



Australian Government

Department of Defence
Security and Estate Group

**CAPITAL FACILITIES AND
INFRASTRUCTURE (CFI)**

CFI Evaluation and Probity Protocol

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PURPOSE

1. This Evaluation and Probity Protocol (**'Evaluation Protocol'**) details the evaluation strategies and methodologies for the procurement of services by Capital Facilities and Infrastructure (**'CFI'**) Branch.

PROBITY MANAGEMENT

2. All procurement activities will adhere to and meet the requirements of the relevant Financial Regulations, Commonwealth Procurement Rules (**'CPRs'**), Accountable Authority Instructions, Defence Procurement Policy Manual and relevant Defence Estate Quality Management System (**'DEQMS'**) policies and procedures with respect to receiving, handling and evaluating submissions.

3. As soon as possible following engagement of the Probity Adviser (if any), the Project Director/Officer and Probity Adviser will agree and document a probity plan and a set of probity protocols that will apply to each and every procurement activity covered by this Evaluation Protocol. Where this is not possible due to late engagement of a Probity Adviser, the probity protocols will be developed at the earliest available opportunity. Where no Probity Adviser is engaged, the CFI Standard Probity Protocols at Annex A to this Evaluation Protocol will be used.

APPROACH TO MARKET CLOSING AND RECEIPT OF SUBMISSIONS

4. For each procurement process conducted, all Applicants (in the case of an Invitation to Register Interest – **'ITR'**) or Tenderers (in the case of a Request for Proposal/Tender – collectively **'RFT'**) will be advised, via the request documentation, of the closing time and date for lodging a submission in response to an ITR or to an RFT (**'submission'**).

5. After the closing time and date, submissions will be opened by independent witnesses who should have no involvement in the evaluation of the submissions, and will be receipted in accordance with CFI Branch policy on receipting of submissions, which is located on DEQMS.

6. Submissions received will be distributed to the Chair of each Evaluation Board to enable the Chair (or his or her delegate) to conduct a conformance check.

7. Late submissions will not be admitted to evaluation unless the circumstances are such that admission of the submission is consistent with the conditions permitted by the CPRs.
8. Late submissions will be returned to the Applicant or Tenderer unopened, unless it is necessary to open a submission to identify a return address or to determine which ITR or RFT the submission relates to, in which case the Applicant or Tenderer should be advised that the submission has been rejected due to lateness and the reason the submission was opened.
9. Any uncertainty regarding the lateness of a submission will be referred by the Chair to the Probity Adviser, where one has been appointed, or Director of Quality and Compliance (**DQC**) where no Probity Adviser has been appointed.
10. After conducting a conformance check, the Chair will distribute copies of submissions found at that time to be conforming to members of the Evaluation Board. The Chair will also cause to be distributed to members of the Evaluation Board a copy of this Evaluation Protocol, the applicable probity protocols, the Ten Point Evaluation and Risk Scoring Guide and scoring sheets. In appropriate cases, this may be achieved by use of the Administrative Instruction (template available on DEQMS).
11. In the event of any discrepancies between copies (hard or soft) of the submission, the submission marked "Original" will prevail, unless it is apparent that the Original has inadvertently omitted material that is contained in one or more of the copies, in which case the Chair may exercise discretion, in consultation with the Probity Adviser or DQC, as applicable.
12. Where no copy of a submission is marked "Original", the Chair will determine which copy is to be considered as the "Original", for example, by contacting the Applicant or Tenderer and requesting they nominate which copy of the submission should be used for evaluation.

GENERAL PRINCIPLES OF EVALUATION

13. Each evaluation will conform to the requirements of this Evaluation Protocol unless there has been prior written approval of an amendment to this Evaluation Protocol by the Delegate. Amendments should not be made to the Evaluation

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Protocol after the closing time and date of the relevant procurement activity except with advice from the Probity Adviser, where one has been appointed, or DQC where no Probity Adviser has been appointed.

14. If deviation from this Evaluation Protocol is necessary for any reason, all deviations will be documented and justified in the Evaluation Board Report for consideration by the approving authorities. Deviations will also be referred to the Probity Adviser, where one has been appointed, or DQC where no Probity Adviser has been appointed, for advice and best management to ensure selection recommendations remain defensible and transparent.

15. Each evaluation should be completed as expediently as circumstances permit.

16. Each Evaluation Board member will review the submissions independently, without reference to any other person, including referees, and record their commentary and initial scoring against the applicable weighted evaluation criteria. In scoring submissions each Evaluation Board member will have regard to the agreed Ten Point Evaluation and Risk Scoring Guide provided at Annex B of this Evaluation Protocol.

17. Once an Evaluation Board is convened, evaluation will be conducted in a collaborative manner to attempt to achieve a consensus and Board agreed recommendation. Where the Board cannot achieve consensus it will be recorded in the Evaluation Board Report. Dissenting reports are covered in the section titled "Board Recommendations and Reports" below.

18. In completing the evaluation, the Board will satisfy itself that the recommendation of the shortlist to be invited to submit a Tender following the conduct of the ITR, or of a preferred Tenderer/Contract Award following the conduct of a RFT, will result in the achievement of value for money to the Commonwealth.

19. All members of the Evaluation Board will sign the Evaluation Board Report prior to its submission to the Delegate. Dissenting reports are covered in the section titled "Board Recommendations and Reports" below.

EVALUATION BOARD MEMBERSHIP

20. The respective Evaluation Boards will be convened after each member of that Evaluation Board has been given access to the submissions and had sufficient time to finalise their individual assessments of the submissions.
21. The composition of each Evaluation Board is confirmed in the applicable annex to the approved Project Development and Delivery Plan ('**PDDP**') for the project.
22. At the commencement of the Evaluation Board, all members of the Evaluation Board will be asked to confirm that they had sufficient time to assess the submissions, that they have no undeclared matters that may constitute a conflict of interest in relation to the submissions or any of the Applicants or Tenderers and, in the case of a Tender Evaluation Board in an RFT process, that they have had no visibility of pricing or alternative proposals. Each member of the Evaluation Board and the Probity Adviser will be required to complete and sign a Conflict of Interest Declaration. Any member of the Board who is not an employee of the Department of Defence or a member of the ADF will also be required to complete and sign a Confidentiality Deed.

ADVISERS AND OBSERVERS

23. If a Probity Adviser has been engaged, the Probity Adviser should attend Evaluation Board meetings in order to discharge their responsibilities. The Probity Adviser is not a member of the Evaluation Board. Where a Probity Adviser has not been engaged, DQC must be consulted.
24. The applicable annex of the PDDP for the project describes the identity and scope of any evaluation specialist advisers that may be sought to assist the Evaluation Board members understand or interpret aspects of submissions.
25. With the Chair's consent, others may attend Evaluation Board meetings as observers. CFI Branch staff may only attend as observers for training and development purposes.
26. The justification for the attendance of any observers should be recorded in the Evaluation Board Report. Observers are not members of the Evaluation Board.

27. Any attendee at the Evaluation Board who is not an employee of the Department of Defence or a member of the ADF will be required to complete and sign a Confidentiality Deed.

STENOGRAPHER

28. Prior to the Board being convened, consideration should be given as whether to engage a stenographer to capture verbatim the Evaluation Board discussions (including the conduct of the Key Personnel Interviews, if conducted).

29. In making this decision, it needs to be considered as to whether the cost of the stenographer is justified, taking into account the requirements of the project and the likely complexity of the evaluation process.

EVALUATION PROCESS

30. The evaluation will comprise three distinct stages:

- a. Conformance Check by the Chair or his/her delegate;
- b. Individual Board Member Assessments of conforming submissions; and
- c. Evaluation Board Assessments of conforming submissions.

CONFORMANCE CHECK

31. Prior to distributing submissions to the Board, the Chair will conduct a conformance check to ensure that each submission received complies with the conformance requirements published in the request documentation. The Chair should be satisfied that each submission:

- a. has, subject to the CPRs, been submitted by the closing time and date in the manner specified in the request documentation;
- b. subject to paragraph 32, meets all minimum form and content requirements; and
- c. meets all conditions of participation.

32. Only those submissions that satisfy the conformance requirements will be admitted to evaluation, unless the failure to satisfy a minimum form and content requirement falls within the allowable discretion provided in the relevant request documentation. The exercise of any discretion to allow the correction of a failure to

satisfy a minimum form and content requirement in a submission must be conducted equitably.

33. Where the Chair or his/her delegate finds that there is doubt over conformance of any submission, it will be referred to either the Probity Adviser, if one has been appointed, or to the DQC, where a Probity Adviser has not been engaged. In consultation with the Probity Adviser or DQC, as applicable, the Chair or his/her delegate will form a view as to conformance or otherwise of the submission and record this for tabling at the Board meeting.

34. The Chair is not required to conduct a detailed check to determine whether submissions attempt to depart from or qualify the contract (where this is a minimum form and content requirement) during this stage of evaluation. However, if during any stage of evaluation, a Board member suspects a submission indicates a departure from or qualification to the contract, the Chair will determine conformance, acting on legal and probity advice, as appropriate.

INDIVIDUAL BOARD MEMBER ASSESSMENTS

35. The evaluation criteria and weightings that apply to each stage of each procurement must be annexed to the relevant PDDP and must be consistent with the request documentation.

36. The Ten Point Evaluation and Risk Scoring Guide at Annex B applies to each evaluation (excluding Legal Services).

37. Once the initial conformance check has been completed, conforming submissions will be distributed to the remaining Board members (as provided in paragraph 10) for the commencement of individual Board member detailed assessments. If submissions are to be posted to external Board members, the Chair will ensure that the submissions are posted in a manner that complies with any applicable Defence security policy. Individual Board members will score each submission by reference to the weighted evaluation criteria set out in the applicable Annex to the PDDP and the Ten Point Evaluation and Risk Scoring Guide at Annex B of this Evaluation Protocol, using whole number scores only. Individual Board members will bring notes on their assessments to the Evaluation Board to refer to during the “Board Detailed Assessment of Submissions” stage (described below).

38. If it becomes apparent to any Board member that the content of a submission may be otherwise non-conforming, this will be referred to the Chair who will follow the same process outlined in the “Conformance Check” section above for managing conformance requirements.

EVALUATION BOARD ASSESSMENTS OF CONFORMING SUBMISSIONS

39. After the completion of “Individual Board Member Assessments”, the Evaluation Board will meet to discuss the submissions. This stage of evaluation comprises three sub-stages:

- a. Board Detailed Assessment of Submissions;
- b. Board Comparative Assessment of Submissions; and
- c. Shortlisting (for ITR stage) or Value for Money Assessment (for RFT stage).

40. The Probity Adviser (where one is appointed) will provide a probity briefing at the commencement of each Evaluation Board to all Board members on their responsibilities with respect to Commonwealth procurements.

41. Where no Probity Adviser has been appointed, the Chair will ensure that a probity briefing taking into account Annex A of this Evaluation Protocol is conducted.

Board Detailed Assessment of Submissions

42. Each submission will be discussed in its entirety across all weighted evaluation criteria ITR or RFT Schedule responses, before moving onto the next submission. Board members will address the particular strengths and weaknesses of the submission, having regard to the evaluation criteria and the Ten Point Evaluation and Risk Scoring Guide provided in Annex B of this Evaluation Protocol. Comparisons of submissions do not occur during this stage.

43. If a scribe or stenographer is not engaged, a nominated member of the Evaluation Board, in addition to contributing to the Detailed Assessment of Submissions discussion, will act as Board Secretary and record the discussion for use in developing the Evaluation Board Report, and also for use in the debrief of Applicants or Tenderers. If a scribe or stenographer is engaged, the scribe or stenographer will record the Board deliberations but must not contribute to the discussions in any way.

44. On completion of the Detailed Assessment of Submissions against the weighted evaluation criteria, the Board will agree a Preliminary Board Agreed Score (1st Stage) for each submission against each weighted evaluation criterion, using whole number scores only. Having considered, and determined a Preliminary Board Agreed score (1st Stage) against, all the weighted evaluation criteria responses, the Board will then consider responses against any non-weighted evaluation criteria which according to the request documentation are to be evaluated with reference as to whether or not the evaluation criterion is met (**Yes/No evaluation criteria**). The Board will consider, in reviewing such responses, whether any risks or concerns arise which need to be included in the Evaluation Board Report for the Delegate's awareness, raised with the respective Applicant or Tenderer in the debrief, or included in negotiations if the Tenderer becomes a preferred Tenderer.

45. After completing the Detailed Assessment of Submissions in the manner described in this section, the Board is to consider whether or not to seek referee reports, whether there are any matters for clarification or whether there is any need to conduct Tenderer Key Personnel Interviews.

46. If the Board considers that one or more of the items identified at paragraph 45 are required, the Board will complete it/them at this point of the evaluation in accordance with paragraphs 48 to 58 and Annex C, as applicable. On completion of the item(s) identified at paragraph 45, the Board will be required to reconvene and assess if the outcome of any of these activities affects the Preliminary Board Agreed Score (1st Stage) and, if so, whether the Preliminary Board Agreed Score (1st Stage) should be revised (and, through that revision process, become Preliminary Board Agreed Score(s) (2nd Stage)). The Board can then move to the Comparative Assessment stage once this has occurred.

47. Any adjustment to the Preliminary Board Agreed Score (1st Stage) as a result of referee reports, clarifications and Key Personnel Interviews must be documented in the Evaluation Board Report.

Referee Reports, Clarifications and Key Personnel Interviews

Referee Reports

48. At the conclusion of the Board Detailed Assessment of Submissions, the Board may seek referee reports for Applicant or Tenderer entities, or their personnel, in respect of those submissions that have been deemed competitive, to confirm information provided in the submissions or to identify risks. In order to determine which of the submissions are competitive, the Board may at this point in the evaluation calculate the preliminary total weighted scores and rankings.

49. Referee reports may be sought from referees other than those nominated in submissions, provided doing so is not inconsistent with the evaluation process detailed in the request documentation. Typically, a referee will be a person independent to the Board and the Project. A Board member should not provide a referee report unless the referee report has been requested by, and provided by the Board member to, the Applicant or Tenderer before the Closing Date for the relevant procurement.

50. Details of any referee reports will be included in the Evaluation Board Report.

51. Where the Board determines a need for referee reports (for example, for all competitive submissions, or to distinguish between two or more similarly ranked submissions) the Board will agree on a set of questions materially consistent for all referees, unless there is a specific issue affecting a particular submission.

52. The Chair or his/her delegate will then:

- a. meet with the referees (via teleconference if appropriate) in the company of at least one other Board member to ask the agreed questions and record the answers for consideration by the Board; or
- b. ask the agreed questions of the referee alone, provided the referee has agreed to sign a record of the conversation to verify the accuracy of the report before it is provided to the other Board members; or
- c. ask the referee for a written report, to be provided to all Board members for consideration; or
- d. seek written referee reports and provide them to the Delegate for his or her consideration, without those reports being considered by the Board.

53. Unless authorised by the Chair to do so, individual Board members must not seek referee reports during the evaluation process.

Clarifications

54. During any stage of evaluation the Board may seek, in writing, clarification of information provided by Applicants or Tenderers in their submissions. However, clarifications arising out of the weighted and/or Yes/No evaluation criteria responses should be sought at the end of the Detailed Assessment of Submissions, in accordance with paragraphs 45 to 47. Clarification is permitted if information provided in a submission is not capable of evaluation because it is uncertain, ambiguous or inconsistent. Clarification should be sought in writing, with the input of the Probity Adviser if possible. Clarification must not be sought by individual Board members unless at the direction of the Chair.

55. If a response goes beyond the scope of the clarification request by attempting to introduce materially new information not included in the submission as lodged which, if taken into account, could unfairly enhance the submission, the part of the response attempting to introduce such information will not be considered.

56. Any clarifications should be sought during the evaluation period.

57. If required, and as agreed by the Board, interviews or post-closing time correspondence with Applicants or Tenderers may be undertaken during the evaluation period. The purpose may be to clarify any issues raised by the Board in appreciating the submission or to interview Applicant or Tenderer personnel.

Key Personnel Interviews

58. Key Personnel Interviews can be conducted at this stage. The protocol for this is at Annex C.

Board Comparative Assessment of Submissions

59. At the commencement of the Comparative Assessment of Submissions, the Board may determine that a submission, based on the outcome of the Detailed Assessment stage, is clearly uncompetitive, in which case the submission may be set aside from further evaluation and not be assessed during the Comparative Assessment stage. In order to determine the competitiveness of the conforming

submissions, the Board may at this point in the evaluation calculate the preliminary total weighted scores and rankings. The Board must record for inclusion in the Evaluation Board Report the reason(s) the submission was considered clearly uncompetitive.

60. During the Comparative Assessment, the Board will examine the Preliminary Board Agreed Score (2nd Stage) awarded to the weighted evaluation criterion Schedule responses in comparison to the other submissions received to either confirm or adjust the Preliminary Board Agreed Scores (2nd Stage) so as to determine an agreed ranking of submissions. In assessing each submission in relation to the others, the Board will ensure each submission is assessed on its demonstrated merit (by Schedule) and without reference to total weighted scores or rankings, and then is compared to other submissions to reduce the likelihood of any relative imbalance between Preliminary Board Agreed Scores (2nd Stage). Half scores may be used at this point if considered necessary by the Board to differentiate between submissions of similar, but not equal, merit. The Board Secretary (or scribe and/or stenographer, if appointed) will record the discussions and comments comparing and contrasting the various submissions' Schedule responses for inclusion in the Evaluation Board Report.

61. Having finalised the Board Agreed Scores and determined rankings of each submission on technical merit, the Board will proceed to Shortlisting, if conducting an ITR process, or a Value for Money ('VFM') assessment, if conducting an RFT process.

Shortlisting (ITR only)

62. For those procurements approved for a two stage procurement process, for the ITR stage the Board will recommend a shortlist consistent with the number of entities specified in the ITR or otherwise a shortlist of up to 5 entities to be invited to submit a Tender in response to an RFT issued by the Commonwealth. The shortlist should not recommend a lower ranked submission ahead of a higher ranked submission unless, as a result of an identified risk, the Board concludes the higher ranked submission is not suitable. The Board Secretary (or scribe and/or stenographer, if appointed) shall

record the discussions and comments against the shortlisting assessment for inclusion in the Evaluation Board Report.

Value for Money Assessment (RFT only)

63. At the commencement of the VFM assessment of submissions received in response to an RFT (**Tenders**), the Board may determine that a submission, based on the outcome of the Detailed Assessment of Submissions and the Comparative Assessment of Submissions stages, is clearly uncompetitive, in which case the submission may be set aside from further evaluation and not be assessed against VFM. The Board Secretary (or scribe and/or stenographer, if appointed) must record for inclusion in the Evaluation Board Report the reason(s) the submission was considered clearly uncompetitive.

64. The VFM assessment involves consideration by the Board of the financial, price or fee offer and, as applicable, responses to any other non-weighted evaluation criteria against the finalised Board Agreed Scores, together with any risks associated with the submission, additional value and whole of life implications. The Board will then agree a preliminary VFM merit list, ranking conforming Tenders from best VFM to poorest VFM, to inform the recommendation as to either a preferred Tenderer list (where negotiations are required) or a contract award (where no negotiations are required to accept the Tender) as provided in the Board Recommendations and Reports section below. The Board Secretary (or scribe and/or stenographer, if appointed) shall record the discussions and comments against the VFM assessment for inclusion in the Evaluation Board Report.

ALTERNATIVE PROPOSALS (RFT only)

65. Each Tenderer will be advised through the relevant request documentation that Tenderers must provide a conforming Tender before alternative proposals can be considered.

66. All alternative proposals will be considered where submitted with a conforming Tender. This includes alternative proposals submitted by those Tenderers whose conforming tenders had been set aside from further evaluation under paragraphs 59 and 63.

67. Alternative proposals will not be scored, but will be given a subjective evaluation based on VFM following the VFM assessment for all competitive conforming Tender(s), to determine if any alternative proposal offers a greater VFM solution than the highest ranked VFM conforming Tender. In evaluating alternative proposals, consideration should be given as to whether the alternative proposal offers additional benefit to Defence such as reduced risk, more product, financial savings or early completion where time is critical. If there is any uncertainty regarding how alternative proposals are to be considered, advice will be sought from the Probity Adviser, where a Probity Adviser has been engaged, or from DQC where no Probity Adviser has been appointed.

68. Advice must be sought from DQC for any alternative proposals proposing changes to standard terms and conditions of the Contract in Part 5 of the RFT, or to the terms of any current Deed of Standing Offer for panel arrangements.

FINANCIAL REPORTS

69. In its absolute discretion, the Board may request and obtain a financial report from a Financial Risk Analysis company to confirm the financial standing and capacity of one or more Applicants or Tenderers. Where a financial report is obtained, it will be included as an attachment to the Evaluation Board Report and any adverse findings must be summarised in the Evaluation Board Report.

PARTICULAR ISSUES AFFECTING THE PROCUREMENTS

Building Code 2016 Compliance

70. For those procurements to which the Building Code 2016 applies, in order to demonstrate compliance, Applicants and Tenderers will be requested to, in the request documentation, complete and attach the relevant Schedule response(s). The Chair will distribute the submitted Schedule response(s) to DQC or as otherwise directed by DQC (for example, to the project Legal Adviser) for compliance review.

71. Applicants or Tenderers who are found to be non-compliant with the Building Code 2016, as advised by DQC or the Legal Adviser, at the time of lodging their submission, are not eligible to be invited to submit a Tender, or eligible for contract award, respectively. Where non-compliance is established prior to or during the evaluation period, those submissions will be excluded from further consideration.

Black Economy Procurement Connected Policy

72. For those procurements to which the Black Economy Procurement Connected Policy applies, the Board (through the conformance check conducted by the Chair) must satisfy itself that the Applicants and Tenderers (as applicable) have provided a schedule response confirming they hold a valid and satisfactory Statement of Tax Record from the Australian Taxation Office.

Federal Occupational Health and Safety Commissioner – RFT Stage

73. Where the procurement is within the scope of the Federal Occupational Health and Safety Commissioner Accreditation Scheme:

- a. at the conclusion of evaluation, the Evaluation Board must satisfy itself that the preferred Tenderer is either accredited under the Federal Occupational Health and Safety Accreditation scheme, or has reasonable prospects of being accredited under that scheme prior to a contract being executed; and
- b. as part of the Contract Approval process, the Office of the Federal Occupation Health and Safety Commissioner Accreditation Scheme will be advised of the proposed Contract award.

Outstanding Employee Entitlements and Judgements

74. Applicants and Tenderers may be asked to confirm they have no judicial decisions against them relating to employee entitlements (not including decisions under appeal) at the time of submission. In accordance with the CPRs, the Commonwealth must not enter into contracts with Tenderers who have had a judicial decision against them (not including decisions under appeal) relating to employee entitlements and who have not satisfied any resulting order.

Indigenous Opportunities

75. For those procurements to which the Indigenous Procurement Policy ('IPP') applies, the Board must, at the conclusion of evaluation, satisfy itself that the recommended Tenderer has submitted a complying Indigenous Participation Plan

that has met the requirements of the policy as stated in the relevant request documentation.

BOARD RECOMMENDATIONS AND REPORTS

76. In the case of any procurement being conducted as a two stage process, for the ITR stage the Board will produce a final agreed ranking of Applicants (only ranking those Applicants who are Building Code 2016 compliant for procurements where the Building Code 2016 applies) and a recommendation to the Delegate on which Applicants should be invited to submit a Tender, balancing the objective of encouraging competition while having due regard to the costs of tendering to industry. The shortlist should be restricted to those Applicants who have a genuine prospect of succeeding at the RFT stage, as demonstrated by their ITR submission.

77. In the case of a RFT, the Board will ensure the final recommendation for a preferred Tenderer(s) or for contract award is based on best VFM, as determined in the "VFM Assessment (RFT only)" section above.

78. The evaluation process will result in a full Evaluation Board Report for consideration by the Delegate, with justification for:

- a. in the case of an ITR process, the recommended shortlist; or
- b. in the case of a RFT process, either:
 - (1) the recommended preferred Tenderer list (where negotiations are required); or
 - (2) the recommended contract award (where no negotiations are required to accept the Tender offer)

in accordance with this Evaluation Protocol.

79. The Board may recommend second and subsequent preferred Tenderers on the basis that their Tenders are also offering VFM and such Tenderers are, accordingly, also suitable to award a contract to if, for any reason, a contract is not entered into with the preferred Tenderer. All Tenders not offering VFM will be recommended as 'declined'.

80. The Board will formally agree to the record of the evaluation process by individually signing the Evaluation Board Report. If individual Board members do not agree with any of the finalised Board Agreed Scores or the Board recommendation,

they must provide a dissenting report to the Delegate which will be attached to the Evaluation Board Report.

81. The final Evaluation Board Report submitted for Executive Review and Approval must be sufficiently detailed to satisfy all governance requirements of defensibility.

82. Where a Probity Adviser has been engaged, a Probity Report will be completed by the Probity Adviser and is required to be attached to the Evaluation Board Report.

EXECUTIVE REVIEW AND APPROVAL

83. The purpose of the Executive Review (by DQC) and Executive Approval (by the Delegate) is to certify that the outcomes of the Evaluation Board Report meet transparency, defensibility and accountability requirements and confirm that the recommendation made is suitably justified in terms of VFM and probity. Executive Review and Executive Approval also ensure that the appropriate process for awarding preferred Tenderer status and/or awarding a contract is followed. Executive Review does not duplicate the role of Probity Adviser; rather it is the final gateway prior to the Delegate making a decision whether to award preferred Tenderer status and enter negotiations, or to accept a Tender and enter into a contract without negotiations, as appropriate.

84. The Evaluation Board Report must be subject to Executive Review and Executive Approval. If negotiations are required, a Negotiation Plan must also be attached to the Evaluation Board Report and be subject to Executive Review and Executive Approval at this time. If negotiations are not required, a 'Contract Approval Financial Submission' will be provided with the Evaluation Board Report for Executive Review and Approval at this time.

85. Following Executive Approval of the Evaluation Board Report and any other relevant documents, where negotiations are required, the Chair or his or her delegate will advise the preferred Tenderer of its preferred status and the Chair will schedule a time for contract negotiation.

86. Where there are no negotiation issues, the Tender will be accepted and a contract awarded.

87. Once Executive Approval has been obtained, where negotiations are not required, Contract Approval may be sought from an appropriate Delegate in

accordance with the CFI Interim Business Rule on Financial Delegations. Once Financial Approval has been obtained, the Chair can inform the successful Tenderer and execute the contract.

88. The Chair will then notify unsuccessful Applicants or Tenderers in writing and offer to conduct a verbal debriefing. Successful Applicants or Tenderers will also be offered a verbal debriefing.

89. The purpose of a debriefing is to assist the Applicant or Tenderer improve the quality of their future submissions. Debriefings should focus on the strengths and weaknesses of the submission, based on the commentary recorded in the Evaluation Board Report, but without reference to material provided by, or commentary recorded for, other Applicants or Tenderers. The name of the successful Tenderer and the agreed Contract price may be provided, as well as the respective Applicant's or Tenderer's own overall technical ranking.

SECURITY AND CONFIDENTIALITY

90. Following the conclusion of the Evaluation Board, the Chair of the Evaluation Board will be responsible for the security of submissions and their proper filing on the Commonwealth record until the time for archiving or disposal. The original submissions will be retained for the record and archiving. The Chair will be responsible for the destruction and disposal of copies provided to the Commonwealth by Applicants or Tenderers.

91. All deliberations of the Evaluation Boards are "commercial-in-confidence" and will be treated accordingly.

ANNEXES:

- A CFI Standard Probity Protocols
- B Ten Point Evaluation and Risk Scoring Guide
- C Key Personnel Interview Protocols
- D Evaluation Process Diagram
- E Evaluation Board Guidance / Checklist (ITR/RFT)

ANNEX A - CFI STANDARD PROBITY PROTOCOLS

Purpose of the Probity Briefing

It is important that any action taken, or decision made, by any Defence personnel (which include personnel contracted to Defence), is taken or made on a foundation of compliance with probity principles. In short, any action or decision should be tested against the applicable probity principles, and tested before it is taken or made.

The following are the core probity principles and are to be briefed to staff undertaking procurement activities for low risk/low cost projects.

Probity Principles

Confidentiality and Security

In response to a request documentation, Applicants or Tenderers will supply significant amounts of information they consider confidential, commercial and sensitive and as a result will not want it to fall into the hands of their competitors or to be made public. Accordingly, it is essential that you secure all relevant documentation and information from any unauthorised access (physical and electronic) and confine all discussions regarding Applicants or Tenderers and the submission content to necessary evaluation discussions. The Board must apply a strict “need to know” basis framework to the evaluation process.

- Do not mention details of the evaluation to other members of the Branch/Division, unless they “need to know”, or outside of the working environment.
- Ensure that your area within Objective is secure and has only project relevant access allowed.
- Do not leave submissions, evaluation narrative or scoring outcomes on your desk unattended.
- Evaluation Board Assessments must be undertaken in a secure room.
- If you leave the secure room during the course of an evaluation, always ensure the room is locked.
- Do not discuss any aspects of the evaluation outside of the secure room – e.g. over lunch or in a public space.

Conflicts of Interest

If you have any of the following:

- personal association with any Applicant or Tenderer beyond a "Business as Usual" ('BAU') relationship;
- personal association with any employee or consultant connected to any Applicant or Tenderer beyond a BAU relationship;

or;

- if your personal circumstances or the circumstances of any relative or close personal friend will be detrimentally or advantageously affected by any outcome in the process in which you have an input or decision making role;
- If you have been offered an opportunity of possible or certain employment with any Applicant or Tenderer. This can be recently or in the past.

They may represent an actual or potential conflict of interest or create the environment of a perceived conflict of interest and the circumstances must be disclosed.

Even if you personally don't believe that there is a conflict of interest these circumstances could be misconstrued by an outside observer as a probity issue and, therefore, they must be disclosed and recorded within Evaluation records and managed accordingly to ensure transparency of the process and equitable treatment of the Applicants or Tenderers during evaluation.

[Note: In giving this Probity Briefing ask if there are any conflicts of interest that exist for that evaluation process. These may not be immediately apparent until the Board members are given access to the submissions and are able to view the nominated key personnel. Advise accordingly and ensure that the result of that discussion is recorded on the Evaluation Board Report].

Contact with Applicants or Tenderers

Avoid contact with any Applicant or Tenderer personnel beyond any normal day to day BAU contact in relation to existing projects.

Do not enter into conversations with Applicant or Tenderer personnel about the status of ongoing ITR or RFT processes. Remind them of the formal contact structure that will be listed within the ITR or RFT.

Report to the Evaluation Board Chair any unusual contact that relates directly to a submission being evaluated.

Media

If you get any queries from the media on any procurement activity refer that request to the Evaluation Board Chair immediately.

Gifts and Hospitality

Do not seek or accept the offer of any gifts, hospitality or any other benefits from any Applicant or Tenderer.

Immediately notify the Evaluation Board Chair if any of these are offered by any Applicant or Tenderer.

If you receive gifts as part of a submission lodgement (pens, promotional material etc), immediately register it on the Branch Register and return the gift to the company.

Offers of Employment

If prior to the completion of the procurement process you are approached by any Applicant or Tenderer in connection with an offer of employment you must immediately inform the Evaluation Board Chair.

This will enable formal probity advice to be sought and steps to be put in place to protect the process and you from being compromised.

During the Evaluation

Fair and Equitable Treatment

Ensure you are fair and equitable across all submissions:

- Do not treat any of the Applicants or Tenderers in a way that could be viewed as being unfair or unreasonable
- Do not show favouritism or bias in the treatment of any one, or group of Applicants or Tenderers ahead of others
- Adopt and apply a consistent methodology in your assessment
- Be sure to confine your evaluation to the material provided in the ITR or RFT
- Do not allow any prior knowledge of an Applicant or Tenderer's previous performance (not discussed in their submission) to unfairly influence your evaluation.

Accountable and Defensible

You need to ensure you are able to justify your decisions (scoring, comments and the recommendations) and the process applied. In doing that, you must be able to demonstrate that:

- You took into account all of the relevant considerations
- You ignored any irrelevant considerations
- You can demonstrate compliance to the requirements within this Evaluation Protocol and the published evaluation criteria, in particular if there were specific matters to be addressed.

ANNEX B - TEN POINT EVALUATION SCORING AND RISK GUIDE

Note: When determining which score should apply to a weighted evaluation criterion, Evaluation Board members should note it is **not** essential that **all** of the elements of the word picture set out under the “Characteristics” column apply. Rather, Evaluation Board members should select which word picture, based on **selected** elements of that word picture, **best aligns** with the identified strengths and weaknesses of the submission, and the level of risk to Defence. Evaluation Board members are expected to align the word picture with the identified strengths and weaknesses of the submission **before** assigning a score.

Rating	Characteristics (word picture)	Score
Exceptional	<ul style="list-style-type: none"> • Extremely convincing and credible. • Exceeds requirements in many areas and offers value-added services. • All claims are fully substantiated. • The response demonstrates a comprehensive understanding of the requirements. • No identifiable weaknesses or deficiencies. • The solution offered represents nil or negligible risk to Defence. • Where referee reports have been sought, they are entirely positive. • Exceptional probability of success. 	10
Outstanding	<ul style="list-style-type: none"> • Highly convincing and credible. • Exceeds requirements in some areas, and meets all other requirements to an excellent standard. • All claims are substantiated. • The response demonstrates a superior understanding of the requirements. • Negligible weaknesses or deficiencies. • The solution offered represents negligible risk to Defence. • Where referee reports have been sought, they are entirely positive. • Outstanding probability of success. 	9
Very Good	<ul style="list-style-type: none"> • Very convincing and credible. • Meets all key requirements to a very good standard. • Most claims are fully substantiated. • The response demonstrates an extensive understanding of the requirements. • Deficiencies, if any, are very minor, or do not affect essential aspects of service delivery. • The solution offered is sound and represents a very low, manageable risk to Defence. • Where referee reports have been sought, they generally provide strong support for the Applicant or Tenderer. • Very good probability of success. 	8

Rating	Characteristics (word picture)	Score
Good	<ul style="list-style-type: none"> • Convincing and credible. • Meets most key requirements to a good standard. • Most claims are well substantiated. • The response demonstrates a good understanding of the requirements. • Some minor weaknesses, but the solution is sound in most key areas and represents a low, but manageable risk to Defence. • Where referee reports have been sought, they provide support for the Applicant or Tenderer with few reservations. • Good probability of success. 	7
Fair	<ul style="list-style-type: none"> • Credible but not completely convincing. • Generally meets requirements, but some requirements are not addressed in sufficient detail, or suggest that the Applicant or Tenderer has not put sufficient thought into the solution offered. • Most claims are substantiated. • The response demonstrates an adequate understanding of the requirements. • Some weaknesses which could indicate a low to moderate risk to Defence in the Applicant or Tenderer meeting contract requirements in all areas. • Where referee reports have been sought, they provide some support for the Applicant or Tenderer but with some reservations. • Fair probability of success. 	6
Acceptable	<ul style="list-style-type: none"> • Mostly credible but not convincing in all areas. • Meets minimum requirements but generally to a low standard. Requirements are not addressed in sufficient detail, or suggest that the Applicant or Tenderer has not put thought into the solution offered. • Only some claims are substantiated. • The response demonstrates a partial understanding of the requirements. • The solution is workable, but has weaknesses in some significant areas, resulting in a moderate risk to Defence. • Where referee reports have been sought, they are mixed, or provide only limited support for the Applicant or Tenderer. • Acceptable probability of success. 	5

Rating	Characteristics (word picture)	Score
Marginal	<ul style="list-style-type: none"> • Barely convincing. • Meets minimum requirements to a marginal standard. • Claims are generally not substantiated. • The response demonstrates a quite limited understanding of the requirements. • The solution offered is generally unworkable, with weaknesses in key areas, or is unable to be properly understood. • The solution represents a moderate to high risk to Defence. • Where referee reports have been sought, they provide only limited support for the Applicant or Tenderer and note some reservations about the Applicant's or Tenderer's performance or abilities. • Marginal probability of success. 	4
Poor	<ul style="list-style-type: none"> • Generally unconvincing. • Requirements are poorly addressed, or in some areas not addressed at all. • Claims are largely unsubstantiated. • The response demonstrates a poor understanding of the requirements. • The solution offered is unworkable, with major deficiencies in key areas, resulting in a high risk to Defence. • Where referee reports have been sought, they provide only limited support for the Applicant or Tenderer and note some reservations about the Applicant's or Tenderer's performance or abilities. • Low probability of success. 	3
Very Poor	<ul style="list-style-type: none"> • Unconvincing. • Requirements are very poorly addressed, and in some areas not addressed at all. • Claims are almost totally unsubstantiated. • The response demonstrates a very poor understanding of the requirements. • The information provided is insufficient to allow any proper judgment of the Applicant's or Tenderer's proposed solution, or the solution shows a very poor understanding of Defence requirements. • The solution represents a very high risk to Defence. • Where referee reports have been sought, they disclose significant reservations about the Applicant's or Tenderer's performance or abilities. • Very low probability of success. 	2
Unacceptable	<ul style="list-style-type: none"> • Completely unconvincing. • Requirements are addressed to an unacceptable standard. • Claims are totally unsubstantiated and the proposed solution represents an extreme risk to Defence. 	1

Rating	Characteristics (word picture)	Score
	<ul style="list-style-type: none"> • The response demonstrates an unacceptable understanding of the requirements. • Little or no information has been supplied in relation to the proposed solution, or the proposed solution fundamentally misunderstands Defence requirements. • Where referee reports have been sought, they disclose significant shortcomings. • No probability of success. 	
Non-Compliant	<ul style="list-style-type: none"> • The Applicant or Tenderer has completely failed or refused to provide a response, or • the response is entirely non-compliant with the requirements or demonstrates no understanding of the requirements, or • the information provided is clearly incorrect, false or misleading. 	0

ANNEX C - KEY PERSONNEL INTERVIEW PROTOCOLS

INTRODUCTION

1. All Capital Facilities and Infrastructure (**'CFI'**) Branch project teams (**'Project Teams'**) and Evaluation Boards should consider, on a case by case basis, if interviews of proposed key personnel (**'Key Personnel Interviews'**), to be conducted as part of the evaluation process, would be of value in the "Detailed Assessment of Submissions" stage.
2. It is critical that each Key Personnel Interview is conducted in a fair and equal manner. Therefore, these Key Personnel Interview Protocols (**'Protocols'**) have been developed to govern how Key Personnel Interviews are to be conducted.
3. All Project Teams and Evaluation Board members are expected to read and familiarise themselves with these Protocols prior to commencement of any procurement process where Key Personnel Interviews are planned or conducted, as applicable.

MANDATORY REQUIREMENT

4. Subject to the next paragraph, it is mandatory that these Protocols are complied with by Evaluation Board members when conducting any Key Personnel Interview.
5. If a Project Team specifies that Key Personnel Interviews are to be conducted, that decision (and justification) needs to be set out in the PDDP for approval prior to the commencement of the relevant procurement.
6. If an Evaluation Board conducting a Key Personnel Interview proposes to deviate from the process set out in these Protocols, that decision (and justification) also requires Delegate approval prior to the commencement of the Key Personnel Interviews.

OBJECTIVES OF THE KEY PERSONNEL INTERVIEW PROCESS

7. The Evaluation Board can conduct Key Personnel Interviews as part of the evaluation process for any procurements. The Key Personnel Interview is to be used as an evaluation tool to assist the Evaluation Board in completing the Detailed Assessment of Submissions stage.

8. The objectives of the Key Personnel Interview process are to assist the Evaluation Board assess the:
- a. understanding demonstrated by the key personnel of the relevant project and requirement of the services required;
 - b. key personnel's demonstrated approach and methodology for performing the services;
 - c. understanding demonstrated by the key personnel of the information in their submission;
 - d. understanding demonstrated by the key personnel of their respective roles and responsibilities; and
 - e. key personnel's current workload and allocation of tasks.
9. The outcome of the Key Personnel Interview process may be used by the Evaluation Board to clarify and validate aspects of the assessment of the key personnel.

DETERMINING THE REQUIREMENTS FOR A KEY PERSONNEL INTERVIEW

10. The specific format and approach for each interview process will depend on the requirements of the relevant procurement, noting that, if conducted, interviews will generally be more beneficial in an RFT stage, as distinct from an ITR, given that proposed personnel may change from the ITR submission. This must be carefully considered by the Project Team during the planning stage of the procurement and clearly documented in the PDDP. The Project Team must also conduct a detailed risk analysis prior to the commencement of the procurement.
11. If Key Personnel Interviews are proposed, the Project Team must identify the specific requirements for the Key Personnel Interviews for their procurement. This should include (at a minimum):
- a. the program for the evaluation process (including indicative dates and times for conducting the Key Personnel Interviews) (for further guidance, see the section "Indicative Date and Time of Key Personnel Interviews" below); and
 - b. the location of and format of conducting the Key Personnel Interviews (for further guidance, see the section "Format and Location of Key Personnel Interviews" below).

12. The Project Team must clearly document these requirements in the PDDP and request documentation for approval prior to commencing the procurement.

FORMAT AND LOCATION OF KEY PERSONNEL INTERVIEWS

13. If Key Personnel Interviews are proposed, the Project Team or Evaluation Board, as applicable, must determine the most appropriate format for conducting the Key Personnel Interview having regard to requirements of the project, as well as the advantages and disadvantages of each option (e.g. the relevant costs, time impost and logistics). The format options that may be considered include:

- a. in person;
- b. video conference; or
- c. teleconference.

14. It is anticipated that Key Personnel Interviews will, as a general rule, be conducted in person in order to maximise the benefits of the interview process for the Commonwealth. However, there may be reasons why the Project Team or Evaluation Board, as applicable, considers an alternative format is more appropriate for a specific project (e.g. where conducting the Key Personnel Interview in person would result in unreasonably high travel costs for the Commonwealth or would be logistically unfeasible for participants).

15. If the Key Personnel Interviews are to be conducted in person, the Project Team or Evaluation Board, as applicable, must determine the location for the Key Personnel Interviews. In making this decision, consideration should be had to the relevant costs, time impost and logistics for each option, having regard to the location of the project, the location of the Evaluation Board meetings and/or the location of the potential Applicant or Tenderer personnel.

INDICATIVE DATE AND TIME FOR KEY PERSONNEL INTERVIEWS

16. As set out in paragraph 12 above, prior to commencing the procurement, the Project Team must consider the program for the procurement process including potential dates for the Key Personnel Interviews. Where possible, indicative dates for the Key Personnel Interviews should be included:

- a. in the PDDP; and

- b. in the request documentation, to ensure that all Applicants or Tenderers have sufficient advance notice to prepare for their potential attendance at a Key Personnel Interview.

COST OF ATTENDANCE

17. The cost of attending a Key Personnel Interview (including any travel expenses) is the responsibility of each relevant Applicant or Tenderer and the request documentation should specify there is no entitlement to reimbursement by the Commonwealth.

DEVELOPMENT OF REQUEST DOCUMENTATION AND INDUSTRY BRIEFING MATERIALS

18. If the requirements for the Key Personnel Interviews have been identified and approved in the PDDP, the Project Team should include these requirements in the request documentation.

19. If an industry briefing is conducted, the requirements for the Key Personnel Interviews should be included in the materials prepared for the industry briefing.

PROBITY BRIEFING

20. Where Key Personnel Interviews are to be conducted, the Probity Adviser for the project must conduct a probity briefing for the Evaluation Board prior to the commencement of the interview process. All members of the Evaluation Board must attend this briefing.

21. The probity briefing is to cover in detail the process for conducting and assessing Key Personnel Interviews.

22. The Evaluation Board is required to read and familiarise themselves with these Evaluation Protocols prior to the commencement of the interview process.

23. The Evaluation Board must promptly obtain advice from the Probity Adviser if any probity issues arise in relation to a Key Personnel Interview.

SHORTLISTING FOR INTERVIEWS

24. Following the Board Detailed Assessment stage of the evaluation process, the Evaluation Board must, subject to the PDDP, determine if it will conduct Key Personnel Interviews and if so, shortlist some or all Applicants or Tenderers

(‘**Shortlisted Respondent**’) to be invited to participate in the Key Personnel Interviews.

25. The shortlist should be made up of only competitive submissions, based on the Preliminary Board Agreed Scores (1st Stage). In order to determine which of the submissions are competitive, the Board may at this point in the evaluation calculate the preliminary total weighted scores and rankings.

INTERVIEW QUESTIONS

26. The Evaluation Board must agree a list of themes, topics, issues, scenarios or questions to be covered for each Shortlisted Respondent. The Evaluation Board is permitted to ask follow-on questions during the Key Personnel Interview, if appropriate.

27. Targeted questions must be determined for each Shortlisted Respondent, based on the information in their submissions and the requirements of the procurement. These questions should include scenario based questions, as appropriate, to test the Shortlisted Respondent’s proposed methodology.

28. Questions may also be asked to clarify particular aspects of a Shortlisted Respondent’s submission (subject to ensuring that the process does not enable bid repair).

29. By way of example, interview questions may relate to:

- a. organisational structure;
- b. capacity and allocation of tasks;
- c. understanding of key risks and proposed approach to managing those risks;
- d. previous experience and performance (including validation of CVs);
- e. understanding of and approach to delivering the services; and
- f. understanding of the delivery method to be administered for the project.

30. Depending on the requirements of the project and the procurement process, the Evaluation Board may consider providing the Shortlisted Respondents with a written list of questions prior to the interview. If this approach is adopted, it must be done consistently for all Shortlisted Respondents and the questions should be clearly identified as confidential information. The Evaluation Board may also ask such additional questions as it considers necessary.

INVITATIONS FOR SHORTLISTED RESPONDENTS

31. Where Key Personnel Interviews are to be conducted, Shortlisted Respondents must be given adequate notice in writing regarding Key Personnel Interviews to enable their proposed key personnel to arrange for and attend the Key Personnel Interview.
32. If a Shortlisted Respondent cannot attend the relevant Key Personnel Interview at the proposed date and time, the Evaluation Board should take a flexible approach to rescheduling the Key Personnel Interview.
33. If a Shortlisted Respondent declines an invitation to attend a Key Personnel Interview, advice on how this is to be considered in the evaluation process should be sought from the Probity Adviser.

KEY PERSONNEL INTERVIEW ATTENDEES

34. The Evaluation Board should identify the relevant key personnel for each Shortlisted Respondent who will be invited to attend the Key Personnel Interview
35. Unless otherwise permitted by the Evaluation Board Chair, only those key personnel invited to the Key Personnel Interviews may attend.

INTERVIEW CONDUCT

36. Key Personnel Interviews must be conducted in accordance with the time and location set out in the invitations (as issued or amended) to the Shortlisted Respondents.
37. The following people must be in attendance at each Key Personnel Interview:
 - a. the full Evaluation Board;
 - b. the Probity Adviser;
 - c. the invited key personnel for the Shortlisted Respondent; and
 - d. a scribe or stenographer, if appointed (to document the interview and Evaluation Board discussion). If no scribe or stenographer have been engaged, the Board Secretary will document the Key Personnel Interviews for inclusion in the Evaluation Board Report.
38. At the start of each Key Personnel Interview, the Evaluation Board Chair should welcome attendees and provide a brief introduction (including the purpose of the Key Personnel Interview, an outline of the interview process and a reminder of the

confidentiality obligations). The Probity Adviser should also provide a probity briefing regarding the Key Personnel Interview process, including presentation, question and answer and time allocation limitations and confidentiality obligations.

39. The Key Personnel Interview is to be conducted as a question and answer process. Specifically, The Key Personnel Interview is not to be an interactive process, but rather is intended to be a one way flow of information, whereby the Evaluation Board asks questions and the Shortlisted Respondent attendees provide answers. Shortlisted Respondent personnel may request clarification of questions asked but are otherwise not permitted to ask the Evaluation Board questions in relation to the project or the services. Shortlisted Respondent attendees are not to be requested or permitted to provide a presentation or distribute additional or promotional material as part of the interview process.

40. The Evaluation Board may direct specific questions to any of the key personnel in attendance at the Key Personnel Interview.

41. The Evaluation Board is to ask the pre-agreed questions and any appropriate follow-on questions which clarify or validate the information contained in the Shortlisted Respondent's submission.

42. The Evaluation Board must ensure that the Key Personnel Interview is not an opportunity for bid repair or to introduce new information not otherwise consistent with their submissions.

43. If a Shortlisted Respondent seeks to correct an error or otherwise amend their submission, this must be taken on notice by the Evaluation Board and, in an RFT process, may be negotiated/clarified if they are appointed as a preferred Tenderer, but this information must not be taken into account in evaluation or amending the Preliminary Board Agreed Score (1st Stage). Advice on how to assess or otherwise deal with this information should also be sought from the Probity Adviser.

44. The Evaluation Board must not point out errors, gaps and/or weaknesses in, or provide any feedback in relation to, a Shortlisted Respondent's submission before, during or after a Key Personnel Interview.

45. The Evaluation Board must not draw any comparisons with any other Applicants' or Tenderers' submissions.

TIME LIMIT

46. A strict time limit is to be set and enforced for all Key Personnel Interviews. This time limit must be the same for all Key Personnel Interviews conducted in relation to a procurement process. Shortlisted Respondent personnel attending must be advised of the time limit at the commencement of the interview.

CONFIDENTIALITY

47. Key Personnel Interviews must be conducted on a confidential basis, with Shortlisted Respondents being advised that the fact of the Key Personnel Interviews being conducted, and the questions asked (including the written list of questions provided prior to the interview, if applicable) and responses provided, are not to be disclosed.

48. If a Shortlisted Respondent does not comply with the confidentiality requirements for a Key Personnel Interview, the Evaluation Board may elect to not evaluate or continue to evaluate the Shortlisted Respondent's submission. Advice must be sought from the Probity Adviser before making any decision not to evaluate or continue to evaluate a submission.

EVALUATION BOARD DISCUSSION AND AGREED OUTCOMES

49. Following each Key Personnel Interview, the Evaluation Board is required to immediately assess the Key Personnel Interview outcome and determine an agreed set of findings to take forward.

50. The Evaluation Board discussion and agreed findings must be documented by the scribe or stenographer (as applicable) and, in the case of an RFT process, the Evaluation Board must record any matters identified for negotiation (including matters that have commercial or pricing implications) in the event a Shortlisted Respondent is appointed as a preferred Tenderer.

51. The outcome of the Key Personnel Interviews is then considered by the Evaluation Board in finalising the Detailed Assessment of the submissions, including determining the Preliminary Board Agreed Score (2nd Stage).

ANNEX D – EVALUATION PROCESS DIAGRAM

Insert latest version from DEQMS

Activity	Complete
<p>Conformance Check (Chair)</p> <p>Chair advises/asks if there were any items of non-conformances identified during the review of the submissions.</p> <p>NOTE: <i>Chair to do an initial conformance check before issuing submissions to Board members. This is to confirm if anything may have been missed. If found, seek probity advice, via Chair.</i></p>	<input type="checkbox"/>
Individual Assessments	
<p>Individual Assessments - Non-Weighted Scores (Board Members)</p> <p>Chair requests each Member provide their individual non-weighted whole number scores for each Schedule under each submission (no half scores permitted). Record the scores.</p> <p><i>(Tool provided on DEQMS)</i></p>	<input type="checkbox"/>
<p>Board Detailed Assessment of Submissions</p> <p><i>The purpose is to discuss the strengths and weaknesses of each submission (without comparing them) with reference to prior written comments and try to agree a Preliminary Board Agreed Score (1st Stage) for each submission against each weighted evaluation criterion, using whole number scores only.</i></p>	
Board Detailed Assessment (Preliminary Board Agreed Scores – 1st Stage)	
<p>Board Detailed Assessment (Board Members)</p> <p>Members discuss each submission in its entirety across all weighted and Yes/No evaluation criteria and Schedule responses prior to moving onto the next submission.</p> <p>NOTE: <i>Evaluation is against the weighted evaluation criteria using the Ten Point Evaluation and Risk Scoring Guide in Annex B to the CFI Evaluation and Probity Protocol, and no comparison to other submissions may occur at this stage.</i></p>	<input type="checkbox"/>
<p>Preliminary Board Agreed Scores (1st Stage) (Board Members)</p> <p>Board attempts to reach consensus on the non-weighted Preliminary Board Agreed Score for each weighted evaluation criterion and schedule for each submission.</p> <p>Convert these into <i>weighted</i> scores in line with evaluation criterion %.</p> <p>NOTE: <i>Where there is a dissenting score, that dissenting score is to be recorded and detailed in the Evaluation Board Report.</i></p>	<input type="checkbox"/>
<p>Yes/No Evaluation Criteria</p> <p>Having agreed (or attempted to agree) to a Preliminary Board Agreed score (1st Stage) against all the weighted evaluation criteria responses, Board considers and notes whether any risks or concerns arise out of the Yes/No schedule responses.</p>	<input type="checkbox"/>
Clarifications / Referee Reports / Key Personnel Interviews	
<p>Referee Reports (as required) - The Board confirms whether it will seek referee reports.</p>	<input type="checkbox"/>
<p>Clarifications (as required) - The Board confirms whether it will seek clarifications.</p>	<input type="checkbox"/>

Activity	Complete
<p>Key Personnel Interviews (as required) - The Board confirms whether it will conduct interviews.</p> <p>NOTE: <i>Please refer to CFI Evaluation and Probity Protocol - Annex C – Key Personnel Interview Protocols.</i></p>	<input type="checkbox"/>
<p>Board Detailed Assessment (Revise/FINALISE Preliminary Board Agreed Scores – 2nd Stage)</p>	
<p>Preliminary Board Agreed Score (1st Stage) Revisions (if applicable) (Board Members)</p> <p>If Referee Reports, Clarifications or Key Personnel Interviews are sought or conducted, the Board revisits the Preliminary Board Agreed Scores (1st Stage) and determines what impact, if any, the outcome of any of these activities has on those scores.</p> <p>NOTE: <i>Through that revision process, the Preliminary Board Agreed Score(s) (1st Stage) become Preliminary Board Agreed Score(s) (2nd Stage).</i></p>	<input type="checkbox"/>
<p>Board Comparative Assessment of Submissions</p> <p><i>The purpose is to compare submissions to reduce the likelihood of any relative imbalance between the preliminary scores.</i></p>	
<p>Preliminary Total Weighted Scores and Technical Ranking (Chair/Secretary/Scribe)</p> <p>In order to determine the competitiveness of the conforming submissions, the Board may at this point in the evaluation calculate the preliminary total weighted scores and rankings.</p>	<input type="checkbox"/>
<p>Set Aside (Board Members)</p> <p>If a submission is clearly uncompetitive based on the outcome of the detailed assessment, the Board can agree that it be set aside from further evaluation. Probity Adviser should assist the Board in these discussions.</p>	<input type="checkbox"/>
<p>Comparative Assessment (Board Members)</p> <p>Without reference to total weighted scores or rankings, Board reviews the Preliminary Board Agreed Scores (2nd Stage) and determines whether they adequately reflect the strengths and weaknesses of a submission relative to the other submissions. The non-weighted scores, per schedule, may be amended to reflect differences. Half scores may be used.</p> <p>NOTE: <i>Where there is a dissenting score which has not been resolved in comparative assessment, the dissenting Board member must provide a dissenting report to the Delegate which will be attached to the Evaluation Board Report.</i></p>	<input type="checkbox"/>
<p>Board Final Scores and Final Technical Ranking</p> <p>Convert the revised non-weighted scores into weighted scores, and re-rank submissions technical merit based on the outcomes of the comparative assessment.</p>	<input type="checkbox"/>

Activity	Complete
<p>ITR ONLY - Shortlisting</p> <p><i>The purpose is to discuss which submissions should be shortlisted to be invited to submit a tender, and which should not be shortlisted.</i></p>	
<p>Shortlisting</p> <p>The Board recommends a shortlist consistent with the number of entities specified in the ITR or otherwise a shortlist of up to 5 entities to be invited to submit a Tender in response to an RFT issued by the Commonwealth.</p>	<input type="checkbox"/>
<p>RFT ONLY - Value for Money Assessment – Conforming Tenders</p> <p><i>The purpose is to discuss whether the conforming tender(s) represent(s) value for money, by considering technical merit, price, and other considerations (as per clause 64 of the CFI Evaluation and Probity Protocol).</i></p>	
<p>Set Aside (Board Members)</p> <p>If a submission is clearly uncompetitive based on the outcome of the detailed and comparative assessment stages, the Board can agree that it be set aside from further evaluation. Probity Adviser should assist the Board in these discussions.</p>	<input type="checkbox"/>
<p>Release the Fee & Alternative Proposals (Chair)</p> <p>Chair directs the release of the financial, price or fee offers/Schedule responses as well as any submitted alternative proposals to the Board members for review.</p>	<input type="checkbox"/>
<p>Price Ranking</p> <p>Rank the submissions from lowest to highest based on their financial, price or fee offer.</p>	<input type="checkbox"/>
<p>Value for Money Assessment (Board Members)</p> <p>Board to discuss the relative price offered by each Tenderer and, as applicable, responses to any other non-weighted evaluation criteria against the finalised Board Agreed Scores, together with any risks associated with the submission, additional value and whole of life implications.</p>	<input type="checkbox"/>
<p>Preliminary Value for Money Ranking</p> <p>Rank the conforming tenders based on best to least value for money.</p>	<input type="checkbox"/>
<p>RFT ONLY - Alternative Proposals</p> <p><i>The purpose is to discuss whether an alternative proposal represents greater value for money than the highest ranked VFM conforming tender submission. (Note: a conforming submission must be provided for an alternate proposal to be considered.)</i></p>	
<p>Alternative Proposals - if submitted (Board Members)</p> <p>Alternative proposals are not scored, but are given a subjective evaluation based on VFM following the VFM assessment for all competitive conforming tender(s). All alternative proposals must be considered where submitted with a conforming Tender. In evaluating alternative proposals, consideration should be given as to whether the proposal offers additional benefit to Defence such as reduced risk, more product,</p>	<input type="checkbox"/>

Activity	Complete
<p>financial savings or early completion where time is critical. If there is any uncertainty regarding how alternative proposals are to be considered, advice will be sought from the Probity Adviser, where a Probity Adviser has been engaged, or from DQC where no Probity Adviser has been appointed.</p> <p>Advice must be sought from DQC for any alternative proposals proposing changes to standard terms and conditions of the Contract in Part 5 of the RFT, or to the terms of any current Deed of Standing Offer for panel arrangements.</p>	
<p>Final Value for Money Ranking</p> <p>Having reviewed the alternative proposals, revise or confirm the value for money ranking.</p>	<input type="checkbox"/>
ITR ONLY - Outcome	
<p>Registration Evaluation Board Outcome (Board Members)</p> <p>Board determines which of the submissions are to be recommended for the shortlist.</p>	<input type="checkbox"/>
<p>Financial Reports (as required) - The Board confirms whether it will seek financial reports.</p>	<input type="checkbox"/>
<p>Probity Advice (as required) - The Board discusses any probity issues or additional probity advice to be sought.</p>	<input type="checkbox"/>
<p>Additional Advice (as required) - The Board discuss any additional advice (e.g. legal or technical) to be sought.</p>	<input type="checkbox"/>
<p>Administrative Issues (as required) - The Board discusses any administrative feedback, which did not impact the evaluation, which can be detailed in the Registration Evaluation Board Report and provided to applicants during the debrief.</p>	<input type="checkbox"/>
RFT ONLY - Outcome	
<p>Tender Evaluation Board Outcome (Board Members)</p> <p>Board determines the best VFM tender offer.</p>	<input type="checkbox"/>
<p>Funds Availability – The Board considers the best VFM tenderer’s price against the budget to confirm funding sufficiency.</p>	<input type="checkbox"/>
<p>Negotiations (as required) – The Board discusses any negotiation points required. These are to be captured in the Tender Evaluation Board Report for procurement with a contract (value <\$0.250m) and in a Negotiation Plan (contract value \$0.250m).</p>	<input type="checkbox"/>
<p>Financial Reports (as required) - The Board confirms whether it will seek financial reports.</p>	<input type="checkbox"/>
<p>Probity Advice (as required) - The Board discusses any probity issues or additional probity advice to be sought.</p>	<input type="checkbox"/>

Activity	Complete
Additional Advice (as required) - The Board discuss any additional advice (e.g. legal or technical) to be sought.	<input type="checkbox"/>
Administrative Issues (as required) - The Board discusses any administrative feedback, which did not impact the evaluation, which can be detailed in the Tender Evaluation Board Report and provided to tenderers during the debrief.	<input type="checkbox"/>
Adjourn the Board (Chair)	
Where there are matters outstanding – Chair pauses the Board, assigns actions, and organises to re-convene to discuss the outcome of outstanding activities (e.g. Building Code compliance review, WRMP approval by the ABCC, financial reports in RFT stage, legal inquiries, design or technical reviews etc).	<input type="checkbox"/>
OR	
ITR ONLY – Close the Board (Chair)	
<p>Where there are no matters outstanding – The Board agrees a recommendation to the delegate for:</p> <ol style="list-style-type: none"> 1. which submissions <u>will be</u> shortlisted to be invited to submit a Tender in response to an RFT issued by the Commonwealth; and 2. which submissions <u>will not be</u> shortlisted to be invited to submit a Tender in response to an RFT issued by the Commonwealth; and 3. if the recommendations are made subject to any conditions (e.g. outstanding WRMP approval by the ABCC or legal review of Building Code compliance). <p>All submissions must be covered by the recommendations. Chair confirms that the evaluation of the submissions was conducted in accordance with the approved Project Development and Delivery Plan, and the CFI Evaluation and Probity Protocol. Chair closes the Board.</p> <p>NOTE: <i>If an individual Board member does not agree with any of the Board recommendations, the dissenting Board member must provide a dissenting report to the Delegate which will be attached to the Evaluation Board Report.</i></p>	<input type="checkbox"/>
RFT ONLY - Close the Board (Chair)	
<p>Where there are no matters outstanding – The Board agrees a recommendation to the delegate for:</p> <ol style="list-style-type: none"> 1. contract award (where no negotiations are required); or 2. one or more preferred tenderers (where negotiations are required); and 3. which offers will be declined; and 4. if the recommendations are made subject to any conditions (e.g. outstanding WRMP 	<input type="checkbox"/>

Activity	Complete
<p>approval by the ABCC or legal review of Building Code compliance). All tenders must be covered by the recommendations. Chair confirms that the evaluation of the submissions was conducted in accordance with the approved Project Development and Delivery Plan, and the CFI Evaluation and Probity Protocol. Chair closes the Board.</p> <p>NOTE: <i>If an individual Board member does not agree with any of the Board recommendations, the dissenting Board member must provide a dissenting report to the Delegate which will be attached to the Evaluation Board Report.</i></p>	