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Australian Government

Department of Home Affairs

ABN: 33 380 054 835

REQUEST FOR EXPRESSION OF INTEREST (REOI) FOR THE PROVISION OF IMMIGRATION DETENTION SERVICES

HOMEAFFAIRS/2113/EOI

ATTACHMENT B: RESPONSE FORMS AND EVALUATION CRITERIA

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13. TABLE 13 – EVALUATION CRITERIA

13.1. Evaluation Criterion 1 (technical): Capability and Capacity

- (a) The Department will assess the extent to which the Respondent demonstrates that it understands, and has the capability and capacity to deliver, the Services as specified in **Attachment A – Overview of Services**.

In responding to this Evaluation Criterion, the Respondent should include:

- i. a description of the Respondent's, and any key subcontractors', capability in regard to the delivery of the Services or in the event that the Respondent does not have the capability, its proposed approach to sourcing that capability;
- ii. a description of the Respondent's, and any key subcontractors', capacity in regard to the delivery of the Services, including its organisational and management structure, personnel and suitable resourcing arrangements, and ability to deliver the Services in nominated locations; and
- iii. a description of the Respondent's strategies and approach to manage a broad range of stakeholders (including, but not limited to, other service providers, subcontractors, consortium members (if any), the Department, Detainees and other government agencies) to deliver high quality services that meet the Requirements.

Respondent's Response

Guidance to the Respondent: The response to Evaluation Criterion 1 (technical) should not exceed thirty (30) single-sided A4 pages. The Department reserves the right not to consider information contained in pages which exceed this page limit.

13.2. **Evaluation Criterion 2 (technical): Experience**

- (a) The Department will assess the extent to which the Respondent demonstrates its experience in providing services the same as, or similar to, the Services as specified in **Attachment A – Overview of Services**.

In responding to this Evaluation Criterion, the Respondent should provide details of its (and its consortium members' and subcontractors', as appropriate) record of experience and quality of performance in providing services the same as, or similar to, the Services, including an overview of the services provided, the location of the services and the period of the Respondent's (and its consortium members' and subcontractors', as appropriate) involvement.

Respondent's Response

Guidance to the Respondent: The response to Evaluation Criterion 2 (technical) should not exceed twenty (20) single-sided A4 pages. The Department reserves the right not to consider information contained in pages which exceed this page limit.

13.3. **Evaluation Criterion 3 (non-technical): Risk**

- (a) The Department will evaluate the nature and extent of any risks related to the Respondent and the REOI Response that have not been evaluated under other Evaluation Criteria. See Part 6 (REOI Evaluation Criteria) below for further details of this Evaluation Criterion.

Respondent's Response

Guidance to the Respondent: The response to Evaluation Criterion 3 (non-technical) should not exceed ten (10) single-sided A4 pages. The Department reserves the right not to consider information contained in pages which exceed this page limit.

OFFICIAL**PART 6 – REOI EVALUATION CRITERIA****1. Evaluation Criteria**

- 1.1. Respondents for each Service Category will be evaluated against the same Evaluation Criteria listed below. The Evaluation Criteria are not specified in any order of importance.

No.	Evaluation Criteria
1	Capability and Capacity: The Department will assess the extent to which the Respondent demonstrates that it understands, and has the capability and capacity to deliver, the Services as specified in Attachment A – Overview of Services.
2	Experience: The Department will assess the extent to which the Respondent demonstrates its experience in providing services the same as, or similar to, the Services as specified in Attachment A – Overview of Services.
3	Risk: The Department will evaluate the nature and extent of any risks related to the Respondent and the REOI Response that have not been evaluated under other Evaluation Criteria. These include (but are not limited to): • compliance with law and Commonwealth policies; • any potential issues or areas of public exposure; • the Respondent's request for information to be treated as confidential; • the number and type of any conflicts of interest which have been identified by the Respondent (or by the Department) and the ability for these to be appropriately managed; • the financial capacity of the Respondent and if considered necessary, key subcontractors, consortium members and other relevant entities (as applicable or appropriate), including any associated risks to the Department; • the risk to supporting the health and welfare of Detainees (including the risk to Clinical Governance as applicable) associated with the Respondent or the REOI Response; and • any other risks to the Department inherent in, or associated with the Respondent or the REOI Response.

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**ATTACHMENT E: TENDER EVALUATION
PROCESS AND CRITERIA**

REQUEST FOR TENDER (RFT)
FOR THE PROVISION OF IMMIGRATION DETENTION
SERVICES

HOMEAFFAIRS/2113/RFT

Department of Home Affairs

ABN: 33 380 054 835

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PART 1 - THE EVALUATION PROCESS

1. Overview

- 1.1. The Department of Home Affairs (Department) will evaluate Tenders in accordance with the process and Evaluation Process and Evaluation Criteria set out in this **Attachment E** (Tender Evaluation Process and Criteria). The following steps outline the Evaluation Process. The steps may be conducted concurrently and/or sequentially:
- Step 1: Receipt and Registration of Tenders;
 - Step 2: Initial Screening of Tenders against the Conditions for Participation and the Minimum Content and Format Requirements;
 - Step 3: Technical Evaluation;
 - Step 4: Pricing Evaluation (Non-Technical Evaluation Criterion 1);
 - Step 5: Non-Technical Evaluation (Non-Technical Evaluation Criteria 2 and 3);
 - Step 6: Value for Money Assessment;
 - Step 7: Negotiation with Preferred Tenderer(s); and
 - Step 8: Debrief.
- 1.2. The Department may use material tendered in response to one Evaluation Criterion in the evaluation of other Evaluation Criteria.
- 1.3. Tenderers should provide enough detail in their Tender against each Evaluation Criterion to ensure that the Department has a clear understanding of their offer and that all requirements have been addressed. Tenderers are advised that unclear or contradictory statements may result in a low scoring assessment.
- 1.4. The Department in its absolute discretion will determine the number of Tenderers on any shortlist.

2. Step 1 – Receipt and Registration of Tenders

- 2.1. As soon as practicable after the Closing Time, all Tenders will be downloaded from the relevant section of AusTender.
- 2.2. All Tenders received before the Closing Time will be registered on a procurement register.
- 2.3. Any Tenders received after the Closing Time for the procurement and any disputes or issues regarding receipt of Tenders will be managed in accordance with Part 2 – Terms and Conditions of the RFT, including **clause 3** (Closing Time).

3. Step 2 – Initial Screening of Tenders Against the Conditions for Participation and the Minimum Content and Format Requirements

- 3.1. Tenders received before the Closing Time will be screened to identify any Tender that:
- (a) fails to comply with any Conditions for Participation specified in the RFT;
 - (b) fails to comply with any Minimum Content and Format Requirements specified in the RFT;
 - (c) contains unintentional errors of form; or
 - (d) are otherwise incomplete or non-compliant with the RFT.

- 3.2. Subject to **clause 18 in Part 2** of the **RFT** (unintentional errors of form), a Tender which fails to comply with the:
- (a) Conditions for Participation; or
 - (b) Minimum Content and Format Requirements,
- will be excluded from further consideration.

- 3.3. The Department may also exclude a Tender from further consideration where, in the Department's reasonable opinion, the Tender is:
- (a) incomplete or otherwise deficient (e.g. it fails to address technical details, or demonstrate a reasonable understanding of the Requirement or fails to provide relevant, complete and accurate information); or
 - (b) otherwise clearly non-competitive.

The Department may, however, decide to consider these Tenders and seek further clarification from the Tenderer if it believes that this is appropriate.

- 3.4. Screening is an ongoing process. The Department may decide during the detailed Evaluation Process that Tenders or Tenderers which fall within the categories listed in **paragraphs 3.1 to 3.23** above should therefore be excluded from further consideration.

4. Step 3 – Technical Evaluation

- 4.1. For each Tenderer that passes **Steps 1 and 2** above, the Department will consider all relevant information for each Technical Evaluation Criteria (see below Part 2, section one for details of those Evaluation Criteria that are Technical Evaluation Criteria) provided in each Tender and the Department will evaluate the Tender against the Technical Evaluation Criteria. The Evaluation Committee may use material tendered in response to one Evaluation Criteria in the evaluation of other Evaluation Criteria.
- 4.2. Tenderers should provide enough detail in their Tender against each Evaluation Criteria to ensure that the Evaluation Committee has a clear understanding of their offer and that all requirements have been addressed. Tenderers are advised that unclear or contradictory statements may result in a low scoring assessment.

5. Step 4 – Pricing Evaluation (Non-Technical Evaluation Criterion 1)

- 5.1. The Department will undertake an assessment of the costs or prices contained in the Tenders. The Department may seek assistance from a financial advisor, if required. Tenderers are required to cooperate with any financial advisor(s) appointed for this purpose, including making financial information available to the financial advisors.
- 5.2. Where required, and without limiting this RFT, the Department may:
- (a) adjust and "normalise" prices to account for assumptions and other variations between Tenders;
 - (b) use pricing tools which allow sensitivity analysis and/or scenario testing; and;
 - (c) use a price comparator tool to assist in analysing the proposed price; or
 - (d) make any other adjustments that may be required as set out in Part 2 – Terms and Conditions or **Attachment C** (Pricing Schedule) to this RFT.
- 5.3. At any stage of the pricing evaluation or after its completion, the Department may shortlist Tenderers for progression to further steps of the Evaluation Process.
- 5.4. The Department reserves the right, during the Evaluation Process, to ask all Tenderers (or if Tenderers have been shortlisted, the shortlisted Tenderers) to submit new or revised pricing based on an alternative pricing methodology.
- 5.5. The Department also reserves the right to seek clarification on any pricing matters and to seek a best and final offer in respect of pricing from each Tenderer (or if Tenderers have

been shortlisted, shortlisted Tenderers) if it is deemed necessary to determine a clear value for money outcome for the Commonwealth.

6. Step 5 – Non-Technical Evaluation Criteria (Non-Technical Evaluation Criteria 2 and 3)

- 6.1. For each Tenderer that passes **Steps 2, 3, 4 and 5** above, the Department will assess risks associated with the Non-Technical Evaluation Criteria and conduct an overall risk assessment taking into account all risks associated with each Tender that have not already been taken into account. Following the completion of the risk assessment process, the Department will review and where applicable, may revise scores or rankings for each Tender.
- 6.2. The Department will undertake an assessment of the direct economic benefits to the Australian economy of the Tenderer's proposed approach to the delivery of the Requirement.
- 6.3. The Department may shortlist Tenderers following completion of its assessment of risk, for further progression in the Evaluation Process. The Department in its absolute discretion will determine the number of Tenderers on any shortlist.

7. Step 6 – Value for Money Assessment

- 7.1. The Department will determine the extent to which the Tender represents value for money by comparing the outcomes of each previous step for each Tender.
- 7.2. The Department will determine overall best value for money represented by the Tenders. Value for money is a core principle governing the Department's procurement and is enhanced by three supporting principles:
 - (a) encouraging competition;
 - (b) efficient, effective, ethical and economic use of resources; and
 - (c) accountability and transparency.
- 7.3. Determining value for money is a comprehensive assessment that takes into account all relevant financial and non-financial costs and benefits of each Tender, including the following:
 - (a) the technical assessment under Step 4;
 - (b) cost represented by the assessment of price under Step 4; and
 - (c) non-technical assessment and assessment of the relevant risks under Step 5.
- 7.4. At any stage of the Evaluation Process after Step 2, the Department may decide to:
 - (a) conduct visit(s) to the Tenderer(s)' premises;
 - (b) seek presentation(s) by the Tenderer(s) on their Tender, including (but not limited to) demonstrations of the Tenderer's proposed information management systems and ICT;
 - (c) require the Tenderer(s) to attend an interview;
 - (d) conduct referee checks;
 - (e) discuss with and/or visit customers or subcontractors of Tenderers, whether or not the customers or subcontractors are provided as referees by a Tenderer; and
 - (f) carry out independent enquiries about any matter that may be relevant to the evaluation of a Tender.
- 7.5. Following the conclusion of any site visits, presentations, interviews, visits and/or referee checks and the conduct of further independent enquiries, the Department will, in light of the further information received, review and where applicable may revise scores for the Technical and Non-Technical Evaluation Criteria.

- 7.6. At the end of Step 6, the Tenderer(s) representing overall best value for money will be identified as the preferred Tenderer(s).

8. Step 7 - Negotiation with Preferred Tenderer(s)

- 8.1. The Department may enter into negotiations with one or more Tenderers, including parallel negotiations, or if it has selected a Tenderer as the preferred Tenderer it may enter into negotiations with that Tenderer only. The purpose of negotiations is for the Department to address any risks and issues that have identified in the Evaluation Process. As part of this process, any Tenderer participating in negotiations may be asked to improve on any or all aspects of their Tender.
- 8.2. The Department unconditionally reserves the right to accept or exclude any Tender or Tenderers from **Step 7**.
- 8.3. The Evaluation Committee may seek Tenderers to amend any aspect of their Tender to reflect the outcomes negotiated between the preferred Tenderer(s) and the Department. However, the Evaluation Committee may decide not to consider any revised pricing if it considers that the Tenderer has changed the underlying basis on which the Tenderer's pricing was calculated.
- 8.4. The contractual arrangements will be as set out in the Draft Contract, subject to any changes identified in the Tenderer's Tender that have been agreed through negotiation with the preferred Tenderer(s).
- 8.5. Without limiting its other rights under this RFT, in the event that the Evaluation Committee concludes that during negotiations a Tenderer has retracted, or attempts to retract, its Tendered offer, including agreements under which material issues were resolved, the Department may:
- (a) disqualify the Tender and terminate any discussions with the Tenderer; or
 - (b) exercise any other right reserved to the Department under law or elsewhere in this RFT.

9. Step 8 – Debrief

- 9.1. Once the Department has finalised contractual arrangements with the successful Tenderer, successful and unsuccessful Tenderers will be notified in writing and will be given the opportunity to attend a verbal debriefing.
- 9.2. Information provided at the debriefing will be confined to details of the assessment of a particular Tenderer's response against the Evaluation Criteria.

PART 2 - EVALUATION CRITERIA

1. Technical Evaluation Criteria

- 1.1. Tenders will be evaluated against the following Technical Evaluation Criteria (which are weighted). The sub-criteria are unweighted.
- 1.2. The Department will, in evaluating each Tender, also take into account the Tenderer's response to each of the applicable specified evaluation scenarios (or case studies) as specified in **Attachment C** of this RFT) when evaluating the extent to which the Tender meets the Evaluation Criteria.

No.	Evaluation Criteria	Weighting
1	Capability	70%
1.a	Solution The extent to which the Tenderer can demonstrate that its proposed service delivery methodology and solution is able to provide the Services as outlined in the Statement of Requirement for the applicable Service Category. Guidance to the Tenderer: The Tenderer should include detail on the Tenderer's proposed solution for delivering the Services, including (but not limited to) a description of the following: - the Tenderer's demonstrated understanding of the Department's needs; - the proposed service delivery methodology and solution; - the proposed operating model and/or service delivery framework; - the proposed methods and activities; - the proposed resources, including details on the proposed personnel profile and any subcontract arrangements; - how the Tenderer's proposed solution and operating model will take into account the nature of the 24/7 operational environment of the Facilities; - how the Tenderer's proposed solution will be tailored depending on the uniqueness of the purpose, infrastructure and location of each Facility; and - any relevant service delivery interfaces and risks.	
1.b	Collaboration The extent to which the Tenderer can demonstrate collaborative, cooperative and proactive working relationships with a broad range of stakeholders to deliver high quality services that meet the Statement of Requirement for the applicable Service Category. For example, the Department, other government agencies, subcontractors, consortium members (if any), the Service Provider of the other Service Category, other service providers and Detainees. Guidance to the Tenderer: The Tenderer should include detail on the Tenderer's proposed solution for delivering the Services, including (but not limited to) a description of the Tenderer's proposed plan and approach to work collaboratively with the Service Provider of the other Service Category.	
1.c	Flexibility, Scalability and Improvement The extent to which the Tenderer can demonstrate: - An ability to provide the Services in a flexible, adaptable and scalable way so as to accommodate changing Detainee cohort demographics, numbers and needs; and - An ability to continuously improve how it will deliver the Services over time so as to ensure the Services remain effective and efficient.	

No.	Evaluation Criteria	Weighting
1.d	Performance The extent to which the Tenderer understands and is able to meet the reporting and quality management requirements of the Statement of Requirement for the applicable Service Category, including in relation to: • The extent to which the Tenderer is able to demonstrate it can provide appropriate incident management and reporting and respond to emergency requests from the Department; and • The extent to which the Tenderer can meet the specified performance standards or has proposed appropriate and achievable performance measures.	
1.e	Transition The quality of the Tenderer's proposed transition-in plan and the extent to which the Tenderer can demonstrate that it can achieve a successful transition of Services, without disruption or degradation to service delivery. Guidance to the Tenderer: <i>The Tenderer should include in its Tender its draft Transition-In Plan, that includes detail on the Tenderer's proposed approach to transition-in to the arrangements for the delivery of Services, including (but not limited to) a description of the following:</i> • <i>the proposed approach to meet all transition-in requirements set out in the applicable Statement of Requirements, as a minimum;</i> • <i>the proposed transition-in methods, activities and milestones;</i> • <i>the proposed timeframes and indicative dates;</i> • <i>the proposed transition-in team, including the responsibilities of the Tenderer and the Department.</i>	
1.f	Information Management Systems and ICT The extent to which the Tenderer can demonstrate that its proposed information management systems and/or ICT solutions are able to successfully support and enable the delivery of the Services as outlined in the Statement of Requirement for the applicable Service Category. Guidance to the Tenderer: <i>The Tenderer should include detail on the Tenderer's proposed information management systems and/or ICT solutions for enabling the delivery of the Services, including (but not limited to) a description of the following:</i> • <i>the proposed information management systems and/or ICT solutions, and how the proposed system(s) will deliver the functionality required to support and enable the delivery of the Services;</i> • <i>confirmation that the proposed system(s) meet the relevant standards as outlined in the Statement of Requirements;</i> • <i>how the Department will access the proposed system(s), including details on any portal or dashboards available;</i> • <i>what data the Department will be able to access on the proposed system(s), how 'live' the data is, and what reports can be generated;</i> • <i>the proposed approach to provide training for the Department where access to the proposed system(s) is required;</i> • <i>the proposed approach to upgrade and maintain the system(s), including the communication of these;</i> • <i>any relevant service delivery interfaces and risks associated with the proposed system(s); and</i> • <i>any limitations of the proposed system(s).</i>	

No.	Evaluation Criteria	Weighting
1.g	<i>Risk Assessment Framework (Service Category 1 only)</i> The quality of the Tenderer's proposed Risk Assessment Framework and associated risk assessment tools (including, but not limited to, the Detainee Risk Assessment, Facility Security Risk Assessment, and Escort Security Risk Assessment) and the extent to which the Tenderer can demonstrate that its proposed framework is suitable for application within the IDN. <i>Guidance to the Tenderer: The Tenderer should include in its Tender its draft Risk Assessment Framework, that includes detail on the Tenderer's proposed approach to managing risks associated with the delivery of Services in the IDN, including (but not limited to) a description of the following:</i> <i>the proposed approach to ensuring the principles and outcomes of the Risk Assessment Framework are aligned with the Department's objectives;</i> <i>the proposed approach, methodology, principles and tool(s) for creating and updating a Detainee Risk Assessment for each Detainee;</i> <i>the proposed approach, methodology, principles and tool(s) for creating and updating a Facility Security Risk Assessment for each Facility;</i> <i>the proposed approach, methodology, principles and tool(s) for creating an Escort Security Risk Assessment for each Escort Task;</i> <i>details on any other risk assessment tools that are proposed to exist within the Tenderer's proposed Risk Assessment Framework;</i> <i>the proposed risk ratings (including definitions) and outcomes to be generated from each of the proposed risk assessment tools; and</i> <i>any relevant service delivery and operational interfaces and risks.</i>	
1.h	<i>Clinical Governance Framework (Service Category 2 only)</i> The quality of the Tenderer's proposed Clinical Governance Framework and the extent to which the Tenderer can demonstrate that its proposed framework is suitable for application within the IDN. <i>Guidance to the Tenderer: The Tenderer should include in its Tender its draft Clinical Governance Framework, that includes detail on the Tenderer's proposed approach, including (but not limited to) a description of the following:</i> <i>the proposed approach to ensuring the principles and outcomes of clinical governance are aligned with the Department's objectives;</i> <i>the benefits of the proposed framework.</i>	

No.	Evaluation Criteria	Weighting
2	Capacity	20%
2.a	<i>Organisation</i> The extent to which the Tenderer has demonstrated that it has the organisational capacity and resources (including personnel, sub-contractors (if any), and suitable resourcing and governance arrangements) to provide the Services as outlined in the Statement of Requirement for the applicable Service Category. Guidance to the Tenderer: <i>The Tenderer should include detail on the Tenderer's organisational capacity and resources (including personnel, sub-contractors (if any), and suitable resourcing and governance arrangements) to provide the Services), including (but not limited to) a description of the following:</i> • <i>the Tenderer's proposed organisational and management structure, including suitable resourcing and governance arrangements, for the purposes of providing the Services;</i> • <i>the benefits of the proposed organisational and management structure and the anticipated timeframes for the structure to be implemented;</i> • <i>the Tenderer's proposed organisation chart to deliver all the Services;</i> • <i>details on each of the proposed leadership/management and service delivery teams, including (but not limited to) the size and composition, roles and responsibilities, key personnel positions, and how each team relates to the proposed solution to deliver the Services;</i> • <i>details on the capacity of each role is represented in a percentage of a Full Time Equivalent (FTE) employee, and clearly define if subcontractor arrangements will be used and, if so, where and how subcontractor resources will be applied; and</i> • <i>details on how the Tenderer's proposed organisational and management structure will scale so as to accommodate changing Detainee cohort demographics, numbers and needs; and</i> • <i>details of any past unethical behaviour and/or deficiencies in performance under prior contracts, including failure to comply with substantive requirements such as confidentiality provisions.</i>	
2.b	<i>Personnel</i> The extent to which the Tenderer has or is able to obtain sufficient personnel with the experience, ability, skills and qualifications to perform the Services to the required standard and within the required timeframes as outlined in the Statement of Requirement for the applicable Service Category. Guidance to the Tenderer: <i>The Tenderer should include detail on the Tenderer's proposed approach to source, select and retain sufficient personnel with the experience, ability, skills and qualifications to perform the Services to required standard and within the required timeframes as outlined in the Statement of Requirement, including (but not limited to) a description of the following:</i> • <i>the approach being adopted by the Tenderer for the sourcing, selection and retention of personnel to deliver all the Services. The response should clearly define if subcontractor arrangements will be used and if so, where and how subcontractor resources will be applied;</i> • <i>confirmation that personnel have the appropriate training and qualifications as outlined in the Statement of Requirement for the applicable Service Category; and</i> • <i>CVs for personnel performing key roles in the delivery of the Services.</i>	

No.	Evaluation Criteria	Weighting
3	Experience	10%
3.a	The extent to which the Tenderer has demonstrated past performance and experience in providing the services the same as, or similar to, the Services as outlined in the Statement of Requirement for the applicable Service Category. <i>Guidance to the Tenderer: The Tenderer should provide details of its (and its consortium members and subcontractors as appropriate) record of experience and quality of performance in the provision of services the same as, or similar to, the Services set out in the Statement of Requirement to the Department or to other organisations.</i> <i>The Tenderer should include details of how its experience will contribute to the delivery of Services as outlined in the Statement of Requirement for the applicable Service Category, and potential areas of improvement in service delivery in the future.</i>	

2. Non-Technical Evaluation Criteria

Tenders will also be evaluated against the following Non-Technical Evaluation Criteria (which are unweighted).

Tenderer's overall price (Non-Technical Evaluation Criterion 1)

Non-Technical Evaluation Criterion 1:
The Department will assess the Tenderer's overall price, as well as the individual fee components, to deliver the Services as outlined in the Statement of Requirement for the applicable Service Category, including the nature and extent of any costs, assumptions and other issues associated with the Tenderer's pricing. The Department will also take into account the price (or financial) impact of any pricing caveats or issues of partial or non-compliance with the RFT and the Draft Contract identified by the Tenderer.

The Department will, in evaluating the overall price of each Tender, also take into account the Tenderer's response to each of the applicable specified evaluation scenarios as specified in **Attachment D** to this RFT when evaluating the extent to which the Tender meets the Evaluation Criteria.

Direct economic benefit to Australia (Non-Technical Evaluation Criterion 2)

Non-Technical Evaluation Criterion 2:
The Department will assess the extent to which the Tender provides a direct economic benefit to Australia. This may include, but is not limited to: a) competitive pricing; b) building, leasing or procuring infrastructure that benefit Australian communities; c) providing skills and training that benefit Australian communities; d) employing workers in Australia; e) employing apprentices or trainees in Australia; f) paying taxes in Australia; g) the environmental impacts and benefits of the proposed solution to Australia, for example: i. reducing environmental impact through energy efficient inputs, such as, 5-star energy rating, water consumption, rating of electrical equipment and goods and packaging of goods to meet Commonwealth environmental standards and policy, including disposal requirements; or ii. using recycled materials or content; h) mandatory environment standards for ICT acquisitions; i) contributing to positive social outcomes in Australian communities; j) using Indigenous businesses; k) using SMEs in delivering goods and/or services, either directly or as a subcontractor or a contractor;

Non-Technical Evaluation Criterion 2:

- l) developing and adopting innovative products or practices that benefit Australian communities;
- m) sharing knowledge, skills and technology with SMEs;
- n) creating export opportunities for Australian goods and/or services;
- o) using goods and services from a business that provides services of persons with a disability; and
- p) developing Australian industry capabilities or industrial capacity.

Degree of risk associated with the Tender (Non-Technical Evaluation Criterion 3)**Non-Technical Evaluation Criterion 3:**

The Department will assess the degree of risk associated with the Tenderer and the Tender that have not been evaluated under other Evaluation Criteria, including (but not limited to):

- the degree of the Tenderer's overall compliance with the RFT, Statement of Requirement and Draft Contract and the likelihood of any non-compliance meaning the Department is unable to agree a contractual arrangement with that Tenderer;
- the nature and extent of the Tenderer's proposed confidential information;
- the corporate structure of the Tenderer and subcontractor(s) and the nature of the arrangements between the Tenderer and subcontractor(s);
- the financial capacity of the Tenderer, the Tenderer's parent company (if applicable) and if considered necessary, key subcontractors, consortium members and other relevant entities (as applicable or appropriate), including any associated risks to the Department;
- the number and type of any conflicts of interest which have been identified by the Tenderer (or by the Department) and the ability for these to be appropriately managed;
- the Tenderer's ability and willingness to comply with law and Commonwealth Policies;
- the nature of any potential issues or areas of public exposure for the Tenderer;
- the nature and extent of any assumptions or any other issues related to the Tenderer's delivery model;
- the tax assumptions made in the Tenderer's Tender; and
- any other risks to the Department which are inherent in, or associated with the Tenderer or the Tender.