Proactive release by
NSW Department of Education and Communities

Records relevant to Assisted School Travel Program

Item (d)
Records of the tender process including the call for tenders
(1 September 2010 – 30 January 2012)
Project Approval

Project Name: Assisted School Travel Program

Proposed by: Rochelle Kirk- Strategy & Sourcing Manager

Commercial Director: Jo Bailey

- Contract Project
- DETP Business Project

- Client Contract
- DETP Contract (or SCCB)

$77 million pa DET Contract Value (Gateway required over $10m)

With 4 x 1 year options to extend – $385m in total. Advice received from Barbara Soiland that a Gateway Review is unnecessary as issues would have been covered in the 2008 review.

- Priority Savings (Cash return)

$0 Current Year Net Savings (09/10)

$0 Annualised Net Savings (life of contract)

$0 Contract Net Savings

Assessed Project Timeframe

- Basic (90 days)
- Standard (180 days)
- Complex (270 days)

Immediate Requested Commencement Date of Project

High Priority
2.4 Scope does not include
The scope does not include Government schools that provide services for their own students. These arrangements will continue and allocation of these runs will not form part of this tender.

2.5 Relationship with other projects
Deemed not to align with other community service schemes.

If not enough TSO’s are sourced through the transport operators then a separate procurement process will need to be undertaken.

2.6 Consultation with client
Administrative Services are managing and working closely on the project.

Extensive consultation has been undertaken for this project. A steering committee has been established which has membership from:

- Department of Education and Training:
  - Finance and Administration
  - Shared Services
  - DET Procurement
  - Corporate Services Audit
  - Disability Programs
- Department of Premier and Cabinet
  - Human Services and Justice
  - Policy, Infrastructure, Environment and Economic Development
- NSW Treasury
  - Privately Financed Projects
- NSW Transport and Infrastructure
  - Compliance Schemes and Community Transport
- Department of Services, Technology and Administration
  - NSW Procurement

Information Technology have also been consulted as to how potential changes to the scheme can be accommodated within current systems.
3. PROCUREMENT STRATEGY

3.1 Market Dynamics

(Tick all that apply)

☐ Aggregation

(Combining common business purchase volume for similar products or services supplied from the same industry market to improve suppliers' economies of scale.)

☐ Consolidation

(Combining related business purchase volume for different products and services supplied from across industries and/or markets to improve suppliers' turn-over.)

☐ Unbundling

(Breaking up/unpacking components of spend into separate lots to access more suppliers from more industries and increase competition.)

☐ Alternate Product

(Swapping current product requirement with a different specified product or different solution product at lower price, operating cost or lower risk.)

☐ Rationalisation

(Reducing the number of elements in a procurement solution - suppliers, products sites, etc. to increase the value of the opportunity to the market and increase competition.)

☐ Process Re-Engineering

(Re-design procedures at any

Please give details:

Tenderers will be given the opportunity to tender for TSO's

DETProcurement & Purchasing Manual
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Version August 2010

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DET Procurement

Point in the procurement cycle but particularly purchasing to reduce administration and lower servicing costs.

Standardisation
(Making a range of products or specifications the sole choice to increase aggregation, lower lifecycle costs, reduce administration and increase competition.)

Distribution
(Localising delivery or maintenance to improve service performance and business costs)

Warehousing
(Centralising service delivery to single or limited number of centres, combining deliveries and reducing logistics costs)

Reverse Auction
(Online low bid auction process to heighten supplier competition.)

Policy Directive
(Instruct purchasing and/or procurement behaviour to enforce compliance to maximise benefits.)

Program must continue.

Other
Page 87 redacted for the following reason:
----------------------------------------
Already released under Item (a), 16 - see Item (a) page 178.
3.2 Business Obligation

- commitment (of DET expenditure)
- access (to DET business)
- restricted access (region, business unit)
- accreditation (open standard, open access) **[X]**
- qualification (defined standard, competitive access)

<table>
<thead>
<tr>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Obligation is for tenderers to become part of an Eligible Service Provider List. The tender will be for all regions in NSW.</td>
</tr>
</tbody>
</table>

4. SOURCING STRATEGY
4.1 Market Strategy

- ROI Registration of Interest
  *(Where there is a large market that you want to restrict for tender; where you are unsure if a market exists and do not want to waste the cost of a tender; there is expectation but not obligation to proceed.)*

<table>
<thead>
<tr>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

- RFI Request for Information
  *(To assist develop a solution and create interest in the market. No obligation to proceed.)*

<table>
<thead>
<tr>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

- EOI Expression of Interest
  *(When the solution is formalised, it needs market input and to identify suppliers for a selective tender. There is no obligation to proceed by there is expectation to proceed.)*

<table>
<thead>
<tr>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

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**DET Procurement**

- **X** RFT  Request for Tender
  *(When the solution or requirements are known or formalised.)*
  
  Open request for tender for a period of 6 weeks

- SRFT  Selective Request for Tender
  *(When solution or requirements are known or formalised and suppliers can be selectively invited due to prior competitive selection on a supply panel or approved external qualification/standard.)*

- RFQ  Request for Quote
  *(When solution formalised, suppliers identified, supplier does not need to access and price is the primary objective.)*

- RFP  Request for Proposal
  *(When the objective/outcome is known but the solution is not or where it is felt that innovation can be offered or encouraged from the market.)*

- Direct Negotiation
  *(When under contract, effective monopoly, available under panel arrangements. Faster, more flexible, partnership but may lose value-for-money test.)*

### 4.2 Tender Methodology

*Indicate which tender methodology will be used and substantiate chosen methodology. If there is a legitimate reason for not using Tendermax, this needs to be justified for approval to proceed outside Tendermax.*

- Tendermax

- Manual

*Comment: Following discussions with Decision Max a combination of paper based (using scanable formats, and electronic (via a tool such as Survey Monkey) will be used.*
4.3 Evaluation Drivers (General Weighting Scheme)

What are the core elements needed to be assessed to determine the most capable, value-for-money supplier(s) and address products requirements? (What are the three primary considerations for evaluation in relation to the business objective and procurement strategy?)

- [x] price
- [x] customer service
- [ ] distribution network
- [x] capacity to supply
- [x] product quality
- [ ] implementation/transition management
- [ ] innovation
- [ ] pre-qualified
- [ ] scalability/flexibility
- [ ] time
- [ ] operating cost
- [ ] other (e.g. policy, Jobs First, Aboriginal participation)
4.4 Supplier Selection Strategy

- Single Source
  (typical of aggregation, fixed price in low-risk supply market)
  Comment

- Duopoly
  (risk management of supply continuity)
  An Eligible Service Provider List will be developed

- Panel
  (used where there is a broad range of requirements not easily provided from a single source or where discrete services are purchased and are quoted on an individual competitive basis)

- Regional Supply
  (where logistics is an issue, service a priority, or there are site-specific requirements)
  Suppliers across the state.

- Category Specific
  (used when unbundling to increase market competition or user-specific requirements)

- Other (Jobs First SME, aboriginal participation)
5. PURCHASING STRATEGY

5.1 Ordering Strategy

- [ ] e-purchase (supplier on-line)
- [ ] e-catalogue (DET or supplier hosted)
- [ ] manual
- [ ] bulk
- [x] central

Comment:
This process will be managed by a dedicated Unit in the Wollongong Head Office. Purchase orders raised through P.O

5.2 Payment Strategy

- [ ] site
- [ ] regional
- [x] central
- [ ] consolidated
- [ ] outsourced

Comment:
Payment will managed centrally by the dedicated Unit in the Wollongong Head Office.
6. CONTRACT MANAGEMENT STRATEGY

6.1 Contract Arrangement

☐ accredited – not supplier-limited, no contract

☒ preferred – panel suppliers, no expenditure commitment contract

☐ designated – volume/expenditure commitment contract

☐ other

The number and route of runs changes based on student and other needs, so flexibility in selecting appropriate drivers is required.

6.2 Administration Responsibility

☐ DETP-Managed

☒ Internal DET Directorate

☐ External of DET

Comment

This process will be managed by a dedicated Unit in the Wollongong Head Office.

6.3 Contact Requirements

☐ Minimum

☐ Occasional

☒ Frequent

Comment

Given the nature of the requirement, there will be frequent
7. PROJECT GOVERNANCE

7.1 Roles and Responsibilities

- [x] Steering Committee
- [ ] Project Management Team (PMT)
- [x] Tender Evaluation Team (TET)
- [ ] Tender Opening Committee (TOC)
- [x] Probitly Auditor
- [ ] Subject Matter Expert
- [ ] Sponsor (maybe included in Steering Committee or PMT)
- [ ] Financial Adviser

<table>
<thead>
<tr>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>A steering committee has already been established.</td>
</tr>
<tr>
<td>The steering committee will consider the appointment of a Probitly Advisor.</td>
</tr>
<tr>
<td>A Project Manager will be appointed.</td>
</tr>
<tr>
<td>DET Procurement, with Administrative Services, is the Project Management Team.</td>
</tr>
</tbody>
</table>

8. STAKEHOLDER MANAGEMENT

8.1 Stakeholder Identification

- [ ] Minister's Office
- [x] Executive
- [x] DET Offices
- [x] Government Agencies
- [ ] Union
- [x] Other

<table>
<thead>
<tr>
<th>Contacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant Government agencies have been included on the Steering Committee</td>
</tr>
<tr>
<td>Special needs students and their families.</td>
</tr>
<tr>
<td>Current suppliers</td>
</tr>
<tr>
<td>Legal</td>
</tr>
<tr>
<td>Screening Department</td>
</tr>
<tr>
<td>RTA (TBD)</td>
</tr>
<tr>
<td>ITD</td>
</tr>
</tbody>
</table>
9. RISK IDENTIFICATION

9.1 Priority Matrix

*Complete the table below to calculate priority scores. One tick per box. One point per tick multiplied by weight to form a total. Plot the level of priority for the project.*

<table>
<thead>
<tr>
<th>Weighting</th>
<th>Low (x1)</th>
<th>Medium (x2)</th>
<th>High (x5)</th>
<th>Critical (x10)</th>
<th>Weighted Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spend</td>
<td>&lt; 5m</td>
<td>+5 - 35m</td>
<td>+35 - 80m</td>
<td>&gt; 80m</td>
<td>5</td>
</tr>
<tr>
<td>Savings cash</td>
<td>&lt;1m</td>
<td>1</td>
<td>+1 - 5m</td>
<td>+5 - 9m</td>
<td>&gt;10m</td>
</tr>
<tr>
<td>Savings other</td>
<td>&lt; 5m</td>
<td>1</td>
<td>+5 - 10m</td>
<td>+10 - 30m</td>
<td>&gt;30m</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>7</td>
</tr>
</tbody>
</table>

### Business / Risk of not proceeding

<table>
<thead>
<tr>
<th>Weighting</th>
<th>Low (x1)</th>
<th>Medium (x2)</th>
<th>High (x5)</th>
<th>Critical (x10)</th>
<th>Weighted Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reputational / Credibility</td>
<td>N/A</td>
<td>Opportunity Low Risk</td>
<td>Opportunity High Risk</td>
<td>High Opport High Risk</td>
<td>1</td>
</tr>
<tr>
<td>Business Need</td>
<td>Non core Low risk</td>
<td>Non core+risk Core+low risk</td>
<td>Core+low risk High priority</td>
<td>Core+high risk High priority</td>
<td>1</td>
</tr>
<tr>
<td>Political Sensitivity</td>
<td>Low risk Low Priority</td>
<td>High opportunity Low Priority + Low Risk</td>
<td>High opportunity High priority + Low risk</td>
<td>High Risk, priority &amp; opportunity</td>
<td>1</td>
</tr>
<tr>
<td>Grand Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>37</td>
</tr>
</tbody>
</table>

Up to 5 Low / >5 - 9 Medium / >9–14 High / >14 Critical

<table>
<thead>
<tr>
<th>Priority</th>
<th>Critical</th>
</tr>
</thead>
<tbody>
<tr>
<td>(low, medium, high, critical)</td>
<td></td>
</tr>
</tbody>
</table>

9.2 Risk Management

*Not enough providers for required ‘runs’*

Procurement based on current budget – risk that tendered prices will increase the required budget

Large amount of paper based responses expected (about 90%) – checking of data entry required

Election – care taker period

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Version August 2010
10. FUNDING

10.1 Project Funding

Budget available in Administrative Services budget, including for a project manager, probity advisor and for temps to assist in the data entry of the large volume of hard copy tender responses expected.

10.2 Contract Funding

Treasury Funded

11. BENEFITS REALISATION

☐ Retained Savings $0
☐ Returned Savings $0
☐ Avoided Costs $0
☐ Efficiency/productivity $0

Comment/Calculations

Community benefit and service, so savings are not anticipated.

A small potential for savings in operators operating more than 10 runs offer a discount. As there are only 18 current operators who have more than 10 runs this is unlikely to produce significant savings.
12. PAC RECOMMENDATION

☐ Not approved

Comments

☐ Approved

(complete the information below)

Comments

Confirm Project Timeframe

☐ Basic (90 days)  ☐ Standard (180 days)  ☑ Complex (270 days)

Risk Management Plan Requirement

☐ Simple Project managed  ☐ Detailed Program Manager Review  ☑ Complex PAC review

Resource Allocation

<table>
<thead>
<tr>
<th>Project Supervisor</th>
<th>Rochelle Kirk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Manager</td>
<td>David Malcolm</td>
</tr>
<tr>
<td>Subject Matter Expert</td>
<td></td>
</tr>
<tr>
<td>Project Support</td>
<td></td>
</tr>
</tbody>
</table>

Proactively released by the Department of Education and Communities under the GIPA Act 2009
DET Procurement

DETP Funding Allocation

Commencement Date: 

PAC Chairperson (signature): 

Date 23/9/10
Pages 17 through 61 redacted for the following reasons:
 Already released under Item (a), 15 - see Item (a) pages 133-138.
 Already released under Item (a), 15 - see Item (a) pages 139-153.
 Already released under Item (a), 15 - see Item (a) pages 154-168.
 Already released under Item (a), 15 - see Item (a) pages 169-177.
TENDER RESPONSE

TENDER NUMBER: DETP1028

TENDER FOR THE PROVISION OF SERVICES FOR
NSW DEPARTMENT OF EDUCATION AND TRAINING'S
ASSISTED SCHOOL TRAVEL PROGRAM
-CREATION OF ELIGIBLE SERVICE PROVIDER LIST -
2011-2016

Further assistance regarding this requirement may be obtained from the Assisted School Travel Program Tender Contact Officer at david.malcolm6@det.nsw.edu.au.

RFT NUMBER: DETP1028
CLOSING DATE: 9.30 AM MONDAY, 13 DECEMBER, 2010

LODGEment of TENDERS:

Electronic Tender

If you are lodging an electronic tender, the tender is to be lodged through the NSW Department of Services, Technology and Administration eTendering website at https://tenders.nsw.gov.au/dsta - refer Part B, clause 3.5

If you have supporting documentation that can’t be electronically submitted please submit in hard copy at the address nominated below for hard copy tenders, but the documentation must have the additional endorsement:
“SUPPORTING DOCUMENTATION - RFT No. DETP1028” along with your name and ABN.

Hard copy (paper copy)

If you are lodging a hard copy (by paper) tender and/or supporting documentation, place your tender in a plain envelope and address the envelope as follows:

DET Procurement Tender Box
ASTP Tender - RFT DETP1028
Level 2
151 Clarence Street
SYDNEY NSW 2000

This tender document has been designed for ease of evaluation. Respondents are specifically requested to provide the information in the format and spaces provided. Please do not attach covering letters or additional unrequested information. Please do not refer to attachments in your response. If additional space is required for your response, insert a new page behind the page where the information is requested.

This tender is invited by the NSW Department of Education and Training.
HOW TO COMPLETE THIS TENDER

The information that you provide in this Part and its attachments will be used in the assessment of Tenders. Please make sure you have read and understood Parts A, B and C prior to preparing your tender response and ensure that you answer all questions and provide all information requested in the relevant sections. Please insert additional pages, where necessary, behind the page where the relevant information is requested.

References to “you” in this Part means the respondent and all responses given will be taken to be responses of the respondent. Throughout this Part all references to number of Run/s tendered shall mean the number of Run/s for which you are tendering to be eligible.

This Part D is divided into 4 sections.

If you are you tendering to be eligible for a single transport service (Run), complete Sections 1 and 4 only. You DO NOT have to complete Sections 2 and 3.

If you are tendering to be eligible for between two and five Runs, complete Sections 1, 2 and 4 only. You DO NOT have to complete Section 3.

If you are tendering to be eligible for more than five Run/s complete ALL Sections.

A GUIDE FOR DETERMINING YOUR TENDERED RATE

The Department seeks to secure an adequate supply of suitably qualified service providers at commercially competitive fees for service. The Tender Evaluation Committee will utilise industry benchmark pricing to assess tendered bids to determine whether tendered rates represent value for money. The Tender Evaluation Committee will set limits on the rates that will be accepted within each zone.

It is therefore important that the various components of the cost of providing the service are taken into account when determining tendered prices. Respondents are advised that if their tenders are higher than the benchmark, they are unlikely to be successful. In such cases, the Department may engage in negotiations with respondents.

In 2010, the average distance travelled per day per transport run is 52.2 km.

Respondents are required to indicate if they consider that there is a minimum Run distance (number of total kilometres) at which they will be prepared to provide services. The Department reserves the right to negotiate with Eligible Service Providers at the time of allocating runs that are for short distances to pay an agreed rate based on a fair price for the service to be provided. This will not constitute a minimum daily rate and the agreed rate may be subject to change, depending on the changing needs of students allocated to that particular service and changes that may be made from time to time to the composition and length of the run to meet operational requirements.

To calculate a fair rate:-

In preparing a tender response, respondents will need to determine what it will cost to provide the service. Respondents should consider all costs involved in providing the service, including, but not limited to the proportional costs of vehicle registration, insurances, vehicle maintenance, fuel costs, driver remuneration, superannuation and account keeping and management costs and all legislative obligations, etc. Do not include costs associated with the use of the vehicle for any other purpose, including private or commercial use of your vehicle/s.

Respondents should consider the time spent picking up and dropping off students. Take consideration of the time and costs spent in performing the whole service and ensure that the rate you tender (a rate per kilometre for the provision of transport services) will, on average, provide you with what you consider to be a reasonable return.

Whilst there is a cost involved, it is recommended that you have your accountant review your rate. Remember, the rate that you tender will be valid for five years (plus annual variations) so it is worth seeking your accountant’s advice to ensure that you are fairly remunerated for the service you provide.

In determining your rate, you should not ask others what they are tendering - they may tender a too high rate which may be rejected. Collusive tendering (this is when respondents get together and agree a price or price range to tender), is not allowed under the Government Code of Practice for Procurement and organisations suspected of collusion may be referred to the Australian Competition and Consumer Commission for investigation and/or may have their tender rejected.
Completing the Price Schedule in Section 1:

Pricing details that respondents provide within the Price Schedule in Section 1 should be expressed as a rate per kilometre for the provision of transport services for each vehicle category, taking account of only those kilometres where one or more approved students are present in the vehicle (loaded kilometres).

Respondents should note for runs where the distance travelled to pick up a Travel Support Officer en-route increases the total distance travelled by more than 5km for each one way trip, an additional payment of 15% will be added to the amount payable to the ESP.

Respondents seeking to tender for multiple runs across locality zones may tender one rate (per vehicle category) for zones within the greater Sydney metropolitan area and may tender a different rate for the same vehicle category in country zones to that of the metropolitan area. Respondents will NOT be able to nominate a different rate for different zones within the greater Sydney metropolitan area, nor will respondents be able to nominate different rates for different country zones.

Please Note:
You CANNOT tender normal taxi rates if you are a taxi operator. Taxi operators MUST tender compliant prices, i.e. an all inclusive Loaded Kilometre rate. If you tender normal taxi rates, including flag fall, booking fees, etc. your tender will be eliminated from further consideration.

You CANNOT submit 2 separate tenders using the same ABN number.

You CANNOT nominate a minimum daily rate for a service or run. Any such tenders will be considered non-compliant and will be eliminated from further consideration.

HOW TO COMPLETE OTHER INFORMATION

Many of the questions in this document will include instructions to assist you in completing your tender. These instructions will be in italics. Please fill in data boxes in the form provided. Additional forms are provided for Vehicles and Drivers should you need more space. Continue to make copies of the additional Forms until you have completed all vehicles and drivers.

Consent forms in Part D Section 4 are issued as separate PDF documents, Forms 1 to 6. These forms must be completed for all drivers, relief drivers and the respondent. The consent forms can either be scanned and submitted electronically or submitted in hard copy (refer page 1).

WHEN YOU HAVE FINISHED

Electronic Submission.

The Response Document is issued in PDF format, file name ASTPRFTDETP1028PartD.pdf. You will be required to rename this file before you upload your response. For example, use your Trading Name followed by response.pdf example (Bloggstransportresponse.pdf)

Go to https://tenders.nsw.gov.au/
Search for Tender DETP1028 in current tenders,
Click on “lodge a Tender”
Follow instructions to load you response document and supporting files.

Hard-copy (paper copy) tender

When you have finished filling in the tender and checked that nothing is missing:
Photocopy every page, so that you have 1 full copy.
Send or deliver the original to the Tender Box at the address on Page 1.
Retain the copy for your reference
Section 1. RESPONSE

1.1 Respondent's Trading Details
Trading Name
Registered Business Address
Address Line 2
Suburb/Town
State
Post Code
Postal Address
Address Line 2
Suburb/Town
State
Post Code
Telephone
ABN
Registered for GST (write Yes or No)

1.2 Respondent's Details
First Name
Surname
Email Address
Mobile Phone No

1.3 Bank Account Details
Bank Name
Branch
BSB
Address
Account Name
Account Number
1.4 Additional Information required from the Respondent

1.4.1 Are you a current provider of student transport services to the Department? (select Yes or No)

1.4.2 How Many Runs are you tendering to be eligible for? (write number of Runs)

1.4.3 How many years of experience do you have providing this or similar service? (write number of years)

1.4.4 Do you currently provide transport service to community organisations? (select Yes or No)

1.4.5 Would you be interested in offering transport services to community organisations based on your tendered rates, at times when your vehicle is not required for the purpose outlined in this tender? (select Yes or No)

1.4.6 Would you consider accepting an offer to provide the services at your tendered rate without any restriction on the total Run distance (number of daily kilometres per Run)? (select Yes or No)

1.4.7 If you answered No to question 1.4.6 above, please state the minimum Run distance at which you would be prepared to consider the offer of a Run (write the number of kilometres). (Responses will form part of the tender evaluation)

1.4.8 Please confirm that no child will be used in the delivery of the services (refer Part B Clause 3.18 (Select Yes or No))

ADDENDUMS TO THIS RFT AFTER ISSUE

Sometimes the Department will issue written changes to the RFT. These changes are called Addendums. If there have been any Addendums to this RFT after the issue of this RFT, please indicate below that you have read and allowed for the Addendum in your Tender.

Please be aware that Part E - Form of Agreement, Part D Form 2 and 3 will be issued as an addendum.

There has been no addendums issued (select Yes or No)

I acknowledge receipt of and have considered the information contained in the Addendums in preparing my tender response (select Yes or No) and then enter how many addendums)

Addendums

Acknowledge Addendums

How many Addendums?
1.5 Preferred Zones

(Please tick the appropriate boxes for the zone/s in which you would prefer to work. The zone/s refer to Runs going to schools located within each zone. Note that some runs may cross zones en-route, depending on where students live)

1.5.1 Greater Sydney Metropolitan Zones

(tick the Zone(s) you wish to be considered for)

- Bankstown
- Blacktown
- Bondi
- Campbelltown
- Central Coast/ Gosford
- Fairfield
- Granville
- Hornsby
- Lake Macquarie
- Liverpool
- Maitland
- Mount Druitt
- Newcastle
- Northern Beaches
- Parramatta
- Penrith
- Port Jackson (Inner West)
- Ryde
- Shellharbour
- St George
- Sutherland
- Windsor
- Wollongong

1.5.2 Country Zones

(tick the Zone(s) you wish to be considered for)

- Albury
- Armidale
- Batemans Bay
- Bathurst
- Bourke
- Broken Hill
- Clarence/Coffs Harbour
- Deniliquin
- Dubbo
- Griffith
- Lismore
- Moree
- Muswellbrook
- Orange
- Port Macquarie
- Queanbeyan
- Tamworth
- Taree
- Tweed Heads/ Ballina
- Wagga Wagga
1.6 Price Schedule

Tender Price is to be based on a Loaded Kilometre Rate taking account of only those kilometres where one or more students are present in the vehicle regardless of the number of passengers. Pricing is NOT to be on a per passenger basis.

### 1.6.1 Greater Sydney Metropolitan Zone Tendered rates (price per loaded kilometre)

<table>
<thead>
<tr>
<th>Vehicle Type</th>
<th>Rate Tendered (Loaded kilometres) GST Exclusive</th>
<th>GST Component</th>
<th>Total Rate Tendered (Loaded kilometre) GST Inclusive</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>B.</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>C.</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>D.</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
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<tr>
<th>Vehicle Type</th>
<th>Rate Tendered (Loaded per Km) GST Exclusive</th>
<th>GST Component</th>
<th>Total Rate Tendered (Loaded per Km) GST Inclusive</th>
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### 1.6.2 Country Zone Tendered Rates (price per loaded kilometre)

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<th>Vehicle Type</th>
<th>Rate Tendered (Loaded per Km) GST Exclusive</th>
<th>GST Component</th>
<th>Total Rate Tendered (Loaded per Km) GST Inclusive</th>
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1.7 Vehicle Details

You need to complete one row for each vehicle, including relief vehicle/s. If you are a sole operator tendering to be eligible for one Run you need to complete two rows, 1 for your usual vehicle and 1 for your relief vehicle. If you have more vehicles than can fit in the space provided please use the additional page provided in the RFT documentation and insert details until you have entered all vehicles intended for use. If you do not have a vehicle at the time of the tender submission leave out the vehicle registration, however you must include the details of the type of vehicle you intend to use in the provision of the services.

1.7.1 Vehicles without wheelchair capability

<table>
<thead>
<tr>
<th>No</th>
<th>Vehicle Registration Number</th>
<th>Vehicle Type (answer, A,B,C,D as per price schedule)</th>
<th>Usual or Relief vehicle (answer usual or relief)</th>
<th>Total Seats (not including Driver)</th>
<th>Vehicle Registration Type (Business or Private Use)</th>
<th>Vehicle Make</th>
<th>Vehicle Model</th>
<th>Vehicle Age (as at Oct 2010)</th>
<th>Drivers Name</th>
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### 1.7.2 Vehicles with Wheelchair Capacity

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<th>Vehicle Registration Number</th>
<th>Wheel Chair Capacity 1-3 (enter number of capacity)</th>
<th>Wheel Chair Capacity 4+ (enter number of capacity)</th>
<th>Usual or Relief Vehicle (write Usual or Relief)</th>
<th>Number of addition seats when wheelchair set up</th>
<th>Number of regular seats when wheelchair not set up</th>
<th>Vehicle Make</th>
<th>Vehicle Model</th>
<th>Vehicle Age (as at Oct 2010)</th>
<th>Vehicle Registration Type (Business or Private Use)</th>
<th>Drivers Name</th>
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### 1.8 Driver and Relief Driver Details Summary

<table>
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<tr>
<th>No</th>
<th>Drivers Surname</th>
<th>Drivers First Name</th>
<th>Usual or Relief Driver (answer Usual or Relief)</th>
<th>Current Approved Department Driver (Yes or No)</th>
<th>If Yes which Company was the driver employed with when approved by the Department?</th>
<th>Number of years providing service to the Department</th>
<th>Number of years providing similar service but not to the Department</th>
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1.9 Compliance Requirements

1.9.1 Compliance Requirements. Please answer "Yes" or "No" to the following questions.

1. Do you and your Subcontractors (if applicable) have Public Liability Insurance to the value of $20 million which covers all Personnel utilised in providing the Service?

2. Do you and your Subcontractors (if applicable) have Workers Compensation Insurance covering all employees?

3. Do you have email and internet facilities?

4. Are all vehicles intended for use under this Program registered for “business use”? (If no, provide details of vehicle usage hereunder in part 1.9.2 for vehicles registered for substantially private use)

5. Do all vehicles intended for use under this Program have comprehensive motor vehicle insurance for "business use"?

6. Are all vehicles intended for use under this Program less than 15 years old?

7. Are all vehicles intended for use under this Program fitted with restraints that comply with Australian Standards and Design Rules?

8. Do all vehicles intended for use under this Program have functioning locking devices fitted to doors?

9. Do all vehicles intended for use under this Program have air conditioning?

10. Do all vehicles intended for use under this Program have Engineering Certificates as required?

11. Do you agree to comply with all the Conditions of Tender at Part B?

12. Do all drivers offered for use have a current Full driver’s licence for the nominated vehicle type?

13. Do you agree to comply with the Agreement conditions as detailed at Part E and should you be awarded any Runs agree to maintain compliance with the Agreement conditions for the duration of any Agreement and provide evidence of compliance when requested by Assisted School Travel Unit during the Term of the Agreement?

I, __________________________________ (insert respondent’s name) confirm that all answers provided to this Section 1 Paragraph 1.9 are true and correct and should any of the information provided be found to be false or misleading, Eligible Service Provider status may be withheld or withdrawn.

Signed: ______________________________ Date: ______________________________

If you are submitting an electronic submission confirm all questions in Section 1 Paragraph 1.9 as correct by inserting (Yes or No)
1.9.2 If you answer "No" to any of the questions at Section 1.9, please provide full details below, including details of your circumstances and (if applicable) when and how compliance with the tender requirements will be met.

Answer Why Compliance in Section 9.1 was answered No (indicate question number and details)
1.10 Previous Experience

Previous experience in the provision of Student Transport Services

Please provide details of services provided to the Department or similar services previously provided by you including the number of years providing these services.

<table>
<thead>
<tr>
<th>Years of Experience</th>
<th>Experience (description)</th>
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1.11 **Respondent’s Referee Details**

Please nominate below details of three referees for similar work previously performed by you, e.g. school principal, parents, others to whom you provide similar services (Note: Do not nominate the Department or its Assisted School Travel Unit as your referee).

**Referee Number 1**

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<tr>
<th>First Name</th>
<th>Surname</th>
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<th>Company</th>
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Number of years you have provided this service to Referee

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<tr>
<th>Telephone Number: Home</th>
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**Referee Number 2**

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Number of years you have provided this service to Referee

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**Referee Number 3**

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Number of years you have provided this service to Referee

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<th>Telephone Number: Work</th>
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1.12 ACKNOWLEDGEMENT AND CONFIRMATION OF TENDER

If submitting a hard copy Tender, only complete Section 1.12.2. If submitting an electronic tender only complete 1.12.3.

1.12.1 Lodgement of a Tender will itself be an acknowledgment and representation by you that you are aware of the requirements of the NSW Government Code of Practice for Procurement (the Code); that you will comply with the Code; and that you agree to report to the Department any breaches of the Code for the duration of any Agreement arising from this Tender.

1.12.2 I affirm that this is my Tender to supply the Service sought in the RFT at the rate tendered, and in accordance with the conditions of the RFT (except if expressly amended in my Tender), and that the information given in my Tender is true and correct. I understand that if any information provided is found to be false or misleading, Eligible Service Provider status may be withheld or withdrawn:

________________________________________
Print Name and Title

________________________________________
Signature of respondent (if an individual)

OR

________________________________________
Signature of authorised officer of respondent

OR

________________________________________
Signature of partner completing tender on behalf of partnership

1.12.3 If submitting an electronic Tender, do you acknowledge and accept that electronic submission of the Tender in accordance with the requirements of the RFT and any conditions of the NSW Department of Education and Training tenders website is sufficient to verify and affirm that this is your Tender to supply the Service in accordance with the conditions contained in Part B, (except if expressly amended in your Tender) and that the information contained in your Tender is correct?

Note that such acknowledgment and acceptance, by stating “Yes”, is necessary for your Tender to be considered.

1.12.3 Answer (Yes or No) [ ]
### Section 2. - RESPONDENT'S CAPACITY AND SUB CONTRACTING

(Only complete this section if you are tendering to be eligible for more than one Run. If you are tendering to be eligible for more than one Run and you do not complete this section you will be deemed to have the capacity for one Run only.)

2.1 Sub Contractors

(Please note that it is not permitted to sub-contract any service more than one level and only with the agreement of the Department in respect to approved subcontractors - refer Part C Clause 5.13 (b))

2.1.1 Is there any part of the Service to be provided through sub-contracting? (write Yes or No)  

(If you answer “yes” to 2.1.1 you are required to provide the details for each sub-contractor in the table at 2.1.2)

2.1.2 Sub Contractor Details

<table>
<thead>
<tr>
<th>Sub Contractor Company Name</th>
<th>Sub Contractor ABN</th>
<th>Registered for GST (write Yes or No)</th>
<th>Sub Contractor Contact Name</th>
<th>Sub Contractor Contact Phone Number</th>
<th>Sub Contractor Address</th>
<th>Details of the Services to be subcontracted and the number of Runs (If applicable)</th>
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</table>
2.2 CAPACITY OF RESPONDENT TO OPERATE MULTIPLE RUNS

(Only complete this section if you are tendering to be eligible for more than one Run. If you are tendering to be eligible for more than one Run and you do not complete this section you will be deemed to have the capacity for one Run only. Please ensure the numbers entered in the questions at 2.2.1 match your numbers entered in Section 1.)

2.2.1 Vehicles and Drivers Capacity Summary

2.2.1.1 How many Runs are you seeking to be eligible for? Answer 2.2.1.1

2.2.1.2 What is the Total number of vehicles you intend to use to provide services? Answer 2.2.1.2

2.2.1.3 How many vehicles are owned/leased by you? Answer 2.2.1.3

2.2.1.4 How many vehicles will be sourced via a sub contracting arrangement? Answer 2.2.1.4

2.2.1.5 What is the total number of drivers to be used by you to deliver the service? Answer 2.2.1.5

2.2.1.6 How many drivers will be employee drivers? Answer 2.2.1.6

2.2.1.7 How many drivers will be sub-contracted drivers? Answer 2.2.1.7

2.2.1.8 What is the total number of relief drivers to be used by you to deliver the service? Answer 2.2.1.8

2.2.1.9 How many relief drivers will be employee drivers? Answer 2.2.1.9

2.2.1.10 How many relief drivers will be sub-contracted drivers? Answer 2.2.1.10

2.3 Financial Capacity

2.3.1 You must provide a signed statement, on official letterhead, from a qualified accountant who has examined your financial records. This statement must report on your financial capacity to operate transport services as required under this RFT. This should include reference to your financial capacity to operate transport services, including financial ability to maintain vehicles, remunerate drivers and operate a business. The statement must also clearly state the number of transport vehicles and drivers that you intend to sub-contract and the number of transport vehicles that, according to the accountant’s opinion, you can operate.

2.3.2 The Evaluation Committee may seek copies of Annual Financial Statements during the evaluation of Tenders. If you are requested to provide Financial Statements, these are to be submitted within five days of being requested.
2.4 Sample statement in the form required to be provide by your accountant.

**Please note:** (For the purposes of this requirement, "qualified accountant" means a Certified Practising Accountant member of CPA Australia, or a member of the Institute of Chartered Accountants in Australia, which holds a Certificate of Public Practice or a member of the National Institute of Accountants who holds a Public Practice Certificate.)

A sample statement in the form required is provided hereunder.

*(If you are submitting an electronic tender, this accountant statement must be completed in hard copy and scanned for upload with the electronic tender submission. If a Hard copy tender is to be submitted it should be lodged as supporting documentation)*

PUBLIC PRACTISING ACCOUNTANT LETTERHEAD

**SUBJECT: Financial Stability and Capacity of:** __________________________

(Name and ABN)

I have examined the financial records of the subject organisation and the requirements of the Department of Education and Training in relation to the Request for Tender (RFT) No. DETP1028.

I confirm that the subject organisation has the financial means to service the Agreement, eg. cover previous month's expenses, remunerate drivers, maintain vehicles, etc.

The subject organisation has advised me that it intends to sub-contract _____ vehicles and ________drivers. Taking consideration of the nominated subcontracting arrangements (if any), and the need for the subject organisation to ensure compliance of, and remunerate, its drivers and Subcontractors it is my opinion that the subject organisation has the financial capacity to operate _______ vehicles.

Signed:

_________________________________

*(insert Accountant Name, qualifications, Institute membership)*
Part D - The Tender Response

Section 3. - MANAGEMENT CAPACITY

(Only complete this section if you are tendering to be eligible for more than five Runs. If you are tendering to be eligible for more than five Runs and you do not complete this section you will not be considered eligible for consideration to manage more than five Runs.)

3.1 Management Capacity

3.1.1 Provide full details of how you intend to manage the Service, including details of your management structure and number of staff allocated to manage the Service, details of your driver and relief driver recruiting processes, details of how you will manage driver, relief driver, Subcontractor and vehicle compliance, communications, etc. (If you require more space to complete Section 3 please use a separate document and mark it Supporting Documentation and submit as directed in RFT Part D page 1.)

Management System
3.1.2 Please provide a detailed explanation of how you manage communication to drivers and the Department.
3.1.3 Please provide a detailed explanation of how you intend to conduct Vehicle Fleet Management (include any details of vehicle acquisition, repair and maintenance).

Vehicle Fleet Management
3.1.4 Please provide a detailed explanation of how you manage staff and subcontractors (if applicable).
3.1.5 Please provide a detailed explanation of how you provide contingency for vehicles and staff availability.
Section 4. - FORMS

**SECTION 4** *(to be completed by ALL respondents)*

4.1. The respondent must complete and submit the following forms:

- Form 1 - Driver/ Relief Driver Details Forms (if the respondent intends to nominate as a driver or relief driver);
- Form 2 - Prohibited Employment Declaration;
- Form 3 - Consent to Employment Screening;
- Form 4 - Child Protection Declaration;
- Form 5 - Vehicle Registration Consent Form;
- Form 6 - Driver Licence Consent Form;
- Form 7 - Deed of Agreement for Recipient Created Tax Invoice (if applicable)

4.2. In addition the following forms MUST be printed or copied and completed by every driver and every relief driver and submitted with your tender:

- Form 1 - Driver/ Relief Driver Details Forms (if the respondent intends to nominate as a driver or relief driver);
- Form 2 - Prohibited Employment Declaration;
- Form 3 - Consent to Employment Screening; and
- Form 6 - Driver Licence Consent Form.

4.3. Additionally, **every nominated driver** and **every nominated relief driver** is required to provide two forms of identification (ID) equalling 100 points *(refer Part C, Annexure 4)*, which is to be attached to the appropriate driver’s or relief driver’s Prohibited Employment Declaration and submitted with your tender.

4.4. **If you are submitting an electronic tender**, this section can be scanned and submitted electronically or lodged in hard copy as supporting documentation. *(There are seven forms issued in electronic files as Part D Section 4 Forms. This is done for the easy of printing and returning mutiple copies)*
CHECKLIST

BEFORE YOU SUBMIT YOUR TENDER, PLEASE CHECK YOUR TENDER TO ENSURE THAT YOU HAVE DONE EVERYTHING REQUIRED:

Part D, Section 1 (All respondents)

Have you answered all the questions in Section 1?

Part D, Section 2 (more than one Run)

Have you answered all capacity questions in Section 2?
Have you provided all your Subcontractor detail as required in Section 2?
Have you attached to your tender your accountant’s statement?

Part D, Section 3 (over 5 Runs)

Have you provided details of all aspects of your management capacity?

Part D, Section 4 (All respondents)

Have you and all drivers and relief drivers completed the following forms (as applicable) and have they been attached to your tender?:-

- Driver/Relief Driver Detail Forms;
- Prohibited Employment Declaration;
- Consent to Employment Screening;
- Child Protection Declaration;
- Vehicle Registration Details consent;
- Driver Licence consent; and
- Deed of Agreement for Recipient Created Tax Invoice.

Have you checked to see if there was any Addendum to the RFT and if so have you taken them into account when submitting your response?

If you are submitting in hardcopy, have you photocopied your entire tender so that you can retain a copy for your records?

If you are submitting electronically, have you uploaded all supporting documentation or printed your Supporting Documentation (including Section 4) for submission as hard copy marked SUPPORTING DOCUMENTATION - RFT No. DETP1028?

End Part D
Mr. David Malcolm  
Project Manager, DET Procurement  
Department of Education and Communities  
PO Box 33  
GPO SYDNEY 2001  

13 October 2011  

Dear Mr. Malcolm  

Probity Report:- Evaluation Process for the Travel Support Services for the Assisted School Travel Program.  

O’Connor Marsden & Associates (OCM) has been engaged to provide probity services to Department of Education and Communities (DEC) in accordance with our engagement letter of 23 September 2010 and the NSW Procurement Pre-qualification Scheme: Performance and Management Services - Standard Form of Agreement. In this capacity, OCM has set out its report below in regard to probity aspects of DEC’s evaluation process associated with the Evaluation Process for the Travel Support Services for the Assisted School Travel Program. This probity report covers the period from 23 September 2010 to the date of this report.  

We have also included comments to DEC, arising from our audit, for consideration by your management in the effort to improve the evaluation structure so as to further mitigate risks to the probity of the process.  

If you require any further information or wish to clarify any matters, please contact me on 1300 882 633.  

Yours sincerely  

[Signature]  

Director  
O’Connor Marsden & Associates
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About OCM

Business information of a third party

About the Services

The services described in this document are of an audit and internal risk management nature only and are not intended to be of a financial services nature. The information set out in this document is provided for general information purposes and must not be relied on by DEC without seeking independent advice on the relevant issues.

Confidential - this document and the information contained in it are confidential and should not be used or disclosed in any way without our prior consent.

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Executive Summary

Introduction

At the request of Department of Education and Communities (DEC), O’Connor Marsden & Associates (OCM) has undertaken a probity review of the evaluation process in regard to the Travel Support Services for the Assisted School Travel Program. The engagement was performed in accordance with the Australian Auditing Standard on Assurance Engagements ASAE 3000, Assurance Engagements Other than Audits or Reviews of Historical Financial Information issued by the Australian Government Auditing and Assurance Standards Board. Further information in relation to the extent of the procedures performed and the scope of our engagement is detailed below and in the Statement of Responsibility in Appendix B.

Background

**Purpose:** DEC wishes to select capable and willing organisations, providing the best value-for-money on offer, to undertake the supply services for assisted school travel services throughout NSW for the Assisted School Travel Program.

In order to identify the organisations to undertake the supply services, DEC issued Request for Tender (RFT) documentation. This RFT was open to any organisation that believed that it had the necessary experience and capability. Following the evaluation process described below, a recommendation as to the most suitable providers and alternative provision procedures was made.

**Structure:** The evaluation of the tenders involved an assessment by a DEC Tender Evaluation Team (TET), with specialised advice available from Mr. Mark VanEpen (Department of Finance and Services) and Mr. Len Stafford (Manager Corporate Services Unit - DEC) Subject Matter Experts, leading to recommendations contained in an evaluation report. The Steering Committee consisting of senior management and procurement experts from both DEC and Treasury are to consider the evaluation report and are to concur with an acceptable recommendation.

**History:** The tenders were sought on 4 November 2010 by way of advertisement in the Sydney Morning Herald, direct contact with existing providers and notification on the Government website. 672 organisations submitted tenders by the close of tenders on 20 December 2010. Sixteen tenders were received late and dealt with as described in the Work Performed section below. The Tender Evaluation Team (TET) evaluated the responses, and made its recommendation as to the preferred providers in a report.

Objectives

As detailed in our engagement letter dated 23 September 2010 and accepted by DEC on the same day, the overall objective of our engagement was to provide a conclusion based on the work performed on whether anything came to our attention to indicate that the evaluation process did not comply with the probity principles in all material respects. If considered appropriate, OCM was also to provide observations and/or recommendations in relation to the probity aspects of the evaluation process, particularly in regard to procedural fairness and equity.
Scope

The scope of our engagement covers the probity aspects of the evaluation process undertaken by DEC for the Request for Tender DETP 1028 - Provision of Transport Services Throughout NSW to the Assisted School Travel Program for NSW Department of Education and Training - Creation of Eligible Service Provider List 2011 - 2016.

As DEC is a NSW Government Department operating under the Public Finance and Audit Act, we have referred to the probity principles outlined in the following documentation:

- NSW Government Code of Practice for Procurement - 18 January 2005;
- NSW Government Procurement Guidelines - Tendering Guidelines - July 2010;
- NSW Independent Commission Against Corruption - Probity and Probity Advising - Guidelines for Managing Public Sector Projects November 2005; and
- NSW Government Public Sector Management (Goods and Services) Regulation 2000.

In accordance with the probity principles outlined in the above documentation, we have focused on DEC’s evaluation management systems and processes in regard to:

- Accountability of the participants and transparency of the process;
- Fairness, impartiality and honesty in carrying out the process;
- Management of actual, potential and perceived conflicts of interest;
- Maintenance of confidentiality and security of documentation and information; and
- Attaining best possible value for money under the prevailing circumstances.

A further description of these principles is included in Appendix A.

Methodology

Our methodology included attendance at selected activities and sighting certain documentation, as more fully described under Work Performed, in order to:

- Review the link between procurement planning and the selected approach to the market, including the invitation methodology;
- Review the documented probity controls, including conflict of interest, confidentiality and security management;
- Review the evaluation procedures, including alignment with tender documentation, evaluation meetings, criteria assessment and scoring methodology;
- Review samples of the evaluation documentation, including records, scoring and reporting; and
- Review the communications and meetings between the tenderers and DEC, including the provision of addenda and seeking of clarifications.

Acknowledgment

We wish to place on record our appreciation of the assistance and cooperation received from the management and staff of DEC.
Conclusion

Based upon the work described in the Work Performed section, nothing has come to our attention to indicate that the evaluation procedures carried out between 23 September 2010 and 13 October 2011 by Department of Education and Communities for the Travel Support Services for the Assisted School Travel Program for the Department of Education and Communities were not compliant with the probity principles described in the Scope in all material respects.
Work Performed

In completing our work, we undertook the following tasks in order to form a conclusion from a probity perspective in regard to the evaluation process followed by DEC:

1. Request for Tender Stage

1.1. Noted that the potential tenderers were notified of the opportunity on 4 November 2010 by advertisement in the Sydney Morning Herald, direct contact with existing providers and notification on the Government website. Noted that the period allowed for submission of the tender was forty-six days from the first notification, and:

(i) A notice of the opportunity was given by prominent advertising in the SMH, local and web based media;

(ii) The notification was placed so as to reach the normal market for this type of call;

(iii) The RFT documentation was available, and registrations were able to be lodged, through an authorised and secure e-Tendering system;

(iv) The notification included the requirements of the relevant procurement procedures; and

(v) The notification was authorised by the appropriate authority.

1.2. Reviewed, from a probity perspective, the DEC document Request for Tender DETP 1028 - Provision of Transport Services Throughout NSW to the Assisted School Travel Program for NSW Department of Education and Training - Creation of Eligible Service Provider List 2011 - 2016 and the subsequent addenda. Noted that: the tenderers were registered and records made of any document distribution; all tenderers had the opportunity to access the same information; the document and any changes did not appear to be structured to favour any particular tenderer; the document has been authorised by the delegated approval authority; and the document included the following clauses that relate to the principles of probity for the assessment process:

(i) A description of the procurement;

(ii) Conditions for Participation - i.e. mandatory requirements describing minimum acceptable standards;

(iii) The Evaluation Criteria that were to be used to compare submissions;

(iv) Minimum content and format requirements for the submission;

(v) An indication of the information that will be made public during and after the evaluation;

(vi) Rights to undertake negotiations and/or require a Best And Final Offer;

(vii) Prohibition of collusion between tenderers;

(viii) Remedies for not complying with the conditions;

(ix) Process rules for the tender, including: protocols for contacting the DEC, managing questions and distribution of responses; the latest time and date for a submission to be considered on time; where and how the tenders were to be submitted; rules for, and treatment of, a late submission; procedures for clarifications and the evaluation process following Close; notification of government, agency, and other procedures and policies relating to the
evaluation; the basis for consideration of alternative offers; procedures for addenda and subsequent submission modification, and definitions of non-conforming bids and procedures for management.

1.3. Attended a briefing session for potential tenderers on 16 November 2010. Observed that:

(i) The briefing and attendance requirements were advised in the RFT documentation or to all registered potential tenderers;

(ii) The agenda for the briefing was provided to all registered potential tenderers and was followed at the event;

(iii) An attendance register was kept of the briefing; and

(iv) Records of attendance and matters discussed at the meeting were made.

1.4. Noted that further briefing sessions for potential tenderers were held on 15-26 November 2010 at various venues across the state, and following discussions with Mr. David Malcolm (Project Manager, DET Procurement), we are not aware of any probity issues arising from the briefings.

Mr. David Malcolm confirmed that the tender briefings were all conducted in a similar fashion to the sample briefing attended by OCM, and all were provided with the same information as per the given PowerPoint slide show.

1.5. Reviewed, from a probity perspective, the procedural documentation *Evaluation Plan - Request for Tender: Assisted School Travel Program*. Noted that the probity and evaluation plans were completed and approved before tenders were opened; procedures, criteria and risks to be evaluated are consistent with the call documentation and that the documentation included the following clauses that relate to the principles of probity for the assessment process:

**Probity Management:**

(i) The identification of the purpose and objectives of the procurement;

(ii) The identification of the procurement method;

(iii) Government and DEC's policies, guidelines and procedures to apply to the evaluation process;

(iv) Communications management with the market, tenderers and TET members;

(v) A description of the resourcing, including the roles and responsibilities of TET members, advisors, review and nominated approval authority where applicable;

(vi) Submission opening procedures, including the management of late submissions;

(vii) Identification of OCM as the probity auditor and a description of OCM's role;

(viii) Protocols for: identifying and informing tenderers once they are out of contention, handling information and maintaining confidentiality, and identifying and handling conflicts of interest;

**Evaluation Methodology:**

(ix) An indicative schedule of tasks and evaluation timetable;

(x) Conditions for participation and the evaluation criteria, including minimum content and format requirements, the acceptable standards and the weightings to be applied;

(xi) The evaluation methodology for price and non-price criteria;
(xii) Protocols for: handling submissions including requirements for the acceptance or rejection of late submissions, dealing with non-conforming submissions, the clarification process and managing qualifications and departures, and checking tenderers credentials and referees; and


1.6. Observed the performance of the members of the TET at the sessions we attended. Nothing came to our attention to indicate that the TET as a whole did not include the appropriate skills, professional qualifications and experience required to undertake an evaluation of this nature.

1.7. Sighted confidentiality documentation on 17 January 2011. Noted that project team members and other persons notified to OCM as having access to confidential documentation for this evaluation have endorsed a *Department of Education and Training - Code of Conduct for Requests for Offers - Confidentiality/Declaration of Interest Agreement*. Mr. David Malcolm confirmed on 5 October that records of the confidentiality documentation have been kept.

1.8. Sighted the declaration of associations documentation on 17 January 2011. Noted that members of the TET, and any other DEC project team members associated with the process, have made a declaration in the *Department of Education and Training - Code of Conduct for Requests for Offers - Confidentiality/Declaration of Interest Agreement* of having no associations that could lead to either a perception of conflict of interest or a breach of confidentiality.

1.9. Mr. David Malcolm (Project Manager, DET Procurement) confirmed on 6 October 2011 that five addenda were issued to all registered potential tenderers. The addenda were: *Addendum No. 1 (2,3,4,5) - RFT DETP1028 - Provision for - Travel Support Services for the Department of Education and Training's Assisted School Travel Program*. Sighted the addenda and noted:

(i) A process was established to control the provision of further information;

(ii) Addenda were issued in accordance with the RFT document;

(iii) All practical steps were taken to issue addenda to all registered potential tenderers;

(iv) Adequate time was allowed for tenderers to respond to addenda; and

(v) Unless commercially sensitive, answers to potential tenderers' questions were provided to all tenderers.

1.10. Attended the opening of tenders by the Tender Opening Committee (TOC) on 20 December 2010 at 9.30am, and noted that the electronic opening commenced on 14 January 2011 followed by physical opening commencing on 17 January 2011. Observed that:

**Tender Reception:**

(i) Six hundred seventy two tenders were received by the closing time;

(ii) Sixteen late tenders were received after closing time;

**Tender Procedures:** (in accordance with the NSW Government Tendering Guidelines (July 2010))

(iii) The DEC has documented the tender opening process, opening of tenders followed the DEC procedures, and was in accordance with the RFT documentation;
(iv) The TOC, consisting of Mr. Gary Robinson; Ms. Kea Allerby; Ms. April Robinson; Mr. Rodney Smith; and Mr. David Malcolm (Observer), was approved by DEC, included at least two officers of DEC, and members are bound by codes of conduct, statements of associations and/or deeds of confidentiality as appropriate;

(v) A secure physical and/or electronic submission box or environment was provided, was accessible for the tenders to be submitted between 4 November 2010 and 20 December 2010 and during office hours, was closed at the time and date specified in the RFT documentation or subsequent addenda, and was used to receive the tenders;

(vi) Security arrangements ensured no tender was accessed prior to close, and distribution of documentation considered confidential was limited on a need-to-know basis to authorised parties;

(vii) Records were made of the opening process including minutes of the process undertaken, and the tenders received, the date of opening, the apparent legal entity of the tenderer and, where appropriate, prices;

(viii) Electronic tenders were received, logged and stored in accordance with the RFT document, legislative requirements and guidelines and in such a manner that they were accessible only to an appropriate person; and

(ix) Each tender was checked to ensure compliance with the mandatory submission requirements e.g. format and content. Noted that thirteen tenders were found to be non-conforming and were not considered further.

The TET considered that the integrity and competitiveness of the RFT process would not be compromised, and decided to include all 16 late tenders in the evaluation process which is not inconsistent with the RFT Part B – Conditions of Tender clause 3.8.

1.11. Reviewed the security arrangements for confidential documentation on September 2011. Observed:

(i) **Document Security:** Documents are stored in locked cabinets with the keys held by the procurement personnel that have signed the Confidentiality/Declaration of Interest Agreement;

(ii) **Electronic Security:** Electronic work stations in the procurement section are password protected and users have their access controlled. OCM has selected three users at random that were not logged in within the procurement section and was unable to access the electronic tender documents and assessment records on their electronic workstations;

(iii) **Office Security:** Offices are accessed by electronic key tags. Visitors must sign in at reception and be escorted by DEC’s officers when in the premises.

No breaches of the security arrangements to maintain confidentiality were observed by OCM or reported to OCM by employees or advisors involved in the project. TET members confirmed individually on 6 October 2011 that each was not aware of any breach of confidentiality during the evaluation process.

1.12. Attended the TET evaluation process on 14 April 2011 & 8 July 2011 as an independent observer. Noted that:

(i) Rectifiable non-conformances were identified and clarifications sought;

(ii) Meetings were minuted including process, decisions and actions to be taken;
(iii) The evaluation procedures outlined in the call document and the evaluation documentation were followed;

(iv) The submissions were rated against the evaluation criteria outlined in the call document and/or the evaluation documentation; and

(v) Reference checks were obtained and considered in the evaluation.

The evaluation process was a continuous process over several months. OCM reviewed the process by attending on two occasions and carrying out an audit of first 25 tenders and then 10 tenders. Discrepancies in the process noted at the first audit were reviewed at the second audit and noted that the process had been completed correctly.

Mr. David Malcolm confirmed on 6 October 2011 that no other TET meetings were held.

1.13. Reviewed, from a probity perspective, the scoring spread sheets for a random selection of 25 tenders used to record and calculate scores. Discussed the operation of the spread sheets with Mr. David Malcolm, and carried out a random check of both the included criteria and the operation of both inputs and results against the scores, weightings and formulae agreed by the TET. Based on the check and discussion, we noted that:

(i) The evaluation was undertaken against stated criteria;

(ii) The agreed score was arrived at by applying the method in the DEC evaluation documentation;

(iii) The scores for the criteria were applied consistently;

(iv) The agreed scores were correctly transcribed to scoresheets/spreadsheets; and

(v) Scoring and weighting calculations were independently verified.

Note: OCM was only able to carry out an audit of the scoring on a randomly selected no. of scored proponents. Minor process discrepancies noted in the first audit appeared to have been corrected in our second review.

1.14. Reviewed, from a probity perspective, the clarification processes used by DEC. Clarifications were sought by e-mail and other methods where appropriate. Noted that:

(i) The clarification procedures were documented;

(ii) No breaches of commercial confidentiality came to our attention;

(iii) The current status of tenders was not implied;

(iv) Requests for clarification and replies were confirmed in writing;

(v) Adequate time was provided to each tenderer to respond to clarification requests where relevant;

(vi) Equal opportunity to correct mistakes and/or to provide clarifications with the same characteristics was provided to all tenderers; and

(vii) The clarifications did not substantially alter the original intent of the submission.

1.15. Reviewed, from a probity perspective, the evaluation report Request for Tender (RFT) DETP 1028 - Travel Support to the Assisted School Travel Program - Evaluation Report dated Draft (the Evaluation Report). In terms of meeting the principles of probity, OCM noted that the report:
1.16. Attended the Steering Committee briefings on 30 August and 13 October 2011. Observed that the Steering Committee considered the Evaluation Report presented to it by the representatives of the TET, and following discussions with the representatives, endorsed the recommendations.

1.17. Mr. David Malcolm noted that the records of the process are to be moved from the secure evaluation room and stored in DEC files in accordance with DEC procedures. Noted that records are to include:

(i) The RFT;
(ii) Addenda to the RFT;
(iii) the Probity and Evaluation Plans;
(iv) Confidentiality and Conflict of Interest Statements and any related documentation;
(v) Tender opening and receipt documentation;
(vi) Records of meetings, including pre-tender, clarification, evaluation, negotiation and de-briefing as appropriate;
(vii) Scoresheets (individual and agreed); Spreadsheets and calculations;
(viii) Evaluation report and recommendation; and
(ix) Notes of communications and correspondence with tenderers and others.

1.18. Requested on 5 October 2011 that members of the TET confirm that:

(i) The documented evaluation process was followed;
(ii) Sufficient enquiry was made and adequate time and resources allocated to the evaluation process;
(iii) They are unaware of any undue attempt to influence the TET members in order to bias the evaluation process;
(iv) They are unaware of any association that: (a) a reasonably minded member of the public would think it probable that a member of the TET would not be able to bring an impartial mind to this evaluation; and (b) has not been adequately managed;
(v) They are unaware of any unauthorised release of confidential information that could have affected the evaluation outcome; and
(vi) They are unaware of any other issue of a probity nature that has not been resolved.

Noted, through the receipt of responses on 12 and 13 October 2011, that members of the TET confirmed the above.

1.19. Contacted tenderers on 8 June 2011 by telephone in order to provide an opportunity for the tenderers to raise and discuss probity issues. As of the date of this report, twenty-three of the 25 tenderers contacted have responded, and none have raised any probity issues. OCM will advise DEC of any probity issues that are raised by the other tenderers. One tenderer noted that as he was both part of a tender for a third party and a tenderer on his own, he believed that his tender may have been compromised. Mr. David Malcolm confirmed that, as both tenderers have been awarded the runs that they have applied for, neither tenderer was likely to raise this as an issue.
Appendix A: Key Probity Principles

Accountability of the participants and transparency of the process

Accountability and Transparency are related concepts. Accountability involves agencies being able to justify the use of public resources to an appropriate authority by allocating and taking responsibility for past and expected performance. This includes aligning the decision making process with the appropriate delegated authority, and keeping adequate records that will leave an auditable trail. Transparency refers to the preparedness to open a project and its processes to scrutiny and possible criticism. This also involves providing reasons for all decisions that are taken and the provision of appropriate information to relevant stakeholders.

Fairness, impartiality and honesty

Individuals and organisations involved in preparing and submitting proposals are entitled to expect impartial treatment at every stage of the process. If they do not consider the process to be fair, impartial and honest they may withhold valuable ideas or be deterred from bidding in the future. Any form of bias, whether driven by personal interests or not, could jeopardise the integrity of the project. Procedures that include multiple person panels, independent members and observers mitigate this risk.

Management of Conflicts of Interest

A conflict of interest is a conflict between the public duty and private interests of a public official where the public official has private interests which could improperly influence their official duties and responsibilities. The community and potential tenderers have a right to expect that public officials will make decisions that are not influenced by private interests. Similarly, when the private sector is engaged to perform public sector duties, there is an obligation to ensure that conflicts of interest are disclosed and effectively managed. Perceived or potential conflicts of interest can be as damaging as actual conflicts, and procedures should be implemented to mitigate the effect.

Maintenance of confidentiality and ensuring security

Although accountability and transparency are fundamental to the work of public sector organisations and public officials, there is some information that needs to be kept confidential, at least for a specified period of time, in order to protect the integrity of the process and give tenderers the confidence to do business with government. This information can include the content of proposals, intellectual property and tenderers’ pricing and profit structures. Importantly, much of the information relating to the project needs to be kept confidential up to the point where a contract is executed with the successful tenderer. However, once this has happened, government guidelines require that certain information be released, consistent with the fundamental principles of public sector accountability and transparency, as discussed above. Procedures must be implemented to ensure that no unauthorised release of confidential information occurs.

Attaining value for money

This is demonstrated by the use of an open competitive environment in which the market is tested regularly, and tenderers can make attractive, innovative proposals with the confidence
that they will be assessed on their merits. Value-for-Money is not necessarily achieved by accepting the lowest available price. The process should include: the evaluation of non-price criteria (such as the quality of the goods or services offered, the experience and past performance of the providers, the financial strength of the companies, the differing risk factors, the quality of the personnel, etc.); cost-benefit analysis against a target outcome or budget; the assessment of the total cost over the proposed life of the project; and, where appropriate, whether the outcome is best achieved by the Private Sector, using a Public Sector Comparator. Lapses in probity may lead to one or more parties obtaining unreasonable financial gains at the expense of the public interest. Procedures should include a comparison of the non-price and price criteria on a weighted basis, with both the criteria and the weighting between price and non-price criteria declared in the call documentation.
Appendix B: Statement of Responsibility

Management’s responsibility for the evaluation process

The management of DEC are responsible for the design and implementation of the evaluation process controls in accordance with Government and DEC’s policies. This responsibility includes establishing and maintaining processes relevant to the evaluation process to ensure that the process meets appropriate probity policies, laws and regulations; and leads to selecting the most appropriate tenderer or tenderers under the prevailing circumstances.

Assurance practitioner’s responsibility

Our responsibility is to express a conclusion on the Evaluation Process based on our review. We conducted our review in accordance with the Australian Auditing Standard on Assurance Engagements ASAE 3000, Assurance Engagements Other than Audits or Reviews of Historical Financial Information issued by the Australian Government Auditing and Assurance Standards Board, in order to state whether or not, on the basis of the procedures described and witnessed where appropriate, we have become aware of any matter that makes us believe that the evaluation process is not in accordance with the principles described above.

A review consists primarily of making enquiries, primarily of persons responsible for undertaking the evaluation process and its underlying documentation, applying analytical and other review procedures, and examination of evidence for a small number of transactions or events. A review is substantially less in scope than a reasonable assurance audit conducted in accordance with ASAE 3000. Accordingly, we do not express an audit opinion. Had we performed a reasonable assurance audit as defined by ASAE 3000 or an audit as defined by the Australian Auditing Standards, additional information may have come to our attention, which would have been reported to DEC.

While conducting our review and/or in our report we may provide advice and/or recommendations in relation to the mitigation of risk of challenge to the processes undertaken by DEC. In these cases, our responsibility is limited to providing such advice and/or recommendations, based on our experience and knowledge of the subject matter of the project. For the avoidance of doubt, the procedures performed in providing advice and/or recommendations do not constitute an assurance engagement in accordance with the Australian Auditing Standards for Assurance Engagements, nor do they represent any form of audit under the Australian Auditing Standards. We therefore do not express any form of assurance in relation to the advice and/or recommendations, and none should be inferred from any such commentary in this report.

Inherent limitations

Our Work is subject to the following limitations:

- Owing to the inherent limitations of any internal control structure, it is possible that errors or irregularities may occur and not be detected. Our procedures were not designed to detect all weaknesses in control procedures as they were not performed continuously throughout the period and the tests performed are on a sample basis.
• Any projection of the evaluation of the control procedures to future periods is subject to
  the risk that the systems may become inadequate because of changes in conditions, or
  that the degree of compliance with them may deteriorate.

• The matters raised in this report are only those which came to our attention during the
  course of performing our procedures and are not necessarily a comprehensive statement
  of all the weaknesses that exist or improvements that might be made. We cannot, in
  practice, examine every activity and procedure, nor can we be a substitute for
  management’s responsibility to maintain adequate controls over all levels of operations
  and their responsibility to prevent and detect irregularities, including fraud.
  Accordingly, management should not rely on our report to identify all weaknesses that
  may exist in the evaluation process, or potential instances of non-compliance that may
  exist.

Advice and/or recommendations for improvement should be assessed by management for
their full commercial impact before they are implemented.

Limitations on use
This report is made solely to the Management of DEC in accordance with our engagement
letter dated 23 September 2010, for the purpose of providing comfort to senior management
on the appropriateness and robustness of the evaluation process and should not be quoted in
whole or in part without our prior written consent. We disclaim any assumption of
responsibility for any reliance on this report to any person other than the management of
DEC, or for any purpose other than that for which it was prepared.

We disclaim all liability to any other party for all costs, loss, damages, and liability that the
other party might suffer or incur arising from or relating to or in any way connected with the
contents of our report, the provision of our report to the other party, or the reliance on our
report by the other party.

Independence, Competence, and Experience
All professional personnel involved in this engagement have met the independence
requirements of the Australian professional accounting bodies.
Important Information for Tenderers

Tender NO: DETP1028

Tender Name: PROVISION OF Transport SERVICES throughout NSW TO THE ASSISTED SCHOOL TRAVEL PROGRAM for NSW Department of Education and Training

- If English is not your first language, please seek professional advice in responding to this tender.

- This publication is available on request via email in large print and/or on computer disk for people with a disability. To obtain copies of this publication in either of these formats, please contact the Contact Officer identified in this RFT.

- See Page Number 4 of Part B of this tender for contact person’s details.

- See Page Number 4 of Part B of this tender for Pre Tender Briefing’s information.

Before submitting its Tender, a Respondent must

Examine all information relevant to the requirements of the Tender, and assess any risks and other circumstances that may have an effect on its Tender response or ability to provide services as tendered; and Satisfy itself:
• that the information contained in the Tender response, including the tendered pricing is correct;
• that it is financially and practically viable for it to enter into a contract for the delivery of transport services as described in the RFT for the period of the validity of the Eligible Service Provider (ESP) list; and
• that it is not aware of any impediment disclosed or undisclosed, that may prevent it from delivering services as offered in its Tender response.
招标项目编号: DETP1028

招标项目名称: 为新南威尔士州教育与培训部提供新南威尔士州各地中小学残障学生交通服务

### 投标者须知

- 如果英语不是您的母语，在应标时请寻求专业建议。
- 残障人士可以通过电子邮件索取本文的大字印刷版本或电脑光碟。若想获得这两种版本，请联系本招标书（RTF）列出的联络官员。
- “联络人的详细资料”请见招标书第二部分第四页。
- “投标前基本情况简介”请见招标书第二部分第四页。

### 在递交投标书前，应标者必须注意的事项

在递交投标书之前，应标者必须:

检查有关招标书要求的全部资料，评估有可能影响应标或影响按照招标要求提供服务的能力的风险和其他因素，并自信达到以下要求:

- 应标文件中的所有资料——包括标价——准确无误；
- 从财务及现实可行性看来，应标者应该可以签订合约，在合格服务供应商（ESP）名单的有效期内提供招标书中所描述的交通服务；并且
- 并未发现任何可能导致应标者无法提供应标文件所述服务的障碍，无论这些障碍已被披露或尚未披露。
DANH SÓ Thầu DETP1028

Tên Đấu thầu: CUNG CẤP CÁC DỊCH VỤ Chuyển cơ sở khắp NSW ĐỐI VỚI CHƯƠNG TRÌNH DI CHUYỂN CHO TRƯỞNG ĐƯỢC TRỢ GIÚP cho Bộ Giáo dục và Đào tạo NSW

THÔNG TIN QUAN TRỌNG CHO NHỮNG NHÀ ĐẤU THẦU

- Nếu tiếng Anh không phải là ngôn ngữ thứ nhất của quý vị, xin tìm tư vấn chuyên môn trong việc hỏi đáp băn gowi đấu thầu này.

- Có sẵn án băn gowi qua băn in chữ lớn và/hoặc trên địa lý của người khuyệt tốt, nếu yêu cầu qua email. Muốn nhận được các bản của án băn gowi qua các đăng trên, xin liên lạc Viên chức Liên lạc được nếu trong băn gowi đấu thầu (RFT) này.

- Xem Trang Số 4 của Phần B của bản đấu thầu này để biết chi tiết của nhân viên liên lạc.

- Xem Trang Số 4 của Phần B của bản đấu thầu này để biết thông tin về việc Hướng dẫn Sở lường trước khi Đấu thầu (Pre Tender Briefing).

Trước khi nộp đơn Đấu thầu của mình, nhà Đụ thầu phải:

Xem xét tất cả thông tin liên quan đến các yêu cầu của việc Đấu thầu, và tham định bắt cứ các nguy cơ nào và tình huống nào khác mà có thể ảnh hưởng đến việc hỏi đáp Đấu thầu của họ hoặc khả năng cung ứng dịch vụ như đã đề nap đấu thầu; và

Tự hài lòng rằng:

- thông tin có trong đơn hỏi đáp Đấu thầu, kể cả giá cả bơ thầu là chính xác;

- ràng buộc với mọi tài chính và thực tế để tham gia vào hợp đồng đối với việc cung ứng các dịch vụ chuyển cơ sở như được định tạ trong băn gowi đấu thầu (RFT) cho thời kỳ mà danh sách Cổ quan Cung ứng Dịch vụ Hợp cách (Eligible Service Provider - ESP) có giá trị pháp lý; và

- ràng buộc không biết về bất kỳ trông ngoài nào đã được tiết lộ hoặc không tiết lộ, mà có thể ngăn chặn cung ứng dịch vụ như đã đề nghị trong đơn hỏi đáp Đấu thầu của họ.
Important Information for Tenderers

Name of tender: Delivery of services for transport and training in South East NSW.

Important Information for Tenderers

− If the first language is not English, please consult the contact person for this tender.

− You can contact the contact person by email at the address provided in this tender.

− You must submit the tenders in two copies on CD or USB.

− You must submit the tenders before the deadline.

− If there are any errors or omissions in the tenders, the department may disqualify the tender.

− The tenderers are responsible for checking the accuracy of the information provided in the tenders.

− The department reserves the right to reject any tender.

− The tenders must be submitted in accordance with the requirements at the time of submission.

− The department reserves the right to disqualify any tender.

− The department reserves the right to cancel the tender if it is not received within the specified time.

− The department reserves the right to modify the requirements at any time.

− The department reserves the right to reject any tender.

− The department reserves the right to cancel the tender if it is not received within the specified time.

− The department reserves the right to modify the requirements at any time.

− The department reserves the right to reject any tender.

− The department reserves the right to cancel the tender if it is not received within the specified time.

− The department reserves the right to modify the requirements at any time.

− The department reserves the right to reject any tender.

− The department reserves the right to cancel the tender if it is not received within the specified time.

− The department reserves the right to modify the requirements at any time.

− The department reserves the right to reject any tender.

− The department reserves the right to cancel the tender if it is not received within the specified time.

− The department reserves the right to modify the requirements at any time.
Tender Evaluation – Discussion Report
Assisted School Travel Program Tender
10 May 2011

ISSUE
The purpose of this paper is to provide the ASTP Steering Group with a synopsis of data collected from the results of the ASTP Tender evaluation.

ASTP TENDER EVALUATION
The Tender Evaluation Team (TET) has completed the tender evaluation and the preliminary results are as follows:

- 677 tenders were evaluated by the committee.
- 33 tenders were found by the committee to be non-compliant.

Of the 644 compliant tenders, the breakdown of Runs requested by respondent and the results of the evaluation are listed in the table below.

<table>
<thead>
<tr>
<th>Respondents Requesting</th>
<th>Number of Respondents</th>
<th>Runs Requested by Respondents</th>
<th>Capacity determined by TET</th>
</tr>
</thead>
<tbody>
<tr>
<td>6+ Runs</td>
<td>121</td>
<td>3303</td>
<td>1344</td>
</tr>
<tr>
<td>2 to 5 Runs</td>
<td>199</td>
<td>678</td>
<td>545</td>
</tr>
<tr>
<td>1 Run</td>
<td>324</td>
<td>324</td>
<td>324</td>
</tr>
<tr>
<td>Totals</td>
<td>644</td>
<td>4305</td>
<td>2213</td>
</tr>
</tbody>
</table>

Comparative No. Runs at Dec 2010 2323
Comparative No. Runs at April 2011 2198

Of note, the majority of run capacity was requested from the smallest number of respondents, however more than 80% of these respondents failed to demonstrate management capacity as requested by the RFT. The TET followed the guidance of the evaluation plan to determine each respondent’s capacity for conducting runs based on their tender submission. This process reduced the requested capacity significantly, approximately 51% reduction of the original requested capacity.

Of the assessed run capacity of 2213, the TET has further concerns regarding the capacity of some compliant tenders based on low technical scores. Of the 644 respondents, 92 (with assessed capacity of 102 runs) were awarded a technical score of 15 or less out of 30, signalling limited ability to provide quality services. A further 127 respondents (with assessed capacity of 229 runs) were only marginally better with technical scores of between 16 and 20. If these respondents are not included on the Eligible Service Provider list, overall run capacity would fall to just 1882 runs.
Respondents nominated by Zone

<table>
<thead>
<tr>
<th>Zone</th>
<th>No. of Respondents nominated</th>
<th>TET determined capacity of Respondents</th>
<th>Dec 2010 Runs by Zone</th>
<th>Potential Shortfalls in Runs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bankstown</td>
<td>106</td>
<td>84</td>
<td>80</td>
<td>Nil</td>
</tr>
<tr>
<td>Blacktown</td>
<td>113</td>
<td>80</td>
<td>76</td>
<td>Nil</td>
</tr>
<tr>
<td>Bondi</td>
<td>40</td>
<td>79</td>
<td>52</td>
<td>Nil</td>
</tr>
<tr>
<td>Campbelltown</td>
<td>87</td>
<td>95</td>
<td>92</td>
<td>Nil</td>
</tr>
<tr>
<td>Central Coast</td>
<td>33</td>
<td>131</td>
<td>141</td>
<td>10.5</td>
</tr>
<tr>
<td>Lake Macquarie</td>
<td>26</td>
<td>80</td>
<td>38</td>
<td>Nil</td>
</tr>
<tr>
<td>Liverpool</td>
<td>115</td>
<td>88</td>
<td>89</td>
<td>1</td>
</tr>
<tr>
<td>Mount Druitt</td>
<td>82</td>
<td>65</td>
<td>70</td>
<td>5</td>
</tr>
<tr>
<td>Fairfield</td>
<td>132</td>
<td>83</td>
<td>107</td>
<td>24</td>
</tr>
<tr>
<td>Granville</td>
<td>124</td>
<td>75</td>
<td>70</td>
<td>Nil</td>
</tr>
<tr>
<td>Hornsby</td>
<td>54</td>
<td>60</td>
<td>102</td>
<td>42</td>
</tr>
<tr>
<td>Newcastle</td>
<td>31</td>
<td>98</td>
<td>94</td>
<td>Nil</td>
</tr>
<tr>
<td>Maitland</td>
<td>14</td>
<td>53</td>
<td>55</td>
<td>2</td>
</tr>
<tr>
<td>Northern Beaches</td>
<td>27</td>
<td>40</td>
<td>67</td>
<td>27</td>
</tr>
<tr>
<td>Parramatta</td>
<td>130</td>
<td>85</td>
<td>96</td>
<td>11</td>
</tr>
<tr>
<td>Penrith</td>
<td>82</td>
<td>73</td>
<td>85</td>
<td>12</td>
</tr>
<tr>
<td>Port Jackson</td>
<td>23</td>
<td>26</td>
<td>37</td>
<td>11</td>
</tr>
<tr>
<td>Ryde</td>
<td>90</td>
<td>74</td>
<td>146</td>
<td>72</td>
</tr>
<tr>
<td>Shellharbour</td>
<td>23</td>
<td>59</td>
<td>64</td>
<td>5</td>
</tr>
<tr>
<td>St George</td>
<td>100</td>
<td>98</td>
<td>82</td>
<td>Nil</td>
</tr>
<tr>
<td>Sutherland</td>
<td>70</td>
<td>74</td>
<td>58</td>
<td>Nil</td>
</tr>
<tr>
<td>Windsor</td>
<td>51</td>
<td>53</td>
<td>21</td>
<td>Nil</td>
</tr>
<tr>
<td>Wollongong</td>
<td>28</td>
<td>68</td>
<td>62</td>
<td>Nil</td>
</tr>
<tr>
<td>Albury</td>
<td>3</td>
<td>25</td>
<td>22</td>
<td>Nil</td>
</tr>
<tr>
<td>Armidale</td>
<td>4</td>
<td>25</td>
<td>15</td>
<td>Nil</td>
</tr>
<tr>
<td>Batemans Bay</td>
<td>9</td>
<td>26</td>
<td>26</td>
<td>Nil</td>
</tr>
<tr>
<td>Bathurst</td>
<td>5</td>
<td>32</td>
<td>25</td>
<td>Nil</td>
</tr>
<tr>
<td>Burke</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Deniliquinn</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Dubbo</td>
<td>7</td>
<td>48</td>
<td>21</td>
<td>Nil</td>
</tr>
<tr>
<td>Lismore</td>
<td>2</td>
<td>36</td>
<td>30</td>
<td>Nil</td>
</tr>
<tr>
<td>Broken Hill</td>
<td>2</td>
<td>3</td>
<td>9</td>
<td>6</td>
</tr>
<tr>
<td>Clarence/ Coffs Harbour</td>
<td>8</td>
<td>42</td>
<td>24</td>
<td>Nil</td>
</tr>
<tr>
<td>Moree</td>
<td>4</td>
<td>16</td>
<td>13</td>
<td>Nil</td>
</tr>
<tr>
<td>Griffith</td>
<td>2</td>
<td>12</td>
<td>13</td>
<td>1</td>
</tr>
<tr>
<td>Muswellbrook</td>
<td>2</td>
<td>8</td>
<td>33</td>
<td>25</td>
</tr>
<tr>
<td>Orange</td>
<td>6</td>
<td>42</td>
<td>33</td>
<td>Nil</td>
</tr>
<tr>
<td>Port Macquarie</td>
<td>5</td>
<td>20</td>
<td>32</td>
<td>12</td>
</tr>
<tr>
<td>Queanbeyan</td>
<td>6</td>
<td>15</td>
<td>13</td>
<td>Nil</td>
</tr>
<tr>
<td>Tamworth</td>
<td>6</td>
<td>37</td>
<td>25</td>
<td>Nil</td>
</tr>
<tr>
<td>Taree</td>
<td>7</td>
<td>40</td>
<td>18</td>
<td>Nil</td>
</tr>
<tr>
<td>Tweed Heads</td>
<td>4</td>
<td>36</td>
<td>28</td>
<td>Nil</td>
</tr>
<tr>
<td>Wagga Wagga</td>
<td>10</td>
<td>54</td>
<td>37</td>
<td>Nil</td>
</tr>
</tbody>
</table>

Note: The analysis of the table above does not consider coverage required in respect of vehicle type or capacity in respect of student numbers.
The table above highlights in red the zones that are anticipated to have difficulties in meeting 2010 run allocation capacity, this is based on respondents tender assessments by the TET. There appears to be some scope with the metropolitan zones to negotiate with respondents in joining zones to cover some of the deficiencies but it appears significant issues will still be present in Hornsby, Ryde and Northern Beaches. The tender results from these zones follows a similar trend to the existing program.

Country Zones such as Burke, Deniliquin, Broken Hill, Muswellbrook and Port Macquarie will require negotiation with respondents or those in neighbouring zones to ensure adequate coverage is achieved.

Tender Analysis.

Respondents Technical Submissions

- A large percentage (approximately 50%) of respondents who tendered, had difficulties in completing the tender and a significant amount of inquiries were received seeking guidance on how to estimate their costs in order to establish a price to include in their tender responses.

- Over 80% of all tenders were not complete, missing documentation and/or incorrect information submitted. This added a significant workload to follow up with respondents.

- There were 18 respondents who requested between 50 and 300 Runs. Of these 18 only two were assessed as having the capacity to service the runs they requested, both these respondent were Taxi organisations. In the remaining cases respondents did not adequately demonstrate satisfactory management capacity to conduct the number of runs requested.

- In assessing management capacity for those respondents who requested six or more runs, common shortfalls identified by the TET in respondents tenders included;
  a. Failure to answer the questions asked.
  b. Lack of detail in the explanation of processes.
  c. Failure to address any process on how compliance with the requirements of the tender will be met.
  d. The inclusion of statements about management processes without the provision of facts or details on how the respondent intended to carry out the process.

- There were four alternative tenders submitted;
  a. Annual fixed cost for an identified run (one tender).
  b. Allocation of a complete Zone and a discount applied (one tender).
  c. Maximum rates (daily rate) for a run, unlimited kilometres (two tenders).

- Respondents that are perceived to have other income streams outside the ASTP in general have tendered prices much lower; these respondents include Taxi organisations, small to medium bus companies and community organisations.

Respondents Price Assessment

The results of the price evaluation revealed the following results:

- 37.8% of tendered prices are at or below average 2011/12 Budget cost per kilometre
- 27.7% of tendered prices are up to 30% above average 2011/12 Budget cost per kilometre
- 34.6% of tendered prices are over 30% above average 2011/12 Budget cost per kilometre
Average cost by Category

Based on the 644 compliant tenders, the average price by vehicle category and zone is represented in the table below. (Note: In calculating the average, tenders with extreme pricing were excluded).

<table>
<thead>
<tr>
<th>Data based on 100% of submitted valid tenders</th>
<th>Sedan</th>
<th>People Mover</th>
<th>Mini Bus up to 12 Seats</th>
<th>Max Bus 13+ Seats</th>
<th>Wheel Chair Capacity 1-3</th>
<th>Wheel Chair Capacity 4+</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater Metropolitan Zones Tender Average price</td>
<td>$3.55</td>
<td>$3.86</td>
<td>$4.38</td>
<td>$5.08</td>
<td>$4.72</td>
<td>$5.71</td>
</tr>
<tr>
<td>Country Zones Tender Average price</td>
<td>$2.76</td>
<td>$3.63</td>
<td>$3.65</td>
<td>$5.00</td>
<td>$3.76</td>
<td>$5.92</td>
</tr>
<tr>
<td>Evaluation Benchmark</td>
<td>$2.40</td>
<td>$3.04</td>
<td>$3.55</td>
<td>$4.71</td>
<td>$3.76</td>
<td>$5.08</td>
</tr>
<tr>
<td>2010 Average Actual Price</td>
<td>$2.25</td>
<td>$2.95</td>
<td>$3.22</td>
<td>$3.68</td>
<td>$3.45</td>
<td>$4.30</td>
</tr>
</tbody>
</table>

ASTP Annualised Cost Estimate*

*Based on 2323 runs and on 22,184,300 km p/a

<table>
<thead>
<tr>
<th>2009/10 Actual Cost</th>
<th>2010/11 Estimated Cost</th>
<th>2011/12 Budget</th>
<th>ASTP Tender Results 2011</th>
<th>Anticipated Percentage Increase in program cost from 2011/12 Budget</th>
<th>Anticipate d Budget Shortfall (Base Service Only)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Cost ASTP</td>
<td>$65M</td>
<td>$67M</td>
<td>$74M</td>
<td>$88M</td>
<td>19%</td>
</tr>
<tr>
<td>Average Kilometre Cost</td>
<td>$2.93</td>
<td>$3.02</td>
<td>$3.34</td>
<td>$3.97</td>
<td>19%</td>
</tr>
<tr>
<td>Average Run Cost</td>
<td>$27,981</td>
<td>$28,842</td>
<td>$31,855</td>
<td>$37,882</td>
<td>19%</td>
</tr>
</tbody>
</table>

Note: The costs detailed in this table are for base service delivery only and do not include the cost of Travel Support Officers (TSO) payments or other costs under the new tender including the cost of respite variations or the additional 15% loading to be applied to runs with TSO’s where additional distance payments may qualify. Refer to the following table for the 2011/12 forecast.

ASTP Forecast Cost Estimate

<table>
<thead>
<tr>
<th></th>
<th>Annual Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009/10 Total Actual Cost</td>
<td>$70M</td>
</tr>
<tr>
<td>2010/11 Total Estimated Cost</td>
<td>$72M</td>
</tr>
<tr>
<td>2011/12 Budget</td>
<td>$80M</td>
</tr>
<tr>
<td>ASTP Tender Results 2011 (Base Service Only)</td>
<td>$88M</td>
</tr>
<tr>
<td>TSO 15% Loading (based on 20% of TSO runs qualifying for loading)</td>
<td>$1M</td>
</tr>
<tr>
<td>TSO Costs</td>
<td>$6M</td>
</tr>
<tr>
<td>Other ASTP costs (incl respite variations, etc – estimate only)</td>
<td>$2M</td>
</tr>
<tr>
<td>Total Forecast Annual Cost for ASTP (2011/12)</td>
<td>$97M</td>
</tr>
<tr>
<td>Anticipated Percentage Increase in program cost over 2011/12 Budget</td>
<td>21%</td>
</tr>
<tr>
<td>Anticipated Overall Budget Shortfall</td>
<td>$17M*</td>
</tr>
</tbody>
</table>

Note: Further consideration is also required to allow for additional cost associated where short distance runs require a negotiated rate that may exceed tendered rates.
COMMENT

Tender Process Discussion

The tender price analysis has provided evidence to indicate that if all compliant tenders are accepted with prices as stated the tender, the resulting Budget shortfall is anticipated to be in the order of 17M annually. This estimate is based on average run costs as a run matching analysis has not yet been completed.

In addition to price considerations the tender evaluation process has determined that the capacity of respondents to provide quality services to meet the volume of current transport Run requirements is of serious concern.

The Request for Tender provides scope to proceed with the following actions

1. Negotiate with respondents deemed to have nominated rates that the Department considers too high,
2. Reject high priced tenders and call for additional providers through an Expression of Interest
3. Negotiate with Respondents who have tendered rates acceptable to increase their service capacity to meet Departmental needs.

Implications to consider when the options above are actioned:

1. There is no guarantee that negotiation on price will eliminate the estimated budget shortfall
2. Significant time and effort would be required to enter into negotiations
3. Rejected tenders would result in service availability shortfall and cause major disruption to the continuity of services
4. Limited scope to build run capacity with acceptable priced respondents based on the Tender assessments.
5. There is no guarantee that an EOI will create additional resources to meet service delivery requirements
6. There is no guarantee that an EOI will result in respondents submitting rates acceptable to meet budget expectations.

It should also be noted that in July 2010, the Budget Committee of Cabinet approved the Department calling for tenders for ASTP services on the basis that the Department does so within the existing budget allocation for the Program.

For consideration and discussion by the ASTP Tender Committee.

10 May 2010
ISSUE

The purpose of this paper is to provide the ASTP Steering Group with an update regarding the ASTP Tender and the evaluation process.

ASTP TENDER EVALUATION

The Tender Evaluation Team has completed its assessment of tender responses, however the findings of the evaluation process have given rise to a number of issues which require resolution before the evaluation report can be finalised and recommendations made to the Steering Committee.

The preliminary result of the tender process is that the assessed capacity of respondents is insufficient to meet current operational requirements and price variations between respondents would mean that acceptance of all rates as tendered would be impossible to justify in terms of value for money.

Alternatives have been explored and the following comments are provided for information and discussion by the Steering Committee.

Assessed run capacity.

At the May 2011 ASTP Tender Steering Committee meeting, a discussion paper was tabled detailing the initial findings of the tender evaluation process regarding assessed run capacity. In its assessment of the options available for overcoming the estimated deficiencies in service provider availability, the Steering Committee requested that more information specific to the runs to be allocated (based on current services) would be necessary to have a complete understanding of the shortfalls and to then determine the necessary course of action.

Information held by the Assisted School Travel Unit regarding current transport services (as at June 2011 by vehicle type and location) were compared to the assessed capacity of the respondents to deliver transport services. The analysis found that assessed capacity and vehicle availability did not necessarily match up with the required service locations, resulting in an assessed service capacity shortfall of between 39 and 490 runs. (See details at Tab A). While some categories of vehicles were oversupplied in some locations, not all were able to be reassigned to cover shortfalls due to geographical constraints.

The analysis was conducted a number of times, using different allocation methodologies, however on each occasion, the analysis delivered similar results. Therefore the tender process has not resulted in completed coverage for the services that are required to be delivered.

Options available to address this issue:

1. Negotiate with Eligible Service Providers to increase their run capacity; and/or
2. Call for Expressions of Interest for new service providers to address shortfall.

Each of these options however, would not guarantee a positive outcome.
Non-Price/Technical Assessments

Of the 644 respondents, 63 were awarded a technical score of less than 15 out of 30, signalling limited ability to provide quality services and representing a risk to the Department. While the TET completed the remaining evaluation for these tenderers, a recommendation to reject these tenders will form part of the overall recommendations in the final evaluation report to the Steering Committee. The rejection of these 63 tenderers will further reduce the run capacity of tender respondents by 87 runs.

Price Assessments

The price evaluation revealed that tendered prices varied considerably between respondents and when compared to the benchmark rates:

- 37.8% of tendered prices are at or below average 2011/12 Budget cost per kilometre
- 27.7% of tendered prices are up to 30% above average 2011/12 Budget cost per km
- 34.6% of tendered prices are over 30% above average 2011/12 Budget cost per km

Acceptance of all rates as tendered would be impossible to justify in terms of comparable value for money and would result in significant inequities between service providers. If rates are accepted as tendered, the overall cost of the program can be expected to significantly exceed budget (in the order of $14 - $19 million p.a.), necessitating a request for an additional allocation of funds via NSW Treasury and the Budget Committee of Cabinet.

Options available to attempt to address this issue:
1. Negotiate with respondents who tendered rates in excess of 30% above benchmark rates to reduce their rates;
2. Negotiate with Respondents who have tendered rates acceptable to increase their service capacity to meet Departmental needs;
3. Reject all high priced tenders and call for Expressions of Interest for new service providers on the same basis as the existing tender;
4. Reject all pricing offers and establish a set departmental rate (based on an independently assessed pricing structure) which would be offered to all respondents with acceptable technical scores. If agreed, the set pricing would be included in all further calls for expressions of interest (to increase capacity).

Implications to consider when the options above are considered:

1. There is no guarantee that negotiation on price will eliminate the estimated budget shortfall
2. Significant time and effort would be required to enter into negotiations and limited time is available for this process to take place, if new arrangements are to be in place for the start of the new school year in 2012;
3. Rejected tenders would result in service availability shortfall and cause major disruption to the continuity of services;
4. Limited scope to build run capacity with acceptable priced respondents based on the Tender assessments;
5. There is no guarantee that an EOI will create additional resources to meet service delivery requirements or that respondents will submit rates acceptable to meet budget expectations.
6. There is no guarantee that should the Department set prices in preference to accepting tendered rates that these prices will be acceptable to respondents (and in such cases could result in the withdrawal of service providers, creating a greater shortfall in availability of service providers).
Independent pricing analysis

In order to establish a robust basis upon which pricing options should be considered, the TET determined that an independent assessment of reasonable costs for the delivery of services would be required.

Professor David Hensher has been engaged to provide expert analysis of the benchmark pricing used for the purposes of the tender evaluation process, and to provide an estimate for the reasonable costs of services, taking into account variable factors such as congestion and regional service delivery.

Whether used for the establishment of Departmental set rates or as a reasonableness measure for negotiating price with technically acceptable respondents, an independent assessment of the costs associated with the delivery of ASTP services will provide the department with a sound position from which to proceed with the finalisation of the tender.

Professor Hensher’s report is currently pending.

Taxi Services

Tender responses were received from 55 taxi organisations, representing assessed capacity of approximately 620 runs (or 29% of overall run capacity). This is similar to the proportion of runs provided by taxi’s under the current contract arrangements.

Information has come to light during the course of the evaluation process and in subsequent discussions with Transport NSW regarding the enforceability of the tender’s contractual arrangements, in consideration of operational and regulatory requirements relative to the taxi industry.

Legal advice is currently being sought in conjunction with expertise from Transport NSW to identify a solution for the future engagement of taxi’s for the provision of ASTP services.

Taxi Council of NSW - Legal Proceedings

To date, a judgment has not yet been handed down regarding the Taxi Council of NSW’s legal challenge in respect of this tender. The Department gave an undertaking to defer the finalisation of the tender process pending the resolution of this matter in the Supreme Court.

Implications arising from the decision will depend on the details and the timing of the Court’s determination. Should the decision be in favour of the Taxi Council, the tender may need to be withdrawn in its entirety. Should the decision be in the Department’s favour, the tender can proceed to finalisation.

It is not known when the judgment is likely to be delivered.

COMMENT:

In summary, a number of matters are required to be resolved before the tender can be finalised, namely:

- Confirmation of arrangements for future engagement of Taxi’s for ASTP transport services;
- Results on independent pricing analysis for ASTP services; and
- Resolution of Supreme Court Taxi Council legal action.
Depending on the timing of the Taxi Council of NSW legal action, the opportunity for the activation of the new Eligible Service Provider list and new contract arrangements to be in place for the beginning of the 2012 school year is limited.

Contractor availability needs to be established by no later than the end of October 2011, to ensure that transport services can be confirmed for students from the start of the 2012 school year. If new arrangements are not in place by this time, a further extension of current contract arrangements may be necessary to ensure continuity of services for students.

Critical Dates and Activity

In order for new contract arrangements to be in place for the commencement of the 2012 school year, the following are critical dates and activities:

16 September 2011 Resolution of outstanding matters (as detailed above).

23 September 2011 Steering Committee Approval of Tender Evaluation Report and recommendations.

30 September 2011 Announcement of tender results to successful and unsuccessful respondents and arrangements for tender debriefing sessions.

30 September 2011 Release EOI (to identify additional services providers to fill shortfall in service provision in time for 2012 school year). Short EOI period and evaluation timeframe – for completion by 31 October 2011.

31 October 2011 Confirmation of contractor availability for establishment of transport services for 2012.

2 December 2011 Transport runs established for commencement in January 2012

For consideration and discussion by the ASTP Tender Steering Committee.

30 August 2011
Meeting Agenda – Assisted School Travel Program
Tender Steering Committee

Meeting details

<table>
<thead>
<tr>
<th>Purpose:</th>
<th>Assisted School Travel Program - Tender Steering Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date and Time:</td>
<td>Friday 27 August 2010, 9.30am to 11:30am</td>
</tr>
<tr>
<td>Location:</td>
<td>Bridge Street, Level 7, Room 7:42</td>
</tr>
<tr>
<td>Attendees:</td>
<td>NSW Department of Education and Training:</td>
</tr>
<tr>
<td></td>
<td>▪ Ian Gillespie, Director, Finance and Administration (Chair)</td>
</tr>
<tr>
<td></td>
<td>▪ Ian Anderson, Director, Shared Services</td>
</tr>
<tr>
<td></td>
<td>▪ Barbara Soiland, Assistant Director, Administrative Services</td>
</tr>
<tr>
<td></td>
<td>▪ Gail Vasic, Manager, Assisted School Travel</td>
</tr>
<tr>
<td></td>
<td>▪ Angelo Guarinacca, Leader, Operations, Assisted School Travel</td>
</tr>
<tr>
<td></td>
<td>▪ Jo Bailey, Commercial Director, Customer Services, DET Procurement</td>
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<tr>
<td></td>
<td>▪ Len Stafford, Manager, Corporate Services Audit</td>
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<td></td>
<td>▪ Brian Smyth King, Director, Disability Programs</td>
</tr>
<tr>
<td></td>
<td>NSW Department of Premier and Cabinet:</td>
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<tr>
<td></td>
<td>▪ Robert Goodman, Principal Policy Officer, Human Services and Justice Branch</td>
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<tr>
<td></td>
<td>▪ David Newman, Manager Policy. Infrastructure, Environment and Economic Development Branch</td>
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<tr>
<td></td>
<td>NSW Treasury:</td>
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<td></td>
<td>▪ Danny Graham, Director, Privately Financed Projects</td>
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<td></td>
<td>▪ Stan Pichersky, Principal Financial Analyst</td>
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<td></td>
<td>▪ Tony Morgan, Principal Advisor, Privately Financed Projects</td>
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<td></td>
<td>NSW Transport and Infrastructure:</td>
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<tr>
<td></td>
<td>▪ Barbara Wise, Director, Compliance, Schemes and Community Transport</td>
</tr>
<tr>
<td></td>
<td>Department of Services, Technology and Administration:</td>
</tr>
<tr>
<td></td>
<td>▪ Anthony Lee, Procurement Manager, Tendering and Contracts, NSW Procurement</td>
</tr>
</tbody>
</table>

Agenda

1. Welcome and Introductions
2. Background and Current Service Provision
3. Purpose of Meeting/Cabinet Decision
4. Current Contract Arrangements and Issues
5. Implementation Timeframe
6. Regularity of Meetings and date for next meeting
7. Other Business

Attachments
BACKGROUND:

The Department of Education and Training's Assisted School Travel Program (formerly known as the School Student Special Transport Scheme) provides transport services from home to school and return for eligible students with disabilities attending government and non-government schools.

The Program provides transport at no charge to more than 10,500 eligible students attending over 800 government and non-government school sites across New South Wales, utilising around 540 transport operators and providing over 2,300 return services to and from school each day (over 4,600 trips per day). The services of over 720 travel support officers (escorts) are also engaged to support safe travel for students.

Students who access transport services through the Program include (but are not limited to) those with low, moderate or severe intellectual and physical disabilities, hearing or vision impairments, mental health disorders and Autism, with many of these students diagnosed with multiple disabilities. These students represent a proportion of the most vulnerable segment of the community and their assessed educational support needs are taken into account in the determination of the most appropriate school for the student to be enrolled.

Student needs cannot always be met through local primary and secondary school enrolments and the transport services provided under this Program go some way towards addressing the relative disadvantage of this group of students by enabling these students to access appropriate educational opportunities.

The Assisted School Travel Unit is part of the Finance and Administration Directorate and is responsible for the administration and management of contract arrangements for the provision of services to students under the Program as well as the placement of students onto transport services.

COMMENT:

As a result of increasing costs to provide transport services over recent years, the Budget Committee of Cabinet requested that a review be undertaken of the Scheme. The review considered a broad range of options for the future delivery of transport services and highlighted the complexities of the service provision.
Key issues arising from the review include the following:

- There is a clear imperative for this service to continue, to ensure that students with disabilities can access appropriate educational opportunities on an equitable basis;
- The costs of services are expected to continue to increase as a result of the need for quality service provision, child protection and safety considerations, and the engagement of appropriate service providers;
- Identified cost mitigation strategies targeted to control growth and limit cost escalation are expected to have some impact in reducing overall costs over time, however these are not expected to fully offset the increased costs of future service provision; and
- The extent to which changes can practically be made to current operations and service delivery are limited.

In short, the outcome of the review endorses a continuation of the services under the management of the Department of Education and Training supported by some minor administrative changes (including a change of name for the Scheme) and the calling of fresh tenders to secure services for the future.

It is considered that the benefits and changes arising from this model include:
- minimal disruption to overarching administrative arrangements while ensuring value for money for Government at fair market rates.
- securing quality transport services through market engagement and the calling of fresh tenders, resulting in certainty around the adequacy of the supply base for future service provision;
- changes to the nature of the engagement of travel support officers to assist students in transit; and
- clearly differentiating these services from those offered by the NSW Transport and Infrastructure School Student Transport Scheme by changing the name of the Scheme to the Assisted School Travel Program.

CURRENT SERVICE PROVISION:

Current contractual arrangements for the delivery of transport services for students with disabilities have been in place since 2002 and have been extended pending arrangements for seeking fresh tenders.

Through the significant efforts of staff, expenditure for the 2009/10 year was $69.481 million, a result which for the first time, showed a reduction in costs from the previous year. The cost of the Scheme for the 2008/09 financial year was $72.967 million.

Key factors contributing to this result include:
- the introduction of a run mapping tool to assist with run logistics;
- the re-organisation of existing runs including where possible, the amalgamation of some smaller runs, leading to more efficient service delivery;
- a reduction in the number of school days from previous years by 3 (additional 2 staff development/pupil free days and 1 less school day (calendar variation) enabling savings of around $1 million in 2009/10; and
- lower growth in student numbers in the current year than in previous years.
In 2009/10 the average cost of a transport service was $157 per day or $30,789 annually. The average cost per student was $37.74 per day or $7,396 annually.

During the current contract term, the Department has increased the previously tendered rates annually in line with CPI movements and in order to maintain an adequate supply base, on two occasions provided increases higher than CPI to account for higher than average operator running costs (mainly fuel costs).

The management of the Program is a complex, high volume logistical operation, with a range of stakeholders who have very high expectations of quality and timely service delivery in consideration of the nature of the services provided. The travel support needs of individual students are taken into account in the organisation of transport services.

Tasks associated with the administration of the Program include:
- management of 1,200 + contracts with transport service providers and travel support officers (in terms of service delivery, compliance issues, child protection, quality service provision and payments for services);
- processing around 4,000 student applications annually, with more than 7,000 variation requests (including variations for respite purposes);
- maintaining and managing the Student Transport Management System database;
- liaison with Directorates and schools regarding policy, procedures and student needs assessments and safety issues;
- liaison with the parents/carers of students with disabilities in conjunction with schools regarding transport applications and the travel needs of students;
- liaison with other Government Agencies regarding service delivery and compliance issues (eg: Ageing, Disability and Home Care, Community Services, Roads and Traffic Authority, NSW Transport and Infrastructure); and
- liaison with non-government schools and associated organisations.

The Cabinet decision in relation to the Assisted School Travel Program will be provided to members of the Steering Committee at the first meeting on 27 August 2010. This will form the basis of setting the directions under which the Tender preparation will occur.

Ian Gillespie
Director, Finance and Administration
25/8/2010
Assisted School Travel Program – Tender Steering Committee

The ASTP Steering Committee comprises representatives from the following NSW Government agencies:

- NSW Department of Education and Training
- NSW Treasury
- NSW Department of Premier and Cabinet
- NSW Transport and Infrastructure
- NSW Department of Services, Technology and Administration

Purpose of meeting:

To consider issues regarding the provision of transport services to students with disabilities.

The role of the ASTP Tender Steering Committee is to:

- provide guidance and strategic direction to ensure the most cost effective outcome of the tender process for the delivery of ASTP transport services;
- consider quality considerations and stakeholder expectations in respect of requirements for service delivery;
- approve the market approach/procurement strategy for the establishment of an Eligible Service Provider List, which will be used by DET for the identification of suitable service providers
Assisted School Travel Program

Eligibility

- Not all students with disabilities require transport assistance, therefore not all students with disabilities are eligible for assistance under this program.

- All applications are assessed against eligibility criteria for access to assisted school travel, including the requirement for parents and carers to clearly demonstrate that they are unable to provide or arrange transport for the student either fully or in part. The Program seeks to assist parents rather than remove their individual responsibility for transport arrangements.

- DET’s assessment and review processes ensures that only those students who meet the eligibility criteria are approved to access assisted school travel.

Service Provision Requirements and Considerations:

- The program provides travel support services primarily from a student’s permanent place of residence to school and return. The level of support provided is tailored to meet the assessed individual travel support needs of students and may include full or part time transport assistance, students needing to travel alone, additional equipment/special purpose restraint and support harnesses, additional supervision and assistance by a travel support officer (escort) in meeting medical or behavioural needs whilst travelling or modified vehicles to cater for students travelling in wheelchairs and to secure medical equipment.

- To minimise the impact on the health and wellbeing of students, the assisted school travel guidelines allow for a travel time of up to 60 minutes with a maximum of 90 minutes on each one-way trip.

- Mini and maxi buses are used wherever possible in consideration of: students’ travel support needs, comparative cost against the use of two sedans and the operational environments. In high traffic areas, smaller vehicles are used to ensure that excessive travel times do not impact negatively on the health and wellbeing of students.

- Operationally, runs are continually reviewed as new students seek access to or withdraw from services, when their assessed behaviour or medical change, when addresses change or students attend different schools. This is a particular issue at the beginning of each new school year and contract arrangements need to be flexible enough to meet these changing requirements.

- Runs changes can occur throughout the year. If one student either ceases to need a service or another joins then this can have a domino effect on other students, e.g. the inclusion of another student may mean the other students are adversely impacted upon by travelling unacceptable distances or time, thus creating the need to revise not only one run but perhaps a few in order to ensure the most efficient and effective service is provided.

- Not all transport runs have escorts assigned – only those runs where individual students are identified as requiring additional assistance whilst in transit. When students have been assessed as needing the support of an escort they cannot travel unless the escort is in the vehicle. (Approx 720 escorts across 2300 runs).
• DET assigns students to runs, along with any escort assigned to a student on that run. Operators do not have a say in which students are allocated to the runs they are offered (other than to not accept the run) or whether or not the students require escorts. Changes to runs are commonplace, as the needs of students change over time.

• Escorts are picked up en-route – generally no additional payments are made for distances travelled to pick up or drop off escorts. Some exceptions are regional areas where identifying escorts and operators has been problematic.

• 60% of operators currently receive less than the average daily rate ($157/day) and 54% of operators have only one transport run.

• Smaller operators with 1 to 10 runs provide the best service for students. Larger operators including a large Sydney Cab company with 70 runs sub contract services and provide poor quality services that do not represent value for money.

Tender considerations and discussion points:
• Last tender released in 2001 (parts of NSW) to determine Approved Service Provider List for services from 2002 school year. SCCB Exemption

• Eligible Service Providers List and the market for service providers

• Exemption from tender process for school based service providers

• Price –v– Quality considerations (Large –v– small vehicles and time/distance considerations for students wellbeing)

• Evaluation criteria (including Metropolitan and regional considerations and age of vehicles – safety considerations) and limitation of the number of runs allocated per contractor (assessment of management capability and QA)

• Structure of Pricing considerations (including annual escalation) and ongoing viability considerations

• Providing operators an alternative to employ escorts as part of their contract rate

• Flexibility is required to add/remove/change runs as required based on changing student needs and efficient service delivery.

• Flexibility is also required to enable EOI’s to be called throughout the term of the contracts to meet unmet needs and ensure our ability to replenish the supply base.

• Compatibility with other govt transport service provisions

• Timing and timeframe of tender
EVALUATION PLAN

Request for Tender:
Assisted School Travel Program

DATE: 14 January 2011
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1. INTRODUCTION

1.1 Purpose of the Evaluation Plan

The purpose of this document is to detail the methodology that will be used to evaluate responses to Request for Tender: Assisted School Travel Program.

1.2 Objectives

The primary objectives of the tender are:

a) the sourcing of transport providers across the 43 designated service zones in NSW that can provide Assisted Travel support to the Department of Education and Training’s Assisted School Travel Program within the allocated budget requirements;

b) the establishment of a sustainable relationship between the Department and the successful respondents in the delivery of quality services that represents value for money for the Department;

c) Compliance with all applicable laws, standards, codes and policies outlined in the Request for Tender documentation;

The objective of the Evaluation Plan is to provide a workable framework within which the Tender Evaluation Team may determine and recommend, an outcome that will lead to a solution that meet the requirements of DET.

The objectives of the evaluation methodology are to:

a) Identify the appropriate respondents that are compliant to deliver the service.

b) Assess the capability of respondents to undertake the complexities of the service.

c) Achieve the highest possible level of confidence in robustness of the evaluation.

d) Select an extensive list of eligible service providers by zone meeting mandatory requirements and providing the best for money solution.

e) Establish an Eligible Service Providers (ESP) list as the basis for the allocation of Assisted Travel runs.

1.3 Composition of the RFT Document

The RFT document details the requirements that a respondent must address in its response. The document comprises 5 discrete parts:

a) Part A Overview

b) Part B General Conditions of Tender

c) Part C Statement of Requirements

d) Part D Tender Response

e) Part E Form of Agreement

1.4 General Information Regarding the RFT

The RFT seeks respondents from organisations who can provide service in one or more of the 43 designated service zones in NSW and are capable of meeting the requirements specified in the RFT.

NSW Department of Education and Training (DET) Procurement Directorate prepared the RFT.

1.5 Confidentiality

Members of the Tender Evaluation Team (TET) are advised that all information contained in tender responses is to be treated as commercial-in-confidence. Such information must be kept secure and is not to be disclosed to any other respondent or third party, or to any person in the Public Sector who has no official interest in the particular matter. A breach of confidentiality may be unlawful and may have serious consequences. The requirement for
confidentiality will not cease with award of the contract(s).

1.6 Security

RFT responses, evaluation working papers and reports, including Scoresheets will be saved in a secure shared electronic file.

Changes to the evaluation methodology will only be made with the prior approval of the chair of the Steering Committee and must be advised to all Steering Committee and Tender Evaluation Team members. If it becomes necessary to modify criteria due to changes in legislation or market conditions, weights or evaluation rules, the changes are to be recorded together with reasons for the changes.

1.7 Maintenance of Records

The TET will be responsible for documenting all necessary auditable evaluation and decision-making information and correspondence.

DET Procurement will retain a copy of all relevant information resulting from the tender evaluation process. The information will be maintained and stored in accordance with Procurement policy and commercial requirements. Responses will not be returned to respondents.

1.8 Conflicts of Interest

Committee members must disclose, in writing to the chairperson of the Steering Committee, if they become aware of any interest that might possibly be thought to conflict with their tender evaluation duties. The chairperson of the Steering Committee, in consultation with the Pro-bity Advisor as required, will decide what, if any, action or if the member/s is to be replaced.

1.9 Code of Conduct

A Code of Conduct applies to all persons involved in performing functions for the evaluation and acceptance of tenders. A copy of the Code is attached as Appendix A and must be signed by each member of the TET and any other evaluation members such as Subject Matter Experts or sub-committees. The signed copies should be delivered to the DET Procurement representative before the commencement of the tender evaluation activity.

The Code is complementary to, not a substitute for, other Codes of Conduct or Ethics with which NSW Public Servants have a responsibility to comply with when performing other roles or functions.

1.10 Communication with any external parties

Any questions or clarifications to external parties must be documented, agreed to and signed by the TET Chairperson, before being submitted to the respondent. If a team member is contacted by a respondent, the respondent is to be referred to the TET Chairperson and no other information is to be provided to the respondent at that time. No member of a TET is to communicate with any external party without approval of the TET Chairperson. All communication between RFT evaluation participants in regard to the RFT is to be documented.

At the conclusion of the evaluation and recommendation process and following direction from the Chairperson of the Steering Committee, the outcome will be communicated to respondents by the DET Procurement Directorate representative.
1.11 Communication with the Media

All media enquiries will be referred to the Chairperson of the Steering Committee and any press statements must be dealt with through the same channel. No member of any team or committee is permitted to make any public statement without prior approval of the Chairperson of the Steering Committee.

1.12 Late Proposals

Late proposals will not be considered, except where the TET is satisfied that the integrity and competitiveness of the RFT process has not been compromised. DET Procurement shall not penalise any respondent whose proposal is received late if the delay is due solely to mishandling by DET.

1.13 Timetable for the Tender Process

The proposed timetable for the RFT process is as follows:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>RFT issue</td>
<td>4 November 2010</td>
</tr>
<tr>
<td>Tender briefing</td>
<td>15-26 November 2010</td>
</tr>
<tr>
<td>RFT close (time 9:30am)</td>
<td>20 December 2010</td>
</tr>
<tr>
<td>Initial review and Clarification of Responses</td>
<td>14 January to 4 February 2011</td>
</tr>
<tr>
<td>Commence evaluation of responses</td>
<td>07 February 2011</td>
</tr>
<tr>
<td>Complete evaluation of responses</td>
<td>28 February 2011</td>
</tr>
<tr>
<td>Preparation of Evaluation report and recommendations</td>
<td>31 March 2011</td>
</tr>
<tr>
<td>Approval of Evaluation report</td>
<td>12 April 2011</td>
</tr>
<tr>
<td>Successful respondent notified</td>
<td>2-5 May 2011</td>
</tr>
<tr>
<td>All vendors notified</td>
<td>20 May 2011</td>
</tr>
<tr>
<td>Contract to successful respondent for signing</td>
<td>1 June 2011</td>
</tr>
<tr>
<td>Contract to DET Delegate for signing</td>
<td>15 June 2011</td>
</tr>
</tbody>
</table>
2. STRUCTURE, ROLES AND RESPONSIBILITIES

2.1 Evaluation Structure
The following evaluation structure will apply for this project:

```
+----------------+                    +-----------------+
| Suppliers      |                    | DET Procurement |
| Response       |                    | Directorate    |
+----------------+                    +-----------------+
| Initial Cull   |                    +-----------------+
| late Tenders,  |                    | Tender Evaluation|
| seriously      |                    | Team            |
| non conforming |                    +-----------------+
| tenders and    |                    |                |
| alternative    |                    |                |
| tenders        |                    +-----------------+
+----------------+                    +-----------------+
| Compliance Pass|                    +-----------------+
| Fail requirements|                |                |
+----------------+                    +-----------------+
| Price Evaluation|                    +-----------------+
+----------------+                    +-----------------+
| Ranked Outcome |                    +-----------------+
| by Zone and    |                    |                |
| Vehicle        |                    +-----------------+
| Category       |                    |                |
+----------------+                    +-----------------+
| Probity Report |                    +-----------------+
+----------------+                    +-----------------+
| Evaluation Report|                +-----------------+
+----------------+                    +-----------------+
| Approval by    |                    +-----------------+
| Steering       |                    |                |
| Committee      |                    +-----------------+
```

2.2 Steering Committee
The Steering Committee will oversee the evaluation of tenders, provide direction, policy and guidance and review. The Steering Committee will endorse or reject the Tender Evaluation Report including any or all of the recommendation of the TET if the Steering Committee is not satisfied that the recommendation/s meet the objectives of the tender and are in compliance with the Evaluation Plan.
The Chair of the Steering Committee will be the Director, Finance and Administration.

<table>
<thead>
<tr>
<th>Steering Committee</th>
<th>Title, Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairperson</td>
<td>Ian Gillespie, Director, Finance and Administration DET</td>
</tr>
<tr>
<td>Member</td>
<td>Ian Anderson, Director, Shared Services DET</td>
</tr>
<tr>
<td>Member</td>
<td>Robert Goodman, Principal Policy Officer, Human Services and Justice Branch, DPC</td>
</tr>
<tr>
<td>Member</td>
<td>Tony Morgan, Principal Advisor Privately Funded Projects, NSW Treasury</td>
</tr>
<tr>
<td>Member</td>
<td>Barbara Wise, Director, Compliance, Schemes and Community Transport NSW/T&amp;I</td>
</tr>
<tr>
<td>Member</td>
<td>Brian Smyth King, Director, Disabilities Programs DET</td>
</tr>
<tr>
<td>Member</td>
<td>Anthony Lee, Procurement Manager, Tendering and Contracts, DSTA</td>
</tr>
<tr>
<td>Member</td>
<td>Jo Bailey, Commercial Director, Customer Services DET</td>
</tr>
</tbody>
</table>

2.3 Tender Evaluation Team

The Tender Evaluation Team (TET) will be provided with all parts of the RFT responses. Membership of the TET may be varied during the evaluation process, following approval by the Steering Committee.

The TET will be responsible for reviewing the responses to the RFT and applying the relevant part of the evaluation methodology and criteria. Approaches to respondents for clarification, if any, shall only be made by the TET Chairperson and are to be made in writing.

The TET Chairperson is to ensure that minutes are taken of all meetings. Minutes are to be collated and delivered to the representative of the DET Procurement Directorate at the completion of the evaluation.

The TET Chairperson will ensure that an evaluation report is prepared, including reasons for the assessments and recommendations. The report is to be submitted to the Steering Committee for endorsement or rejection.

The TET will be assisted by a representative of DET Procurement Directorate, who will provide advice and guidance on the evaluation process, as well as any probity and fair dealing issues which may arise.

<table>
<thead>
<tr>
<th>TET Member</th>
<th>Title, Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairperson</td>
<td>Barbara Soiland, Assistant Director, Finance and Administration , DET</td>
</tr>
<tr>
<td>Member</td>
<td>David Malcolm, DET Procurement</td>
</tr>
<tr>
<td>Member</td>
<td>Catherine Naismith, Manager, Assisted School Travel Unit DET</td>
</tr>
<tr>
<td>Member</td>
<td>Angelo Guarnaccia, Leader, Assisted School Travel Unit DET</td>
</tr>
</tbody>
</table>
The TET will also be supported by subject matter experts throughout the evaluation as required.

**Subject Matter Experts**

<table>
<thead>
<tr>
<th>SME Member</th>
<th>Title, Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mark VanEpen</td>
<td>Department of Services, Technology and Administration</td>
</tr>
<tr>
<td>Len Stafford</td>
<td>Manager Corporate Services Audit, DET</td>
</tr>
</tbody>
</table>

**Probiti Advisor**

O’Connor Marsden & Associates Pty Ltd has been engaged as the Probiti Advisor for the evaluation process. The role of the Probiti Advisor is to observe and examine the evaluation process and to advise the Steering Committee on any probiti-related issues of concern that may arise.

A member of the Steering Committee or the TET is entitled to raise directly with the Probiti Advisor any probiti-related issue. The contact details for the Probiti Advisor are shown below.

**Andrew Marsden**
O’Connor Marsden & Associates Pty Ltd.
Telephone: 02 92522565
Email: amarsden@ocm.net.au

The Probiti Advisor may attend meetings of the Steering Committee, the TET, and meetings with Respondents during the evaluation period, where considered appropriate by the Probiti Advisor.

The Probiti Advisor will provide a written report to the Steering Committee prior to the Steering Committee endorsing the recommendations of the TET.

### 2.5 Tender Opening Committee

The Tender Opening Committee (TOC) is responsible for:

a. Opening electronic and hard copy tender responses

b. Preparing a report to include:
   i. List of responses
   ii. List and date/time of late responses
   iii. Any problems during opening, and
   iv. Any recommendations arising as a result of the TOC activities.

c. Presenting the Report, saving email tender responses onto a secured network drive, and advising to the Chairperson of the Tender Evaluation Team.
Tender Opening Committee

<table>
<thead>
<tr>
<th>TOC Member</th>
<th>Title, Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairperson</td>
<td>Jason Reodique – DET Procurement</td>
</tr>
<tr>
<td>Member</td>
<td>Rod Smith – DET Procurement</td>
</tr>
<tr>
<td>Member</td>
<td>Kea Allerby – DET Procurement</td>
</tr>
<tr>
<td>Member</td>
<td>Gary Robinson – DET Procurement</td>
</tr>
</tbody>
</table>

2.6 Quality Assurance

The TET Chairperson is responsible for ensuring that scoring by the TET is performed fairly and consistently across all vendor offerings in accordance with this evaluation plan, and will test the scoring and conclusions of the TET reports to ensure that results are accurate and justifiable.

Responsibilities include:

a) Cross-checking scoring of related requirements to ensure that scoring patterns are consistent;

b) Ensuring that scoring criteria are applied consistently between vendor offerings;

c) Reviewing reports and other documentation to ensure that it is complete, that conclusions reflect the evidence, and that reports are easily read and understood;

d) Evaluation is in accordance with the Evaluation Plan and recommendations are consistent with the objectives of the tender.

2.7 DET Procurement Directorate

Responsibilities include:

a) Providing specialist procurement advice and secretariat support to the TET on the evaluation process matters and probity/fair dealing issues; and

b) Advising respondents of the outcome of the evaluation, including management of debriefing sessions (as required).

3. Evaluation Criteria

3.1 Weighting Methodology.

The weighting methodology has been based on the principle that respondents must first achieve compliance with all the Department's requirements to ensure that the Assisted School Travel Program is serviced with compliant reliable operators that provide safe vehicles ensuring the safety and care of students who utilise the service. Respondents will only proceed to the weighting category assessment if compliance has been met to the satisfaction of the TET.

The weighting assessment provides for a prioritisation of various factors ensuring that those elements that are considered to be the most important are given suitable emphasis.

Price is a major factor in determining the ranking of respondent's tenders once compliance has been met. The Non Price requirements will take into consideration performance, quality and experience offered by respondents. Price and Non Price consideration will rank respondents in what represents value for money for the Department.
The overall price/non price ratio is:

<table>
<thead>
<tr>
<th>Weighting Category</th>
<th>Weighting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Price</td>
<td>70</td>
</tr>
<tr>
<td>Non Price —Scoreable Requirements</td>
<td>30</td>
</tr>
<tr>
<td>Non Price --Pass/Fail Requirements</td>
<td>null</td>
</tr>
</tbody>
</table>

3.2 Price Benchmarks.

<table>
<thead>
<tr>
<th>Price Benchmarks</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle Category</td>
<td>Sedan or Wagon 4 Seats 1 to 4</td>
</tr>
<tr>
<td>Benchmark Kilometre Rate</td>
<td>$2.40</td>
</tr>
</tbody>
</table>

Price Benchmarks have been created for each vehicle category required by the request for tender. The vehicle category benchmarks have been calculated using the following methodology:

a) Cost of vehicle – Based on average market cost for 5 year old vehicle
b) Percentage of Vehicle usage in the program. This is based on 195 School days in a calendar year and 70% daily usage for each day of the program.
c) Insurance and Registration costs
d) Running costs, including fuel, tolls and maintenance.
e) Labour costs including overheads such as workers compensation, long service leave, leave loadings, sick leave payroll tax and superannuation. and
f) Administration costs such as office, telephone and power,

The price component submitted by respondents will be scored against the above benchmark for each vehicle category and with further consideration of the price impact of the tendered minimum km per run (Appendix B Tables 2 & 3).

The Non Price scoreable evaluation criteria are set out in the RFT and in Appendix B.
The Non Price Pass/Fail Requirements of the RFT are pass/fail and consequently not weighted.

4. EVALUATION PROCESS

The TET will be responsible for evaluating each of the tenders. The TET may be supported by additional resources to load up data from the tenders to data bases and spreadsheets etc.

Due to the expected volume of tender responses the TET may choose to validate data uploaded by conducting a 10% check of tenders against the data entered into the data base. If 100% of the 10% of tenders checked are correct the data will be accepted as accurate. Should errors be identified a 100% check of all respondents data will be required by the TET.

The TET will adopt the approach of members individually reading each of the tenders and then arriving at scores and/or decisions by consensus.
The evaluation process will involve the following stages;

4.1 Stage 1 – Initial Cull

Step 1 - Assessment of late tenders & seriously non conforming tenders

An initial review by the TET to identify any late tenders, any seriously non-conforming tenders and tenders not following the instructions set out in the RFT, or tenders that clearly are not of an acceptable standard to warrant further detailed evaluation. Any tenders falling into these categories may be not further considered by the TET.

The TET may require clarification from respondents, this may involve requesting supporting documentation, providing evidence on compliance requirements or answering questions of fact on respondents tender submissions. Requests for clarification will not constitute an opportunity for any respondent to revise their tender.

A “Non-Conforming Tender” means a Tender that does not conform in all material aspects to the mandatory requirements of the tender.

The TET may elect to not consider further any tender/product/service that fails to pass Stage 1. In the event that any tender/product/service is excluded from further consideration, the TET will document the reasons in the Evaluation Report.

Step 2- Identify Alternative Tenders

The TET will review the Responses to identify any Alternative Tenders and assess these based on the provisions of clauses 4.4.3 and 4.4.4 of Part B of the RFT.

The TET may elect to not consider an Alternative Tender when not submitted with a Complying Tender and must document the reasons in the Evaluation Report.

Step 3 - Assessment of Compliance to the Pass/Fail Requirements

The TET will conduct a review of each tender response to determine if the respondent meets the pass/fail requirements as set out in Table 1 page 16.

Tenders that fail to meet any of the pass/fail requirements in Table 1 may be set aside from any further consideration.

A tender that fails to meet any of the pass/fail requirements in Table 1 may only be further considered where:

a) it is the only tender in consideration for that zone or for that Category of vehicle, and

b) to do so would be in the operational interests of the Department.

The TET will document in the Evaluation Report any tenders that fail to meet any of the pass fail requirements in Table 1 and the TET’s decisions and reasons in respect of those tenders.

4.2 Stage 2 – Detailed Evaluation

Step 1 - Non Price Scoreable Requirements

The TET is responsible for scoring the scoreable non price requirements of the RFT as set out in Appendix B Table 4 using the Evaluation Scoring Standards in Appendix C.

The TET will score each tender response that has passed the “Initial Cull”.

Step 2 - Non Price Requirements for Respondents More Than One Run

The TET will identify Tenders for more than one Run but less than six runs and further assess those tender responses using the requirements set out in Appendix B Table 5. The tender response must achieve a yes to all of the requirements in Table 5 to be recommended for the number of runs tendered for. Where the respondent fails to achieve a yes in all of the requirements the respondent may only be offered one run.

The TET will document the reasons in the Evaluation Report any tenders that are not offered the number of runs tendered.

Step 3- Non Price Requirements for Respondents More Than Five Runs
The TET will identify Tenders for more than Five Runs and assess those tender responses using the requirements set out in Appendix B Table 5 and Table 6. The tender response must achieve a yes to all of the requirements in Table 5 and Table 6 to be recommended for the number of runs tendered for. Where the respondent fails to achieve a yes in all of the requirements the TET may recommend a lesser number of runs than tendered.

The TET will document the reasons in the Evaluation Report any tenders that are not offered the number of runs tendered.

**Step 4 - Non Price Ranking and Lists**

The TET will use the raw score for each tender assessment of Non price scoreable requirements and list the tender and raw score according to zone and by category of vehicle within each zone.

The TET will then apply the weightings in Table 4 Appendix B to the raw scores for each scoreable requirement resulting in a final weighted score for each. The TET will add the final weighted score for each scoreable requirement to arrive at a total final weighted score for each tender.

The TET will rank the tenders based on the highest final weighted score first to the lowest in each of the zones and by category of vehicle.

The TET ranking will have regard to the TET review of multiple runs in Step 3 and 4 above.

**Step 5 - Price Evaluation**

Price will be evaluated (having regard to the Jobs First Policy price preference) using the following two substeps -

**Substep1 Raw Price Score**

The tendered (km rate) price will be scored based on the scoring table in Appendix B Table 2.

The score out of 70 represents the tendered price as compared with the benchmark price with the most competitive price scoring 70.

The TET may ask a respondent with a tendered price that is significantly higher or lower than the benchmark to clarify their tendered price. The TET will determine at what level additional clarification of price is required.

If the respondent cannot provide detail to the satisfaction of the TET, the TET may consider that the respondents tendered price is either too low to sustain operations or too high to represent value for money. The TET may reject the respondent's tenders totally, accept and rank the respondent in accordance with the tendered price or conduct post tender negotiations in accordance with Section 4.5 of Part B of the Request For Tender.

**Substep2 - Low Minimum Run Distance adjustment to raw price score**

When the price score has been calculated under Substep 1 above (raw price score) the raw price score is adjusted by the factor set out in Table 3 Appendix B for a low minimum run distance nominated in the tender response.

The resultant score is the final price score.

4.3 **Stage 3 – Consolidation of Results**

The TET will combine the final weighted Non Price score and the final price score resulting in a final total score for that tender offer.

Each tender offer will be ranked based on the highest final weighted score first to the lowest in each list of the zones and by category of vehicle.

The rankings may result in 43 ranking lists with 6 vehicle categories in each zone.

4.4 **Stage 4 – Reference Checks**

Reference checks, if considered appropriate, may be undertaken as part of the evaluation activity. In the event that reference checks are undertaken, the TET will prepare a list of questions to be put to referees prior to DET Procurement Directorate representatives...
contacting referees. If a respondent does not satisfy a referee check the TET may decide not to further evaluate the tender.

The TET will document the reasons in the Evaluation Report any tenders that have not been recommended because of an unsatisfactory reference check.

4.5 Stage 5 – Probity Advisors Report

The Probity Advisor will provide a written report to the Steering Committee prior to the Steering Committee endorsing the recommendations of the TET. This report will be completed in conjunction with the development of the final Evaluation Report (Stage 6). The Draft Evaluation Report will be provided to the Probity Advisor to review prior to submission of the Final Evaluation Report.

4.6 Stage 6 – Evaluation Report

The TET will prepare a report for the Steering Committee and Chief Procurement Officer (CPO) containing all relevant information concerning the evaluation process, including:

a) Summarised scoring information;

b) Narrative commentary on general and specific aspects of the evaluation;

c) Reports of all instances of external contact, exceptions to procedures or other variations to this plan that occurred; and

d) Recommendations of the selected respondents in an order of merit and placed on the ESP by zone and Vehicle category.

e) If any lower priced tenders have been passed over the reasons why.

5. OUTCOME OF THE EVALUATION PROCESS

5.1 Recommendation

Following delivery of the evaluation report by the TET and endorsement of the Steering Committee, the TET responsibilities will cease and, the matter will be referred to Steering Committee for endorsement and finalisation. The Steering Committee may request further information from the TET in reviewing the recommendations of the TET Evaluation Report.

5.2 Notification of Respondents

The DET Procurement Directorate representative will arrange notification to all respondents of the outcome of the RFT process. No disclosure concerning successful or unsuccessful respondents is to be made other than by the DET Procurement Directorate representative.

5.3 Debriefing of Unsuccessful Respondents

Where requested by any unsuccessful respondent, the DET Procurement Directorate will arrange a mutually convenient time for de-briefing. At least one member of the TET will be present at a de-briefing.

If required, DET Procurement Directorate will provide the unsuccessful respondent with general comments regarding the evaluation on each of the criteria. A respondent will not be provided with any specific information contained in any other unsuccessful respondent’s submission, or any specific information contained in the successful respondent’s submission beyond that which is required to be publicly disclosed.
6. **ENDORSEMENT OF THE RFT EVALUATION PLAN BY TET COMMITTEE**

<table>
<thead>
<tr>
<th>TET Member</th>
<th>Email Acceptances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairperson</td>
<td></td>
</tr>
<tr>
<td>Member</td>
<td></td>
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<tr>
<td>Member</td>
<td></td>
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<td>Member</td>
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<tr>
<td>Member</td>
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</tbody>
</table>

7. **APPROVAL OF THE TENDER EVALUATION PLAN**

THE CHAIRPERSON, STEERING COMMITTEE APPROVES THE EVALUATION PLAN AND APPENDICES FOR RFT DETP1028 INCLUDING RELATIVE WEIGHTINGS GIVEN TO THE EVALUATION CRITERIA IN THE DOCUMENT.

[Signature]

Ian Gillespie  
Director, Finance and Administration DET  
Date 14 January 2011
APPENDIX A: CODE OF CONDUCT

RFT DETP 1028 Assisted School Travel Program

Introduction

The NSW Department of Education and Training’s tendering processes aim to ensure that the most suitable contractor/s or consultant/s is selected for each job. The processes are based on three principles - PROBITY, FAIRNESS and VALUE FOR MONEY. In order to achieve outcomes that not only conform to these principles but most importantly can also be seen to do so, the DET involves a variety of people in its tendering process.

This Code of Conduct is designed to assist all those people to behave with probity, make their decisions or recommendations fairly and ensure that NSW Government agencies select contractors on the basis of value for money.

Application of the Code

This Code applies to all persons involved in performing functions for the pre-qualification or selection of respondents or the evaluation and acceptance of tenders. Persons covered by the Code include employees of the Department of Education and Training, employees of any other organisation (both government and non government) and consultants engaged for specific activities associated with assessment of contractors and tenders.

The Code is complementary to, not a substitute for, other Codes of Conduct or Ethics with which you may have a responsibility to comply when performing other roles or functions.

Personal Interests - Declaration and Potential Conflicts

The need for the utmost impartiality cannot be overemphasised. Should you have any interest, no matter how remote, in the outcome of a decision you must immediately declare that interest. The declaration should be made to the Chairperson of the SC. Depending on the significance of your interest, you may be required to take no further part in the tendering process concerned, to undertake a reduced role or to continue your involvement with your interest known to all others involved.

Use of Confidential Information

During a tendering process you will usually have access to confidential and commercially sensitive information. You are only entitled to use that information as part of the tender evaluation or selection process. Use of the information for other purposes may cause harm or provide improper advantage(s) in areas totally unrelated to NSW Government tendering activities.

Information which you acquire in the course of your involvement in a tendering process must only be released to people entitled to have it in order for them to carry out their functions in the tendering process.

Declaration of Understanding and Agreement:

I declare that I have read the above Code of Conduct, understand what it means and agree to always behave as it directs when performing functions relating to the Department of Education and Training’s tendering process.

SIGNATURE:
PRINTED NAME:
POSITION:
AGENCY:
APPENDIX B: EVALUATION CRITERIA AND REQUIREMENTS TABLE

4.2 Evaluation Criteria (extracted from RFT DETP 1028 Part B – Conditions of Tender)

4.2.1 The evaluation criteria for this RFT (which include but are not limited to) are:

a) Fitness for purpose including quality, age and capacity of vehicle/s offered;

b) Price;

c) Management Capabilities (where applicable);

d) Capacity to perform including:

   (i) Human resource capacity, qualifications, skills and experience;

   (ii) Financial capacity and stability (including security considerations);

   (iii) Suitability of sub-contractors (if nominated);

   (iv) Previous experience and performance on Agreements for the services covered in this RFT or other similar services;

   (v) Record of ethical behaviour in service delivery (including information obtained through referees);

   (vi) Compliance with other requirements as prescribed by the Department in respect of the delivery of services.

e) Compliance with the Statement of Requirements (as described in Part C of this RFT); and

f) ANZ / SME price preference margin.

EVALUATION WEIGHTED TABLES

Table 1

<table>
<thead>
<tr>
<th>No</th>
<th>Name</th>
<th>Answer Yes</th>
<th>If No has an adequate answer been provided in 1.9.2 or supporting documentation</th>
<th>Follow up clarification with respondent now acceptable</th>
<th>Has Compliance been meet Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Has the respondent provided an ABN</td>
<td></td>
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<td>2</td>
<td>Question 1 page 11 Part D Section 1.9.1</td>
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<td>21</td>
<td>11 Part D Section 1.9.1</td>
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</tr>
</tbody>
</table>

**Table 2**

The Price criteria will represent 70% of the total weighting for the evaluation. The final score for each respondent will be determined by grading the respondent in table 1 against the Department Price Benchmarks for each vehicle category.

<table>
<thead>
<tr>
<th>Mandatory Category – Price all respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over 30% below Benchmark</td>
</tr>
<tr>
<td>Score</td>
</tr>
</tbody>
</table>

**Each respondent will be assessed by tendered price and allocated a score in accordance with the table above. The TET may ask a respondent with a tendered price that is significantly higher or lower than the benchmark (either more than 30% below the benchmark or more than 30% over the benchmark) to clarify their tendered cost. The TET will determine at what level additional clarification of price is required.

If the respondent cannot provide adequate detail to the satisfaction of the TET, the TET may consider that the respondents tendered price is either too low to sustain operations or too high to represent value for money. If the TET determines that a respondents price more that 30% below the benchmark is sustainable the TET shall award that respondent a score of 70. If the TET determines that a respondent price more that 30% above the benchmark is acceptable the respondent is to be awarded a score of 10.

The TET may reject respondent's tenders totally, accept and rank the respondent in accordance with the tendered price or conduct post tender negotiations in accordance with Section 4.5 of Part B of the Request For Tender. The TET reserves the right to reconsider the benchmark after it is informed of market forces, based on tender responses.

**Table 3**

<table>
<thead>
<tr>
<th>Minimum Run Distance Restriction</th>
<th>Nil</th>
<th>Over 0 km under 40km</th>
<th>40 -60 km</th>
<th>61-100 km</th>
<th>101 + km</th>
</tr>
</thead>
<tbody>
<tr>
<td>Score Multiply factor</td>
<td>1.0</td>
<td>0.95</td>
<td>0.9</td>
<td>0.8</td>
<td>0.7</td>
</tr>
</tbody>
</table>

Once the price score has been determined a "minimum run distance restriction" factor is to be applied to the score in accordance with the table above.
For example, if a respondent submits a price that is 6-10% above the Benchmark rate in the applicable vehicle category, and applies a minimum run distance restriction of say 35kms, the Score Multiply Factor will be 0.95 of the Raw Price Score. The Final Price Score will therefore be 50 x 0.95 = 47.5.

If required the ANZ/SME Price Margin is to be applied to the cost of the respondent’s tender.

Table 4

<table>
<thead>
<tr>
<th>Non Price Scoreable Requirements – Technical all respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part B ref</td>
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<tr>
<td>------------</td>
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<tr>
<td>1.4.1</td>
</tr>
<tr>
<td>1.4.2</td>
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<tr>
<td>1.4.3</td>
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<td>1.4.4</td>
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<td>1.4.5</td>
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<td>1.8</td>
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<td>1.7.1</td>
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<tr>
<td>-------</td>
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<tr>
<td>1.7.2</td>
</tr>
</tbody>
</table>

Table 5
Non Price Requirements - Respondents more than one Run.

<table>
<thead>
<tr>
<th>Part B ref</th>
<th>Part D ref</th>
<th>Name</th>
<th>Evidence</th>
<th>Confirmation that number of Runs requested to be eligible is recommended by the TET</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td></td>
<td>Has the respondent requested to use sub-contractors</td>
<td>If yes, do all sub-contractors have an ABN? Are sub contractors suitable for service?</td>
<td>Yes/No</td>
</tr>
<tr>
<td>2.2</td>
<td></td>
<td>Do the questions answered in 2.2 of Part D match with the answers in Section 1 of Part D</td>
<td>The TET is to ensure that all answers in 2.2 are verified with answers in Section 1</td>
<td>Yes/No</td>
</tr>
<tr>
<td>2.3</td>
<td></td>
<td>Has the respondent provided the Financial Capacity letter from a qualified accountant</td>
<td>The letter must be provided by a qualified accountant (Part D 2.4). Letter must confirm respondent's financial capacity.</td>
<td>Yes/No</td>
</tr>
</tbody>
</table>

Evaluation for respondents that have requested to be eligible for more than one run but less than six runs will cease at this point. The TET is only to confirm the capacity of the respondent to conduct the number of Runs requested. If the TET determines that there is not enough evidence provided by the respondent to be considered for the number of Runs requested the TET Chair may request from the Respondent further information to validate the respondents capacity to service the runs requested. If after the request for further information the TET cannot confirm the respondent's capacity the TET is to recommend the respondent for no more than 1 Run.

Table 6
Non Price Requirements - Respondents more than Five Runs.
<table>
<thead>
<tr>
<th>Part B ref</th>
<th>Part D ref</th>
<th>Name</th>
<th>Evidence</th>
<th>Confirmation that number of Runs requested to be eligible is recommended by the TET</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>3.1.1 Management Capacity</td>
<td>Has the respondent adequately demonstrated in their response, the management systems such as computer databases, vehicle monitoring software and administrative staff sufficient to manage the number of Runs requested?</td>
<td>Yes/No</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.1.2 Communication System</td>
<td>Does the respondent provide two way communications to all vehicles or are mobile phones provided to all drivers (including hands free devices)</td>
<td>Yes/No</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.1.3 Vehicle Fleet Management</td>
<td>Does the respondent provide evidence of maintenance schedules for the vehicles offered for service? Does the respondent provide an adequate Fleet management plan?</td>
<td>Yes/No</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.1.4 Staff Management</td>
<td>Does the respondent provide a staff management plan that accounts for sick leave, staff annual leave. Does the Respondent have automated pay systems? Does the Staff Management Plan adequately demonstrate these requirements?</td>
<td>Yes/No</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.1.5 Contingency Planning</td>
<td>Has the respond provided an adequate contingency plan that covers situations such as vehicle break down, accidents and staff absences?</td>
<td>Yes/No</td>
</tr>
</tbody>
</table>

Evaluation for respondents that have requested to be eligible for more than six runs the TET is to confirm the capacity of the respondent to conduct the number of Runs requested. If the TET determines that there is not enough evidence provided by the respondent to be considered for the number of Runs requested the TET Chair may request from the Respondent further information to validate the respondent’s capacity to service the runs requested. If after the request for further information the TET cannot confirm the respondent’s capacity the TET is to recommend the number of Runs the respondent is capable of conducting.

Must achieve Yes to all above questions to be recommended for the number of runs requested. If No to any portion of this assessment the TET is to make recommendation to the number of Runs that the respondent is assessed to be capable of servicing.