

Smither, Margaret

From: Dzwonek, Dominica [Dominica.Dzwonek@dfat.gov.au]
Sent: Tuesday, 12 July 2011 10:30 AM
To:

s47C

Cc:
Subject: Australia Network AusTender documentation [SEC=IN-CONFIDENCE:LEGAL]
Attachments: t0LYAKAV.doc; Austender notice 8 july 2011.docx

Importance: High

~~IN-CONFIDENCE:LEGAL~~

Dear All,

Please find attached below the Australia Network RFT Addendum and AusTender notice as released on AusTender.

Kind regards,
Dominica

Dominica Dzwonek
Department of Foreign Affairs and Trade
Tel: +61 2 6261 3249
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~~IN-CONFIDENCE~~

~~IN-CONFIDENCE:LEGAL~~

Australia Network Request for Tender Addendum

RFT No: DFAT11-CPD-02
Addendum No 1 dated 5 July 2011

Background

On Friday 24 June 2011, tenderers for the Australia Network tender were provided the following advice:

Begins

Pursuant to paragraph 4.7.1.(a) of the Australia Network RFT Conditions Of Tender, the Government has decided to amend the RFT to include an additional evaluation criterion.

The current Australia Network RFT sought tenderers for a service that will support Australia's national interests and meet the Commonwealth Objectives. The Commonwealth Objectives were formulated around Australia's enduring interests in the Asia-Pacific region. They required the Australia Network service provider to promote a positive image of Australia as a dynamic and culturally diverse nation of the Asia-Pacific, and to increase awareness of the strong links between Australia and the Asia-Pacific region.

In the light of changed international circumstances since the RFT was issued, the Government has decided that its national interests should be addressed more broadly.

The Government has therefore decided to add an additional evaluation criterion to require Tenderers to specifically address how their operation of the Australia Network service would meet the national interests of Australia, and particularly in the light of changed international circumstances since the RFT was issued. Among these changes increasingly apparent are the importance of key emerging markets in South Asia and the Asia Pacific regions in the global economy and on Australia's economic outlook, particularly in light of structural shifts in the Australian economy, significant political transformation occurring across the Middle East and North Africa, and the need identified during recent consular crises for strengthened associated information services through a range of sources.

Tenderers will be given the opportunity to amend their existing tender bids in light of this new criterion.

The Government will provide Tenderers an amended Request for Tender in the near future, which will include guidance on addressing the additional criterion and provide a revised timeline for submission of amended tender responses.

The Government recognises that in light of its decision to amend the Australia Network RFT to include an additional evaluation criterion, it is not possible to conclude negotiations on a new contract and have this new contract fully operating before the expiry of the current contract on 8 August 2011. Accordingly, the Government will be requesting the ABC to continue to

provide the services for a further six months, pursuant to terms of the current Australia network contract.

In making this decision, the Government also considered the significance of the service to Australia's foreign interests and concluded that the decision on the Preferred Tenderer should involve Ministerial consideration. The amended RFT will also reflect this change to the decision making process.

Ends.

RFT DFAT11-CPD-02 is amended as follows:

Part C-Tender Evaluation

Insert at clause 6.5.1 as an additional criterion (h) the following evaluation criterion:

(h) The Tenderer's demonstration of how their operation of the Australia Network service would meet the national interests of Australia, and particularly in the light of changed international circumstances since the RFT was issued.

Insert after the additional criterion 6.5.1 (h) the following Guidance Note:

Guidance Note on addressing evaluation criterion 6.5.1(h)

The current RFT emphasised the Government's requirement for an international television service and associated digital media services which would support Australia's national interests, as encompassed in the Commonwealth Objectives of the RFT. In addressing the additional evaluation criterion, tenderers may amend their Tenders in light of the additional criterion. tenderers are to note that any amendments to their Tender is subject to and must comply with additional Condition of Tender 5.15.1-5.15.2. (This amendment to the RFT is not an opportunity for tenderers to otherwise amend, revise or add to their tender.)

In demonstrating how their operation of the Australia Network service would meet the national interests of Australia, tenderers should give particular consideration to changed international circumstances since the RFT was issued – notably:

- I. The increased importance of key emerging markets in South Asia and the Asia-Pacific regions in the global economy and Australia's economic outlook, particularly in light of structural shifts in the Australian economy
 - a. projecting Australia's broadly-based interests and links with these key emerging markets, and our broader role in the global economy will be a major priority over the next decade
 - b. broadcasting the changing nature of Australia's domestic economy and implications for our economic relationships with key emerging markets will also be important

- II. Significant political transformation occurring across the Middle East and North Africa
 - a. increasing the importance of protecting and promoting Australia's diverse interests in this region, including
 - b. projecting the Australian perspective and activities throughout the Australia Network footprint
- III. The need identified during recent consular crises (in the Middle East, Japan and New Zealand) for strengthened associated information services through a range of sources
 - a. relevant, timely and accessible consular information services targeted at Australians overseas – particularly in times of crises – is increasingly important
 - b. complementary consular information services to those provided by DFAT are a priority.

Part B- Conditions of Tender

Insert as additional Clause 2.2.2 "The deadline for lodgement of amended tenders is 2.00pm AEDST on 27 July 2011(**Closing Time**). Amended tenders are to be lodged in accordance with clause 2.1 above."

Insert additional heading as clause 5.15 "Amended Tenders"

5.15.1 Tenderers may amend their Tenders in response to the additional criterion at amended clause 6.5.1 (h). Tenderers must submit their Amended Tenders in accordance with the lodgement processes in section 2 and by the deadline as set out in additional clause 2.2.2.

5.15.2 Tenderers are to ensure that their Tender amendments are in response to the additional criterion (h) at amended clause 6.5.1. and are to be clearly referable and traceable to the additional criterion (h) inserted at clause 6.5.1.

Insert as additional 5.16 the heading "5.16 Requirements for Amended Tenders"

5.16.1 Tenderers are required to respond to this RFT Addendum No 1 by:

(a) submitting an Amended Tender which clearly identifies the changes to the Tender as originally lodged (noting that such changes are to be clearly referable and traceable to amendments made to Clause 6.5.1 of the RFT by Addendum No 1);

(b) submitting new responses to the following sections in Schedule 3 (Tender Response) of the RFT:

- Section 5 – Compliance Statement against changes to the RFT as reflected in RFT Addendum No. 1) The tenderer will be taken to agree to the amended terms of the RFT (as set out in RFT Addendum No.1) unless the tenderer specifies each condition or clause which it does not agree or comply with, giving reasons and providing any alternative proposal.
- Section 8 – Tenderer's Declaration. The tenderer is required to confirm that its amended tender is made in compliance with the terms and conditions of the RFT (as amended by the RFT Addendum No.1).

Insert as additional 5.17 the heading “Approver”

5.17.1 The Approver for the Australia Network tender is the Minister for Broadband, Communications and the Digital Economy. The Minister will consult with the Cabinet.

Part A clause 1.2.2

The timetable at clause 1.2.2 is amended. The estimated dates for the revised tender process are set out in the indicative timetable below:

Event/activity	Proposed date
Issue of RFT Addendum No.1	6 July 2011
Closing date for RFT Addendum No.1	27 July 2011
Decision on Preferred Tenderer	16 September 2011
Contract negotiations	19 September -- 21 October
Execution of contract	31 October 2011
Transition-in services	1 November – 8 February
Commencement of full services under new contract	9 February 2012

Part A clause 1.8.1

In the definition of "DFAT": delete "represented" and insert "administered".

In the definition of RFT after "DFAT11-CPD-02" insert "as amended by Addendum No. 1"

Insert a definition for ' "**Amended Tender**" means the Tender submitted by a Tenderer in response to RFT DFAT11-CPD-02, as amended in response to RFT DFAT11-CPD-02 Addendum No 1 .

A reference to a "Tender" in this RFT is to be construed as the case may be as a reference to an "Amended Tender".

Any term that is not defined in this Addendum No. 1, shall have the meaning set out in RFT DFAT11-CPD-02.

Schedule 3 (Section 6: Pricing) and Schedule 4 (Draft Contract)

The table in Section 6 (Pricing) of Schedule 3 under the heading 'Schedule of Payments' (and which is also repeated in Schedule 3 of the Draft Contract) is amended to reflect the revised anticipated date for commencement of full services such that the date in the first row is now 1 June 2012 and each subsequent date is increased by a similar period.

References in the Draft Contract to the start date for the full services as being 9 August 2011 are amended to be the revised anticipated date of 9 February 2012.

1. Title: Australia Network Request for Tender: Notification of Additional Evaluation Criterion
2. Short Description: Tenderers who have responded to DFAT11-CPD-02 are invited, in this Addendum No 1 dated 5 July 2011 relating to an additional evaluation criterion, to submit amended bids to specifically address how their operation of the Australia Network service would meet Australia's national interests in the light of the increasing influence of key emerging markets on the global economy, significant political transformation occurring across the Middle East and North Africa, and the need identified during recent consular crises for strengthened associated information services through a range of sources.
3. Long Description: The Australia Network RFT sought tenderers for a service that will support Australia's national interests and meet the Commonwealth Objectives. The Commonwealth Objectives were formulated around Australia's enduring interests in the Asia-Pacific region. They required the Australia Network service provider to promote a positive image of Australia as a dynamic and culturally diverse nation of the Asia-Pacific, and to increase awareness of the strong links between Australia and the Asia-Pacific region.

In the light of changed international circumstances since the RFT was issued, the Government has decided that its national interests should be addressed more broadly.

The Government has therefore decided to add an additional evaluation criterion to require Tenderers to specifically address how their operation of the Australia Network service would meet the national interests of Australia, and particularly in the light of changed international circumstances since the RFT was issued. Among these changes increasingly apparent are the importance of key emerging markets in South Asia and the Asia Pacific regions in the global economy and on Australia's economic outlook, particularly in light of structural shifts in the Australian economy, significant political transformation occurring across the Middle East and North Africa, and the need identified during recent consular crises for strengthened associated information services through a range of sources.

4. Any other instructions: Amended tenders must be in response to the additional criterion, and are to be clearly referable and traceable to the additional criterion.
5. Address for lodgement:
Tender Box (Level 1)
(C/- DFAT Security)
Department of Foreign Affairs and Trade
R.G. Casey Building
John McEwen Crescent
BARTON ACT 0221
6. Multi-Agency Access: NO
7. ATM Publish date: 8 July 2011
8. ATM Close date: 2.00pm AEDST on 27 July 2011
9. Condition for participation: Only tenderers who have responded to **DFAT11-CPD-02** are invited to respond to this notice.
10. Contact details:
australianetwork.tender@dfat.gov.au