



Government Waihōpai / Invercargill Decarbonisation Contestable Fund

REQUEST FOR PROPOSALS (RFP)

21 February 2022

REQUEST FOR PROPOSALS RELEASED: Monday 21 February 2022

DEADLINE FOR PROPOSALS: 5.00pm Friday 20 May 2022

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1.0 Introduction

Southland is committed to achieving net zero emissions by 2050. This is in-line with the New Zealand Government's mandate under their commitments to the Paris Agreement. For the past 15 years, Great South (Southland's Regional Development Agency) has been leading initiatives to support Southlanders achieving a net zero future through innovative, collaborate, and resilient approaches.

Process heat accounts for ~35% of New Zealand's energy consumption, with ~55% of process heat demand being supplied by fossil fuels (mainly coal and/or natural gas), and ~68% of process heat made using boiler systems¹. Within the Southland setting, greenhouse gas emissions from fossil fuelled supplied process heat accounts for 17% of Southlands Regional Emissions Inventory².

In 2021, as part of the Carbon Neutral Advantage project, Great South released the Net Zero Southland report – an economic mitigation pathways analysis for how Southland can achieve net zero emissions by 2050. Transitioning fossil fuelled boilers was one of the fifteen mitigation pathways modelled, with positive abatement and economic returns realised.

Now, Great South in partnership with EECA (Energy Efficiency and Conservation Authority) have established a regional decarbonisation fund to stimulate the decarbonisation of existing commercial fossil fuelled heating systems in the Invercargill City boundary. The Government Waihōpai/Invercargill Decarbonisation Contestable Fund is a 'shovel ready' project provided from the New Zealand Government's COVID-19 Response and Recovery Fund. The key objectives of the Contestable Fund are to:

- Reduce the amount of fossil fuels used to meet commercial and building space and water heating requirements in the Invercargill City boundary and thereby reduce the local and global pollution of particulate emissions and greenhouse gas emissions.
- Stimulate economic activity and provide jobs in Southland and so contribute to the recovery from the economic effects of COVID-19.

Great South will be administering the new \$3.77m Contestable Fund.

Proposals will need to demonstrate impact through co-investment and the acceleration of Project timelines.

¹ Statistics referenced from the *Process Heat Overview Fact Sheet* developed by EECA and MBIE, 2016

² As derived in the 2020 Regional Emissions Inventory Baseline

2.0 Criteria and Principles

2.1 Contestable Fund Overview

The purpose of the Contestable Fund is to accelerate the decarbonisation of commercial fossil fuelled space and water heating systems by supporting energy efficiency and fuel switching projects.

Projects will need to demonstrate strong value for money for the Contestable Fund and will be considered in line with criteria that has been guided by the following investment principles:

- Maximising impact: projects should demonstrate strong carbon abatement potential relative to the level of investment and support employment and economic activity.
- Implementation readiness: projects must be able to be implemented by 31 December 2023.

2.2 Contestable Fund Principles

- Applications for funding must be for project capital costs, not for internal staff or operating costs;
- Projects are to be delivered by 31 December 2023;
- Projects must have a total project cost of at least \$50,000 (plus GST (if any));
- The fossil fuelled heating system replacement must be with a low-emission heating system such as:
 - Conversion to dried wood chip or wood pellet;
 - Conversion to electricity;
 - Installation of a new wood chip, wood pellet or electric boiler;
 - Electrical heating via heat pump system; or
 - Solar thermal energy use, i.e. solar photovoltaic (PV)
- Declaration of the applicants funding contribution must be provided by the application; and
- Applications should be accompanied with third party quotes.

2.3 Contestable Fund Eligibility Criteria

The Contestable Fund will provide capital grant co-funding to support decarbonisation of commercial fossil fuelled space and water heating systems.

As a minimum, applications must demonstrate the project:

- Can be implemented by 31 December 2023;
- Projects must be delivered within the Invercargill City Boundary;
- Carbon abatement potential per annum and over the asset life;
- Reduces carbon emissions from fossil fuels currently used to meet commercial and building space and water heating requirements;
- Is supported by a business case or feasibility study outlining why the solution proposed is the best approach;
- Utilises commercially available technologies;
- Must support economic stimulus driving domestic employment, capacity building and local capability;
- Delivery is supported by a comprehensive project plan with acceptable milestones and achievable timelines; and
- Is supported by applicant co-funding of 50% (minimum) of the project costs.

In addition, the following factors are important in considering proposals:

- Applicant's share of funding is committed to the Project and any outstanding approvals will be attained by 20 June 2022;
- Any regulatory approvals required have been identified and can be achieved.

Proposals must be projects delivered in the Invercargill boundary, however proposals can include the involvement of suppliers based overseas.

2.4 Contestable Fund Eligibility Exclusions

The following details contestable fund eligibility exclusion criteria:

- The project must not have been eligible to apply for the Government Investment in Decarbonising Industry (GIDI) funding;
- The project must not relate to residential applications; and
- The project must not relate to new builds.

2.5 Co-Funding

Applicants are required to outline a level of co-funding in their proposal and should only request contestable funding of an amount that enables the project to be implemented or brought forward.

Applicants are required to outline the level of co-funding and should consider the Contestable Fund Principles as outlined in Section 2.2 of this document.

The co-funding must be cash, and not in-kind (such as existing assets or the provision of already-purchased goods and services). It cannot be used to cover 'business as usual' costs such as ongoing costs of existing operations (note – the cost of an external contractor hired to backfill for a staff member assigned to the project can be included).

2.6 Who can apply?

New Zealand-based and NZBN registered private sector businesses (defined as 51% owned by New Zealanders) who utilise fossil fuels as the source of energy in their commercial processes and process heat can apply for the Contestable Fund.

The following types of organisations are not eligible to apply for the Contestable Fund:

- State and public sector organisations;
- Local Government organisations including both Local and Regional Authorities; and
- Council Controlled Organisations.

2.7 How decisions will be made?

An Evaluation Panel will be established to assess each application against the Criteria and Principles contained in Section 2.0 of this document.

2.8 Reporting Requirements

Comprehensive reporting of the project deliverables and outcomes against those outlined in the proposal will be required, along with detailed validation of project costs and confirmation of deliverables throughout the life of the project, including confirmation of total project investment in the New Zealand economy, balance of the project costs invested with overseas suppliers, and best assessment of the contribution towards supporting local employment.

Confirmation of asset performance including energy and carbon emissions reduction outcomes, will be a contractual requirement at least 12 months after Project completion.

Contestable funding recipients will work with Great South and EECA to share their story and results across a variety of media.

3.0 Key Information

3.1 RFP Timeline

Below is the timeline for the RFP (Request for Proposals). All dates and times are in New Zealand standard time.

Steps in the RFP process	Date
RFP released and applications open	Monday 21 February 2022
Deadline for proposals	Friday 20 May 2022, 5:00pm
Evaluation Panel process (including assessing proposals)	By Friday 10 June 2022
Applicants notified of outcome	From 13 June 2022

3.2 How to contact us

All enquiries, including any questions associated with the scope of the contestable fund or how to complete the Response Form, must be directed to the Contestable Fund Point of Contact.

Point of Contact

Name: Lee Atkinson

Email address: lee@greatsouth.nz

4.0 Our Assessment and Decision-Making Approach

4.1 Assessment process

The approach for allocating funding is a contestable process. All eligible proposals will go through the same assessment process.

Eligible proposals will be assessed by the Evaluation Panel. The indicative assessment process and timetable is shown below:

Date	Action
Friday 20 May 2022, 5:00pm	Applicants submit proposals in response to the RFP
By Tuesday 24 May 2022, 5:00pm	Great South emails confirmation of receipt of your application
By Thursday 26 May 2022	Great South administrative review for eligibility and completeness
By Friday 10 June 2022	Evaluation Panel assessment and recommendation
From 13 June 2022	Applicants notified of decisions

4.2 Evaluation Panel members

The Evaluation Panel will be a minimum of four panel members and a maximum of six, selected and determined by Great South. One of the Evaluation Panel members will be an EECA representative with the balance of the Evaluation Panel members being suitably qualified by education and/or experience.

The proposed composition of the Evaluation Panel is as follows:

Role	Voting	Member
Chair of Evaluation Panel	<input checked="" type="checkbox"/>	1 x business/technical/Great South appointment
EECA representative	<input checked="" type="checkbox"/>	1 x EECA internal appointment
Great South Panel member	<input checked="" type="checkbox"/>	1 x Great South project appointment (technical)
Panel Administration	<input type="checkbox"/>	1 x Great South project appointment
Business group	<input checked="" type="checkbox"/>	1 x business subject matter expert
Technical experts	<input checked="" type="checkbox"/>	1 x technical subject matter expert

4.3 Minimum eligibility conditions

Ref	Minimum eligibility conditions
1.	The applicant must be a New Zealand-based and NZBN registered private sector business (defined as 51% owned by New Zealanders). Note: State and Public Sector organisations, Local Authorities, and Council controlled organisations are <u>not</u> eligible to access the Contestable Fund.
2.	The applicant must be able to demonstrate the amount of carbon abated.
3.	The applicant is committed to working safely and ensuring the health and safety of workers and others affected by the Project work, and have appropriate systems and processes to undertake the work.
4.	The applicant is committed to working in a manner that will not damage either Great South or EECA's reputation.

5.	The applicant can demonstrate the ability to co-fund the remainder of the total cost of the project either directly or utilising other funding mechanisms.
6.	The application meets the requirement of the Contestable Fund criteria and principles as outlined in Section 2.0.
7.	The applicant can demonstrate that their internal approvals to undertake the project (subject to contestable funding) will be complete by 20 June 2022.
8.	The project must be delivered in Invercargill New Zealand. (The project may utilise overseas suppliers but the resulting asset and decarbonisation outcomes must be New Zealand based).
9.	The project must generate greenhouse gas emissions savings by reducing fossil fuel use for process heat.
10.	The project must be in the commercial sector (residential, industrial, waste reduction, electricity generation, mobile plant, agricultural emissions, embodied carbon, displacing one fossil fuel for another, and transport projects are excluded). Factories, warehouses, retail shops, hotels, office buildings are included .
11.	The project must be supported by appropriate business cases and/or feasibility studies demonstrating that all relevant options have been assessed properly and explaining why the specific option described in the application has been selected.
12.	Applications must be accompanied by third party quotes.
13.	The project must rely on commercially available and proven technologies.
14.	The project must be implemented in a timeframe allowing all the funding to be spent by the end of the Contestable Fund period (31 December 2023).
15.	The applicant must have completed the RFP Response Form in full, including required financial information.

4.4 Assessment Criteria

Proposals which meet all minimum eligibility conditions (Section 4.3) will be evaluated by the Evaluation Panel using a weighted criteria evaluation model outlined as follows:

Criteria	Weighting	Key question(s)
Carbon abatement vs investment	35%	<ul style="list-style-type: none"> What is the total carbon abatement in terms of tonnes of CO₂ equivalent on a per annum basis and over the life of the Project? Only emissions up to a maximum of 25 years are counted. What is the value of the Government's co-investment in the Project in terms of \$/t CO₂ abated?
Economic stimulus driving domestic employment	20%	<ul style="list-style-type: none"> What is the total amount of money directly injected into the New Zealand economy from this Project per dollar of public funding? To what extent does this Project directly support domestic employment in terms of its contribution to New Zealand based on full time employee (FTE) equivalent? What level of the total project cost is invested within New Zealand's economy with New Zealand manufacturers and service providers? What amount of the total incremental project cost will be directed offshore (e.g., imported equipment and services)? What regions of New Zealand most benefit from this investment?

		<ul style="list-style-type: none"> • What are the details of FTE equivalent generated by the project?
Ability to deliver	15%	<ul style="list-style-type: none"> • To what extent does the Applicant have the funding, expertise, resources, relationships, and commitment necessary to deliver the initiative? • What is the Applicant's track record of delivering comparable Projects? • Has the Applicant provided a comprehensive Project plan, with acceptable milestones and realistic timelines that will see the Project delivered before 31 December 2023? • Has the Applicant credibly identified Project risks and barriers to success and how they will be addressed?
Integrated and energy efficiency	15%	<ul style="list-style-type: none"> • Has the Applicant demonstrated an appropriate level of analysis to determine the best solution has been identified? • Does the Project ensure that demand side opportunities such as energy efficiency or process optimisation, have been considered in contributing to carbon abatement outcomes? • What feasibility studies or options analysis have been undertaken to determine the proposed Project is the best solution identified?
Level of innovation and co-benefits (may include reduction of particulates and co-benefits)	15%	<ul style="list-style-type: none"> • How innovative and ambitious is the Project compared to any equivalent business as usual activities the Applicant would normally be undertaking? • What is the replication potential of this Project in terms of market emissions reduction potential? Is the Project applicable to multiple businesses using similar ideas or technologies? • To what extent will this Project assist in the diffusion of this innovation in the wider market? • Are there co-benefits such as support of biomass supply activity, market development, or broader transition effects?

Note: In addition to public benefits, Great South understands projects may provide private benefits (e.g. reduced costs, marketing opportunities, etc). These private benefits cannot be used to justify public funding.

4.5 Scoring

The following scoring scale will be used in assessing proposals. Scores by individual Evaluation Panel members may be modified through the modification process conducted across the whole Evaluation Panel.

Description	Definition	Rating
Excellent	Exceeds the expectations. Exceptional demonstration by the Applicant of the relevant ability, understanding, experience, skills, and resource and quality measures required to deliver the Project. Response identifies factors that will offer potential added value, with evidence.	9-10
Good	Satisfies the expectations with minor additional benefits. Above average demonstration by the Applicant of the relevant ability, understanding, experience, skills, resource, and quality measures required to deliver the Project. Response identifies factors that will offer potential added value, with supporting evidence.	7-8
Acceptable	Satisfies the expectations. Demonstration by the Applicant of the relevant ability, understanding, experience, skills, resources, and quality measures required to deliver the Project, with supporting evidence.	5-6
Minor reservations	Satisfies the expectations with minor reservations. Some minor reservations about the Applicant's relevant ability, understanding, experience, skills, resources, and	3-4

	quality measures required to deliver the Project, with little or no supporting evidence.	
Serious reservations	Satisfies the expectations with major reservations. Considerable reservations about the Applicant's relevant ability, understanding, experience, skills, resources, and quality measures required to deliver the Project, with little or no supporting evidence.	1-2
Unacceptable	Does not meet the expectations. Does not comply and/or insufficient information provided to demonstrate that the Applicant has the ability, understanding, experience, skills, resources, and quality measures required to deliver the Project, with little or no supporting evidence.	0

4.6 Further analysis of Proposals

In addition to the above assessment, Great South and/or the Evaluation Panel may undertake the following processes and due diligence in relation to any Proposal:

- a. Reference check of the applicant organisation(s) and named personnel.
- b. Request clarification of aspects of the Proposal.
- c. Request confirmation of delivery timelines and co-funding commitments.
- d. Interview Applicants (if required and at the Panel's discretion).
- e. Conduct internal and/or external due diligence checks.

4.7 Decision-making

The Evaluation Panel are the decision-makers for the Contestable Fund and have the sole discretion to determine which Projects (if any) will receive co-funding and the value of any co-funding.

EECA will be informed of the Projects both recommended and not recommended for approval by the Evaluation Panel.

If co-funding is declined, the Applicant will be informed, and a written explanation will be emailed to the Applicant (referencing the details as specified in the RFP Response Form).

If co-funding is approved, an offer will be communicated to the successful Applicant/s.

5.0 Funding Sought

5.1 Funding information to be provided by Applicants

Applicants are to provide details of funding sought as part of their Proposal. In submitting the funding request, Applicants must meet the following requirements:

- a. Proposals are to be submitted using the web-based RFP Response Form in the 'How to Apply' section of the Great South website.

The RFP Response Form is to show a breakdown of all costs associated with the full delivery of the proposed Project over the term of the Project.
- b. Where the Project is an extension of what would have been a business-as-usual activity, all Project components and costs in excess of the business-as-usual activity must be provided.
- c. In preparing its Proposal, the Applicant is to consider all risks, contingencies and other circumstances relating to the delivery of the Project and include adequate provision in the Proposal and funding information to manage such risks and contingencies.
- d. The Applicant must document in its Proposal all assumptions and qualifications made about the delivery of the Project, including in the funding information. Any assumption that Great South or a third party will incur any cost related to the delivery of the Project must be stated, and the cost estimated if possible.
- e. Costs should be submitted in NZ\$ and be exclusive of GST.

6.0 General Information

6.1 Commercial-in-Confidence

All information collected and held during the RFP process will be held in the strictest confidence. This information will include:

- The identity of entities engaging with Great South and related parties at any stage prior to their successful funding application decision being communicated to the Applicant.
- Information provided to or by Great South and the Evaluation Panel prior to Proposals being submitted.
- Proposals.
- Materials used to comment on and assess Proposals.

It is noted that for the purposes of assessing the effectiveness of the Contestable Fund, Great South may share appropriately anonymised data gathered from the RFP process with relevant third parties.

6.2 Official Information Act

Great South is bound by the Official Information Act 1982 (OIA) and subject to other public law obligations. Accordingly, while the information provided by Applicants is intended to be held in the strictest confidence, the information that Great South holds can be requested by third parties and Great South must provide information as required to do so by law. The OIA does enable Great South to withhold information under certain conditions. Where applicable, Great South will consult with the relevant Applicants and Recipients if it receives an OIA request.

6.3 Publication of decisions

Great South and EECA will make public all funding, including who the Recipients are, the amounts of funding provided, and a brief description of each Project. This will be done following either the approval of funding or the signing of a Funding Agreement.

6.4 Due diligence and financial matters

Due diligence

At any stage during the assessment process, Great South may undertake due diligence checks on Applicants as needed to meet Government requirements. signing and submitting the Response Form is considered consent to these checks taking place.

GST

All amounts included in Proposals should be GST exclusive. The funding figures cited in any documents are GST exclusive.

Financial Year

The Crown's financial year runs from 1 July to 30 June. Proposals should use this timeframe when providing financial information.

Tax advice

Great South does not provide tax advice. If needed, Applicants should seek advice from tax specialists about how any funding granted may affect their tax positions.

6.5 Declaration

As part of the Contestable Fund process, Applicants will be required to sign and submit declarations (part of the RFP Response Form) to confirm that the information they provide is accurate and to acknowledge that they have read and understood this RFP, including its terms, conditions and criteria and the information relating to obligations under the Official Information Act.

7.0 RFP Process, Terms and Conditions

Note to Applicants

- In managing the Contestable Fund, Great South will endeavour to act fairly and reasonably in all its dealings with interested Applicants, and to follow due process which is open and transparent.
- This section contains our RFP Process, Terms and Conditions (“RFP-Terms”) which apply to the Contestable Fund.
- Words and phrases that have a special meaning are shown using capitals.
- If you have any questions about the RFP Terms, please email the Contestable Fund Point of Contact.

7.1 Preparing a Proposal

Applicants are to use the RFP Response Form provided and include all information requested by Great South in relation to the RFP.

By submitting a Proposal, the Applicant accepts that it is bound by these RFP Terms.

Each Applicant will:

- a. Examine the RFP and any documents referenced in the RFP and any other information provided by Great South;
- b. Consider all risks, contingencies and other circumstances relating to the delivery of its proposed Project and include adequate provision in its Proposal to manage such risks and contingencies;
- c. Document in its Proposal all assumptions and qualifications made about the delivery of the proposed Project, including any assumption that Great South or a third party will deliver any aspect of the proposed Project or incur any cost related to the delivery of the proposed Project;
- d. Ensure that pricing information is quoted in NZ\$ exclusive of GST;
- e. If appropriate, obtain independent advice before submitting a Proposal;
- f. Satisfy itself as to the correctness and sufficiency of its Proposal, including the proposed pricing and the sustainability of the pricing.

7.2 Clarification or Questions from Applicants’

Each Applicant should satisfy itself as to the interpretation of the RFP. If there is any perceived ambiguity or uncertainty in the RFP, Applicants should seek clarification promptly.

All requests for clarification must be made by email to the Contestable Fund Point of Contact. Great South will endeavour to respond to requests in a timely manner.

If Great South considers a request to be of sufficient importance to all Applicants, it may publish details of the question and answer. In doing so Great South may summarise the question and will not disclose the Applicant’s identity. The question and answer will be posted on the Great South website. An Applicant may withdraw a request at any time.

In submitting a request for clarification an Applicant is to indicate, in its request, any information that is commercially sensitive. Great South will not publish such commercially sensitive information. However, Great South may modify a request to eliminate such commercially sensitive information and publish this and the answer where Great South considers it of general significance to all Applicants. In this case, however, the Applicant will be given an opportunity to withdraw the request or remove the commercially sensitive information.

7.3 Submitting a Proposal

Each Applicant is responsible for ensuring that its Proposal is submitted using the web-based RFP Response Form by **5:00pm, Friday 20 May 2022**. Great South will acknowledge receipt of each Proposal. Great South intends to rely on the Applicant’s Proposal and all information provided by the Applicant (e.g. correspondence and negotiations).

In submitting a Proposal and communicating with Great South, each Applicant should check that all information it provides to Great South:

- a. Is true, accurate and complete, and not misleading in any material respect; and
- b. Does not contain Intellectual Property that will breach a third party's rights.

Great South may invite Applicants to rectify any minor errors or omissions in their Proposals during Great South's administrative review and eligibility check process. Otherwise, any Proposal not meeting all the minimum eligibility conditions will be disqualified from the remainder of the process.

Assessing Proposals

7.4 Evaluation Panel

Great South will convene an Evaluation Panel comprising members chosen for their relevant expertise and experience. In addition, EECA will allocate one suitably experienced staff member to the Evaluation Panel.

7.5 Third party information

Each Applicant authorises Great South to collect additional information from any relevant third party (such as a referee or a previous or existing client) and to use that information as part of its assessment of the Applicant's Proposal.

Each Applicant is to ensure that all referees listed in support of its Proposal (if provided) agree to provide a reference.

To facilitate discussions between Great South and third parties, each Applicant waives any confidentiality obligations that would otherwise apply to information held by a third party, with the exception of commercially sensitive pricing information.

7.6 Proposal Clarification

Great South, or the Evaluation Panel, may at any time request from any Applicant clarification of its Proposal as well as additional information about any aspect of its Proposal. Great South is not required to request the same clarification or information from each Applicant.

The Applicant must provide the clarification or additional information in the format requested. Applicants will endeavour to respond to requests in a timely manner. The Evaluation Panel may take such clarification or additional information into account in assessing the Proposal.

Where an Applicant fails to respond adequately or within a reasonable time to a request for clarification or additional information, the Evaluation Panel may cease assessing the Applicant's Proposal and Great South may eliminate the Proposal from the RFP process.

7.7 Assessment and decision-making

The Evaluation Panel will base its assessment on the Proposals submitted in response to the RFP. The Evaluation Panel may adjust its assessment of a Proposal following consideration of any clarification or additional information requested.

In deciding which Applicants to receive funding for, the Evaluation Panel will consider the results of the assessment. The Evaluation Panel may also consider any of the following additional information:

- i. The results from reference checks and any other due diligence;
- ii. Any matter that materially impacts on Great South's trust and confidence in the Applicant;
- iii. Any other relevant information that Great South may have in its possession.

The Evaluation Panel are the decision-makers for who will receive co-funding.

7.8 Offers of Contestable Funding

Great South will communicate with the successful Applicants by way of a Recipient Funding Agreement.

Each Applicant agrees that any legally binding Funding Agreement entered into between the successful Applicant and Great South will be essentially in the form set out in the Proposed Funding Agreement, which is part of the RFP documentation.

7.9 Notification of outcome

At any point, but no later than 30 Business Days after the Evaluation Panel have made decisions on which Proposals will be offered funding, Great South will inform all unsuccessful Applicants of the outcome regarding their Proposal.

7.10 Issues and Complaints

An Applicant may, in good faith, raise with Great South any issue or complaint about the RFP, or the RFP process at any time.

Great South will consider and respond promptly and impartially to the Applicant's issue or complaint. Both Great South and the Applicant agree to act in good faith and use their best endeavours to resolve any issue or complaint that may arise in relation to the RFP.

The fact that an Applicant has raised an issue or complaint will not be used by Great South to unfairly prejudice the Applicant's ongoing participation in the RFP process.

Standard RFP Conditions

7.11 Great South's Point of Contact

All enquiries regarding the RFP must be directed by email to Great South's Point of Contact (Contestable Fund Point of Contact). Applicants must not directly or indirectly approach any representative of Great South, or any other person, to solicit information concerning any aspect of the RFP after the Deadline for Proposals date.

Only the Point of Contact, and any authorised person of Great South, are authorised to communicate with Applicants regarding any aspect of the RFP. Great South will not be bound by any statement made by any other person.

Great South may change the Point of Contact at any time. Great South will notify any such change by posting a notice on its website.

Where an Applicant has an existing funding agreement or contract for services with Great South, then business as usual communications, for the purpose of managing delivery of that agreement or contract, will continue using the usual contacts. Applicants must not use business as usual contacts to solicit information or discuss aspects of the RFP once they have submitted a Proposal.

7.12 Conflict of Interest

Each Applicant must complete the Conflict of Interest declaration in the Response Form and must immediately inform Great South should a Conflict of Interest arise during the RFP process. A material Conflict of Interest may result in the Applicant being disqualified from participating further in the RFP.

7.13 Ethics

Applicants must not attempt to influence or provide any form of personal inducement, reward, or benefit to any representative of Great South or the Evaluation Panel in relation to the RFP.

Great South reserves the right to require additional declarations, or other evidence from an Applicant, or any other person, throughout the RFP process to ensure probity of the RFP process.

7.14 Anti-collusion and bid rigging

Applicants must not engage in collusive, deceptive, or improper conduct in the preparation of their Proposals or other submissions or in any discussions or negotiations with Great South. Such behaviour will result in the Applicant being disqualified from participating further in the RFP process.

Great South reserves the right, at its discretion, to report suspected collusive or anti-competitive conduct by Applicants to the appropriate authority and to give that authority all relevant information including any relevant Proposal.

7.15 Confidential Information

Great South and the Applicant will each take reasonable steps to protect Confidential Information and, without limiting any confidentiality undertaking agreed between them, will not disclose Confidential Information to a third party without the other's prior written consent.

Great South and the Applicant may each disclose Confidential Information to any person who is directly involved in the RFP process on its behalf, such as officers, employees, consultants, contractors, professional advisors, Evaluation Panel members, partners, principals, or directors, but only for the purpose of participating in the RFP.

The Applicant acknowledges that Great South may disclose appropriately anonymised information gathered from Applications (successful or unsuccessful), sharing that data with relevant Crown or non-Crown entities for the sake of measuring the effectiveness of the Contestable Fund.

Applicants acknowledge that Great South is subject to requirements imposed by the Official Information Act 1982 (OIA), the Privacy Act 1993, parliamentary and constitutional convention, and any other obligations imposed by law. Great South will not be in breach of its obligations if Confidential Information is disclosed by Great South to the appropriate authority because of suspected collusive behaviour. Where Great South receives an OIA request that relates to an Applicant's Confidential Information, Great South will consult with the Applicant and may ask the Applicant to explain why the information is considered by the Applicant to be confidential or commercially sensitive.

7.16 Confidentiality of RFP information

For the duration of the RFP, to the date of the announcement of the successful Applicant(s), or the end of the RFP process, the Applicant agrees to keep the RFP strictly confidential and not make any public statement to any third party in relation to any aspect of the RFP, the RFP process, or the award of any Funding Agreement without Great South's prior written consent.

An Applicant may disclose RFP information only for the purpose of participating in the RFP. The Applicant must take reasonable steps to ensure that such recipients do not disclose Confidential Information to any other person or use Confidential Information for any purpose other than responding to the RFP.

7.17 Costs of participating in the RFP process

Each Applicant will meet its own costs associated with the preparation and presentation of its Proposal and any negotiations.

7.18 Ownership of documents

The RFP and its contents remain the property of Great South. All Intellectual Property rights in the RFP remain the property of Great South or its licensors. Great South may request the immediate return or destruction of any or all RFP documents and any copies. Applicants must comply with any such request in a timely manner.

All documents forming the Proposal will, when submitted to Great South, become the property of Great South. Proposals will not be returned to Applicants at the end of the RFP process.

Ownership of Intellectual Property rights in the Proposal remain the property of the Applicant or its licensors. However, the Applicant grants to Great South a non-exclusive, non-transferable, perpetual licence to retain, use, copy and disclose information contained in the Proposal for any purpose related to the RFP process.

In addition, the Applicant grants to Great South a non-exclusive, non-transferable, perpetual licence to retain, use, copy, and disclose anonymised data gathered from the RFP process to third parties for the purposes related to assessing the effectiveness of the Contestable Fund.

7.19 Elimination

Great South may exclude an Applicant from participating in the RFP if Great South has evidence of any of the following, and is considered by Great South to be material to the RFP:

- i. The Applicant has failed to provide all information requested, or in the correct format, or materially breached a term or condition of the RFP;
- ii. The Proposal contains a material error, omission or inaccuracy;
- iii. The Applicant is in bankruptcy, receivership or liquidation;
- iv. The Applicant has made a false declaration;
- v. There is a serious performance issue in a historic or current funding agreement or contract held by the Applicant;
- vi. The Applicant has been convicted of a serious crime or offence;
- vii. There is professional misconduct or an act or omission on the part of the Applicant which adversely reflects on the integrity of the Applicant;
- viii. The Applicant has failed to pay taxes, duties or other levies;
- ix. The Applicant represents a threat to national security or the confidentiality of sensitive government information;
- x. The Applicant is a person or organisation designated as a terrorist by New Zealand Police.

7.20 Great South's additional rights

Despite any other provision in the RFP Great South may, on giving due notice to Applicants:

- i. Amend, suspend, cancel and/or re-issue the RFP, or any part of the RFP;
- ii. Make any material change to the RFP on the condition that Applicants are given a reasonable time within which to respond to the change.

Despite any other provision in the RFP Great South may:

- i. Accept a late Proposal if it is Great South's fault that it is received late;
- ii. In exceptional circumstances, accept a late Proposal where it considers that there is no material prejudice to other Applicants. Great South will not accept a late Proposal if it considers that there is risk of collusion on the part of an Applicant;
- iii. Accept or reject any Proposal, or part of a Proposal;
- iv. Accept or reject any non-compliant, non-conforming or alternative Proposal;
- v. Decide not to enter into a Funding Agreement with any Successful Applicant;
- vi. Liaise or negotiate with any Applicant without disclosing this to any other Applicant;
- vii. Provide or withhold from any Applicant information in relation to any question arising in relation to the RFP. Information will usually only be withheld if it is deemed unnecessary, is commercially sensitive to an Applicant, is inappropriate to supply at the time of the request or cannot be released for legal reasons;
- viii. Amend the Proposed Funding Agreement at any time, including during negotiations with an Applicant;
- ix. Waive irregularities or requirements in or during the RFP process where it considers it appropriate and reasonable to do so;
- x. Decline to consider an Applicant's Proposal, if in Great South's opinion, awarding the funding to the Applicant may affect New Zealand's ability to comply with its international obligations including (and not limited to) treaties and international law.

Great South may request that an Applicant agrees to Great South:

- i. Selecting any individual element/s of the Project that is offered in a Proposal and capable of being delivered separately, unless the Proposal specifically states that the Proposal, or elements of the Proposal, are to be taken collectively;
- ii. Selecting two or more Applicants to deliver a Project as a joint venture or consortium.

7.21 Disclaimer

Great South will not be liable in contract, tort, equity, or in any other way whatsoever for any direct or indirect damage, loss or cost incurred by any Applicant or any other person in respect of the RFP process.

Nothing contained or implied in the RFP, or RFP process, or any other communication by Great South to any Applicant shall be construed as legal, financial, or other advice. Great South has endeavoured to ensure the integrity of such information. However, it has not been independently verified and may not be updated.

To the extent that liability cannot be excluded, the maximum aggregate liability of Great South, its agents and advisors is \$1.