

CONFLICT OF INTEREST STATEMENT PART I

Project Staff, Assessment Panel & Advisors

[Note: This Undertaking is signed by all project staff and their advisors at the start of a project. It is also signed by Assessment Panel Members before their first meeting. Once Assessment Panel Members know the names of tenderers then they need to sign Part II (Related Interest Disclosure). See Section 4.2.1 of the Procurement Manual]

Project Name:	RMS Portable Weigh Scales Maintenance and certification
Tender Number:	17.0000.302935.0016
Your Name:	Samer Soliman
Branch / Section / Job Title:	Compliance operations / Compliance Systems / Mgr HV Programs
Your Project Role/Function:	Team manager

Capacity

I agree that I will be assisting Roads and Maritime Services ("RMS") on this Project in the role/function identified above. I have read the following policies and documents and agree to abide by them in respect of this Project:

- RMS Code of Conduct and Ethics
- RMS Conflict of Interest Policy
- RMS Statement of Business Ethics

Confidentiality Undertaking

I undertake/acknowledge as follows in respect of this Project:

1. To maintain the confidentiality of the project information and take reasonable precautions to prevent its unauthorised disclosure or use.
2. Not use any confidential information for purposes other than those necessary to perform my functions in relation to this Project.
3. That this undertaking of confidentiality is legally binding and is unlimited in duration.
4. To return any information to RMS on demand.

I understand that nothing in this undertaking applies to information which is in the public domain (other than through a breach of this undertaking) and nothing in this undertaking precludes me from disclosing any confidential information if required by law

Conflict of Interest

I declare that I do **not** have any financial or other personal interest in the Project or any association with any person expected to tender for the Project.

I declare that I am not aware of any other situation which might lead to an actual or perceived conflict of interest or which might affect me carrying out my functions both fairly and in RMS's best interest.

I agree that if I become aware of situation that might give rise to a conflict of interest I will immediately advise the Project Manager who will then act with the advice of the Probity Advisor or Procurement Branch.

Date: 9/12/2016

Signature: 

CONFLICT OF INTEREST STATEMENT PART I

Project Staff, Assessment Panel & Advisors

[Note: This Undertaking is signed by all project staff and their advisors at the start of a project. It is also signed by Assessment Panel Members before their first meeting. Once Assessment Panel Members know the names of tenderers then they need to sign Part II (Related Interest Disclosure). See Section 4.2.1 of the Procurement Manual]

Project Name:	RMS Portable Weigh Scales Maintenance and certification
Tender Number:	17.0000.302935.0016
Your Name:	Jai Singh
Branch / Section / Job Title:	Compliance operations / Compliance Systems / BA
Your Project Role/Function:	Assessment Panel

Capacity

I agree that I will be assisting Roads and Maritime Services ("RMS") on this Project in the role/function identified above. I have read the following policies and documents and agree to abide by them in respect of this Project:

- RMS Code of Conduct and Ethics
- RMS Conflict of Interest Policy
- RMS Statement of Business Ethics

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I undertake/acknowledge as follows in respect of this Project:

1. To maintain the confidentiality of the project information and take reasonable precautions to prevent its unauthorised disclosure or use.
2. Not use any confidential information for purposes other than those necessary to perform my functions in relation to this Project.
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4. To return any information to RMS on demand.

I understand that nothing in this undertaking applies to information which is in the public domain (other than through a breach of this undertaking) and nothing in this undertaking precludes me from disclosing any confidential information if required by law

Conflict of Interest

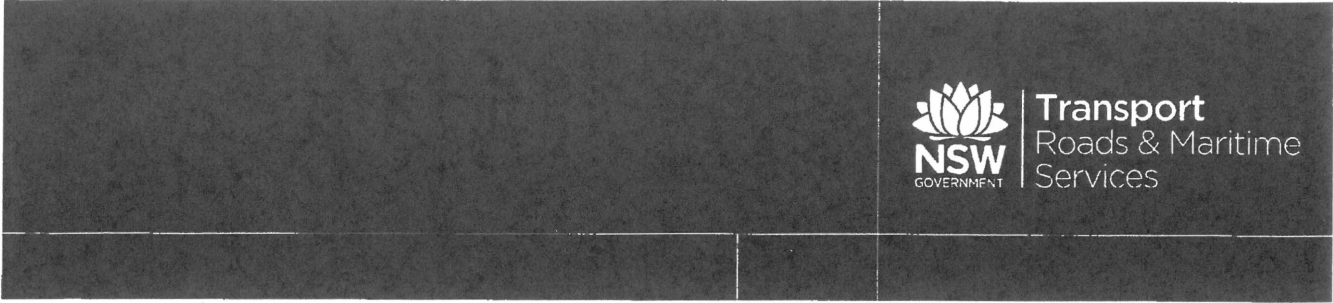
I declare that I do **not** have any financial or other personal interest in the Project or any association with any person expected to tender for the Project.

I declare that I am not aware of any other situation which might lead to an actual or perceived conflict of interest or which might affect me carrying out my functions both fairly and in RMS's best interest.

I agree that if I become aware of situation that might give rise to a conflict of interest I will immediately advise the Project Manager who will then act with the advice of the Probity Advisor or Procurement Branch.

Date: 9/12/2016

Signature: 



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Tender Evaluation Plan

RMS Portable Weigh Scales Maintenance and certification

Procurement Project Owner:	Paul Endycott
Author:	Jai Singh
Version:	1
Date:	9/12/2016
Security Classification:	Confidential



1. ABOUT THIS TENDER EVALUATION PLAN

The Tender Evaluation Committee (TEC) contained herein will be subject to the contents of this plan. This document is for use by the TEC for conducting assessments of the tender responses. This Tender Evaluation Plan (Plan) seeks to establish a link with the process as detailed in the Tender Evaluation Guidelines and also provides:

- a) A description of the staff resources, including a description of the roles and the responsibilities of the TEC;
- b) Evaluation criteria and weightings to be applied;
- c) Evaluation methodology;
- d) Protocols for identifying and recording conflicts of interest; and
- e) An indicative evaluation timetable.

The fundamental objective of Roads and Maritime Services (RMS) (in compliance with the NSW Government Procurement Policy) is to ensure that government procurement activities achieve best value for money in supporting the delivery of government services.

To identify best value for money requires the TEC to take into account all the benefits achieved compared to the whole of life costs. This includes all relevant risks, value adds and costs over the whole of life procurement cycle (including acquisition, operations and disposal).

The methodology of this Plan will not be materially changed after the tender closing date has passed. This will ensure there is no basis for allegations that the evaluation methodology was changed after potential contact with tenderers. Any change to this Plan after opening tenders (including the methodology, weightings or financial delegate appointed) must be cleared with the Chief Procurement Officer or the Probity Advisor where one has been appointed.

ATTACHMENTS	
1. RFx Document	4. Appendix A – Standard Scoring Table
2. Tender Evaluation Guidelines	5. Appendix B – Conflict of Interest
3. RMS Code of Conduct	6. Appendix C – Confidentiality Declaration

2. ROLES & RESPONSIBILITIES

This evaluation process will be managed by the declared roles as described in this Plan. Any changes of any appointee during the evaluation must be acknowledged by the Chief Procurement Officer.

2.1 Tender Evaluation Committee

The Tender Evaluation Committee (TEC) will evaluate the tenders in accordance with the evaluation criteria described in the tender documents and recommend the tenderer representing best value for money to enter into negotiations with. The evaluation will comply with the reference documents specified in this Plan and the *NSW Government Code of Practice for Procurement (2005)*. Committee members will need to possess the necessary technical/subject matter skills to effectively assess tenders. Each member is to possess a sound understanding of the requirements and will maintain confidentiality, probity and will conduct a fair and unbiased process. The TEC comprises the Convenor and Evaluation Committee Members (must have a minimum of 3 reviewers) as follows:

TENDER EVALUATION COMMITTEE DETAILS		
Role	Description	Appointee
Convenor of the TEC	Manage the evaluation process and report to the financially delegated officer.	Jai Singh
Committee Members	Perform a detailed evaluation of the tender submissions.	Jai Singh



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2.2 Financial Delegate

The Financial Delegate must be a person who has the authority to commit RMS to the nominated whole-of-life value. The delegate is responsible for deciding who RMS will enter into contract negotiations with. In making this decision, the delegate must take into consideration the Tender Evaluation Report submitted by the TEC. The nominated financial delegate for this procurement is:

FINANCIAL DELEGATE DETAILS		
Role	Description	Appointee
Financial Delegate	To review and approve the recommendations of the Evaluation Committee and to make a decision.	Samer Soliman

2.3 External Specialist, Consultants or Subject Matter Advisors

The engagement of any external specialists eg: consultants or subject matter advisors; may require a separate procurement activity.

List details of any specialist providers that will be used or consulted with during the evaluation process:

EXTERNAL SPECIALIST, CONSULTANTS OR SUBJECT MATTER ADVISORS DETAILS	
Name & contact details	Speciality or area of expertise
N/A	

2.4 Probity Auditor

If required, a Probity Auditor will be appointed. The Auditor should be self-directing and will independently establish a program of audit testing based on identified criteria. At the end of the evaluation process the Probity Auditor will report an objective opinion on probity issues to the Financial Delegate or other senior staff as requested.

The Probity Auditor will not be contacted to resolve any specific probity issues during the evaluation however; they may be contacted by the Probity Advisor to endorse any actions taken to resolve a probity issue during the evaluation.

The Probity Auditor must not have any Conflict of Interest with any tenderer.

The appointed Probity Auditor is:

PROBITY AUDITOR DETAILS	
Name	N/A
Contact Details	

2.5 Probity Advisor

The Probity Advisor will provide advice to the TEC on probity matters to assist the committee in ensuring that all tenders are analysed fairly, uniformly and transparently. The Probity Advisor will also be available for the tenderers to raise concerns they may have regarding fairness throughout the tender process.

The Probity Advisor must not have any Conflict of Interest with any tenderer.

The appointed Probity Advisor is:

PROBITY ADVISOR DETAILS	
Name	N/A
Contact Details	



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2.6 Gateway Review

A Gateway Review is required when the estimated total cost is over \$10 million.

Gateway Review member details are:

GATEWAY REVIEWER DETAILS	
Name	Contact Details
N/A	N/A

3. SELECTION CRITERIA & WEIGHTINGS

The Weighted Evaluation Criteria is used to determine the 'effectiveness' of a tender against the specification requirements detailed in the request documentation. The effectiveness is calculated as a total weighted score by multiplying the average score assigned by the TEC by the nominated evaluation criteria weighting. Standard scoring statements used during the Technical Worth Assessment are found at Appendix A.

SELECTION CRITERIA & WEIGHTINGS DETAILS	
Mandatory Selection Criteria If Tenderers do not meet any mandatory criterion the Tender will be excluded from further consideration.	Non Weighted
Pricing	Mandatory
Weighted Selection Criteria	Weighting (%)
Pricing	100%
Total	100%

4. PROBITY AND ETHICS

Probity is the evidence of ethical behaviour in a particular process. Probity is defined as complete and confirmed integrity, uprightness and honesty. It contributes to sound procurement processes that accord equal opportunities for all participants. A good outcome is achieved when probity is applied with common sense.

Procurement must be conducted with probity in mind to enable RMS and tenderers to deal with each other on the basis of mutual trust and respect. Adopting an ethical, transparent approach enables business to be conducted fairly, reasonably and with integrity.

Ethical behaviour also enables procurement to be conducted in a manner that allows all tenderers to compete equally. The procurement process rules must be clear, open, well understood and applied equally to all parties to the process.

All parties must comply with RMS' Code of Conduct.

5. CONFLICT OF INTEREST AND CONFIDENTIALITY

Any person with a declared evaluation role for this evaluation must detail any circumstances that may give rise to an actual or potential conflict of interest by using the declaration contained in this document at Appendix B.

The establishment of security procedures for handling tender-related documents are as follows:



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- a) Requiring all officials and external consultants (including advisors) with access to tender information to sign an appropriate confidentiality undertaking;
- b) Storing documents (both hard and soft copy) which contain tender-related, commercially sensitive information in appropriately secure conditions; and
- c) Allowing only authorised officials with a direct 'need-to-know' access to tender-related sensitive information.

Any person with a declared evaluation role must be instructed by the Convenor of the TEC that each tender response contains confidential information and as such should be treated in the appropriate manner and not left highly visible or easily accessible. This includes the content of bids, any supporting information provided by RMS or third parties and the outcomes of the assessment. All evaluation material must be treated in the same manner.

All tender responses will be treated as Commercial in Confidence and tenderer's intellectual property must not be plagiarised or placed in the public domain.

Any person with a declared evaluation role will be required to sign the confidentiality declaration form at Appendix C.

6. EVALUATION PROCESS

The dates for each evaluation stage (stages are detailed in the Tender Evaluation Guidelines) are an indicative timetable for completion of the evaluation process. The timetable will be subject to change depending on the number of responses received.

EVALUATION STAGES	
Description	Date
Stage 1 – Preliminary	21/12/2016
Stage 2 – Eligibility Assessment	21/12/2016
Stage 3 – Technical Worth Assessment	21/12/2016
Stage 4 – Price	21/12/2016
Stage 5 – Risk Analysis	21/12/2016
Stage 6 – Presentations and site visits	21/12/2016
Stage 7 – Interviews	22/12/2016
Stage 8 – Tender Recommendation	22/12/2016

7. CONCLUSION

There are a number of steps required to conclude the tendering component of a procurement project and these are listed in the table below (steps are detailed in the Tender Evaluation Guidelines). The dates given below are approximate as it depends on whether negotiations will be required or not.

EVALUATION CONCLUSION	
Description	Date
Approval	22/12/16
Negotiations	22/12/17 → 9/1/17
Contract Performance Plan	01/02/2017
Contract Execution	01/02/2017
Contract Notice	01/02/2017
Debriefing	01/02/2017

8. AUTHORISATION

The following authorisations are required prior to the published tender close date. Where this Plan has not been authorised, tender opening **must NOT** occur.



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The Tender Evaluation Committee (TEC) will evaluate the tenders in accordance with the evaluation criteria described in the tender documents and recommend the tenderer that represents best value for money to RMS. The evaluation will comply with the reference documents specified in this Plan and the *NSW Government Code of Practice for Procurement (2005)*. TEC members must ensure that all information in relation to the procurement process remains confidential, except that which is in the public domain. This includes the content of bids, any supporting information provided by RMS or third parties and the outcomes of the assessment. TEC members will comply with RMS' Code of Conduct and this Plan.

TENDER EVALUATION COMMITTEE			
Name	Position	Date	Signature
Jai Singh	Convenor	21/12/16	X
Samer Soliman	Member	21/12/16	X
	Member		X
	Member		X



Standard Scoring Table

APPENDIX A – Standard Scoring Statements

STANDARD SCORING STATEMENTS	
Scoring Rationale	Score
Exceptional - requirements are significantly exceeded in all areas, all claims are fully substantiated and the proposals are of an excellent standard.	10
Outstanding - requirements are exceeded in key areas, claims are all very well substantiated and proposals are of a very high standard.	9
Very Good - requirements met to a very high standard in all areas, claims are well substantiated in all areas and proposals are of a high standard.	8
Good - requirements are met to a high standard in all areas, claims are well substantiated in key areas and proposals are sound.	7
Fair - requirements are met to a reasonable standard in all areas, claims are well substantiated in most areas and proposals credible.	6
Acceptable - requirements are met to an acceptable standard with no major shortcomings, all claims are adequately substantiated while some proposals are questionable.	5
Marginal - requirements are not fully met, some claims are unsubstantiated while others are only adequate with some proposals being unworkable.	4
Poor - requirements are poorly addressed in some areas or not at all, claims are largely unsubstantiated and the proposals are generally unworkable.	3
Very Poor - requirements are inadequately addressed in most or all areas, claims are almost totally unsubstantiated and the majority of proposals are unworkable.	2
Unacceptable - requirements are not met, claims are unsubstantiated and the proposals are unworkable.	1
Non-Compliant - tenderer completely failed or refused to provide a response.	0



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Conflict of Interest Form

APPENDIX B – Conflict of Interest

This form is to be completed by each person with a declared evaluation role for this tender evaluation after viewing the list of tenderers and prior to evaluation commencing. This form should be submitted to the Tender Evaluation Committee (TEC) Convenor, who will place the form on file and, if required, make a determination regarding the Conflict of Interest.

TENDER DETAILS	
Contract Number	17.0000.302935.0016
Title	RMS Portable Weigh Scales Maintenance and certification

<p>CONFLICT OF INTEREST</p> <p>A Conflict of Interest occurs when a person is influenced or could be perceived to be influenced in carrying out their duty to RMS. This may involve the offering of advice or participation in the making of a decision, which has the potential to or actually impacts on their personal or professional standing. This influence may not involve financial gain but may include gains from relationships based on common interest, family and other personal or professional associations.</p> <p>For example, a person is influenced or would be perceived to be influenced in carrying out their duty to RMS as a consequence of their relationship with a tenderer / or related party of a tenderer.</p> <p>Any person with a declared evaluation role in the evaluation process must not have a Conflict of Interest which compromises the probity of the evaluation process. Any person with a declared evaluation role must sign this form and detail, if any, the Conflict of Interest and forward to the TEC Convenor.</p>

<p>BRIEFLY OUTLINE CONFLICT (write NIL if no Conflict exists)</p> <p>NIL</p>

DECLARATION AND AGREEMENT			
I have read and understand the above information and hereby recommend the following procedure to maintain probity and mitigate the Conflict of Interest.			
Name	Role	Date	Signature
Jai Singh	TEC Convenor	21/12/16	X
Samer Soliman	TEC Member	21/12/16	X




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Confidentiality Declaration Form

APPENDIX C – Confidentiality Declaration

PROJECT DETAILS	
Project	RFQ attached/printed

CONFIDENTIALITY
RMS proposes to divulge confidential information to the nominated Public Official regarding the Project in order for the Public Official to fulfil their required duties. The Public Official must ensure that all information in relation to the Project remains confidential, except that which is in the public domain. This includes the content of bids, any supporting information provided by RMS or third parties and the outcomes of the assessment. The Public Official will comply with RMS' Code of Conduct.

PUBLIC OFFICIALS' DETAILS			
I declare that I am a Public Official as defined in RMS' Code of Conduct. I have read and understand the above information and hereby acknowledge that I will keep, and take all reasonable steps to keep, all information relating to the Project confidential.			
Public Official name	Jai Singh		
Position	Business Systems Analyst		
Team / Unit / Organisation	Compliance operations / Heavy vehicle programs unit		
Date	9/12/2016	Signature / Initial	

CONFLICT OF INTEREST STATEMENT PART 2

DECLARATION OF RELATED INTERESTS BY ASSESSMENT PANEL

[Note: this Declaration is for Assessment Panel Members and their professional advisers to sign once they know of the identities of the tenderers. This is in addition to the Part I Conflict of Interest Statement in Section 4.2.1 of Procurement Manual which they signed at the start of the project before they became aware of the names of tenderers]

Project Name:	RMS Portable Weigh Scales Maintenance and certification
Tender Number:	17.0000.302935.0016
Your Name:	Samer Soliman
Branch / Section / Job Title:	Compliance operations / Compliance Systems / Mgr HV Programs
Your Project Role/Function:	Team manager

Conflict of Interest

I declare that I do not have any financial or other personal interest in the Project or any association with any of the tenderers/applicants other than those interests (if any) set out below.

I am not aware of any other situation which might lead to an actual or perceived conflict of interest or which might affect me carrying out my functions both fairly and in the best interest of Roads and Maritime Services ("RMS").

If I become aware of situation that might give rise to a conflict of interest or the perception of one then I will immediately advise the Assessment Panel convenor/chair who will resolve the issue after taking advice from the Probity Officer or from Governance Branch.

Financial

In the spaces below, provide information about each **tenderer/proponent**:

- (a) of which you, or any member of your immediate family, were a director, officer, partner, trustee, consultant or employee (either parent company or subsidiary) during the last five years, or, with which there is an agreement or arrangement for future association;
- (b) of which you, or your immediate family members, hold shares exceeding \$25,000 (present market value) or which exceed 5% of the share capital of the company;
- (c) with whom you, or any member of your immediate family, have a financial or personal relationship with a director, officer, partner, trustee, or employee of that entity; and,
- (d) from which you have received a benefit (eg. gift, travel, loans, accommodation) exceeding \$50 in value.

Non-financial

Provide information about each **applicant** with whom you, or any member of your immediate family, have a personal, financial or shared social relationship.

Name of tenderer/proponent/applicant: _____

Nature of the association: _____

Name of tenderer/proponent/applicant: _____

Nature of the association: _____

Additional

Provide information on any other existing or potential conflicts of interest relevant to this project/position that may place at risk the trust of the public or any tenderer in the integrity of RMS or RMS contractors.

Confidentiality

I undertake/acknowledge as follows in respect of this Project:

1. To maintain the confidentiality of the project information and take reasonable precautions to prevent its unauthorised disclosure or use.
2. Not use any confidential information for purposes other than those necessary to perform my functions in relation to this Project.
3. To return project confidential information to RMS on demand.

I understand that nothing in this undertaking applies to information which is in the public domain (other than through a breach of this undertaking) and nothing in this undertaking precludes me from disclosing any confidential information if required by law.

Verification

I declare that I have used all reasonable diligence in preparing this Statement and to the best of my knowledge it is true and complete.

Executed on 12/12/2016 at 99 phillip st parramatta

(location)

Name (print):

Samer SOCIAMAN

Signature:



For assistance call the RMS Ethics Information Line 1800 043 642 (free call) Retain on project file (disposition 7 yrs)

Record of Action Taken On A Disclosed Conflict of Interest

Where an Assessment Panel member or adviser has declared a conflict of interest or related interest then the Panel Convenor must manage and resolve it. The Convenor should discuss this with the project's Probity Advisor (who may in turn need to consult the Procurement Branch or Audit & Risk Branch) and then record the decision and reasons below:

Convenor's Name:

Signature:

Date:

CONFLICT OF INTEREST STATEMENT PART 2

DECLARATION OF RELATED INTERESTS BY ASSESSMENT PANEL

[Note: this Declaration is for Assessment Panel Members and their professional advisers to sign once they know of the identities of the tenderers. This is in addition to the Part I Conflict of Interest Statement in Section 4.2.1 of Procurement Manual which they signed at the start of the project before they became aware of the names of tenderers]

Project Name:	RMS Portable Weigh Scales Maintenance and certification
Tender Number:	17.0000.302935.0016
Your Name:	Jai Singh
Branch / Section / Job Title:	Compliance operations / Compliance Systems / BA
Your Project Role/Function:	Assessment Panel

Conflict of Interest

I declare that I do not have any financial or other personal interest in the Project or any association with any of the tenderers/applicants other than those interests (if any) set out below.

I am not aware of any other situation which might lead to an actual or perceived conflict of interest or which might affect me carrying out my functions both fairly and in the best interest of Roads and Maritime Services ("RMS").

If I become aware of situation that might give rise to a conflict of interest or the perception of one then I will immediately advise the Assessment Panel convenor/chair who will resolve the issue after taking advice from the Probity Officer or from Governance Branch.

Financial

In the spaces below, provide information about each **tenderer/proponent**:

- (a) of which you, or any member of your immediate family, were a director, officer, partner, trustee, consultant or employee (either parent company or subsidiary) during the last five years, or, with which there is an agreement or arrangement for future association;
- (b) of which you, or your immediate family members, hold shares exceeding \$25,000 (present market value) or which exceed 5% of the share capital of the company;
- (c) with whom you, or any member of your immediate family, have a financial or personal relationship with a director, officer, partner, trustee, or employee of that entity; and,
- (d) from which you have received a benefit (eg. gift, travel, loans, accommodation) exceeding \$50 in value.

Non-financial

Provide information about each **applicant** with whom you, or any member of your immediate family, have a personal, financial or shared social relationship.

Name of tenderer/proponent/applicant: _____

Nature of the association: _____

Name of tenderer/proponent/applicant: _____

Nature of the association: _____

Additional

Provide information on any other existing or potential conflicts of interest relevant to this project/position that may place at risk the trust of the public or any tenderer in the integrity of RMS or RMS contractors.

Confidentiality

I undertake/acknowledge as follows in respect of this Project:

1. To maintain the confidentiality of the project information and take reasonable precautions to prevent its unauthorised disclosure or use.
2. Not use any confidential information for purposes other than those necessary to perform my functions in relation to this Project.
3. To return project confidential information to RMS on demand.

I understand that nothing in this undertaking applies to information which is in the public domain (other than through a breach of this undertaking) and nothing in this undertaking precludes me from disclosing any confidential information if required by law.

Verification

I declare that I have used all reasonable diligence in preparing this Statement and to the best of my knowledge it is true and complete.

Executed on 12/12/2016 at 99 phillip st parramatta

(location)

Name (print):

Jai Singh

Signature:



For assistance call the RMS Ethics Information Line 1800 043 642 (free call) Retain on project file (disposition 7 yrs)

Record of Action Taken On A Disclosed Conflict of Interest

Where an Assessment Panel member or adviser has declared a conflict of interest or related interest then the Panel Convenor must manage and resolve it. The Convenor should discuss this with the project's Probity Advisor (who may in turn need to consult the Procurement Branch or Audit & Risk Branch) and then record the decision and reasons below:

Convenor's Name:

Signature:

Date:

CONFIDENTIALITY STATEMENT PART 3 Project Staff, Assessment Panel and Advisors

[Note: This Undertaking is to be signed by all project staff, Assessment Panel Members and their advisors at the end of the evaluation process and/or the project (as applicable).]

Project Name:	RMS Portable Weigh Scales Maintenance and certification
Tender Number:	17.0000.302935.0016

Capacity

I agree that I have assisted Roads and Maritime Services ("RMS") on this Project in the role/function identified below.



I have read the following policies and documents and agree to abide by them:

- RMS Code of Conduct
- RMS Statement of Business Ethics

Confidentiality Undertaking

1. In the course of my involvement in the Project I have had access to confidential information in relation to the Project ("Confidential Information").
2. I undertake to maintain the confidentiality of the Confidential Information and take reasonable precautions to prevent its unauthorised disclosure or use.
3. I undertake not to disclose any Confidential Information to any person other than to those who have signed a confidentiality undertaking or agreement in a form approved by RMS (including a Request for Access to Confidential Information which has been approved) or where that disclosure has otherwise been authorised or approved by RMS.
4. I acknowledge that this undertaking of confidentiality is legally binding and unlimited in duration.
5. I will return all information provided to me to the Project Manager at the end of the Project, or at any time as required by the Assessment Panel Convenor, Project Manager, Probity Advisor/Officer or Senior Managers from the Procurement or Infrastructure Development Commercial Branch.

I understand that nothing in this undertaking applies to information which is in the public domain (other than through a breach of this undertaking) and nothing in this undertaking precludes me from disclosing any Confidential Information if required by law.

Name	Branch/ Organisation	Role/Function	Date	Signature
Jai Singh	Compliance operations	Assessment panel	21/12/17	X 
Samer Soliman	Compliance operations	Team manager	21/12/17	X 
				X



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Tender Evaluation Report

RMS Portable Weigh Scales Maintenance and certification

Date: 21/12/2016

Version: 1

Author: Jai Singh

Security Classification: Confidential





1. EXECUTIVE SUMMARY

The purpose of this procurement is for Maintenance and certification of RMS Portable Weigh Scales.

The RFQ was issued on: 12/12/2016 and closed on 21/12/2016

The Tender Box was opened on 21/12/2016 10am.

In this report, a Tenderer means any person or organisation who received the RFx and who submitted a Tender in response. Tenders received in response to the RFx were assessed in accordance with the Evaluation Plan.

The overall objective is to evaluate and identify tenders that are able to demonstrate the best value for money. The fundamental objective is to ensure that government procurement activities achieve best value for money in supporting the delivery of government services. In order to determine best value for money Tender Evaluation Committee took into account all relevant risks, benefits and costs over the whole of life procurement cycle.

Most tenderers demonstrated strong effectiveness against the specification of requirements as detailed in the RFQ.

Based on cost effectiveness, the ranking of tenderers from most cost effective to least cost effective is:

- 1) Weigh Pack & Electrical
- 2) AccuWeigh

1.1 Recommendation

- 1) The Tender Evaluation Committee recommends Weigh Pack & Electrical as the preferred tenderer based on value for money.

ATTACHMENTS
Documents



2. THE EVALUATION PROCESS

Stage 1. PRELIMINARY

The following persons with a Declared Evaluation Role for this evaluation provided a Conflict of Interest and Confidentiality Declaration

Name	Date declaration signed
Jai Singh	9/12/2016
Samer Soliman	9/12/2016

The following conflict of interest issues were raised:

Name	Conflict reported	Resolution
NIL	NIL	NIL

Stage 2. Eligibility Assessment

Tenders were initially assessed for eligibility to identify any non-conformances that were substantial or incapable of rectification and, therefore, justify not considering the tender further (e.g. NSW Code of Practice for Procurement, Legal Entity, Confidentiality, Collusive Arrangement and Improper Assistance).

The mandatory criteria were the minimum standards that suppliers must meet in order to participate in the procurement process. It was deemed by the TEC that these were incapable of rectification and the tenders(s) were not considered further in the evaluation process.

All tenderers were considered eligible at this stage in the evaluation process.

Stage 3. Technical Worth

For each remaining tender a quantitative (score) and qualitative (comment) assessment of the response schedule to the specification was undertaken to determine the degree of effectiveness against the Evaluation Criteria.

Scoring was conducted in accordance with the scoring scales detailed in the Tender Evaluation Plan. The weighting detailed in the Tender Evaluation Plan was used to calculate the effectiveness against the Evaluation Criteria. A total consolidated weighted score was allocated to each of the remaining tenders.

The following summary table is a consolidation of the consolidated score applied to each criterion by tenderer.

Tenderer	Score
Weigh Pack & Electrical	7
AccuWeigh	7

The assessment also included identification of any perceived or potential risk issues and has been incorporated into Stage 5 Risk Analysis of the evaluation process.



Further clarification not required from tenderers as requested by the Tender Evaluation Committee on the following matters:

The Tender Evaluation Committee considered the material effect of the gaps identified; i.e. those which would reduce the likelihood of RMS achieving the outcomes. The following tenderers were put aside and were not considered further in the evaluation process at this time.
NIL

Stage 4. Price

The Tender Evaluation Committee considered pricing schedules for the remaining tenders and identified tenders which are cost-effective.

The TEC determined the whole-of-life cost associated with each tender to be:

Tenderer	Whole-of-Life Cost
Weigh Pack & Electrical	\$189,750 exc GST(\$345/scale * 550 scales)
Accuweigh	\$231,000 exc GST(\$420/scale * 550 scales)

The following Tenders were considered not cost-effective and were put aside at that time and were not considered further in the evaluation.

Accuweigh

Stage 5. Risk Analysis

A risk evaluation was conducted for the remaining tenders against risk issues that were identified during the previous stages of the evaluation.

The following risks were identified during the evaluation process.

NIL

The following tenders demonstrated unacceptable risk, which would reduce the likelihood of achieving the desired outcomes. These tenderers have been put aside and not considered further at that time.

NIL

Stage 6. Presentations and Site Visits

The Tender Evaluation Committee invited presentations for this evaluation process for the remaining tenderers.

Stage 7. Interviews

The Tender Evaluation Committee interviewed the remaining tenderers.

Stage 8. Recommendations

The tender that is recommended by the Tender Evaluation Committee to enter into contract negotiations with after giving consideration to the relative ability to satisfy the overall requirement (Technical Worth) at a competitive cost (price) and at an acceptable risk (risk).

The preferred tenderer, on a value for money basis is Weigh pack & Electrical.

This recommendation by the Tender Evaluation Committee is submitted to the financial delegate for approval.



Transport
Roads & Maritime
Services

3. AUTHORISATIONS OF THE EVALUATION PROCESS

TENDER EVALUATION COMMITTEE			
The Tender Evaluation Committee has evaluated the tender in accordance with the Tender Evaluation Plan. The recommendation to enter into contract negotiations as stated above.			
Name	Position	Date	Signature
Jai Singh	Convenor	21/12/2016	X
Samer Soliman	Member	21/12/2016	X

Authorising Manager – Approval to enter into negotiations

Financial Delegate	Samer Soliman		
Date	22/12/16	Signature / Initial	



t 02 4905 0101
f 02 4905 0109
e admin@wildelegal.com.au
a Level 1, 16 Bull St
Cooks Hill NSW 2300
PO Box 672
The Junction NSW 2291

Our Ref: MW:MM:11626

30 August 2017

The Proper Officer
Legal Branch
Roads and Maritime Service
20 – 44 Ennis Road
MILSONS POINT NSW 2061

Dear Sir or Madam,

**Re: Weighpack & Electrical Pty Ltd and Anor ats Accucorp Pty Ltd
Federal Court File No: NSD1379/2017**

With reference to the above matter, please find enclosed, by way of service, Subpoena to Produce Documents.

We confirm that all documents are to be produced on or before 9:30am 13 September 2017 at the Federal Court of Australia Sydney Registry.

Yours faithfully
WILDELEGAL

A handwritten signature in black ink, appearing to read "Melanie Wilde".

Melanie Wilde

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 29/08/2017 5:50:09 PM AEST and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

Filing and Hearing Details

Document Lodged:	Subpoena to Produce Documents - Form 43B - Rule 24.13(1)(b)
File Number:	NSD1379/2017
File Title:	ACCUCORP PTY LTD (ACN 060 173 711) & ANOR v WEIGHPACK & ELECTRICAL PTY LTD (ACN 614 338 724) & ORS
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	Return of Subpoena
Time and date for hearing:	13/09/2017, 9:30 AM
Place:	Court Room 19C, Level 17 Law Courts Building Queen's Square, Sydney



A handwritten signature in cursive script, reading 'Warwick Soden'.

Dated: 30/08/2017 3:03:03 PM AEST

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.

Last day for service: 5/9/2017

*Received in Legal Branch on 5-9-17.
Nil conduct money. Miller*



Form 43B
Rule 24.13(1)(b)

Subpoena to produce documents

No. NSD 1379 of 2017

Federal Court of Australia
District Registry: New South Wales
Division: General

ACCUCORP PTY LTD (ACN 060 173 711) and another named in the schedule

Applicants

WEIGHPACK & ELECTRICAL PTY LTD (ACN 614 338 728) and others named in the schedule

Respondents

To: The Proper Officer
Legal Branch
Roads and Maritime Service
20 – 44 Ennis Road
MILSONS POINT NSW 2061

You are ordered to produce this subpoena or a copy of it and the documents or things specified in the Schedule of documents. See next page for details.

Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.

Please read Notes 1 to 13 at the end of this subpoena.

The last date for service of this subpoena is . (See Note 1)

Filed on behalf of (name & role of party)	Weighpack & Electrical Pty Ltd, First Respondent		
Prepared by (name of person/lawyer)	Melanie Wilde, solicitor for the Respondents		
Law firm (if applicable)	Wilde Legal		
Tel	(02) 4905 0101	Fax	N/A
Email	melanie@wildelegal.com.au		
Address for service (include state and postcode)	PO Box 672 THE JUNCTION NSW 2291		

[Version 3 form approved 3/09/2014]



Date: 30 August 2017

Signed by an officer acting with the authority
of the District Registrar

Issued at the request of Weighpack & Electrical Pty Ltd (First Respondent), whose address for
service is:

Place: C/- Wilde Legal

PO Box 672

THE JUNCTION NSW 2291

Email: melanie@wildelegal.com.au

**Details of subpoena**

You must comply with this subpoena:

- (a) by attending to produce this subpoena or a copy of it and the documents or things specified in the Schedule of documents below at the date, time and place specified for attendance and production; or
- (b) by delivering or sending this subpoena or a copy of it and the documents or things specified in the Schedule of documents below to the Registrar at the address below, or if there is more than one address below, at any one of those addresses, so that they are received not less than 2 clear business days before the date specified for attendance and production. (*See Notes 5–9*)

Date, time and place at which you must attend to produce the subpoena or a copy of it and documents or things, unless you receive a notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date: 13 September 2017

9:30am

Time: Court Room 19C, Federal Court of Australia, Sydney Registry

Place:

Address, or any address, to which the subpoena (or copy) and documents or things may be delivered or posted:

The Registrar
Federal Court of Australia
New South Wales District Registry
Level 17
Law Courts Building
Queens Square
SYDNEY NSW 2000



Schedule of documents

The documents and things you must produce are as follows:

1. All submissions and/or responses received by Roads and Maritime Services (RMS) in response to the Request for Quotation RMS Portable Weigh Scales – Maintenance and Certification issued 12 December 2016.
2. All notes and evaluations assessing the submissions received by RMS in respect of Request for Quotation RMS Portable Weigh Scales – Maintenance and Certification issued 12 December 2016.
3. All submissions and/or responses received by RMS in response to the Request for Quotation RMS Portable Weigh Scales – Scheduled Maintenance and Verification issued 25 July 2017.
4. All notes and evaluations assessing the submissions received by RMS in respect of Request for Quotation RMS Portable Weigh Scales – Scheduled Maintenance and Verification issued 25 July 2017

**Notes****Last day for service**

1. You need not comply with the subpoena unless it is served on you on or before the date specified in the subpoena as the last date for service of the subpoena.

Informal service

2. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and of its requirements.

Addressee a corporation

3. If the subpoena is addressed to a corporation, the corporation must comply with the subpoena by its appropriate or proper officer.

Conduct money

4. You need not comply with the subpoena in so far as it requires you to attend to give evidence unless conduct money sufficient to meet your reasonable expenses of attending as required by the subpoena is handed or tendered to you a reasonable time before the date your attendance is required.

Production of subpoena or copy of it and documents or things by delivery or post

5. If this subpoena requires production of the subpoena (or a copy of it) and a document or thing, instead of attending to produce the subpoena (or a copy of it) and the document or thing, you may comply with the subpoena by delivering or sending the subpoena (or a copy of it) and the document or thing to the Registrar:
 - (a) at the address specified in the subpoena for the purpose; or
 - (b) if more than one address is specified - at any of those addresses;so that they are received not less than 2 clear business days before the date specified in the subpoena for attendance and production, or if you receive notice of a later date from the issuing party, before the later date or time.
6. If you object to a document or thing produced in response to this subpoena being inspected by a party to the proceeding or any other person, you must, at the time of production, notify the Registrar in writing of your objection and of the grounds of your objection.
7. Unless the Court otherwise orders, if you do not object to a document or thing produced by you in response to the subpoena being inspected by any party to the proceeding, the Registrar may permit the parties to the proceeding to inspect the document or thing.

**Production of a number of documents or things**

8. If you produce more than one document or thing, you must, if requested by the Registrar, produce a list of the documents or things produced.

Production of copy instead of original

9. You may, with the consent of the issuing party, produce a copy, instead of the original, of any document that the subpoena requires you to produce.

- 9A. The copy of a document may be:

- (a) a photocopy; or
- (b) in an electronic form in any of the following electronic formats:
 - .doc and .docx – Microsoft Word documents
 - .pdf – Adobe Acrobat documents
 - .xls and .xlsx – Microsoft Excel spreadsheets
 - .jpg – image files
 - .rtf – rich text format
 - .gif – graphics interchange format
 - .tif – tagged image format

Applications in relation to subpoena

10. You have the right to apply to the Court:
- (a) for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena; and
 - (b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the subpoena.

Loss or expense of compliance

11. If you are not a party to the proceeding, you may apply to the Court for an order that the issuing party pay an amount (in addition to conduct money and any witness's expenses) in respect of the loss or expense, including legal costs, reasonably incurred in complying with the subpoena.

Contempt of court - arrest

12. Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.
13. Note 12 is without prejudice to any power of the Court under any rules of the Court (including any rules of the Court providing for the arrest of an addressee who defaults in attendance in accordance with a subpoena) or otherwise, to enforce compliance with a subpoena.

7



Schedule

No. NSD 1379 of 2017

Federal Court of Australia

District Registry: New South Wales

Division: GENERAL

Applicants

Second Applicant: Diverseco Pty Ltd (ACN 082 334 156)

Respondents

Second Respondent: Mark Mitchell

Third Respondent: Matthew Clarke

Date: 30 August 2017