. In addition to the ITP Contacts, Respondents may request additional user access to the Data Room by completing and submitting the User Access Request Form set out in Appendix 1 (ITP Request Forms) to this ITP Plan:

* + - if prior to the opening of the Q&A Facility in the Data Room, to ***[insert relevant project team email address]***; and
    - if after the opening of the Q&A Facility in the Data Room, via the Q&A Facility.

The State is responsible for providing access to each person who has been nominated by a Respondent. Once access is provided, each approved user will receive an email to their nominated email address containing information regarding how to access the Data Room

* + - * 1. Changes to and removal of Data Room users

If a Respondent wishes to change or remove a Data Room user, it may do so by submitting a User Access Request Form to that effect in accordance with the procedure outlined in section 4.2.4 (Requesting user access to the Data Room).

Respondents must immediately advise the State if a Data Room user is no longer a Respondent Member or Associate.

* + - * 1. Document Security

Guidance note: Most EDR products should enable security settings to be applied to Data Room documents (primarily in pdf format) so the State can reflect their relative sensitivity.

Generally, the following security setting should be available and agreed prior to uploading into the EDR:

* *No Print No Save* – means that the documents may not be printed, edited in any way, or saved to the user’s desktop (or any other external location);
* *Print & Save* – that the documents may be printed and saved to the user’s desktop or any other external location. The documents cannot be altered in the environment of the EDR; and
* *Print Only* – means that the documents may be printed but cannot be saved to the user’s desktop or any other external location. The documents cannot be altered in the environment of the EDR.

Procuring Agencies should consider colour coding Data Room documents to reflect their relative sensitivity.

Security settings should be communicated by the State to Respondents.

Most documents provided in the Data Room will be available to be ***[printed and saved to the Respondent’s local server or computer. However, some documents may only be made available to view online and accordingly will not be able to be saved or printed. Documents that have been saved may expire at a later date***.***]***

These security rights are set at a document level.

* + - * 1. Data Room Functionality

Guidance note: All relevant Data Room functionality should be detailed within this section of the ITP Plan. This functionality will differ depending upon the EDR product adopted for the Project, but should include at a minimum:

* document folder structure;
* how to view or access documents;
* how to print and/or save documents;
* accessing new or revised documents;
* search functions; and
* Q&A Facility.
  + - 1. Data Room Support

The Data Room is hosted by ***[insert Data Room provider]*** who provides support ***[24 hours a day, seven days a week via email and telephone]***.

Respondents should only contact ***[insert Data Room provider]*** in the case of problems with accessing the URL or when experiencing errors regarding usernames or passwords. ***[insert Data Room provider]*** will not answer questions relating to Data Room content and accordingly all other queries should be submitted by Respondents to the State via the Q&A Facility in the Data Room.

***[insert Data Room provider]*** contact details are:

***[Insert Data Room provider support contact details]***

* + 1. ITP Program
       1. Overview

Guidance note: It is recommended that the State consult shortlisted Respondents before developing and issuing an indicative ITP Program that will apply for the duration of the RFP Phase detailing the indicative timing of all key ITP activities which are discussed in subsequent sections of this ITP Plan.

An indicative ITP Program will assist focus time and resources on issues Respondents wish to seek further clarity and understanding on (through Respondent Initiated ITP Workshops) and on issues the State considers of relative complexity or importance (through State Initiated ITP Workshops).

The ITP Program should be designed to follow a sequence that is intended to align with the Proposal development process to maximise benefit e.g. technical ITP Workshops typically scheduled early in the ITP Program (so that the clarity and understanding gained by Respondents can influence their Proposals), with commercial and legal ITP Workshops generally commencing later in the process.

An ITP Program is set out in Appendix 2 (ITP Program) to this ITP Plan and details the timing of key ITP activities, including:

* + - Respondent Initiated ITP Workshops;
    - State Initiated ITP Workshops;
    - Interim Submissions; and
    - Site Inspections.

With the exception of the ITP Deliverables set out in the ITP Program, the ITP Program is indicative only and Respondents may seek adjustment to the timing of ITP Workshops or request additional ITP Workshops.

Respondents are invited to comment on, or suggest amendments to any of the details included in the ITP Program. Any such feedback should be submitted by Respondents to the State via the Q&A Facility in the Data Room by ***[insert date and time]***.

The State will consider any feedback received from Respondents and may issue a revised ITP Program to Respondents, if deemed necessary. Respondents should be aware that the ITP Program may be updated by the State at any time.

* + 1. Q&A Process
       1. Overview

Guidance note: As part of the ITP, Respondents and the State must have the ability to be able to ask questions of each other through a formal Q&A Process. A Q&A Facility should be able to be accommodated within the EDR product functionality outlined in section 4 (Data Room) of this ITP Plan to enable the Q&A Process to be undertaken.

Generally, the Q&A Process should allow for State and Respondent initiated questions and answers throughout the RFP Phase.

Any clarification questions that Respondents may wish to raise or communication that Respondents may wish to have with the State must be submitted in writing and comply with the process set out in section 6.2 (Respondent initiated Q&A Process).

For the purposes of the Data Room, clarification questions, and their corresponding responses, will be called questions and answers.

The State will have absolute discretion in determining whether or not it wishes to respond to a Respondent initiated question.

The nature and extent of the query will determine the timeframe within which the State is able to respond. However, the State understands the importance of timely responses and will endeavour to answer each question as soon as practicable.

Notifications from the Data Room will be sent from the address ***[insert relevant Data Room address]****.* To ensure relevant individuals receive notifications, those individuals should whitelist this address in their spam / junk mail filter, or add ***[insert relevant Data Room address]*** to their mail contacts.

* + - 1. Respondent initiated Q&A Process

Guidance note: The State should identify and communicate in detail to all Respondents a step-by-step process on how Respondents are able to initiate questions to the State via the Q&A Facility.

* + - * 1. Timing

Respondents may raise any administrative type (e.g. regarding additional Data Room user access) or probity-related (e.g. regarding a newly identified conflict of interest) queries with the State at any time during the RFP Phase.

However, Respondents may only raise queries in relation to any element of their Proposals, including commercial, legal, technical or ITP matters during the following period:

* + - commencing 10 Business Days after the date of release of the RFP; and
    - ending 10 Business Days prior to the Closing Time and Date.
      * 1. Submitting a question via the Q&A Facility

Guidance note: The State should clearly explain to Respondents within this section how to complete important tasks within the Q&A Facility such as:

* authoring a question;
* editing, reviewing and actioning a question; and
* assigning the question to the State.

Although dependent on the EDR product and functionality, the State may wish to identify relevant roles within Respondents and assign associated Data Room access rights accordingly e.g. General Use, Question Author, Question Approver etc. to assist in administering an efficient and effective Q&A process.

* + - * 1. Q&A Statements

Questions and answers, with the exception of questions that the State has determined contain confidential information relevant to Respondents’ Proposals, will be provided to all Respondents in the form of a Q&A Statement, which will be uploaded to the Data Room in the relevant folder.

Should a State response to a Respondent question vary the RFP, then the State will indicate this within their Q&A Statement which will be provided to all Respondents.

When the State issues a Q&A Statement, each user will be sent an email via the Data Room notifying them of a new upload.

* + - * 1. Confidential Questions

Questions submitted by Respondents may be designated as containing confidential or proprietary information relevant to Respondents’ Proposals. This must be communicated to the State as part of that question being raised. ***[Insert details on how questions are identified to the State by Respondents as containing confidential information.e.g. in the question subject line, through the question itself etc.]***

If a Respondent is of the view that a question relates to confidential aspects of its Proposal, the Respondent may identify that question as such. If the State considers that the question or issue relates to confidential aspects of the Respondent’s Proposal, the answer will not be made available to Competing Respondents. If, however, the State considers that the question or issue is not confidential, the State will advise the relevant Respondent, who will then have the option to withdraw the question (if applicable), refine the question and re-submit as confidential (subject to the State’s re-assessment), or resubmit as a non-confidential question. The subsequent question and answer will be made available to all Respondents.

* + - 1. State initiated Q&A Process
         1. Timing

The State may use the Data Room at any time during the RFP Phase in order to communicate, or raise queries, with Respondents.

* + - * 1. Responding to a question in the Respondent Data Room

Guidance note: The State should clearly provide step by step details on how Respondents are able to respond to State initiated questions via the Data Room

* + - 1. Security of the Respondent’s Q&A information

Communications between the State and a Respondent are secure and not able to be viewed by Competing Respondents.

The State has the right to monitor the activity of the Data Room (including user logins etc.) and all information submitted via the Data Room will remain the property of the State.

* + 1. ITP Workshops
       1. Overview

Guidance note: The ITP Workshops provide a forum for direct interaction between the State and Respondents during the RFP Phase.

ITP Workshops have been identified to give Respondents the opportunity to participate individually in structured workshops involving the State and Project Stakeholders during the RFP Phase. Additionally, the ITP Workshops allow and encourage feedback between the State and Respondents within the Project’s probity framework.

The ITP Workshops are not negotiation sessions and, unless expressly stated in the RFP, do not form part of the RFP evaluation process.

ITP Workshops may include:

* + - an RFP Briefing;
    - Respondent Initiated ITP Workshops; and
    - State Initiated ITP Workshops.

ITP Workshops will be conducted in accordance with:

* + - Section 9 (Interaction between State and Respondents) of this Volume 1, Part A (General Information and Instructions to Respondents);
    - the ITP Workshop Protocols set out in section 2.2 (ITP Workshop Protocols); and
    - the ITP Workshop process described in this section 0 (ITP Workshops).
      1. ITP Workshops

**Workshops – General Guidance:**

ITP Workshops typically involve a series of workshops or meetings held separately with each Respondent. As a general rule, a number of workshops are held with each Respondent which cover:

* technical workshop(s) dealing primarily with design issues which can also be broken up into stages (i.e. masterplan, concept design and detailed design);
* Services Specification workshop(s);
* legal workshops which are intended to discuss the legal framework and the State’s proposed risk profile; and
* commercial workshop(s), which are intended to discuss key commercial issues and the State’s intention behind the commercial positions.

The structure of an ITP Workshop will depend on the complexity of a project and generally be a balance between Respondent initiated sessions and State initiated sessions. The general principle is that the onus is on Respondents to identify the issues they wish to discuss. However, there may be instances where the State wishes to highlight or elaborate on Key Project Issues.

The use of meeting agendas is strongly recommended. The State should require Respondents to pre-circulate agendas five Business Days prior to each Respondent Initiated ITP Workshop. This gives advance notice of issues and allows adequate time to ensure availability of State representatives.

**Timing – General Guidance:**

ITP Workshops will commence after the release of the RFP and be spread over the duration of the RFP Phase. The mix and timing of these sessions are for the State project team to determine in consultation with Respondents. However, the timing of workshops is critical and should generally match Proposal development to maximise benefit. For example, Respondents generally carry out a lot of design work early in the RFP Phase, hence design and Services Specification workshops should begin early in the RFP Phase. The designs are then costed and commercial issues addressed, hence commercial and legal workshops will generally commence later in the process.

The timing or staging of ITP Workshops is a factor in determining the duration of the tender period (i.e. the period between the RFP release and the Closing Time and Date). A short period may adversely affect Respondents’ capacity to adequately develop various concept options and design solutions. ITP Workshops will be held at a location determined by the State.

**Attendees – General Guidance:**

In respect of ITP Workshops, the State should consider which project team members should attend. That is, the State should provide access to individuals with the ability to provide the feedback sought by Respondents or considered necessary, but should otherwise be seeking to reduce the number of State representatives at ITP Workshops.

For social infrastructure, it is very important to get users’ feedback (e.g. clinicians in a hospital, correctional staff in a prison). Due to time constraints, availability of personnel may be limited and therefore, effort needs to go into scheduling, setting the agenda in advance and holding the ITP Workshops either on site or in the vicinity of the site.

The State project team should also consult the Probity Advisor about their attendance at ITP Workshops but as general principle, the Probity Advisor may attend some or all ITP Workshops.

Attendee considerations include:

* the same project team members attend a category of ITP Workshops with each Respondent to ensure consistency. For example, the same personnel would attend all technical ITP Workshops. The same personnel do not necessarily attend all the ITP Workshops due to time and resource constraints and the particular topic being discussed, though senior project team members may choose to attend all ITP Workshops;
* Project team members are provided with the Interactive Tender Workshop Protocols (as detailed in section 2.2 (Interactive Tender Workshop Protocols)) to ensure independence and impartiality;
* engage operator or user groups directly in discussions as required, as their perspective is likely to be valuable, particularly where design issues are being discussed. It is important for the State to ensure messages delivered continue to be consistent with the RFP and the Evaluation Criteria; and
* limit the size of the groups attending each ITP Workshop. Meaningful discussion is more likely to occur in smaller, focused groups. Consider staggering the ITP Workshops so that particular personnel can enter and exit the session as required to address agenda specific issues.
  + - 1. ITP Workshop Protocols

ITP Workshop Protocols set out rules that will govern the procedures, timetable and the conduct of any ITP Workshop held during the RFP Phase.

The ITP Workshop Protocols aplicable to ***[insert Project name]*** are detailed in section 2.2 (ITP Workshop Protocols).

* + - 1. RFP Briefing

Guidance note: It is common practice for the State to conduct an RFP Briefing shortly after release of the RFP. This can be a single briefing with all Respondents as a collective or alternatively, held with each Respondent individually.

Whilst the intent of the RFP Briefing should be to outline content and the intent of the RFP documentation, the RFP Briefing should also emphasise key messages and address key project specific issues. It is also an opportunity to align State and Respondent expectations for the ITP and to cover the processes and the probity framework that will govern the ITP.

The State will conduct an RFP Briefing on ***[insert date]*** at ***[insert location]***. The intent of the RFP Briefing is to:

* + - align State and Respondent expectations for the Project;
    - ensure the RFP material and layout is clearly understood by each Respondent; and
    - cover the processes and the probity framework that will govern the RFP and ITP.
      1. Respondent Initiated ITP Workshops

Guidance note: Respondent Initiated ITP Workshops provide an opportunity for Respondents to proactively structure topics and issues for discussion with the State.

The State should consult individual Respondents on the potential list of topics and timing of Respondent Initiated Workshops. The State should provide equal opportunity for Respondent Initiated Workshops however, it is ultimately up to individual Respondents as to the number of workshops scheduled.

Commencing on ***[insert date]***, the State has allocated [one] day per week prior to the Closing Time and Date for each Respondent for the purpose of Respondent Initiated ITP Workshops, as follows:

* + - [Tuesday: [insert relevant Respondent name]];
    - [Wednesday: [insert relevant Respondent name]]; and
    - [Thursday: [insert relevant Respondent name]].

Respondents may choose to initiate a workshop for its nominated timeslot, and in doing so will be required to provide, amongst other information, a proposed agenda setting out the issues it wishes to discuss with the State (highlighting any items it considers to be confidential). ITP Workshop agendas should be provided by Respondents to the State at least five Business Days prior to an ITP Workshop.

The State will consider, on a case-by-case basis, whether to allow any Respondent Initiated ITP Workshops, having regard to the proposed parties involved, the nature of the topic(s) requested for discussion and the timing of the sessions.

Respondents may attend any or all of the Respondent Initiated ITP Workshops. Respondents must comply with the process set out in section 7.5.1 (Process for initiating Respondent Initiated ITP Workshops) for convening a Respondent Initiated ITP Workshop.

* + - * 1. Process for initiating Respondent Initiated ITP Workshops

***Step 1: Respondent to submit ITP Workshop Request Form***

If a Respondent wishes to hold Respondent Initiated Workshops, the Respondent should make a request by completing the ITP Workshop Request Form (as detailed in Appendix 1 (ITP Request Forms) to this ITP Plan) which should be submitted via the Q&A Facility in the Data Room at least five Business Days prior to each Respondent Initiated ITP Workshop.

Each Respondent Initiated ITP Workshop request should specify:

* + - why the Respondent Initiated ITP Workshop is being requested;
    - the proposed agenda setting out in detail the issues the Respondent wishes to discuss with the State;
    - where appropriate, specific references to the RFP;
    - the list of Respondent representatives proposed to attend the Respondent Initiated ITP Workshop;
    - any Project Stakeholder the Respondent is seeking to consult with and reasons why a consultation with the Project Stakeholder is required; and
    - at least two alternative times for the Respondent Initiated ITP Workshop that fall on the day of the week which the State has allocated to the Respondent.

***Step 2 – The State to consider and respond***

The State will consider each Respondent Initiated ITP Workshop request and will determine whether the ITP Workshop should take place, either as a whole or in part. The State may, in its absolute discretion, accept or modify an agenda proposed by a Respondent.

The State will liaise with any Project Stakeholder in order to arrange attendance by their representatives, as relevant.

Once the State has determined whether a Respondent Initiated ITP Workshop should proceed, it will confirm with the relevant Respondent, via the Q&A Facility in the Data Room, the date, time, location, agenda and any special requirements that the State may have in relation to the ITP Workshop over and above the protocols outlined in this ITP Plan.

The State will also identify reasons for refusal of any Respondent Initiated ITP Workshop or part thereof, if deemed appropriate. Where the State has refused a Respondent Initiated ITP Workshop, the State will provide this information to Respondents via the Q&A Facility in the Data Room prior to the proposed Respondent Initiated ITP Workshop.

* + - 1. State Initiated ITP Workshops

Guidance note: In addition to Respondent Initiated ITP Workshops, the State may also carefully plan and consider scheduling a number of State Initiated ITP Workshops to detail project issues of importance or complexity and to reinforce appropriate messaging to Respondents.

Any State Initiated ITP Workshops should be scheduled within weeks of release of the RFP to Respondents and support the availability of the State’s most appropriate representatives.

The number of State Initiated ITP Workshops must be balanced against Respondent Initiated ITP Workshops, Interim Submission requirements (as detailed in section 8 (Interim Submissions) and if applicable), overall RFP timeframes and possible ITP Workshop fatigue.

The following State Initiated Workshops are planned for the ITP:

***[Insert details of proposed State Initiated Workshops including a broad overview of the key issues to be addressed]***

Appendix 2 (ITP Program) to this ITP Plan provides indicative timing of material State Initiated Workshops.

Respondents may attend any or all of the State Initiated Workshops. Respondents must comply with the process set out in section 7.6.1 (Process for accepting State Initiated ITP Workshops) if they choose to attend a State Initiated ITP Workshop.

* + - * 1. Process for accepting State Initiated ITP Workshops

***Step 1: Respondent to submit ITP Workshop Request Form***

If a Respondent wishes to attend a State Initiated ITP Workshop specified in the ITP Program (or as otherwise advised by the State), it should submit an ITP Workshop Request Form (as detailed in Appendix 1 (ITP Request Forms)) via the Q&A Facility in the Data Room at least five Business Days prior to the date of the State Initiated ITP Workshop (as specified in the ITP Program or as otherwise advised by the State). An ITP Workshop Request Form must include the following information:

* + - confirmation of attendance on the date and time of the State Initiated ITP Workshop (as specified in the ITP Program or as otherwise advised by the State);
    - any additional agenda items requested; and
    - the list of Respondent representatives proposed to attend the State Initiated ITP Workshop.

***Step 2 – The State to consider and respond***

* + - The State will consider each ITP Workshop Request Form submitted by a Respondent in respect of a State Initiated ITP Workshop.
    - The State may, in its absolute discretion, accept or modify any agenda item proposed by Respondents.
    - The State will liaise with any Project Stakeholders in order to arrange attendance by their representatives, as relevant.
    - The State will confirm to Respondents the date, time, location, agenda and any special requirements the State may have in relation to that State Initiated ITP Workshop over and above the protocols outlined in this ITP Plan. Such confirmation will be issued to Respondents via the Q&A Facility in the Data Room at least two Business Days prior to the State Initiated ITP Workshop.
      1. Access

Guidance note: Where an ITP Workshop is to be conducted by tele or video conferences, this should be specified.

In relation to the ITP Workshops:

* + - each Respondent will be provided equal opportunity to attend ITP Workshops;
    - ITP Workshops may be attended by the Probity Advisor; and
    - each Respondent will be provided with equal access to State representatives at ITP Workshops.
      1. Confidentiality requirements

As a default position, all verbal information provided by Respondents to the State in any ITP Workshops will be treated as commercially-sensitive and confidential and will not be disclosed to any other Respondent or third party.

Video and audio recordings of ITP Workshops may only be taken with the prior consent of the State Representative and the Probity Advisor.

Respondent materials presented during an ITP Workshop are generally retained by the Respondents at the conclusion of ITP Workshops. Materials may only be left with the State with the prior consent of the State Representative and only for a specified period to assist the State in providing feedback to Respondents. The State will:

– store any Respondent materials securely; and

– securely dispose, destroy or return the materials to the relevant Respondent.

The State reserves the right to correct any errors in the RFP identified through the ITP Workshops and to provide non-confidential guidance or feedback to all Respondents.

**Feedback – General Guidance:**

The core of an interactive process is providing direct and specific feedback to Respondents on the aspects of their Proposal development presented to the State. It is emphasised that the purpose of feedback is to provide clarity to Respondents on the State’s requirements and expectations. The purpose is not to prescribe the content of Proposals or lead Respondents to a particular solution.

In principle, all feedback provided should be as specific as possible, and be accompanied by clear rationale. Feedback to Respondents (both positive and negative) should ideally go beyond simply pointing out references to the RFP (though these references are important for establishing a consistent logic and context for the State’s feedback).

The State project team may elect to take questions on notice and provide a subsequent written response to the Respondent through the Q&A Facility.

It is recommended that all State and Respondent questions and answers are minuted by the State in the form of the ITP Workshop Record in Appendix 5 (Form of ITP Workshop Record) to this ITP Plan, with a copy provided by the State to the relevant Respondent in a timely. The formal written confirmation of the State’s feedback on key issues is to be concise and accurately reflect the comments made by State representatives during an ITP Workshop.

Similarly, where the State Representative agrees to receive a document from a Respondent during an ITP Workshop, this should be minuted along with details of its return to the Respondent etc. Such material should not be copied or scanned while held by the State and must be stored securely whilst in the State’s possession.

* + 1. Interim Submissions [#Optional. Delete if not applicable to the Project]
       1. Overview

Guidance note: The State may wish to request that Respondents provide certain information at various stages during the RFP Phase so that the State is able to track Respondents’ progress and gauge the private sector’s feedback.

Interim Submissions should be kept to a minimum so as not to create too onerous a workload for Respondents during the RFP Phase in excess of their RFP Proposal.

One common Interim Submission on recent Partnerships Victoria PPP projects is for Respondents’ proposed Departures to the State Project Documents.

Careful consideration of the timing of Interim Submissions is important so that they are timed at an appropriate point during the RFP Phase to ensure that, should the State wish to make amendments to the Draft State Project Documents, this can be done well in advance of the Closing Time and Date.

All Interim Submission activities and their proposed timeframes associated with their submission should be detailed in the ITP Program.

If the State requires Respondents to provide Interim Submission deliverables, the deadline for the deliverables and the process for submission must be clearly communicated to Respondents.

The State has scheduled a series of Interim Submissions to be submitted by Respondents during the RFP Phase. These activities and the proposed timeframes are detailed in Appendix 2 (ITP Program) to this ITP Plan and in Table 1 below. The purpose and the requirements of the Interim Submissions are detailed in subsequent sections of this ITP Plan.

**Table 1 – Interim Submissions**

|  |  |
| --- | --- |
| Interim Submission Deliverable | Date |
| [***Departures to State Project Documents***] | *[****insert****]* |
| *[****insert****]* | *[****insert****]* |
| *[****insert****]* | *[****insert****]* |
| *[****insert****]* | *[****insert****]* |

Interim Submission deliverables should be submitted via the Q&A Facility in the Data Room by ***[2.00pm (AEST)]*** on the dates specified in the ITP Program.

Information received as part of any Interim Submission is considered for the ITP Process only and will not be considered as part of the evaluation of a Respondent’s Proposal.

* + - * 1. ITP State Project Documents Interim Submission [OPTIONAL. DELETE IF NOT APPLICABLE TO THE PROJECT]

Respondents are requested to submit any Departures to the Draft State Project Documents as an Interim Submission deliverable.

Any Departures to the Draft State Project Documents must be fully drafted and marked up in the Draft State Project Documents. Each mark-up must include a comment below the mark up explaining the rationale for the Departure, including any value for money impact. If a Departure is a genuine drafting correction or drafting clarification, Respondents should insert the comment ‘minor drafting’.

Draft State Project Documents should be marked-up using the ‘track changes’ function in Microsoft Word 20##. ***[Guidance note: insert Microsoft Word version number]***

***[Ensure Drafting is aligned with relevant Proposal Requirement set out in Volume 1, Part B of the RFP]***

* + - * 1. [INCLUDE OTHER INTERIM SUBMISSION REQUIREMENTS AS APPLICABLE]

***[Insert as relevant]***.

* + 1. Site Inspections
       1. Overview

During the ITP, Respondents may be permitted to conduct Site Inspections. In such instances, the State will facilitate access to the ***[insert relevant site(s)]***.

Site Inspections may be made available to Respondents through two mechanisms:

* + - State arranged Site Inspection(s) in which the location and timing will be determined by the State, as outlined in section 9.3 (State arranged Site Inspections) of this ITP Plan; and
    - Respondent requested Site Inspections, as outlined in section 9.4 (Respondent requested Site Inspections).

Any Site Inspections will be conducted in accordance with:

* + - Section 9 (Interaction between State and Respondents) of this Volume 1, Part A (General Information and Instructions to Respondents);
    - the Site Inspection Protocols set out in section 9.2 (Site Inspection Protocols); and
    - the Site Inspection process and requirements described in this section 9 (Site Inspections) and the principles of probity. Site Inspections may be attended by the Probity Advisor, relevant Project Stakeholders, and other individuals deemed relevant by the State Representative.
      1. Site Inspection Protocols

Site Inspections will be managed in accordance with the process described in this section 0 (Site Inspections) and the Site Inspection Protocols set out below.

The following protocols must be observed in relation to all Site Inspections:

* + - all Site Inspections must be co-ordinated through and agreed with the State;
    - Respondents must promptly bring to the attention of the State any issues or concerns it may have regarding the submission, processing or any other aspect of a Site Inspection request;
    - all Site Inspections will be conducted in accordance with relevant site access protocols, guidelines or instructions as notified by the State in advance of any Site Inspection;
    - Site Inspections will be attended by members of the State;
    - Site Inspections may be attended by the Probity Advisor;
    - any information provided by the State as part of a Site Inspection is given in good faith;
    - Respondents must form their own views regarding the Site(s) and any existing facilities;
    - information provided by the State as part of a Site Inspection is not to be relied upon by Respondents;
    - if any information provided as part of a Site Insepction is inconsistent with the RFP, the content of the RFP will prevail;
    - if a Respondent wishes to clarify the details of any information obtained as part of a Site Inspection, it must submit a formal question in accordance with the Respondent Initiated Q&A Process (refer to section 6 (Q&A Process);
    - the State is under no obligation to discuss any matter with Respondents at a Site Inspection;
    - the State’s representatives at any Site Inspection may request that any Respondent questions be submitted for answer by the State in accordance with the Respondent Initiated Q&A Process;
    - Respondents must observe all instructions given by the State representative(s) during any Site Inspection; and
    - during a Site Inspection, Respondents should strictly limit questions and investigations to the purpose and scope of that Site Inspection, and must direct questions to the nominated State representative.

The confidentiality obligations, probity and safety considerations described below apply at all times:

* + - Respondent representatives must notify the State representatives of all and any safety incidents and hazards during any Site Inspection; and
    - photographs, video and audio recording may only be taken with the prior consent of the State Representative, the Probity Advisor and relevant third party representatives conducting a Site Inspection.

The State reserves the right to alter the proposed activities program due to maintenance requirements, safety considerations or for logistics purposes. Respondents will be advised of any such alterations in advance of the relevant Site Inspection.

The State also reserves the right to cancel Site Inspections at any time and for any reason, including at short notice. The State will endeavour, but is not obliged, to provide a replacement Site Inspection when an agreed Site Inspection is cancelled by the State.

* + - 1. State arranged Site Inspections

The State will conduct Site Inspections for the benefit of Respondents, as the State deems appropriate. The State will give Respondents prior notice of the proposed date and time of any State arranged Site Inspections.

The State will determine the agenda for any Site Inspections and will advise the Respondents of the start location. A State representative will be nominated as the Site Inspection leader for each State arranged Site Inspection, and will be the point of contact between the Respondents and the State representatives at Site Inspections.

* + - 1. Respondent requested Site Inspections

In addition to the State arranged Site Inspections, Respondents may request additional Site Inspections, if deemed necessary. To facilitate this process, Respondents must complete and submit a Site Inspection Request Form (included in Appendix 1 (ITP Request Forms) to this ITP Plan) to the State via the Q&A Facility in the Data Room.

Respondents should submit Site Inspection Request Forms to the State at least five Business Days prior to the date of each proposed Site Inspection in accordance with the protocols set out in Appendix 4 (Process For Requesting Site Inspections) to this ITP Plan.

The State reserves the right to accept or reject a Respondent’s Site Inspection request in its absolute discretion.

If the State accepts a Respondent’s request for a Site Inspection, the Respondent will be accompanied by the State Representative or delegate who will act as the single point of contact for Respondent representatives and any other Respondent personnel during a Site Inspection. Respondents must prepare and submit to the State its own agenda two Business Days prior to the proposed Site Inspection and must arrange its own transportation to and from the relevant Site.

Respondents must comply with the requirements of Appendix 4 (Process for requesting Site Inspections) to this ITP Plan when requesting Site Inspections.

* + - 1. Safety Requirements

When undertaking Site Inspections, observation of the relevant safety protocols is paramount. Each Respondent representative nominated to participate in a Site Inspection must:

* + - receive Site-specific and when appropriate, possession-specific inductions;
    - be drug and alcohol free when attending a Site Inspection;
    - supply all personnel protection equipment (PPE) required for the specific Site; and
    - be in good general health.

The State may advise Respondents of any additional Site Inspection requirements prior to the relevant Site Inspection.

# Appendix 1 – ITP Request Forms

ITP Contact Request Form

The ITP Contacts are the sole representatives of the Respondent who will engage directly with the State during the ITP in accordance with the ITP Plan.

The Respondent must appoint a maximum of two ITP Contacts at any one time during the ITP.

|  |  |
| --- | --- |
| Respondent | |
|  | |
|  | |
| First ITP Contact: | |
| Name: |  |
| Company & position within Respondent: |  |
| Email address: |  |
| Daytime contact number: |  |
| Mobile phone number: |  |
| Second ITP Contact: | |
| Name: |  |
| Company & position within Respondent: |  |
| Email address: |  |
| Daytime contact number: |  |
| Mobile phone number: |  |

User Access Request Form

For each Respondent user for whom access is being sought, please provide the following information.

**Note**: Each Respondent user must have read and understood the Data Room Conditions of Use as detailed in Appendix 3 (Data Room Conditions of Use) to the ITP Plan.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Respondent | | | | | |
|  | | | | | |
|  | | | | | |
| Access requirements | | | | | |
| Full name | Company name | Company email address | [*Type of user (General User, Question Approver or User Removal)*] | Reason(s) for User Removal (if applicable) |
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Site Inspection Request Form

**Note**: The Respondent must complete this form for each Respondent requested Site Inspection.

|  |  |
| --- | --- |
| **Respondent** |  |
| **Requested Site Inspection** | *Provide a brief description of the Site(s) requested for inspection (in the case of multiple Sites)* |
| **Requested date and time** | *Advise:*   * *the exact timing of the requested Site Inspection; and* * *2-3 alternative dates for the requested Site Inspection.* |
| **Purpose of the Site Inspection** | *Note: activities and non-intrusive investigations not advised and approved by the State in advance will not be permitted on the day of the Respondent requested Site Inspection.* |
| **Proposed activities / agenda for requested site inspection** | *Detail the timing and sequence of all proposed activities to be undertaken by the Respondent* |
| **Details of the Respondent representative nominated to be in charge of and be the key contact for the requested Site Inspection from the Respondent side** | Name:  Position:  Company:  Phone #: |

**Respondent attendee information**

|  |  |  |  |
| --- | --- | --- | --- |
| **Name** | **Phone Number** | **Company** | **Position** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

**Notes:** The Respondent must comply with the five Business Day notification period requirement.

The Respondent must always comply with the Site Inspection Protocols in section 9.2 (Site Inspection Protocols) and any other protocols and requirements set out in the ITP Plan, including the PPE, safety, photography, confidentiality and probity requirements.

The State reserves the right to alter the proposed activities program or the number of Respondent representatives permitted for a Site Inspection, or cancel the Site Inspection, at any time and for any reason, including at short notice for safety considerations or for logistics purposes.

ITP Workshop Request Form

The Respondent must complete this form for any ITP Workshops.

The State will confirm the agenda, timing and attendees for any ITP Workshops prior to the ITP Workshops. Unless otherwise advised by the State, ITP Workshops are anticipated to take place at ***[insert relevant address]***.

|  |
| --- |
| **Respondent** |
|  |
|  |
| **Date and time for the requested ITP Workshop** |
| *Please advise:*   * *the exact timing of the requested ITP Workshop; and* * *alternatives to the proposed time and date for the ITP Workshop.* |
| **The proposed scope and purpose of the requested ITP Workshop** |
| *Including, in detail, key questions and/or matters the Respondent seeks to discuss and, where appropriate, references to specific areas of the RFP.* |
| **Requested topic and agenda** |
|  |
|  |
|  |
|  |

**Proposed Respondent representatives**

|  |  |  |
| --- | --- | --- |
| **Name** | **Company** | **Position** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

**Notes**: The Respondent must comply with the ITP Workshop Protocols at all times and the requirements set out in the ITP Plan, including the confidentiality and probity requirements.

The State reserves the right to amend the agenda for or attendees of, or to cancel an ITP Workshop at any time and for any reason, including at short notice.

# Appendix 2 – ITP Program

***[insert ITP Program]***

# Appendix 3 – Data Room Conditions of Use

Guidance note:

Respondent access to the Data Room should be made conditional upon the Respondent providing the State with a signed copy of the Terms and Conditions.

Dependent on the Data Room product functionality, the State may wish to investigate with the Data Room provider the possibility of implementing a ‘Data Room Conditions of Use’ screen which governs the use of the Data Room and immediately loads upon first time user access to the Data Room.

Access to the Data Room can then be dependent on the user agreeing to the conditions of use.

This Data Room has been established to provide information about the ***[enter Project name]***.

Access to the Data Room is limited to Respondents who have been shortlisted for the RFP Phase of the ***[enter Project name]***;

***[insert other parties as relevant that may access the Data Room e.g. State Associates, Independent Reviewer etc.]***

The information contained in the Data Room is Disclosed Information for the purposes of the Terms and Conditions.

By clicking "agree", you are deemed to have read and agreed to the following Data Room Conditions of Use:

* you acknowledge that any information contained in the Data Room is Disclosed Information for the purposes of the Terms and Conditions;
* you acknowledge and agree to comply with the Terms and Conditions in respect of access to, use and disclosure of, Disclosed Information contained in the Data Room;
* you acknowledge and agree to comply with the ITP Plan;
* you acknowledge and agree that:

no licence is granted, directly or indirectly, to any intellectual property in the Data Room;

as between you and the State, all intellectual property is and will remain the exclusive property of the State or its Associates (as applicable);

agree to notify the State immediately of any change to the identity of your employer; and

agree to notify the State immediately of any suspected non-compliance with the above terms by any Respondent team member as soon as you become aware of it.

# Appendix 4 – Process for requesting Site Inspections

|  |  |
| --- | --- |
| **Step 1** | **The Respondent requests a Site Inspection via the Q&A Process**  The Respondent completes a Site Inspection Request Form (provided in Appendix 1 (ITP Request Forms) to this ITP Plan) and submits it to the State via the Q&A Facility in the Data Room, with a minimum notification period of five Business Days prior to a Site Inspection.  Each Site Inspection Request should specify:   * areas for which access is required; * date, times, duration access is required; * all activities proposed to be undertaken; * number and details of attendees and confirmation that they have the necessary qualifications to attend the site, including the numbers and validity dates of any evidence cards required; and * reasons why the Site Inspection is requested. |
| **Step 2** | **Consideration of requests by the State**  The State will review each Site Inspection request and will determine whether that Site Inspection should proceed, either as a whole or in part.  Once the State has determined whether the Site Inspection should proceed, it will confirm to the Respondent the date, time, location, and any special requirements the State may have in relation to that Site Inspection over and above the protocols outlined in this ITP Plan. |
| **Step 3** | **The Respondent to respond to the State**  Once the Respondent receives approval of its Site Inspection, the Respondent must respond to the State via the Q&A Facility in the Data Room to:   * confirm availability for the advised dates and times; and * confirm compliance with any other special requirements of the State.   Where the Respondent responds with an alternative time or does not have an ability to meet the requirements, steps 2 and 3 will be repeated. |
| **Step 4** | **The Respondent to confirm shortly prior to the Site Inspection**  Prior to the nominated Site Inspection, via the Q&A Facility in the Data Room, the Respondent must:   * confirm that the Site Inspection will be going ahead as planned; * provide the list of attendees and evidence that they hold all the necessary qualifications for that Site Inspection; * provide a detailed agenda for the Site Inspection; and * confirm compliance with any other special requirements of the State. |

# Appendix 5 - Form of ITP Workshop Record

Guidance note: A record of the ITP Workshop should be made and retained by the State. It is recommended that all State and Respondent questions and answers are minuted by the State with a copy provided by the State to the relevant Respondent. The formal written confirmation of the State’s feedback on key issues is to be concise and accurately reflect the comments made by State representatives during an ITP Workshop. In circumstance when the ITP workshop record is to be provided to the relevant Respondent this should be done in a timely manner (within 2-3 days of an ITP Workshop).

|  |  |
| --- | --- |
| Record of Meeting | |
| Date |  |
| Start Time |  |
| Finish Time |  |
| Venue |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Item | Issue | State Response | State Action |
| **1.** | ***[Insert topic heading]*** | | |
| 1.1 | ***[Insert brief summary of what the Respondent presented]*** | ***[Insert summary of feedback provided by the State in bullet-point format]*** |  |
| 1.2 |  |  |  |
| 1.3 |  |  |  |
| **2.** | ***[Insert topic heading]*** |  |  |
| 2.1 |  |  |  |
| 2.2 |  |  |  |
| 2.3 |  |  |  |
| **3.** | ***[Insert topic heading]*** |  |  |
| 3.1 |  |  |  |
| 3.2 |  |  |  |
| 3.3 |  |  |  |

| Attendees | |
| --- | --- |
| **State** | **Organisation** |
|  |  |
|  |  |
|  |  |
|  |  |
| **Respondent** |  |
|  |  |
|  |  |
|  |  |
|  |  |

1. With the exception of the Q&A Process and the Data Room which may be made available to Respondents prior to release of the RFP. [↑](#footnote-ref-1)