

# eDeposit Ireland

## National broadband plan : state led intervention, lot 1c

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**Roinn Cumarsáide, Gníomhaithe  
ar son na hAeráide & Comhshaoil**  
Department of Communications,  
Climate Action & Environment

**Confidential and legally  
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**National Broadband Plan:  
State Led Intervention**

**Lot 1C**

**Invitation to Submit Final Tender**

**Volume 2 (Evaluation Methodology)**

13 September 2018

Version 2



**European Union**  
European Regional  
Development Fund

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## Important Notice

The Department of Communications, Climate Action and Environment<sup>1</sup> (“**Department**”) has prepared this Invitation to Submit Final Tenders (“**ISFT**”) for the sole purpose of inviting Final Tenders from the Bidders for the national broadband intervention project.

The information set out in the ISFT is being made available on condition that it is only used in connection with this Procurement and for no other purpose whatsoever. It is provided as a guide only and does not purport to contain all the information that a Bidder may require in connection with this Contract. In no circumstances shall the Minister, Department, its advisers, consultants, contractors and/or agents incur any liability or responsibility arising out of or in respect of the issue of the ISFT.

The information provided in the ISFT is offered in good faith for the guidance of Bidders but no warranty or representation, express or implied, is given as to the accuracy or completeness of any of the information set out in the ISFT or on which the ISFT is based or issued pursuant to the ISFT.

The Minister, the Department and its advisers shall not under any circumstances whatsoever have any liability for the accuracy, adequacy or completeness of the ISFT or for any other written or other communication made available during the course of the Procurement process including, without limitation, for any loss, damage, cost or expense incurred or arising as a result of reliance on such information or communication. Where information in the ISFT is cited from a third party source, such information has not been independently verified.

The Department reserves the right to amend the ISFT, its requirements and any information contained herein at any time by notice, in writing, to the Bidders.

The Department reserves the right to take such steps as it considers appropriate, including (but not limited to):

- changing the basis of, or the procedures (including the timetable) relating to, the tender process;
- rejecting any, or all, of the Final Tenders;
- not inviting a Bidder or tenderer to proceed further;
- not furnishing a Bidder or tenderer with additional information; or
- abandoning the competition.

Nothing in the ISFT is, or may be relied upon as, a promise or representation as to the Department’s ultimate decision in relation to the award of the Contract(s) which are the subject of this competition, or as a representation of fact or promise as to the future. None of the information contained in the ISFT shall impose any legal obligations on the Department or Minister.

The Minister, Department, its advisers, consultants, contractors and/or agents do not accept any responsibility for the legality, validity, effectiveness, adequacy or enforceability of any documentation executed, or which may be executed, in relation to the Project.

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<sup>1</sup> On the 23rd of July 2016, the Department of Communications, Energy and Natural Resources became the Department of Communications, Climate Action and the Environment



The Department / Minister shall not be obliged to appoint any of the Bidders to undertake the Project and reserves the right not to proceed with the award process and to withdraw from the process at any time. No contract to be entered into with a successful Bidder will contain any representation or warranty from the Department in respect of the PIM, ITPD, ISDS, ISRDS or ISFT.

The ISFT is being made available by the Department to Bidders on the terms set out in the ISFT only. The ISFT is not being distributed to the public nor has it been filed, registered or approved in any jurisdiction. Its possession or use in any manner contrary to any applicable law is expressly prohibited. Bidders shall inform themselves concerning, and shall observe, any applicable legal requirements.

In this important notice, references to the ISFT includes all information contained in the ISFT, any accompanying documentation, and/or information and/or opinions made available during the remainder of the Procurement process by or on behalf of the Department, its advisers, consultants, contractors, servants and/or agents in connection with the ISFT or the Project including, without limitation, the information made available in response to any queries.

Each Bidder's downloading or acceptance of delivery of the ISFT constitutes its agreement to, and acceptance of, the terms set forth in this important notice. Any breach of the terms of this important notice may result in the exclusion of a Bidder from this Procurement, at the Department's sole discretion.



# 1 Introduction

## 1.1 Purpose

This Evaluation Methodology is Volume 2 of the Invitation to Submit Final Tender (ISFT).

This Volume 2 sets out the technical, commercial and contract requirements for the Final Tenders to be submitted by Bidders. It also sets out the award criteria and evaluation methodology that will be applied in the evaluation of Bidders' Final Tender submissions.

The Evaluation Methodology has been formulated to identify the most economically advantageous tender capable of meeting the Department's requirements for the Project.

This document should be read in conjunction with the latest versions of ISFT Volume 1 (Instructions), Volume 3 (draft Contract) and Volume 4 (Financial Requirements).

## 1.2 Defined Terms

Unless otherwise set out in this ISFT Volume 2 and below, the capitalised terms in this volume have the same meaning as given to them in the ISFT Volume 1 (Instructions) or Schedule 1 (Definitions) of the Contract or, if not defined there, in the PIM.

**Commercial Criteria or Criterion** means those criteria set out in Table 8.1 of this ISFT Volume 2.

**Commercial Questions** means the questions set out in section 3 of this ISFT Volume 2.

**Commercial Sub-Criteria or Sub-Criterion** means those criteria set out in Table 8.1 of this ISFT Volume 2 under the heading Commercial Sub-Criteria.

**Commercial Sub-Criteria Scoring Table** means those tables set out in Appendix 10 of this ISFT Volume 2.

**Contract Questions** means the questions set out in section 4 of this ISFT Volume 2.

**Consortium Members** has the meaning given to it in the Project Information Memorandum (PIM).

**Evaluation Team** means the team established by the Department to undertake the evaluation of submissions at the ISFT stage as more particularly described in section 5.1.2.

**Evidence Threshold** has the meaning given to it in section 7.1.4 of this ISFT Volume 2.

**Funding Plan** means the Bidder's plan for funding the Project as described in section 3.4.4 of this ISFT Volume 2.

**Infrastructure Access Agreement** means an agreement for the provision of access and use (including, where applicable, by interconnection) of passive and active infrastructure / products. The Department may notify a Bidder that a particular arrangement / agreement is an Infrastructure Access Agreement.

**Minimum Bitstream Wholesale Products Suite** has the meaning given to it in section 2.4 and includes, as the context so admits or requires, any one, more or all of them.

**Minimum Required Wholesale Products** has the meaning given to it in the Contract.

**Overall Percentage Score** means the aggregate of the Weighted Percentage Scores for all of the Primary Criteria for a Final Tender, expressed as a percentage (i.e. out of 100%).



**Percentage Score** means an aggregate of the Weighted Scores in respect of a Primary Criterion, expressed as a percentage (i.e. out of 100%).

**Primary Criteria** means the primary criteria set out in Table 5.1 of section 5.4 of this ISFT Volume 2

**Primary Criterion** means either one of the Primary Criteria set out in Table 5.1 of section 5.4 of this ISFT Volume 2, as applicable.

**Remaining Minimum Required Wholesale Product Suite** has the meaning given to it in section 2.4 and includes, as the context so admits or requires, any one, more or all of them.

**RFS** means, with respect to a Wholesale Product:

- (a) in the case of the Minimum Bitstream Wholesale Product Suite and the Additional Required Wholesale Products, the date on which the Wholesale Product Launch Project Plan provides for the Achievement of the P5A Milestone (Minimum Bitstream Wholesale Product Suite and Additional Required Wholesale Products) to be Achieved with respect to the Wholesale Product concerned; and
- (b) in the case of all Other Permitted Wholesale Products and the Remaining Minimum Required Wholesale Product Suite, the date on which the Wholesale Product Launch Project Plan provides for the P5CA Milestone (All Other Permitted Wholesale Products) to be Achieved with respect to the Wholesale Product concerned.

**Technical Criteria or Criterion** means those criteria set out in Table 7.1 of this ISFT Volume 2 under the heading Technical Criteria.

**Technical Sub-Criteria or Sub-Criterion** means those criteria set out in Table 7.1 of this ISFT Volume 2 under the heading Technical Sub-Criteria.

**Technical Sub-Criteria Scoring Table** means those tables set out in Appendix 9 of this ISFT Volume 2.

**Technical Questions** means the questions set out in section 2 of this ISFT Volume 2.

**Weighted Percentage Score** means the weighted percentage score in respect of a Primary Criterion that is calculated by applying the primary weighting for that Primary Criterion to the Percentage Scores awarded to that Final Tender in respect of that Primary Criterion in the manner described in section 5.4 of this ISFT Volume 2.

**Weighted Score** means a weighted score in respect of a Technical Criterion or a Commercial Criterion, expressed as a score out of the secondary weighting applicable to that Technical Criterion or Commercial Criterion (as shown in section 7.1 or 8.1 as applicable).

## 1.3 Final Tender Structure

Bidders must structure their Final Tender submission for the Lot in accordance with the instructions set out in this document (and any subsequent clarifications issued by the Department prior to the Final Tender submission date). The Final Tender is to be submitted in **soft copy** using encrypted external hard drives as described in Table 1.1 and Section 1.4 below. Bidders should note that **one hard copy of Contract Question 1 and Contract Question 4** must also be provided in accordance with the instructions set out in Table 1.1 below.

Failure to deliver all or part of the Final Tender submission for the Lot in the structure / format detailed below may, subject to section 1.5.2 and section 6.1.2.2, lead to a Final Tender submission being deemed to be non-compliant by the Department (at the Department's sole discretion).



Table 1.1: ISFT submission structure

ISFT submission	Structure & content requirements
<b>Part 1: Technical</b>	<ul style="list-style-type: none"> <li>■ The Bidder is to provide a clean soft copy and a redline soft copy of its response to each Technical Question. The redline copy is to show the changes that have been made to the response since the Refined Detailed Solution submission in respect of that Technical Question.</li> <li>■ If the Bidder has not made any changes to the response since the Refined Detailed Solution submission of that Technical Question, the Bidder must confirm that the Final Tender submission in respect of that Technical Question is identical to the Refined Detailed Solution submission of that question.</li> <li>■ The responses to each Technical Question should be included within a separate folder within the relevant Technical Sub-Criteria folder, using the folder structure agreed with the Department on the applicable external hard drive. See section 1.4 below.</li> <li>■ Any reference material should be cross-referenced and supplied in folders that are separate to the Technical Sub-Criteria folders.</li> </ul>
<b>Part 2: Commercial</b>	<ul style="list-style-type: none"> <li>■ The Bidder is to provide a clean soft copy and a redline soft copy of its response to each Commercial Question. The redline copy is to show the changes that have been made to the response since the Refined Detailed Solution submission in respect of that Commercial Question. For the avoidance of doubt, a redline copy is not required in respect of the Project Cost Model and Project Financial Model (but is required in respect of the Cost Memorandum and Financial Memorandum).</li> <li>■ If the Bidder has not made any changes to the response since the Refined Detailed Solution submission of that Commercial Question, the Bidder must confirm that the Final Tender submission in respect of that Commercial Question is identical to the Refined Detailed Solution submission of that question.</li> <li>■ The responses to each Commercial Question should be included within a separate folder within the relevant Commercial Sub-Criteria folder, using the folder structure agreed with the Department on the applicable external hard drive. See section 1.4 below.</li> <li>■ Any reference material should be cross-referenced and supplied in folders that are separate to the Commercial Sub-Criteria folders.</li> </ul>
<b>Part 3: Contract and Forms &amp; Declarations</b>	<ul style="list-style-type: none"> <li>■ The Bidder is to provide a clean soft copy and a redline soft copy of its response to each Contract Question. The redline copy is to show the changes that have been made to the response since the Refined Detailed Solution submission in respect of that Contract Question.</li> <li>■ If the Bidder has not made any changes to the response since the Refined Detailed Solution submission of that Contract Question, the Bidder must confirm that the Final Tender submission in respect of that Contract Question is identical to the Refined Detailed Solution submission of that question.</li> <li>■ The responses to each Contract Question should be included within a separate folder within the relevant Contract Sub-Criteria folder, using the folder structure agreed with the Department on the applicable external hard drive. See section 1.4 below.</li> <li>■ Any reference material should be cross-referenced and supplied in folders that are separate to the Contract Sub-Criteria folders.</li> <li>■ One hard copy of the response to Contract Question 1 and Contract Question 4 should also be provided.</li> </ul>



## 1.4 Final Tender Submission Package

The Bidder's entire ISFT submission should be submitted as a single overall package.

The ISFT submission is to be provided in **soft copy**, using the encrypted external hard drives and folder structure provided by the Department. One hard copy of the Bidder's response to Contract Question 1 and Contract Question 4 should also be provided.

Two external hard drives will be provided by the Department.

One of the external hard drives is to be used for the responses to Commercial Questions 2, 3 and 6 only. The password to be used for this external hard drive will be provided by the Department.

The second external hard drive is to be used for the responses to the Technical Questions, Commercial Question 1, 4, 5, 7 and 8 and the Contract Questions only. The Department will provide a separate password for this external hard drive.

The Bidder must provide a clean soft copy and a redline soft copy of its response to each Technical Question, Commercial Question and Contract Question. The redline soft copy is to show the changes that have been made to the response since the Refined Detailed Solution submission. Bidders must provide a letter listing the questions that have changed between the RDS submission and the Final Tender and confirming in writing that, in respect of all other areas, the Bidders RDS is also its Final Tender. A hard copy of the response to Contract Question 1 and Contract Question 4 must also be provided in accordance with the instructions set out in Table 1.1.

The Bidder must also include a file that provides a clear index of all soft copy files submitted, setting out the precise contents of each of the folders and sub-folders within each of the external hard drives.

Responses are required to be provided in one of the following formats only:

- Word;
- Excel;
- Pdf; and or
- Jpeg.

## 1.5 Final Tender Submissions

### 1.5.1 Submission Requirements

Bidders are not permitted to submit more than one Final Tender for the Lot. Bidders are not permitted to submit referential bids.

Bidders must submit their Final Tender submission in accordance with the instructions set out in section 8 of ISFT Volume 1 (Instructions) and, subject to section 1.5.2 and section 6.1.2, by 10am 18<sup>th</sup> September 2018 (Irish time) (or, if applicable, such later date notified by the Department via eTenders<sup>2</sup>).

Final Tender submissions must be delivered to the postal address below and in the manner below.

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FAO: NBP Project Management Office  
Submission for the National Broadband Intervention

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<sup>2</sup> The Department reserves the right at any time to extend the deadline for receipt of Final Tenders at its absolute discretion.



Department of Communications, Climate Action and Environment  
Telecommunications Policy and Regulatory Division  
29-31 Adelaide Road  
Dublin  
D02 X285

Bidders are fully responsible for the safe and timely delivery of their Final Tender to the Department. Proof of postage will not be accepted as proof of delivery.

All submissions in soft copy must be compiled such that they can be read immediately using PDF, office word processor readers and can be saved / downloaded by the Department.

The Department is not responsible for corruption in electronic documents. Bidders must ensure electronic documents are not corrupt.

All Final Tender submissions must, subject to section 1.5.2 and 6.1.2, be made in full accordance with the instructions in the ISFT.

All Final Tender submissions must be in the English language. To the extent that original documents are provided in a language other than English, a certified translation shall be provided also.

All financial information submitted should be denominated in Euros (EUR) (except where financial information is being provided in a supporting document, such as evidence of third party prices, where it is sufficient for the information to remain in its original currency). Where financial information is being converted from one currency to Euros (EUR), the exchange rate assumed by the Bidder for this purpose should be clearly identified.

### **1.5.2 Late Final Tender Submissions**

Final Tenders must be received by the closing time and date referred to in section 1.5.1. However, the Department will not reject a Final Tender for lateness provided it is received by the Department within four (4) hours of the closing time and date referred to in section 1.5.1. Any Final Tender (or part of it) received more than four (4) hours after the closing time and date shall be rejected by the Department, except in 'exceptional circumstances' where required by applicable law. This does not limit or affect section 6.1.2.2 with respect, in particular, to items not provided or provided in an incorrect form or on an incorrect basis.



## 2 Technical Questions

### 2.1 Guidance to Technical Questions

#### 2.1.1 Guidance

It is the Department's intention that the successful Bidder's responses to the Technical Questions set out in this section will provide the content for schedules 3.1 to 3.5 of the Contract.

Bidders' responses to the Technical Questions should, therefore, provide a clear and unambiguous response to the requirements of each of the Technical Questions. When preparing their responses to the Technical Questions, Bidders should ensure that they take into account the requirements set out in the draft Contract and this ISFT, the discussions that have taken place during the dialogue phase of the Procurement, the feedback provided by the Department following its review and/or assessment of any prior submissions (including submissions during dialogue), and all relevant clarifications received.

Bidders should also ensure that all elements of their Final tenders, which are articulated within any part of their responses to Technical Questions and Commercial Questions, are costed and that such costs are readily identifiable within their Project Financial Model (which forms part of the Bidder's response to the Commercial Questions). Bidders should be aware that the Department anticipates that all such elements that are included by Bidders in their responses to the Technical Questions at the ISFT stage will ultimately form legally binding obligations within the Contract.

Bidders should note that the successful Bidder will be bound by the obligations within the Contract (including but not limited to the Service Requirements)<sup>3</sup>. As set out in Clause 3 of the Contract, the provisions of the Contract (including schedules) shall take precedent over the NBPCo Solution (as that term is defined in the Contract). Accordingly, without limiting or affecting any express pass / fail requirements (including the minimum score thresholds and the robustness tests) in this Volume 2, Bidders shall bear the risk that all elements of their Final Tenders are compliant and consistent with the provisions of the Contract.<sup>4</sup>

If and to the extent that the Bidder's Final Tender is dependent on the support or involvement of a third party which is material to its Final Tender and that third party is not a Bidder Member, the Bidder should provide evidence to demonstrate that the third party is committed to providing the support, involvement or role set out in the Bidder's Final Tender. For example, a Bidder should provide such evidence where the Bidder's Final Tender is particularly dependent on technology from a specific supplier. The Department has informed prior to, or will shortly inform after, issue of the ISFT a Bidder if it considers that the Bidder's Final Tender is dependent on the support or involvement of a third party which is material to its Final Tender. Bidders may also request clarification from the Department of the status of a third party.

The Department may require Bidders by way of clarification to provide evidence of such support within a short time frame on request. Bidders can raise queries on whether or not evidence is required in a particular case in advance.

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<sup>3</sup> Where and to the extent that there is a difference between the Bidder's Final Tender and the obligations set out in the Contract, the Department reserves the right to require the successful Bidder to implement its Final Tender where and to the extent that the Final Tender represents a better outcome in respect of the objectives of the Project and is compliant with the Service Requirements and other provisions of the Contract.

<sup>4</sup> The evaluation methodology contemplates that, in certain cases, a Bidder's Final Tender may not necessarily have demonstrated full compliance with a requirement set out in the Contract without necessarily being rejected specifically on that basis. In a case where a Final Tender is not rejected in accordance with this Volume 2 but its Final Tender has not demonstrated full compliance with the Contract, NBPCo will still ultimately be required to achieve compliance with the Contract.



Bidders should note that, as set out in section 6.4, the assessment of robustness takes into account Key Subcontracts and Infrastructure Access Agreements.<sup>5</sup>

### 2.1.2 Wholesale Products

The Department has dialogued with each Bidder, for each of the Bidder's proposed Wholesale Products, in particular, what is the Benchmark Reference Product and Benchmark Reference Performance Specification for the Minimum Required Wholesale Products and Additional Required Wholesale Products for the purposes of the Wholesale Product Benchmarking Rules.

### 2.1.3 Deliberately blank

### 2.1.4 Alternative Bitstream Wholesale Product

As contemplated by Section 3.4 of ISFT Volume 1 (Instructions), the High Speed Broadband Determination has been made. It has been determined that the Minimum Bitstream Wholesale Product Percentage is 100% and, accordingly, there is no Alternative Bitstream Wholesale Product.

## 2.2 Technical Questions

### 2.2.1 Structure of Technical Questions

Contract schedules 2.1 to 2.5 set out the main technical requirements of the Contract. The Technical Questions have been structured and presented below in four sections (sections 2.3 to 2.6) which map across to those five schedules as follows:

- **Technical Solution Specification** – this section sets out the Technical Questions mainly relevant to Schedule 2.1 (Technical Solution Specification), the responses to which will provide the content for Schedule 3.1 (NBPCo Solution – Technical Solution);
- **Reference Offers** – this section sets out the Technical Questions mainly relevant to Schedule 2.2 (Reference Offer Requirements), the responses to which will provide the content for Schedule 3.2 (NBPCo Solution – Reference Offer);
- **Speed of Deployment and Environmental** – this section sets out the Technical Questions mainly relevant to Schedule 2.3 (Deployment Requirements) and Schedule 2.5 (Environmental), the responses to which will provide the content for Schedule 3.3 (NBPCo Solution – Deployment) and Schedule 3.5 (NBPCo Solution – Environmental); and
- **Operational Performance** – this section sets out the Technical Questions mainly relevant to Schedule 2.4 (Operational Performance), the responses to which will provide the content for Schedule 3.4 (NBPCo Solution – Operations).

### 2.2.2 Labelling of Technical Questions as Scored<sup>6</sup>

At Final Tender stage, Bidders' responses to the Technical Questions that are labelled as "scored" will be evaluated and scored in accordance with the Technical Criteria and evaluation methodology described in sections 5 and 7 of this ISFT Volume 2 and may also be taken into consideration in the assessment of compliance and/or robustness in accordance with the methodology described in section 6 of this ISFT Volume 2.

<sup>5</sup> The Department may require additional and more detailed assurance from the relevant third party at the Preferred Bidder stage as a condition to continuation as Preferred Bidder, which may extend to making the conclusion of the relevant contract a pre-condition to the Minister signing the Contract. Bidders should also note that specific robustness test that applies at Final Tender stage.

<sup>6</sup> The Department may (but is not required to) consider and have regard to the responses to the Technical Questions in the context of other elements of the evaluation (including scoring), e.g. compliance, robustness, Commercial Criteria, Commercial Questions, Contract Questions etc, if considered relevant.



### 2.2.3 Responding to Technical Questions

The Technical Criteria are split into a number of Technical Sub-Criteria with associated weightings. These are set out in Table 7.1.

There is a specific Technical Sub-Criterion Scoring Table for each Technical Sub-Criterion which sets out how scores will be awarded under each Technical Sub-Criterion. The relevant Technical Sub-Criteria Scoring Tables for each Technical Sub-Criterion are identified in Table 7.1.

Table 7.1 identifies the Technical Questions that will be considered in the assessment under each Technical Sub-Criterion and corresponding Technical Sub-Criterion Scoring Table. These Technical Questions are broken down into:

- a core question that directly relates to the relevant Technical Sub-Criterion and corresponding Technical Sub-Criterion Scoring Table; and
- additional common questions that are relevant to the assessment of the relevant Technical Sub-Criterion and corresponding Technical Sub-Criterion Scoring Table as well as to the assessment of other Technical Sub-Criteria.

Whilst the Evaluation Team may, at its absolute discretion, consider parts of the Final Tender (including the response to other Technical Questions, Contract Questions or Commercial Questions) that are not identified in Table 7.1 alongside the relevant Technical Sub-Criterion, it is not obliged to (and may in fact not) do so. Accordingly, the onus is on Bidders to ensure that the responses to the relevant Technical Questions for a particular Technical Sub-Criterion fully and properly address all of the criteria set out in the relevant Technical Sub-Criterion Scoring Table. If a Bidder considers that information in response to a particular and specific Technical Question may be relevant to a particular Technical Sub-Criterion in circumstances where that Technical Question is not identified as being relevant in Table 7.1 to the relevant Technical Sub-Criterion, the Bidder should cross refer to that particular and specific Technical Question in the response to the relevant core question in order to direct the Evaluation Team to the relevant information, whilst also explaining why it is relevant.

Each Technical Question sets out certain information that should be provided and provides certain background information to Bidders. However, this is not exhaustive and, ultimately, the onus is on Bidders when responding to the Technical Questions to ensure that they tailor their responses to the Technical Sub-Criteria Scoring Tables so as to demonstrate that they meet or exceed all of the relevant criteria set out in the Technical Sub-Criteria Scoring Tables. The onus is also on Bidders to ensure that the level of information they provide in response to the Technical Questions is sufficient to meet the Evidence Threshold that will be applied when applying the Technical Sub-Criteria Scoring Tables.

Bidders should note that the Technical Sub-Criteria Scoring Tables in some (but not necessarily all) cases reward Bidders for exceeding requirements set out in the Contract. Bidders should have regard to this in developing their Final Tenders.

### 2.2.4 Cross Reference Matrix

**Cross referencing the relevant Technical Sub-Criteria Scoring Table (as set out in Table 7.1) and relevant Deployment Robustness Sub-Criteria Scoring Table (as set out in Figure 3.2) to the relevant section(s) of the Bidder's submission.**

For each of the core questions and in the case of the common questions set out in Section 2.5 (Deployment) below, the Bidder's response should include a cross-reference matrix in the format below which maps the scoring definitions for each of the Technical Sub-Criteria or the Deployment Robustness Sub-Criteria as set out in Appendix 9 to the relevant section(s) and/or Appendix/Appendices of their response.



Figure 2.1: Cross Reference Matrix for Sub-Criteria Table in Appendix 9

Scoring Definition reference number to achieve a maximum score	Section or Appendix reference in Bidder’s submission setting out where the Scoring Definition is answered	Section(s) or Appendices in the Bidder’s submission where relevant supporting evidence is provided

For example, the Cross Reference Matrix for Sub-Criteria Table 1.1 should be set out as follows:

Figure 2.2: Cross Reference Matrix for Sub-Criteria Table 1.1

Scoring Definition reference number to achieve a maximum score	Section or Appendix reference in Bidder’s submission setting out where the Scoring Definition is answered	Section(s) or Appendices in the Bidder’s submission where relevant supporting evidence is provided
1		
2 a.		
2 b.		
3		
4		

For example, the Cross Reference Matrix for Sub-Criteria Table 1.2 should be set out as follows:

Figure 2.3: Cross Reference Matrix for Sub-Criteria Table 1.2

Scoring Definition reference number to achieve a maximum score	Section or Appendix reference in Bidder’s submission setting out where the Scoring Definition is answered	Section(s) or Appendices in the Bidder’s submission where relevant supporting evidence is provided
1		
2		
3 a.		
3 b.		
4		



## 2.3 Technical Solution Specification

### Core Question 1.1: Wholesale Product Roadmap and Technology Roadmap [Scored]

Please explain and demonstrate how your Final Tender meets or exceeds all of the criteria set out in Technical Sub-Criterion Scoring Table 1.1 (Wholesale Product Roadmap and Technology Roadmap). Bidders should have regard to the provisions set out in the Contract that are relevant in this regard.

**Note:** Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.

Without limiting or affecting the foregoing, please include and address the following in particular in your response:

#### 1.1.1 Wholesale Product Roadmap:

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Wholesale Product Roadmap and the criteria set out in the Technical Sub-Criterion Scoring Table 1.1 (Wholesale Product Roadmap and Technology Roadmap) such as, for instance (but without limitation), those set out in Schedule 2.1, Paragraph 3.5 of the Contract.

**Question:** The Bidder's response should provide a Wholesale Product Roadmap (in graphical format). For each entry in its Wholesale Product Roadmap, the Bidder shall clearly explain whether the entry is related to Wholesale Products, IA End User experience, Operational Environment, Onboarding Process or Testing and describe the main characteristics of the entry. In particular, for each of the proposed Active Wholesale Products, the Bidder shall clearly indicate the evolution of the committed (i.e. those which the Bidder contractually commits to making) Download Speed and Upload Speed throughout the Contract Period. In addition, the Bidder shall outline the process to maintain and update the rolling 10-year Wholesale Product Roadmap over the Contract Period. The Bidder's response should clearly demonstrate how it meets the requirements of Schedule 2.1, Paragraph 3.5 of the Contract.

#### 1.1.2 Technology Roadmap:

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Technology Roadmap and the criteria set out in the Technical Sub-Criterion Scoring Table 1.1 (Wholesale Product Roadmap and Technology Roadmap) such as, for instance (but without limitation), those set out in Schedule 2.1, Paragraph 5.4 of the Contract.

**Question:** The Bidder's response should provide a Technology Roadmap (in graphical format), and which is fully aligned with the above Wholesale Product Roadmap to support the required product evolution of all Wholesale Products. In particular, the Bidder shall clearly highlight the committed technology upgrades for the Contract Period. In addition, the Bidder shall outline the process to maintain and update the rolling 10-year Technology Roadmap over the Contract Period. The Bidder's response should clearly demonstrate how it meets the requirements of Schedule 2.1, Paragraph 5.4 of the Contract that relate to the Technology Roadmap.

**1.1.3 Question:** Bidders shall list each of their proposed and committed future Wholesale Products and shall specify their proposed RFS date for each Wholesale Product in Figure 2.4 below:



Figure 2.4: Future Wholesale Access Products – RFS

Type of Product	Product Description	Product Name	RFS Date

**1.1.4 Question:** Bidders shall detail the specification of each of their committed future Active Wholesale Products in Figure 2.5 below. Bidders may expand the table to accommodate additional future Active Wholesale Products and additional performance parameters as necessary.

Figure 2.5: Future Active Wholesale Products

Performance Parameter	Product 1	Product 2	Product X
Product Name			
Minimum Download Speed between WCPE and PoH			
Minimum Upload Speed between WCPE and PoH			
Maximum utilisation of backhaul link between first point of active aggregation and PoH			
Maximum Latency (round trip) between WCPE and PoH			
Maximum Jitter between the WCPE and the PoH			
Maximum Packet Loss between the WCPE and PoH			
Minimum Service Availability			

**1.1.5 Question:** In addition to the future Active Wholesale Products, the Bidder shall provide the specification and details of each of any other future Wholesale Products that it commits to providing during the Contract Term.

### Core Question 1.2: Universal Wholesale Gateway [Scored]

Please explain and demonstrate how your Final Tender meets or exceeds all of the criteria set out in Technical Sub-Criterion Scoring Table 1.2 (Universal Wholesale Gateway). Bidders should have regard to the provisions set out in the Contract that are relevant in this regard.



**Note: Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.**

Without limiting or affecting the foregoing, please include and address the following in particular in your response:

### 1.2.1 Universal Wholesale Gateway

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Universal Wholesale Gateway and the criteria set out in the Technical Sub-Criterion Scoring Table 1.2 (Universal Wholesale Gateway) such as, for instance (but without limitation), those set out in Schedule 2.1, Paragraph 4.3 of the Contract.

**Question:** The Bidder's response should provide the following, while specifically demonstrating how the requirements set out in Schedule 2.1, Paragraph 4.3 of the Contract are met:

- (A) Explain the design, architecture and functionalities of each of the below components:
  - 1) Wholesale Product Catalogue
  - 2) Web Self Service portal
  - 3) B2B interface
  - 4) RSP authentication
  - 5) Premises Database
- (B) Describe for each of the UWG components:
  - 1) The key technical characteristics of each component
  - 2) The interfaces between components of the UWG
  - 3) External interfaces to Service Providers' systems
  - 4) Internal interfaces to OSS/BSS systems
  - 5) The hardware and software used to implement each component of the UWG
  - 6) How components have been dimensioned according to their estimate of transaction volumes
- (C) Provide mock-up screen shots of the Web Self Service, use case and example process flow for each of the transaction types:
  - 1) Checking availability of a product for a particular address.
  - 2) Placing an order that involves access and backhaul products
  - 3) Booking and modifying End User installation appointments
  - 4) Querying the status of an order
  - 5) Modifying and cancelling of orders that have already started to be processed
  - 6) Checking the status of services in a particular geographical area
  - 7) Modifying an active service (e.g. service migration)
  - 8) Cancelling a service
- (D) Provide a use case and example process flow for each of the transaction types for the B2B transactions interface:
  - 1) Connecting to the UWG
  - 2) Checking availability of a product for a particular address



- 3) Placing an order that involves access and backhaul products
  - 4) Booking and modifying End User installation appointments
  - 5) Querying the status of an order
  - 6) Modifying and cancelling of orders that have already started to be processed
  - 7) Modifying an active service (e.g. service migration)
  - 8) Cancelling a service
- (E) Explain its approach to resilience and redundancy and demonstrate how its UWG solution meets the UWG Availability requirement provided in Schedule 2.1, Paragraphs 4.2.3 and 4.3.4 of the Contract. The Bidder shall provide a bottom-up Availability model, which takes into account each of the components which are part of the UWG and provides a Target Performance Level for the Availability of the UWG. This Target Performance Level should not be lower than the Target Performance Level stated in Schedule 2.1 Appendix 1 and Schedule 6.7 Appendix 1.

### Core Question 1.3: OSS/BSS system [Scored]

Please explain and demonstrate how your Final Tender meets or exceeds all of the criteria set out in Technical Sub-Criterion Scoring Table 1.3 (OSS/BSS System). Bidders should have regard to the provisions set out in the Contract that are relevant in this regard.

**Note: Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.**

Without limiting or affecting the foregoing, please include and address the following in particular in your response:

#### 1.3.1 OSS/BSS system

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the OSS/BSS system and the criteria set out in the Technical Sub-Criterion Scoring Table 1.3 (OSS/BSS system) such as, for instance (but without limitation), those set out in Schedule 2.1, Paragraph 4.4 of the Contract.

**Question:** The Bidder's response should provide the following, while specifically demonstrating how the requirements set out in Schedule 2.1, Paragraph 4.4 of the Contract are met:

- (A) Explain the design, architecture and functionalities of each of the components, including:
- 1) End-User Management Database
  - 2) Workforce Management System
  - 3) Inventory Management System
  - 4) Order Management and Provisioning Systems
  - 5) Fault Management Systems
  - 6) Trouble Ticketing System
  - 7) Network Operations Centre (NOC)
  - 8) Billing System
- (B) Describe for each of the OSS/BSS system components:



- 1) The characteristics of each component
  - 2) Interfaces between the components
  - 3) The hardware and software used to implement each component
  - 4) How components have been dimensioned according to their estimate of transaction volumes
- (C) Describe in detail how the UWG will interface with the Trouble Ticketing system to ensure that Service Providers can query tickets through the UWG and can see fault codes for open tickets, and fault codes, fault cause codes and fault resolution codes for closed tickets.
- (D) Explain its approach to resilience and redundancy and demonstrate how its proposed solution for the OSS/BSS system will meet the OSS/BSS system Availability requirement provided in Schedule 2.1, Paragraph 4.2.3 and 4.4.3 of the Contract. The Bidder shall provide a bottom-up Availability model, which takes into account each of the components which are part of the OSS/BSS system and provides a Target Performance Level for the Availability of the OSS/BSS system. This Target Performance Level should not be lower than the Target Performance Level stated in Schedule 2.1 Appendix 1 and Schedule 6.7 Appendix 1.

#### **Core Question 1.4: Electronic Network Maps, Public Portal and Secure Portal [Scored]**

Please explain and demonstrate how your Final Tender meets or exceeds all of the criteria set out in Technical Sub-Criterion Scoring Table 1.4 (Electronic Network Maps, Public Portal and Secure Portal). Bidders should have regard to the provisions set out in the Contract that are relevant in this regard.

**Note:** Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.

Without limiting or affecting the foregoing, please include and address the following in particular in your response:

##### **1.4.1 IA End User Interactive Map**

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the IA End User Interactive Map and the criteria set out in the Technical Sub-Criterion Scoring Table 1.4 (Electronic Network Maps, Public Portal and Secure Portal) such as, for instance (but without limitation), those set out in Schedule 2.1, Paragraphs 4.4.26 to 4.4.29 (inclusive) of the Contract.

**Question:** The Bidder's response should provide use cases for each of the following transaction types for the IA End User Interactive Map, and be supported by appropriate mock ups of screen shots, while clearly demonstrating how the requirements set out in Schedule 2.1, Paragraphs 4.4.26 to 4.4.29 (inclusive) of the Contract are met:

- (A) Checking the availability of existing/planned services for a particular Eircode
- (B) Checking the performance of existing/planned services for a particular Eircode

##### **1.4.2 Network Infrastructure Map**



**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Network Infrastructure Map and the criteria set out in the Technical Sub-Criterion Scoring Table 1.4 (Electronic Network Maps, Public Portal and Secure Portal) such as, for instance (but without limitation), those set out in Schedule 2.1, Paragraphs 4.4.30 to 4.4.32 (inclusive) of the Contract.

**Question:** The Bidder's response should explain, by means of mock ups of screen shots, how different types of infrastructure will be graphically displayed and show any additional information which will be provided by the Network Infrastructure Map (e.g. utilisation/space availability of different types of infrastructure, limitations on right of ways, etc). The Bidder shall also explain how Service Providers will be able to download relevant geographic information system based-Network Infrastructure Map to identify the type and location of passive Wholesale Product they could use for building their own Network and providing services to IA End Users. The Bidder's response should clearly demonstrate how the requirements set out in Schedule 2.1, Paragraphs 4.4.30 to 4.4.32 (inclusive) of the Contract are met.

### 1.4.3 Public Portal

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Public Portal and the criteria set out in the Technical Sub-Criterion Scoring Table 1.4 (Electronic Network Maps, Public Portal and Secure Portal) such as, for instance (but without limitation), those set out in Schedule 2.1, Paragraphs 4.5 of the Contract.

**Question:** The Bidder's response should provide mock-up screen shots for each page of the Public Portal and shall clearly explain how it intends to meet the Availability requirement for the Public Portal. The Bidder's response should clearly demonstrate how the requirements set out in Schedule 2.1, Paragraphs 4.5 of the Contract are met.

### 1.4.4 Secure Portal

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Secure Portal and the criteria set out in the Technical Sub-Criterion Scoring Table 1.4 (Electronic Network Maps, Public Portal and Secure Portal) such as, for instance (but without limitation), those set out in Schedule 2.1, Paragraphs 4.6 of the Contract.

**Question:** The Bidder's response should provide mock-up screen shots for each page of the Secure Portal and shall clearly explain how it intends to meet the Availability requirement for the Secure Portal. The Bidder shall also provide details regarding the security mechanisms that will be implemented to ensure that only authorised users can access the Secure Portal. The Bidder's response should clearly demonstrate how the requirements set out in Schedule 2.1, Paragraphs 4.6 of the Contract are met.

## Core Question 1.5: Network Evolution and Future Proofing [Scored]

Please explain and demonstrate how your Final Tender meets or exceeds all of the criteria set out in Technical Sub-Criterion Scoring Table 1.5 (Network Evolution and Future Proofing). Bidders should have regard to the provisions set out in the Contract that are relevant in this regard.

**Note: Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.**

Without limiting or affecting the foregoing, please include and address the following in particular in your response:



### 1.5.1 Network Evolution and Future Proofing

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Network evolution and future proofing and the criteria set out in the Technical Sub-Criterion Scoring Table 1.5 (Network Evolution and Future Proofing) such as, for instance (but without limitation), those set out in Paragraphs 5.4 Schedule 2.1, Schedule 6.1, Schedule 6.4 and Clause 26 of the Contract.

**Question:** The Bidder's response should:

- (A) Demonstrate that its solution is future proof throughout the Contract Period by explaining how the Network will:
  - 1) scale with demand for growth of existing Active Wholesale Products, specifically linking End User demand and traffic volumes to how the Network will scale;
  - 2) accommodate new Wholesale Products;
  - 3) ensure a continual improvement of the quality of Wholesale Products;
  - 4) enable the Bidder to innovate in order to respond to future product demand for Wholesale Products that have not yet emerged in the market; and
  - 5) provide spare capacity to support the provision of all initial and future Passive Wholesale Products as proposed by the Bidder in its Wholesale Product Roadmap.
- (B) Demonstrate that the Wholesale Product Roadmap and the Technology Roadmap are consistent and fully aligned. Bidders should, in particular:
  - 1) state the demand assumptions that have been applied for example the traffic growth and take up growth for each service type;
  - 2) state the capacity which will be available in both Access and Backhaul Network, based on the committed technology upgrades provided in the Technology Roadmap; and
  - 3) outline the alignment of the demand assumptions and the capacity projections in both Access Networks and Backhaul Networks.

## Common Question 1.6: Operational Environment general requirements [Scored]

### 1.6.1 Operational Environment

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Operational Environment such as, for instance (but without limitation), those set out in Schedule 2.1, Paragraphs 4.2, 4.3 and 4.4 of the Contract.

Bidders should also have regard to the fact that the response to this question will be taken into account in assessing the Technical Sub-Criteria and corresponding Technical Sub-Criterion Scoring Tables in the manner identified in Table 7.1 (Technical Criteria, Technical Sub-Criteria and Weightings).

**Question:** Without limiting or affecting the foregoing, the Bidder's response should provide, with the aid of a diagram, the overall architecture for its Operational Environment, showing all components (such as databases and systems) required for the Universal Wholesale Gateway (UWG) and for OSS/BSS Systems, and relevant interfaces between the different components.

## Common Question 1.7: Network architecture and design [Scored]

### 1.7.1 Network architecture and design



**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Network architecture and design such as, for instance (but without limitation), those set out in Schedule 2.1, Paragraphs 5.2 and 5.3 of the Contract.

Bidders should also have regard to the fact that the response to this question will be taken into account in assessing the Technical Sub-Criteria and corresponding Technical Sub-Criterion Scoring Tables in the manner identified in Table 7.1 (Technical Criteria, Technical Sub-Criteria and Weightings).

**Question:** Without limiting or affecting the foregoing, the Bidder's response should provide a description of the overall Network architecture and design used to deliver its solution. Bidders shall highlight the topology, describe the functionality of the key Network nodes and the type of infrastructure used to provide links between key Network nodes. In particular, the Bidder shall describe:

- (A) Points of Handover
  - 1) Access Network design and architecture
  - 2) Backhaul Network design and architecture
  - 3) Approach to connecting Premises

### 1.7.2 Points of Handover

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Points of Handover such as, for instance (but without limitation), those set out in Schedule 2.1, Paragraphs 5.2.8 to 5.2.16 (inclusive) and Paragraph 5.3 of the Contract.

Bidders should also have regard to the fact that the response to this question will be taken into account in assessing the Technical Sub-Criteria and corresponding Technical Sub-Criterion Scoring Tables in the manner identified in Table 7.1 (Technical Criteria, Technical Sub-Criteria and Weightings).

**Question:** Without limiting or affecting the foregoing, the Bidder's response should:

- (A) Provide details on each Active PoH (providing active Wholesale Products) it proposes as part of its solution including:
  - 1) Type of structure hosting the PoH (e.g. exchange, building, cabin, other)
  - 2) Location of PoH (County, town and GPS coordinates)
  - 3) PoH infrastructure characteristics (e.g. dedicated room, shared room, other)
  - 4) Proposed floor plans of each PoH clearly identifying available surface area for Service Providers to co-locate their Equipment and area which will be used by the Bidder
  - 5) Type of Active Wholesale Products available
  - 6) PoH status (i.e. the PoH already exists or needs to be constructed)
  - 7) Estimated PoH ready for service date
- (B) Provide details on each type of Passive PoH (providing passive Wholesale Products) it proposes as part of its solution. In particular, for each type of PoH, the Bidder shall describe:
  - 1) Type of PoH (e.g. exchange, building, cabin, manhole, pole, mast, other)
  - 2) Type of Passive Wholesale Products available



### 1.7.3 Access Network design and architecture

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Access Network design and architecture such as, for instance (but without limitation), those set out in Schedule 2.1, Paragraph 5.2.19 and in Paragraph 5.3 of the Contract.

Bidders should also have regard to the fact that the response to this question will be taken into account in assessing the Technical Sub-Criteria and corresponding Technical Sub-Criterion Scoring Tables in the manner identified in Table 7.1 (Technical Criteria, Technical Sub-Criteria and Weightings).

**Question:** Without limiting or affecting the foregoing, the Bidder's response should:

- (A) Describe in detail the design of the Access Network and associated technology used to deliver all required Wholesale Products meeting or exceeding the product and operational performance specified in Schedule 2.2. In particular, the Bidder shall provide details regarding the Equipment used to deliver each of the Wholesale Products they will offer in the Access Network and the applicable telecommunications standards these Equipment comply with.
- (B) Deliberately blank
  - ▶ **Access Network - Wireline based access solution description, where applicable**
- (C) Provide the following information on a per access node basis:
  - 1) Access node coordinates and/or Eircode
  - 2) Technology including the relevant standard (e.g. GPON, VDSL2 with vectoring, other)
  - 3) Features provided by the access node (e.g. VLAN management, Multicast facility, other)
  - 4) Access node status (new or existing)
  - 5) Access traffic projections (throughout the Contract Period)
  - 6) Backhaul capacity provisioning (throughout the Contract Period)
- (D) Describe at least the following:
  - 1) Reach of the solution (i.e. distance between active aggregation node and furthest IA End User to deliver the mandatory products meeting the requested performance)
  - 2) Supporting evidence including manufacturers' performance data and trial results
  - 3) Planning tool used to design the Network to deliver the required mandatory products
  - 4) Assumed configuration of Equipment in key Network nodes to deliver the requested performance for each of the mandatory products
  - 5) Map showing coverage from a sample number of Network nodes and active aggregation nodes.
- (E) Provide a full Excel-based link budget for the downlink and uplink including all intermediary step calculations i.e. include all formula used to calculate all line items (e.g. line A + line B + line C = line D). The link budget should include at a minimum the following line items and their associated units:
  - 1) Transmit power
  - 2) Insertion loss
  - 3) System bandwidth
  - 4) Required signal-to-interference-plus-noise ratio (SINR)



- 5) Receiver sensitivity
  - 6) Splitter loss (if applicable)
  - 7) Maximum allowable path loss
  - 8) Mean propagation loss
  - 9) Formula showing conversion of link budget into design threshold distance on which coverage map is based
- (F) Describe the planned approach to interference management in the Access Network making reference to frequency plans and any issues associated with the transmission medium.
- (G) Describe in detail the design of their underground Access Network plant (if applicable), at least including the following detail:
- 1) Methodologies to deploy the cables (e.g. directly buried, ducted/sub-ducted, other)
  - 2) Number of ducts per trench (if applicable)
  - 3) Duct diameter (if applicable)
  - 4) Number of sub-duct/micro-duct/flexible inner-ducts in each duct (if applicable)
  - 5) Characteristics of sub-duct/micro-duct/inner ducts (if applicable)
  - 6) Cable armouring details (if applicable)
  - 7) Number of cables per duct or per sub-duct/micro-duct/inner ducts
  - 8) Number of physical media per cable
  - 9) Number of physical media per cable used for providing Active Wholesale Products
  - 10) Number of physical media per cable used for providing Passive Wholesale Products (e.g. dedicated to Dark Fibre Products)
  - 11) Number of spare physical media per cable used for future growth
  - 12) Specification of physical media in each cable
- (H) Describe in detail the design of its overhead Access Network plant (if applicable), at least including the following detail:
- 1) Methodologies to deploy the cables (e.g. cables directly deployed on poles, micro-duct deployed on poles and blown fibre)
  - 2) Equipment used to fix cable/microduct to each pole
  - 3) Number of deployed cables per pole
  - 4) Maximum number of cables which could be deployed per pole (please provide cable characteristics fitting this description)
  - 5) Number of cavities in each micro-duct (if applicable)
  - 6) Number of physical media per cable
  - 7) Number of physical media per cable used for providing Active Wholesale Products
  - 8) Number of physical media per cable used for providing Passive Wholesale Products (e.g. dedicated to Dark Fibre Product)
  - 9) Number of spare physical media per cable used for future growth
  - 10) Specification of physical media in each cable
- (I) Describe in detail its approach to dimensioning its Access Network in terms of capacity for Active Wholesale Products and shall clearly state the spare capacity (if any) initially provisioned into the Access Network (i.e. spare capacity in terms of uplink and downlink bandwidth).



- (J) Demonstrate that its Network architecture has sufficient resilience to allow the Bidder to deliver a Minimum Bitstream Wholesale Product with an Availability of at least 99.95%.
- (K) Deliberately blank
- (L) Describe any existing Equipment or plant (owned by the Bidder) which the planned Network will reuse (including copper wires, poles, optical fibre), including the following details:
  - 1) The general state of the existing Equipment or plant.
  - 2) The impact of the existing Equipment or plant on the quality of service.
  - 3) The approach to mitigating the risk of Equipment or plant not meeting sufficient quality standards to meet the planned quality.

► **Access Network - Wireless based access solution description, where applicable**

- (M) Provide the following detail on a per sector basis:
  - 1) Site ID
  - 2) Site coordinates and projection systems
  - 3) Sector ID
  - 4) Sector azimuth
  - 5) Access technology (including relevant standards)
  - 6) Carrier frequency
  - 7) Number of carriers
  - 8) Use of carrier aggregation on installation
  - 9) Planned carrier aggregation at a post installation date
  - 10) Bandwidth per carrier
  - 11) Structure status (new or existing)
  - 12) Tower or structure height (above ground level)
  - 13) Transmit antenna height
  - 14) Transmit power
  - 15) Antenna gain
  - 16) Antenna radiation pattern for vertical and horizontal radiation pattern (Pattern should be provided in Excel or another computer readable file, loss in dB per degree)
  - 17) Multiple input - multiple output scheme
  - 18) Number of transmit antennae
  - 19) Number of receive antennae
  - 20) Antenna tilt – mechanical (reference positive degrees for down-tilt and negative number for up-tilt)
  - 21) Spectrum licence status
- (N) Provide the following information on a per site basis:
  - 1) Number of sectors on installations
  - 2) Planned evolution of the number of sectors over time
  - 3) Backhaul technology
  - 4) Backhaul capacity



- 5) Site acquisition assumptions including information regarding site ownership and an indication of the probability of using the site in the deployment
- (O) Provide a wireless coverage map describe the following inputs:
- 1) Propagation model and selected parameters
  - 2) Planning tool and associated configuration
  - 3) Digital terrain map (including resolution)
  - 4) Clutter map (including resolution)
- (P) Provide a full Excel-based link budget for the downlink and uplink including all intermediary step calculations i.e. include all formula used to calculate all line items (e.g. line A + line B + line C = line D). The link budget should include at a minimum the following line items and their associated units:
- 1) Effective isotropic radiated power (EIRP)
  - 2) System bandwidth
  - 3) Required signal-to-interference-plus-noise ratio (SINR)
  - 4) Receiver sensitivity
  - 5) Maximum allowable path loss
  - 6) Indoor penetration loss as applicable per clutter type or geographic type
  - 7) Cell edge probability
  - 8) Cell area probability
  - 9) Mean and standard deviation used to calculate slow fade margin
  - 10) Slow fade margin
  - 11) Mean propagation loss
  - 12) Formula showing conversion of link budget into design threshold on which coverage map is based
- (Q) Describe in detail its approach to dimensioning its Access Network in terms of capacity for Active Wholesale Products and shall clearly state the spare capacity (if any) initially provisioned into the Access Network (i.e. spare capacity in terms of uplink and downlink bandwidth). In particular, Bidders shall detail the maximum number of Premises which will be served by a sector, the dimensioned capacity per Premises and the dimensioning assumptions.
- (R) Demonstrate that its Network architecture has sufficient resilience to allow the Bidder to deliver of a Minimum Bitstream Wholesale Product with an Availability of at least 99.95%.
- (S) Deliberately blank,
- (T) Describe their planned approach to interference management in the Access Network making reference to carriers and frequency reuse plans.

#### 1.7.4 Backhaul Network design and architecture

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Backhaul Network design and architecture such as, for instance (but without limitation), those set out in Schedule 2.1, Paragraph 5.2.17 to 5.2.18 (inclusive) and in Paragraph 5.3 of the Contract.

Bidders should also have regard to the fact that the response to this question will be taken into account in assessing the Technical Sub-Criteria and corresponding Technical Sub-Criterion Scoring Tables in the manner identified in Table 7.1 (Technical Criteria, Technical Sub-Criteria and Weightings).



**Question:** Without limiting or affecting the foregoing, the Bidder's response should describe the design and architecture of the Backhaul Network (national and metro) and associated technology used to deliver its solution. In particular, Bidders shall clearly indicate the demarcation point between their Access Network (from IA End User Premises to first point of active aggregation), their metro Backhaul Network (from the first point of active aggregation to PoH) and their national Backhaul Network (network between PoH). In describing its Backhaul Network solution, the Bidder's shall at least provide:

- (A) A diagram showing the topology for the entire Backhaul Network including location of all infrastructure passive and active nodes and routes for all transmission media.
- (B) A description of type of transmission media (e.g. air interface, copper, fibre, coaxial cable, other) used in different part of the Backhaul Network.
- (C) The specification of physical media in each cable and adherence to standards or/and spectrum band/bandwidth.
- (D) A description of physical characteristics of the infrastructure Network including but not limited to:
  - (1) duct/sub-duct diameter size
  - (2) number of cables used in ducts/sub-ducts
  - (3) micro-ducts/micro-cables diameter size and associated number of physical media installed, used and spare in each of these micro-ducts/micro-cables
  - (4) pole types, number and size of cables installed on each type of poles, maximum loading capability of each type of poles (in terms of number of cables)
  - (5) number of physical media installed, used and spare on each areal cable
  - (6) type and structure of radio Mast
- (E) A description of all active Backhaul Network Equipment in terms of manufacturer/brand, type, configuration, Equipment facts sheets and relevant standards adherence.
- (F) A brief description of all Equipment feature, focusing on the management of VLANs and multicast features, if applicable
- (G) A description of engineering rules used to build the Network and assumptions made regarding link budget and other parameters required to determine the reach between any two active nodes and to ensure there is no single point of failure in the Backhaul Network.
- (H) A description of the dimensioning rules used to ensure that the Backhaul Network can meet the expected product demand and to ensure that all backhaul links are less than 80% utilised.

### 1.7.5 Backhaul Capacity

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to backhaul capacity such as, for instance (but without limitation), those set out in Schedule 2.1, Paragraph 5 of the Contract.

Bidders should also have regard to the fact that the response to this question will be taken into account in assessing the Technical Sub-Criteria and corresponding Technical Sub-Criterion Scoring Tables in the manner identified in Table 7.1 (Technical Criteria, Technical Sub-Criteria and Weightings).

**Question:** Without limiting or affecting the foregoing, the Bidder's response should clearly show any additional spare capacity (in terms of bandwidth) considered in the design (in addition to the 80% utilisation limit) to ensure a smooth Network evolution.

### 1.7.6 Approach to connecting Premises



**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the approach to connecting Premises such as, for instance (but without limitation), those set out in Schedule 2.1, Paragraph 5.2.20 to 5.2.23 (inclusive) and Paragraph 5.3 of the Contract.

Bidders should also have regard to the fact that the response to this question will be taken into account in assessing the Technical Sub-Criteria and corresponding Technical Sub-Criterion Scoring Tables in the manner identified in Table 7.1 (Technical Criteria, Technical Sub-Criteria and Weightings).

**Question:** Without limiting or affecting the foregoing, the Bidder's response should:

- (A) Describe the solution envisaged in the IA End User Premises to deliver each of the Wholesale Products offered (e.g. WCPE connecting to a Residential Gateway owned by IA End Users/Service Providers).
- (B) Provide a technical description of all WCPEs which it intends to use for each of its active Wholesale Products, clearly highlighting telecommunications standards each WCPE adheres to.
- (C) Describe its approach to the measures and/or mitigation actions taken in case there are issues with right of ways/authorisation of the land owner to deploy infrastructure on privately owned land.
- (D) Clearly highlight its solution to measure the performance of the Active Wholesale Product and, in particular, the features of the WCPE or the features of external devices (e.g. probes) which will facilitate the measurements.
  - ▶ **End-user Premises- Wireline access solution, where applicable**
- (E) Describe in detail how IA End User Premises will be connected to the passed Network. The details provided should include a description of:
  - 1) installation of the last drop
  - 2) location of the WCPE (e.g. inside, outside, wall mounted, standalone)
  - 3) transition box connecting outside cable to inside cable (if appropriate)
  - 4) in-building wiring requirements (if appropriate)
  - 5) power requirements for the WCPE
  - ▶ **End-user Premises- Wireless access solution, where applicable**
- (F) Provide details of the WCPE and the general locations where it is proposed to install it in the Premises.
  - 1) mode of reception
  - 2) antenna height
  - 3) transmit power
  - 4) MIMO scheme
  - 5) number of transmit antennas
  - 6) number of receive antennas
  - 7) antenna gain
- (G) Describe in detail how IA End User Premises will be connected to the wireless Access Network. The details provided should include a description of:
  - 1) location of antenna (e.g. inside, outside, wall mounted, standalone)



- 2) size of antenna and potential restriction regarding planning permission
- 3) location of the WCPE (e.g. inside, outside, wall mounted, standalone)
- 4) in-building wiring requirements (if appropriate)
- 5) power requirements for the WCPE

## Common Question 1.8: Re-use of infrastructure [Scored]

### 1.8.1 Re-use of infrastructure

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the re-use of infrastructure such as, for instance (but without limitation), those set out in Schedule 2.1, Paragraph 5.1.2 of the Contract as applicable to the re-use of infrastructure.

Bidders should also have regard to the fact that the response to this question will be taken into account in assessing the Technical Sub-Criteria and corresponding Technical Sub-Criterion Scoring Tables in the manner identified in Table 7.1 (Technical Criteria, Technical Sub-Criteria and Weightings).

**Question:** Without limiting or affecting the foregoing, the Bidder's response should clearly state the infrastructure it is planning to re-use from its own Network or from a third party Network for both the Access Network and Backhaul Network. In particular, for each type of infrastructure it is planning to re-use, the Bidder shall provide details on:

- (A) Type of infrastructure (passive or active).
- (B) Owner of the infrastructure.
- (C) Characteristics of infrastructure (e.g. length of ducts, number of poles, number of masts, capacity of active infrastructure).
- (D) Status of negotiations with infrastructure owner (e.g. early talks, agreement in principles, signed agreement(s), other).
- (E) The inter-dependencies to secure the infrastructure they require from third parties to implement their Network and shall highlight:
  - 1) Any mitigation actions it has taken to decrease the risk of not securing third party infrastructure.
  - 2) Alternative plans if access to third party infrastructure cannot be secured and impact on the Network solution.

## Common Question 1.9: Link to Project Cost Model [Scored]

### 1.9.1 Link to Project Cost Model

**Background information:** Bidders should have regard to the provisions set out in the Contract and the ISFT that are relevant to the Project Cost Model such as, for instance (but without limitation), those set out in Volume 4 of the ISFT, Sections 4.1, 4.2, 4.3 and 4.4 in respect of the Project Cost Model and as set out in Volume 4 of the ISFT, Section 7.2 and Section 7.3 in respect of the Cost Memorandum.



Bidders should also have regard to the fact that the response to this question will be taken into account in assessing the Technical Sub-Criteria and corresponding Technical Sub-Criterion Scoring Tables in the manner identified in Table 7.1 (Technical Criteria, Technical Sub-Criteria and Weightings).

**Question:** Without limiting or affecting the foregoing, the Bidder's response should set out and demonstrate how its proposed Project Cost Model and Cost Memorandum include the Bill of Material (BOM) necessary to deploy and operate the Wholesale Network and Operational Environment detailed in their response to questions 1.1, 1.2, 1.3, 1.4, 1.5, 2.1, 2.2, 2.3, 2.4, 3.1, 3.2, 3.3 and 3.4.

## 2.4 Reference Offers

For the purposes of the responses to the questions in this section, the Minimum Required Wholesale Products set has been divided into two subsets or suites of products, namely:

- (i) The "**Minimum Bitstream Wholesale Products Suite**" which comprises three products which are the Minimum Bitstream Wholesale Product, Building and Cabin Co-location Product and InterConnect Product; and
- (ii) The "**Remaining Minimum Required Wholesale Product Suite**" which is comprised of the following products:

### Active Access Wholesale Products

- Minimum VUA Wholesale Product

### Passive Access Wholesale Products

- Duct Access Product
- Pole Access Product
- Unbundled Fibre Access Product
- Dark Fibre Product
- Radio Tower and Mast Access Product

### Active Backhaul Wholesale Products

- Transmission Product

### Passive Backhaul Wholesale Products

- Duct Access Product
- Pole Access Product
- Dark Fibre Product
- Radio Tower and Mast Access Product

Bidders should note that depending on their Final Tender and the geographical coverage of their different proposed technologies Bidders can offer more than one version of some Wholesale Products, i.e. Bidders may offer more than one Minimum Bitstream Wholesale Product Suite.

Bidders should clearly identify in their Final Tender their distinct Minimum Bitstream Wholesale Product Suites so that each suite (and the Wholesale Products within it) are each clearly distinguishable from other Minimum Bitstream Wholesale Product Suites.

### Core Question 2.1 Reference Offer(s) for Minimum Bitstream Wholesale Product Suite [Scored]



A separate response should be provided in respect of each distinct Minimum Bitstream Wholesale Product Suite.

For each Minimum Bitstream Wholesale Product Suite proposed, please explain and demonstrate how your Final Tender meets or exceeds all of the criteria set out in Technical Sub-Criterion Scoring Table 2.1 (Reference Offer(s) for Minimum Bitstream Wholesale Product Suite). Bidders should have regard to the provisions set out in the Contract that are relevant in this regard.

**Note: Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.**

Without limiting or affecting the foregoing, please include and address the following in particular in your response:

#### **2.1.1: Wholesale Product Specifications for Minimum Bitstream Wholesale Product Suite**

**Background Information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Wholesale Product specifications for the Minimum Bitstream Wholesale Product Suite and the criteria set out in the Technical Sub-Criterion Scoring Table 2.1 (Reference Offer(s) for *Minimum Bitstream Wholesale Product Suite*) such as, for instance (but without limitation), those set out in Schedule 2.2 (Reference Offer Requirements), Paragraphs; 4.2.1 (A)(1), (C)(1) and (D)(5) and Paragraphs 4.2.2 to 4.2.20 (inclusive) and Paragraphs 4.2.67 to 4.2.72 (inclusive) and Paragraphs 4.2.74 to 4.2.82 (inclusive) of the Contract.

**Question:** For each Wholesale Product in the Minimum Bitstream Wholesale Product Suite, the Bidder's response shall fully describe, using visuals and illustrations where appropriate, the product functionality specifications, technical characteristics, Product KPIs and their Performance Levels, performance parameters and minimum expected performance for these parameters and any other relevant parameters, including any restrictions (if any) in terms of product availability, location, use case or any other constraints that may be associated with any of the products that it shall put in place to satisfy the Minister's requirements. The Bidder's response shall clearly demonstrate how the requirements set out in Schedule 2.2, Paragraphs 4.2.2 to 4.2.20 (inclusive) and Paragraphs 4.2.67 to 4.2.72 (inclusive) and Paragraphs 4.2.74 to 4.2.82 (inclusive) of the Contract are met.

Bidders should detail how they have validated the Reference Offers with industry and the level of engagement undertaken with Service Providers (including with Service Providers which are not Associated Service Providers) in the development of the proposed Reference Offers, explaining key issues raised by Service Providers and how those key issues have been taken into account by the Bidder and, where not, the reasons for this. In its response to this question, the Bidder shall consider and address all individual Wholesale Products which form the *Minimum Bitstream Wholesale Product Suite*.

#### **2.1.2: Ability of Network to deliver Minimum Bitstream Wholesale Product Suite**

**Background Information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Wholesale Product specifications for Minimum Bitstream Wholesale Product Suite and the criteria set out in the Technical Sub-Criterion Scoring Table 2.1 (Reference Offer(s) for Minimum Bitstream Wholesale Product Suite) such as, for instance (but without limitation), those set out in Schedule 2.1 (Technical Solution Specification), Paragraphs 5.2.1 to 5.2.23 (inclusive) of the Contract.

**Question:** Bidders shall explain how the Network solution submitted to meet the requirements of Schedule 2.1 (Technical Solution Specification) Paragraphs 5.2.1 to 5.2.23 of the Contract will be able to deliver all individual Wholesale Products which form the Minimum Bitstream Wholesale Product Suite, and satisfy their associated Wholesale Product KPI Performance Levels.



### 2.1.3: Operational KPIs for Minimum Bitstream Wholesale Product Suite

**Background Information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Wholesale Product specifications for Minimum Bitstream Wholesale Product Suite and the criteria set out in the Technical Sub-Criterion Scoring Table 2.1 (Reference Offer(s) for *Minimum Bitstream Wholesale Product Suite*) such as, for instance (but without limitation), those set out in Schedule 2.2 (Reference Offer Requirements), Paragraphs 5.1.1 to 5.1.3 (inclusive) and 5.2.1 to 5.2.11 (inclusive) and 5.2.29 to 5.2.32 (inclusive) and 5.2.36 to 5.2.39 (inclusive) of the Contract.

**Question:** Without limiting or affecting the foregoing, the Bidder's response shall fully describe, using visuals, illustrations and flow charts (where appropriate), the Operational KPIs and their Performance Levels that shall be put in place to satisfy the Minister's requirements for the Minimum Bitstream Wholesale Product Suite. In its response to this question, the Bidder should describe:

- (A) How the operational processes, that will enable Service Providers to manage the lifecycle of each Wholesale Product (i.e. pre-service availability check to ordering, service provisioning, operational support, migration of services and cessation of service and billing), will work.
- (B) The degree of integration of each process into the Operational Environment and the level of automation for each process.
- (C) The approach that the Bidder will adopt to improve the performance of operational processes to ensure that the quality to the IA End Users continually improves throughout the duration of the Contract.

### 2.1.4: Ability of the operations organisation to support the Operational KPIs for the Minimum Bitstream Wholesale Product Suite

**Background Information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Wholesale Product specifications for Minimum Bitstream Wholesale Product Suite and the criteria set out in the Technical Sub-Criterion Scoring Table 2.1 (Reference Offer(s) for *Minimum Bitstream Wholesale Product Suite*) such as, for instance (but without limitation), those set out in Schedule 2.4 (Operational Performance), Appendix 1, Part 1 of the Contract as applicable to the *Minimum Bitstream Wholesale Product Suite*.

**Question:** Without limiting or affecting the foregoing, the Bidder's response shall fully describe how it shall maintain performance of *Minimum Bitstream Wholesale Product Suite* to the levels set out in Schedule 2.2 (Reference Offer Requirements), Paragraphs 5.1.1 to 5.1.3 (inclusive) and 5.2.1 to 5.2.11 (inclusive) and 5.2.29 to 5.2.32 (inclusive) and 5.2.36 to 5.2.39 (inclusive) of the Contract to meet Service Provider and IA End User demand. In its response to this question, the Bidder shall, at least, clearly describe:

- (A) The scheduling, frequency and nature of all required testing, maintenance and related preventative measures which shall be taken to minimise the risk of failures in relation to Minimum Bitstream Wholesale Product Suite performance.
- (B) How the causes of failures shall be identified, and the nature and scope of the corrective action and/or maintenance activities which shall be taken to restore Minimum Bitstream Wholesale Product Suite's performance to the levels set out for each Wholesale Product in Schedule 2.2 (Reference Offer Requirements), Paragraph 4 of the Contract.
- (C) How corrective action and/or maintenance activities will be prioritised to minimise the impact, or potential impact, of failures to Service Providers and IA End Users.
- (D) The organisational approach and resources which shall be deployed, including outlining the number of resources per competence area, both centrally and across the Intervention Area, to support the delivery of the operational KPIs for the Minimum Bitstream Wholesale Product Suite.



Suite.

- (E) How the Bidder intends to assess, evaluate and identify new or potential improvements to Minimum Bitstream Wholesale Product Suite performance management.

### **Core Question 2.2 Reference Offer(s) for Remaining Minimum Required Wholesale Products Suite [Scored]**

Please explain and demonstrate how your Final Tender meets or exceeds all of the criteria set out in Technical Sub-Criterion Scoring Table 2.2 (Reference Offer(s) for Remaining Minimum Required Wholesale Products Suite). Bidders should have regard to the provisions set out in the Contract that are relevant in this regard.

**Note: Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.**

Without limiting or affecting the foregoing, please include and address the following in particular in your response:

#### **2.2.1: Wholesale Product Specifications for Remaining Minimum Required Wholesale Products Suite.**

**Background Information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Wholesale Product specifications for Remaining Minimum Required Wholesale Products Suite and the criteria set out in the Technical Sub-Criterion Scoring Table 2.2 (Reference Offer(s) for Remaining Minimum Required Wholesale Products Suite) such as, for instance (but without limitation), those set out in Schedule 2.2 (Reference Offer Requirements), Paragraphs; 4.2.1 (A)(2), (B)(1,2,3,4,5) (C)(2) and (D)(1,2,3,4) and Paragraphs 4.2.21 to 4.2.66 (inclusive) and Paragraphs 4.2.73 of the Contract.

**Question:** For each Wholesale Product in the Remaining Minimum Required Wholesale Products Suite, without limiting or affecting the foregoing, the Bidder shall fully describe, using visuals and illustrations where appropriate, the product functionality specifications, technical characteristics, Product KPIs and their Performance Levels, performance parameters and minimum expected performance for these parameters and any other relevant parameters, including any restrictions (if any) in terms of product availability, location, use case or any other constraints may be associated with any of the products that they shall put in place to satisfy the Minister's requirements. In its response to this question, the Bidder shall consider all individual Wholesale Products which form the *Remaining Minimum Required Wholesale Product Suite*. The Bidder's response shall clearly demonstrate how the requirements set out in Schedule 2.2, Paragraphs 4.2.21 to 4.2.66 (inclusive) and Paragraphs 4.2.73 of the Contract are met.

#### **2.2.2: Ability of Network to deliver Remaining Minimum Required Wholesale Products Suite**

**Background Information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Wholesale Product specifications for Remaining Minimum Required Wholesale Products Suite and the criteria set out in the Technical Sub-Criterion Scoring Table 2.2 (Reference Offer(s) for Remaining Minimum Required Wholesale Products Suite) such as, for instance (but without limitation), those set out in Schedule 2.1 (Technical Solution Specification), Paragraphs 5.2.1 to 5.2.23 (inclusive) of the Contract as applicable to the *Remaining Minimum Required Wholesale Products Suite*.

**Question:** Bidders shall explain how the Network provided to meet the requirements of Schedule 2.1, Paragraphs 5.2.1 to 5.2.23 of the Contract will be able to deliver all Active and Passive Wholesale Products which form the *Remaining Minimum Required Wholesale*



*Products Suite*, and their associated product specifications and KPIs as specified in Schedule 2.2 (Reference Offer Requirements), Paragraphs; 4.2.1 (A)(2), (B)(1,2,3,4,5) (C)(2) and (D)(1,2,3,4) and Paragraphs 4.2.21 to 4.2.66 (inclusive) and Paragraph 4.2.73 of the Contract.

In particular, Bidders shall clearly describe, for the Minimum VUA Wholesale Product, the percentage of areas covered by the Network where the Minimum VUA Wholesale Product can be offered, with a reasonable explanation of how this percentage was determined.

### 2.2.3: Operational KPIs for Remaining Minimum Required Wholesale Product Suite

**Background Information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Wholesale Product specifications for Remaining Minimum Required Wholesale Products Suite and the criteria set out in the Technical Sub-Criterion Scoring Table 2.2 (Reference Offer(s) for Remaining Minimum Required Wholesale Products Suite) such as, for instance (but without limitation), those set out in Schedule 2.2 (Reference Offer Requirements), Paragraphs 5.1.1 to 5.1.3 (inclusive) and 5.2.12 to 5.2.28 (inclusive) and 5.2.33 to 5.2.35 (inclusive) of the Contract

**Question:** Without limiting or affecting the foregoing, the Bidder's response shall fully describe, using visuals, illustrations and flow charts (where appropriate), the Operational KPIs and their Performance Levels that shall be put in place to satisfy the Minister's requirements for the *Remaining Minimum Required Wholesale Products Suite*.

In its response to this question, the Bidder shall, at least, clearly describe:

- (A) How the operational processes, that will enable Service Providers to manage the lifecycle of each Wholesale Product (i.e. pre-service availability check to ordering, service provisioning, operational support, migration of services and cessation of service and billing), will work.
- (B) The degree of integration of each process into the Operational Environment and the level of automation for each process.
- (C) The approach that the Bidder will adopt to improve the performance of operational processes to ensure that the quality to the IA End Users continually improves throughout the duration of the Contract.

### 2.2.4: Ability of the operations organisation to support the Operational KPIs for the Remaining Minimum Required Wholesale Products Suite

**Background Information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Wholesale Product specifications for Remaining Minimum Required Wholesale Products Suite and the criteria set out in the Technical Sub-Criterion Scoring Table 2.2 (Reference Offer(s) for Remaining Minimum Required Wholesale Products Suite) such as, for instance (but without limitation), those set out in Schedule 2.4 (Operational Performance), Paragraphs 3.1.1 and 3.1.2 and 3.2.1 to 3.2.4 (inclusive) of the Contract.

**Question:** Please explain how the operations organisation provided will meet or exceed the Operational KPIs for the Remaining Minimum Required Wholesale Products Suite.

Without limiting or affecting the foregoing, the Bidder's response shall fully describe how it shall maintain performance of the *Remaining Minimum Required Wholesale Products Suite* to the levels set out in Schedule 2.2 (Reference Offer Requirements), Paragraphs 5.1.1 to 5.1.3 (inclusive), 5.2.12 to 5.2.28 (inclusive) and 5.2.33 to 5.2.35 (inclusive) of the Contract, irrespective of Service Provider and IA End User demand. In its response to this question, the Bidder shall, at least, clearly describe:

- (A) The scheduling, frequency and nature of all required testing, maintenance and related



preventative measures which shall be taken to minimise the risk of failures in relation to Remaining Minimum Required Wholesale Products' Suite performance.

- (B) How the causes of failures shall be identified, and the nature and scope of the corrective action and/or maintenance activities which shall be taken to restore the Remaining Minimum Required Wholesale Products' Suite performance to the levels set out for each Wholesale Product in Schedule 2.2 (Reference Offer Requirements), Paragraph 5 of the Contract.
- (C) How corrective action and/or maintenance activities will be prioritised to minimise the impact, or potential impact, of failures upon Service Providers and IA End Users.
- (D) The organisational approach and resources which shall be deployed, including outlining the number of resources per competence area, both centrally and across the Intervention Area, to support the delivery of the operational KPIs for the Remaining Minimum Required Wholesale Products Suite.
- (E) How the Bidder intends to assess, evaluate and identify new or potential improvements to Remaining Minimum Required Wholesale Products Suite performance management.

### **Core Question 2.3 Reference Offer(s) for Additional Required Wholesale Products [Scored]**

Please explain and demonstrate how your Final Tender meets or exceeds all of the criteria set out in Technical Sub-Criterion Scoring Table 2.3 (Reference Offer(s) for Additional Required Wholesale Products). Bidders should have regard to the provisions set out in the Contract that are relevant in this regard.

**Note: Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.**

Without limiting or affecting the foregoing, please include and address the following in particular in your response:

#### **2.3.1: Wholesale Product Specifications for Additional Required Wholesale Products**

**Background Information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Wholesale Product specifications for Additional Required Wholesale Products and the criteria set out in the Technical Sub-Criterion Scoring Table 2.3 (Reference Offer(s) for Additional Required Wholesale Products) such as, for instance (but without limitation), those set out in Schedule 2.2 (Reference Offer Requirements), Paragraphs 4.3.1 to 4.3.5 (inclusive) of the Contract.

**Question:** For each Additional Required Wholesale Product, without limiting or affecting the foregoing, the Bidder's response shall fully describe, using visuals and illustrations where appropriate, the product functionality specifications, technical characteristics, Product KPIs and their Performance Levels, performance parameters and minimum expected performance for these parameters and any other relevant parameters, including any restrictions (if any) in terms of product availability, location, use case or any other constraints may be associated with any of the products that they shall put in place to satisfy the Minister's requirements. Bidders should detail how they have validated the Reference Offers with industry and the level of engagement undertaken with Service Providers (including with Service Providers which are not Associated Service Providers) in the development of the proposed Reference Offers, explaining key issues raised by Service Providers and how those key issues have been taken into account by the Bidder and, where not, the reasons for this. In its response to this question, the Bidder shall, at least, clearly describe the *Additional Required Wholesale Products*. The Bidder's response shall clearly demonstrate how the requirements set out in Schedule 2.2, Paragraphs 4.3.1 to 4.3.5 (inclusive) of the Contract are met.

#### **2.3.2: Ability of Network to deliver Additional Required Wholesale Products**



**Background Information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Wholesale Product specifications for Additional Required Wholesale Products and the criteria set out in the Technical Sub-Criterion Scoring Table 2.3 (Reference Offer(s) for Additional Required Wholesale Products) such as, for instance (but without limitation), those set out in Schedule 2.1 (Technical Solution Specification), Paragraphs 5.2.1 to 5.2.23 (inclusive) of the Contract.

**Question:** Bidders shall explain how the Network provided to meet the requirements of Schedule 2.1, Paragraphs 5.2.1 to 5.2.23 of the Contract will be able to support and deliver *Additional Required Wholesale Products*, and their associated product specifications and KPIs as specified in Schedule 2.2 (Reference Offer Requirements), Paragraphs 4.3.1 to 4.3.5 (inclusive) of the Contract.

### 2.3.3: Operational KPIs for Additional Required Wholesale Products

**Background Information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Wholesale Product specifications for Additional Required Wholesale Products and the criteria set out in the Technical Sub-Criterion Scoring Table 2.3 (Reference Offer(s) for Additional Required Wholesale Products) such as, for instance (but without limitation), those set out in Schedule 2.2 (Reference Offer), Paragraphs 5.3.1 to 5.3.4 (inclusive) of the Contract. Considering that it is not possible for the Minister to predict the exact nature of Additional Required Wholesale Products, it is not possible to provide Operational Key Performance Indicators and associated minimum performance for these products.

**Question:** Without limiting or affecting the foregoing, the Bidder's response shall describe, using visuals, illustrations and flow charts (where appropriate), their proposed Operational KPIs and their Performance Levels that shall be put in place to satisfy the Minister's requirements for Additional Required Wholesale Products.

In its response to this question, the Bidder shall, at least, clearly describe:

- (A) How the operational processes, that will enable Service Providers to manage the lifecycle of each Wholesale Product (i.e. pre-service availability check to ordering, service provisioning, operational support, migration of services and cessation of service and billing), will work.
- (B) The degree of integration of each process into the Operational Environment and the level of automation for each process.
- (C) The approach that the Bidder will adopt to improve the performance of operational processes to ensure that the quality to the IA End Users continually improves throughout the duration of the Contract.

### 2.3.4 Ability of the operations organisation to support the proposed Operational KPIs for the Additional Required Wholesale Products

**Background Information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Wholesale Product specifications for Additional Required Wholesale Products and the criteria set out in the Technical Sub-Criterion Scoring Table 2.3 (Reference Offer(s) for Additional Required Wholesale Products) such as, for instance (but without limitation), those set out in Schedule 2.2 (Reference Offer Requirements), Paragraphs 5.3.1 to 5.3.4 (inclusive) of the Contract.

**Question:** Without limiting or affecting the foregoing, the Bidder's response shall describe how it shall maintain performance of the Additional Required Wholesale Products to the levels set out in their proposal irrespective of Service Provider and IA End User demand. In its response to this question, the Bidder shall, at least, clearly describe:

- (A) The scheduling, frequency and nature of all required testing, maintenance and related preventative measures which shall be taken to minimise the risk of failures in relation to



Wholesale Product performance.

- (B) How the causes of failures shall be identified, and the nature and scope of the corrective action and/or maintenance activities which shall be taken to restore Wholesale Product performance to the levels set out for each product in Schedule 2.2 (Reference Offer Requirements), Paragraph 5 of the Contract.
- (C) How corrective action and/or maintenance activities will be prioritised to minimise the impact, or potential impact, of failures upon Service Providers and IA End Users.
- (D) The resources which shall be deployed, including human resources, both centrally and across the Intervention Area.
- (E) How the Bidder intends to assess, evaluate and identify new or potential improvements to Wholesale Product performance management.

#### **Core Question 2.4 Reference Offer(s) for Other Permitted Wholesale Products [Scored]**

Please explain and demonstrate how your Final Tender meets or exceeds all of the criteria set out in Technical Sub-Criterion Scoring Table 2.4 (Reference Offer(s) for Other Permitted Wholesale Products). Bidders should have regard to the provisions set out in the Contract that are relevant in this regard.

**Note: Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.**

Without limiting or affecting the foregoing, please include and address the following in particular in your response:

##### **2.4.1: Wholesale Product Specifications for the Other Permitted Wholesale Products.**

**Background Information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Wholesale Product specifications for Other Permitted Wholesale Products and the criteria set out in the Technical Sub-Criterion Scoring Table 2.4 (Reference Offer(s) for Other Permitted Wholesale Products) such as, for instance (but without limitation), those set out in Schedule 2.2 (Reference Offer Requirements), Paragraph 4.4.1 to 4.4.5 (inclusive) of the Contract.

**Question:** For each Other Permitted Wholesale Product, without limiting or affecting the foregoing, the Bidder's response shall fully describe, using visuals and illustrations where appropriate, the product functionality specifications, technical characteristics, Product KPIs and their Performance Levels, performance parameters and minimum expected performance for these parameters and any other relevant parameters, including any restrictions (if any) in terms of product availability, location, use case or any other constraints may be associated with any of the products that they shall put in place to satisfy the Minister's requirements. In its response to this question, the Bidder shall, at least, clearly describe the Other Permitted Wholesale Products. The Bidder's response shall clearly demonstrate how the requirements set out in Schedule 2.2, Paragraphs 4.4.1 to 4.4.5 (inclusive) of the Contract are met.

##### **2.4.2: Ability of Network to deliver Other Permitted Wholesale Products**

**Background Information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Wholesale Product specifications for Other Permitted Wholesale Products and the criteria set out in the Technical Sub-Criterion Scoring Table 2.4 (Reference Offer(s) for Other Permitted Wholesale Products) such as, for instance (but without limitation), those set out in Schedule 2.1 (Technical Solution Specification), Paragraphs 5.2.1 to 5.2.23 (inclusive) of the Contract.

**Question:** Bidders shall explain how the Network provided to meet the requirements of



Schedule 2.1 paragraphs 5.2.1 to 5.2.23 of the Contract will be able to support and deliver *Other Permitted Wholesale Products* and their associated product specifications and KPIs as specified in Schedule 2.2 (Reference Offer Requirements) Paragraphs 5.4.1 to 5.4.3 (inclusive) of the Contract.

#### 2.4.3: Operational KPIs for Other Permitted Wholesale Products

**Background Information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Wholesale Product specifications for Other Permitted Wholesale Products and the criteria set out in the Technical Sub-Criterion Scoring Table 2.4 (Reference Offer(s) for Other Permitted Wholesale Products) such as, for instance (but without limitation), those set out in Schedule 2.2 (Reference Offer Requirements), Paragraphs 5.4.1 to 5.4.3 (inclusive) of the Contract. Considering that it is not possible for the Minister to predict the exact nature of Other Permitted Wholesale Products, it is not possible to provide Operational Key Performance Indicators and associated minimum performance for these products.

**Question:** Without limiting or affecting the foregoing, the Bidder's response shall describe, using visuals, illustrations and flow charts (where appropriate), their proposed Operational KPIs and their Performance Levels that shall be put in place to satisfy the Minister's requirements for *Other Permitted Wholesale Products*.

In its response to this question, the Bidder shall, at least, clearly describe:

- (A) How the operational processes, that will enable Service Providers to manage the lifecycle of each Wholesale Product (i.e. pre-service availability check to ordering, service provisioning, operational support, migration of services and cessation of service and billing), will work.
- (B) The degree of integration of each process into the Operational Environment and the level of automation for each process.
- (C) The approach that the Bidder will adopt to improve the performance of operational processes to ensure that the quality to the IA End Users continually improves throughout the duration of the Contract.

#### 2.4.4: Ability of the operations organisation to support the proposed Operational KPIs for Other Permitted Wholesale Products

**Background Information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Wholesale Product specifications for Other Permitted Wholesale Products and the criteria set out in the Technical Sub-Criterion Scoring Table 2.4 (Reference Offer(s) for Other Permitted Wholesale Products) such as, for instance (but without limitation), those set out in Schedule 2.2 (Reference Offer Requirements), Paragraphs 5.4.1 to 5.4.3 (inclusive) of the Contract.

**Question:** Without limiting or affecting the foregoing, the Bidder's response shall describe how it shall maintain performance of the Other Permitted Wholesale Products to the levels set out in their proposal irrespective of Service Provider and IA End User demand. In its response to this question, the Bidder shall, at least, clearly describe:

- (A) The scheduling, frequency and nature of all required testing, maintenance and related preventative measures which shall be taken to minimise the risk of failures in relation to Wholesale Product performance.
- (B) How the causes of failures shall be identified, and the nature and scope of the corrective action and/or maintenance activities which shall be taken to restore Wholesale Product performance to the levels set out for each product in Schedule 2.2 (Reference Offer Requirements), Paragraph 5 of the Contract.



- (C) How corrective action and/or maintenance activities will be prioritised to minimise the impact, or potential impact, of failures upon Service Providers and IA End Users;
- (D) The resources which shall be deployed, including human resources, both centrally and across the Intervention Area.
- (E) How the Bidder intends to assess, evaluate and identify new or potential improvements to Wholesale Product performance management.

## 2.5 Speed of Deployment and Environmental

### **Core Question 3.1 Wholesale Product & Coverage Template for Premises during the Deployment Period [Scored]**

**Question:** Bidders shall complete the relevant part of the Wholesale Product & Coverage Template provided in Appendix 11 for all Premises in the Lot. The Bidder's completed Wholesale Product & Coverage Template shall specify that 100% of Premises shall be provided with a Minimum Bitstream Wholesale Product.

*Bidders should note that the Wholesale Product & Coverage Template automatically sums the % Premises Passed per year and will be used to assess the extent that they meet or exceed the requirements set out in Schedule 2.3 (Deployment).*

### **Core Question 3.2 Wholesale Product & Coverage Template for Strategic Community Points [Scored]**

**Question:** Bidders shall complete the relevant part of the Wholesale Product & Coverage Template provided in Appendix 11 for all Strategic Community Points in the relevant Lot. For each Strategic Community Point, Bidders shall specify in the Wholesale Product & Coverage Template the Additional Required Wholesale Product being provided to the Strategic Community Point and the date it will be available.

### **Core Question 3.3 Wholesale Product & Coverage Template for Premises post Deployment [Scored]**

**Question:** Bidders shall complete the relevant part of the Wholesale Product & Coverage Template provided in Appendix 11 for all Premises in the relevant Lot. For each Premises, Bidders shall specify in the Wholesale Product & Coverage Template that the Premises is being provided with the Minimum Bitstream Wholesale Product (upgraded in accordance with their Wholesale Product Roadmap) and the date post Deployment when the relevant product will be available.

### **Core Question 3.4 Coverage verification through testing and audit [Scored]**

Please explain and demonstrate how your Final Tender meets or exceeds all of the criteria set out in Technical Sub-Criterion Scoring Table 3.14 (Coverage verification through testing and audit). Bidders should have regard to the provisions set out in the Contract that are relevant in this regard.

**Note: Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.**



Without limiting or affecting the foregoing, please include and address the following in particular in your response:

**Background Information:** Bidders should have regard to the provisions set out in the Contract that are relevant to Premises Passed and Premise Connected verification through testing and audit such as, for instance (but without limitation), those set out in Schedule 2.3 (Deployment), Paragraph 10 of the Contract.

**Question:** Without limiting or affecting the foregoing, the Bidder's response should include the provision of its proposed Test Strategy and acceptance testing procedure which will clearly and unambiguously demonstrate that NBPco has achieved all Milestones set out in the Implementation Programme and its Project Plans. For each Project and Programme Level Milestone, Bidders should:

- (A) Provide their proposed Test Strategy.
- (B) Provide their *Theoretical Network Model* as set out in Appendix 4 (Criteria for Premises Passed) of Schedule 2.3 (Deployment) and evidence that the Operational KPIs will be met.
- (C) Detail the evidence which will be presented to the Department to demonstrate that the Milestone Achievement Criteria set out in Appendix 3 (Milestone Achievement Criteria) of Schedule 2.3 (Deployment) have been Achieved.
- (D) Detail the systems that the Department will be able to access to confirm that the Milestone is Achieved.
- (E) Detail the processes that they propose to implement to ensure that the Department will be able to access to confirm that the Milestone is Achieved in a straightforward and efficient manner.
- (F) Set out how the information, the systems and testing can be audited by the Department.

### **Common Question 3.5: The Implementation Programme, the Operational Environment Project Plan, the Service Provider Engagement Framework Project Plan and the Wholesale Product Launch Project Plan [Scored]**

#### **3.5.1 Implementation Programme and relevant Project Plans**

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Implementation Programme, the Operational Environment Project Plan, the Service Provider Engagement Framework Project Plan and the Wholesale Product Launch Project Plan such as, for instance (but without limitation), those set out in Schedule 2.3 (Deployment), Paragraphs 5.2.5, 6.2.3, 7.2.16 and 9.2.4 of the Contract.

Bidders should also have regard to the fact that the response to this question will be taken into account in assessing the Technical Sub-Criteria and corresponding Technical Sub-Criterion Scoring Tables in the manner identified in Table 7.1 (Technical Criteria, Technical Sub-Criteria and Weightings).

In addition, Bidders should have regard to the fact that the response to this question will be scored and be a constituent part of a robustness multiplier for the Wholesale Product & Coverage Template as described in Appendix 9 (Technical Sub-Criteria Scoring Tables).

**Note: Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.**

**Question:** Without limiting or affecting the foregoing, the Bidder's response should include the provision of an integrated overarching Implementation Plan, the Operational Environment Project Plan, the Service Provider Engagement Framework Project Plan and the Wholesale Product Launch



Project Plan. The Implementation Plan and Project Plans shall include a Gantt chart and a table of Milestones together with their proposed Milestone Achievement dates.

The Implementation Programme, the Operational Environment Project Plan, the Service Provider Engagement Framework Project Plan and the Wholesale Product Launch Project Plan should utilise a structured approach using project management planning tools and software which have been used in similar deployments in the State or other jurisdictions. **Files in the native software (for example, MS Project) should be included with the Bidder's Final Tender.**

The Implementation Programme, the Operational Environment Project Plan, the Service Provider Engagement Framework Project Plan and the Wholesale Product Launch Project Plan shall set out:

- (A) The Implementation Programme which should:
- (1) Include Programme Level Milestone Dates (including the Network Deployment Plan Milestone) which are **credible**.
  - (2) Contain **sufficient Milestones** within it to provide for its orderly tracking, implementation and completion and a consequent cohesive structure.
  - (3) Identify comprehensively **the tasks and sub-tasks** necessary to achieve each of the Milestones identified in it
  - (4) Identify comprehensively **the interdependencies** between the tasks and sub-tasks, and tasks and Milestones necessary to achieve each of the Milestones identified in it.
  - (5) Identify comprehensively the **external dependencies** between the tasks and sub-tasks, and tasks and Milestones necessary to achieve each of the Milestones identified in it.
- (B) The Operational Environment Project Plan which should:
- (1) Include Milestone Dates which are **credible**.
  - (2) Contain **sufficient Milestones** within it to provide for its orderly tracking, implementation and completion and a consequent cohesive structure.
  - (3) Identify comprehensively **the tasks and sub-tasks** necessary to achieve each of the Milestones identified in it.
  - (4) Identify comprehensively **the interdependencies** between the tasks and sub-tasks, and tasks and Milestones necessary to achieve each of the Milestones identified in it.
  - (5) Identify comprehensively **the external dependencies** between the tasks and sub-tasks, and tasks and Milestones necessary to achieve each of the Milestones identified in it.
- (C) The Service Provider Engagement Framework Project Plan which should:
- (1) Include **credible Milestone Dates**.
  - (2) Contain **sufficient Milestones** within it to provide for its orderly tracking, implementation and completion and a consequent cohesive structure.
  - (3) Identify comprehensively **the tasks and sub-tasks** necessary to achieve each of the Milestones identified in it.
  - (4) Identify comprehensively **the interdependencies** between the tasks and sub-tasks, and tasks and Milestones necessary to achieve each of the Milestones identified in it.



- (5) Identify comprehensively **the external dependencies** between the tasks and sub-tasks, and tasks and Milestones necessary to achieve each of the Milestones identified in it,
- (D) The Wholesale Product Launch Project Plan which should:
  - (1) Include **credible** Milestone Dates including, but not limited to, each of the Minimum Required Wholesale Products RFS dates, each of the Additional Required Wholesale Products RFS dates, and each of the Other Permitted Wholesale Products RFS dates.
  - (2) Contain **sufficient Milestones** within it to provide for its orderly tracking, implementation and completion and a consequent cohesive structure.
  - (3) Identifies comprehensively **the tasks and sub-tasks** necessary to achieve each of the Milestones identified in it.
  - (4) Identify comprehensively **the interdependencies** between the tasks and sub-tasks, and tasks and Milestones necessary to achieve each of the Milestones identified in it.
  - (5) Identify comprehensively **the external dependencies** between the tasks and sub-tasks, and tasks and Milestones necessary to achieve each of the Milestones identified in it.
- (E) The dates by which each Programme Level Milestone, each Operational Environment Project Plan Milestone, each Service Provider Engagement Framework Project Plan Milestone and each Wholesale Product Launch Project Plan Milestone will be Achieved.

### 3.5.2 Approach to Implementation Programme and relevant Projects

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Implementation Programme, the Operational Environment Project Plan, the Service Provider Engagement Framework Project Plan and the Wholesale Product Launch Project Plan such as, for instance (but without limitation), those set out in Schedule 2.3 (Deployment), Paragraphs 5.2.5, 6.2.3, 7.2.16 and 9.2.4 of the Contract.

Bidders should also have regard to the fact that the response to this question will be taken into account in assessing the Technical Sub-Criteria and corresponding Technical Sub-Criterion Scoring Tables in the manner identified in Table 7.1 (Technical Criteria, Technical Sub-Criteria and Weightings).

In addition, Bidders should have regard to the fact that the response to this question will be scored and be a constituent part of a robustness multiplier for the Wholesale Product & Coverage Template as described in Appendix 9 (Technical Sub-Criteria Scoring Tables).

**Note: Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.**

**Question:** Without limiting or affecting the foregoing, the Bidder's response should set out its overall implementation approach to the Ramp-up Phase and the Deployment Period including:

- (A) Details of the structured project management approach and methodology which has been used in similar deployments in the State or other jurisdictions which will be used for each of the Implementation Programme, Operational Environmental Project Plan, Service Provider Engagement Framework Project Plan and Product Launch Project Plan
- (B) For the Implementation Programme, details of how the NBPco approach:
  - (1) Addresses the tasks and subtasks identified in the Implementation



- Programme in terms of what will be done, sequencing, the relevant inputs and outputs and who will perform the task;
- (2) Addresses the interdependencies identified within the Implementation Programme; and
  - (3) Addresses the external dependencies identified in the Implementation Programme by providing an appropriate approach to address those external interdependencies in the risk register.
- (C) For the Operational Environment Project Plan, details of how the NBPco approach:
- (1) Addresses the tasks and subtasks identified in the Operational Environment Project Plan in terms of what will be done, sequencing, the relevant inputs and outputs and who will perform the task;
  - (2) Addresses the interdependencies identified within the Operational Environment Project Plan; and
  - (3) Addresses the external dependencies identified in the Operational Environment Project Plan by providing an appropriate approach to address those external interdependencies in the risk register.
- (D) For the Service Provider Engagement Framework Project Plan, details of how the NBPco approach:
- (1) Addresses the tasks and subtasks identified in the Service Provider Engagement Framework Project Plan in terms of what will be done, sequencing, the relevant inputs and outputs and who will perform the task;
  - (2) Addresses the interdependencies identified within the Service Provider Engagement Framework Project Plan; and
  - (3) Addresses the external dependencies identified in the Service Provider Engagement Framework Project Plan by providing an appropriate approach to address those external interdependencies in the risk register.
- (E) For the Wholesale Product Launch Project Plan, details of how the NBPco approach:
- (1) Addresses the tasks and subtasks identified in the Wholesale Product Launch Project Plan in terms of what will be done, sequencing, the relevant inputs and outputs and who will perform the task;
  - (2) Addresses the interdependencies identified within the Wholesale Product Launch Project Plan; and
  - (3) Addresses the external dependencies identified in the Wholesale Product Launch Project Plan by providing an appropriate approach to address those external interdependencies in the risk register.

### 3.5.3 Resourcing

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Implementation Programme, the Operational Environment Deployment Project Plan, the Service Provider Engagement Framework Project Plan and the Wholesale Product Launch Project Plan such as, for instance (but without limitation), those set out in Schedule 2.3 (Deployment), Paragraphs 5.2.5, 6.2.2, 7.2.16 and 9.2.4 of the Contract.

Bidders should also have regard to the fact that the response to this question will be taken into account in assessing the Technical Sub-Criteria and corresponding Technical Sub-Criterion Scoring Tables in the manner identified in Table 7.1 (Technical Criteria, Technical Sub-Criteria and Weightings).



In addition, Bidders should regard to the fact that the response to this question will be scored and be a constituent part of a robustness multiplier for the Wholesale Product & Coverage Template as described in Appendix 9 (Technical Sub-Criteria Scoring Tables).

**Note: Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.**

**Question:** Without limiting or affecting the foregoing, the Bidder's response should detail the resources which will be used to ensure Programme Level Milestone Achievement, the Operational Environment Project Milestone Achievement, the Service Provider Engagement Framework Milestone Achievement, and the Wholesale Product Launch Project Plan Milestone Achievement including:

- (A) The principal members of the team (and their Curriculum Vitae or, in the case where the team member has not been identified, a job description detailing the required skills, experience and competences of the person who will fulfil the role) that will manage the Implementation Programme.
- (B) The organisational structure of the teams.
- (C) Details of any vendors, contractors and/or subcontractors proposed together with the number of resources, which will be used for Milestone Achievement.
- (D) An appropriate RACI Matrix.

### 3.5.4 Risk and Mitigation

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Implementation Programme, the Operational Environment Project Plan, the Service Provider Engagement Framework Project Plan and the Wholesale Product Launch Project Plan such as, for instance (but without limitation), those set out in Schedule 2.3 (Deployment), Paragraphs 5.2.5, 6.2.2, 7.2.16 and 9.2.4 of the Contract.

Bidders should also have regard to the fact that the response to this question will be taken into account in assessing the Technical Sub-Criteria and corresponding Technical Sub-Criterion Scoring Tables in the manner identified in Table 7.1 (Technical Criteria, Technical Sub-Criteria and Weightings).

In addition, Bidders should regard to the fact that the response to this question will be scored and be a constituent part of a robustness multiplier for the Wholesale Product & Coverage Template as described in Appendix 9 (Technical Sub-Criteria Scoring Tables).

**Note: Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.**

**Question:** Without limiting or affecting the foregoing, the Bidder's response should submit the output of their risk analysis setting out Implementation Programme risks, Operational Environment Project Plan risks, Service Provider Engagement Framework Project Plan risks and the Wholesale Product Launch Project Plan risks identified together with details of how they propose to mitigate each of the identified risks.

## Common Question 3.6 Network Deployment [Scored]

### 3.6.1 Deployment Areas

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to Network Deployment such as, for instance (but without limitation), those set out in Schedule 2.3 (Deployment), Paragraphs 5.2 and 8.2 of the Contract.



Bidders should also have regard to the fact that the response to this question will be taken into account in assessing the Technical Sub-Criteria and corresponding Technical Sub-Criterion Scoring Tables in the manner identified in Table 7.1 (Technical Criteria, Technical Sub-Criteria and Weightings).

In addition, Bidders should regard to the fact that the response to this question will be scored and be a constituent part of a robustness multiplier for the Wholesale Product & Coverage Template as described in Appendix 9 (Technical Sub-Criteria Scoring Tables)

**Question:** Without limiting or affecting the foregoing, the Bidder's response should include providing details of each Deployment Area including:

- (A) The geographic coverage of the Deployment Area.
- (B) The list of Premises in each Deployment Area.
- (C) The list of Strategic Community Points in the Deployment Area.

### 3.6.2 Deployment Strategy

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to Network Deployment such as, for instance (but without limitation), those set out in Schedule 2.3 (Deployment), Paragraphs 5.2 and 8.2 of the Contract.

Bidders should also have regard to the fact that the response to this question will be taken into account in assessing the Technical Sub-Criteria and corresponding Technical Sub-Criterion Scoring Tables in the manner identified in Table 7.1 (Technical Criteria, Technical Sub-Criteria and Weightings).

In addition, Bidders should regard to the fact that the response to this question will be scored and be a constituent part of a robustness multiplier for the Wholesale Product & Coverage Template as described in Appendix 9 (Technical Sub-Criteria Scoring Tables).

**Question:** Without limiting or affecting the foregoing, the Bidder's response should set out its deployment strategy (in terms of which Premises and which Deployment Areas to cover and when) together with supporting logic for its strategy choice.

### 3.6.3 Network Deployment Plan

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to Network Deployment such as, for instance (but without limitation), those set out in Schedule 2.3 (Deployment), Paragraphs 5.2 and 8.2 of the Contract.

Bidders should also have regard to the fact that the response to this question will be taken into account in assessing the Technical Sub-Criteria and corresponding Technical Sub-Criterion Scoring Tables in the manner identified in Table 7.1 (Technical Criteria, Technical Sub-Criteria and Weightings).

In addition, Bidders should regard to the fact that the response to this question will be scored and be a constituent part of a robustness multiplier for the Wholesale Product & Coverage Template as described in Appendix 9 (Technical Sub-Criteria Scoring Tables),

**Note:** Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.

**Question:** Without limiting or affecting the foregoing, the Bidder's response should include its Initial



Network Deployment Plan. The Network Deployment Plan shall include a Gantt chart and a table of Milestones together with their proposed Milestone Achievement dates.

The Network Deployment Plan should utilise a structured approach using project management planning tools and software which have been used in similar deployments in the State or other jurisdictions. **Files in the native software (for example, MS Project) should be included with the Bidder's Final Tender.**

The Network Deployment Plan should:

- (A) Set out the dates each of the Deployment Area Milestones (including Detailed Design Milestones and Deployment Complete Milestones) will be achieved.
- (B) Set out the dates each of the relevant Programme Level Milestones (including the P3 Milestones and the P4 Milestones) will be achieved.
- (C) Include Project Milestone Dates which are **credible**.
- (D) Contain **sufficient Milestones** within it to provide for its orderly tracking, implementation and completion and a consequent cohesive structure.
- (E) Identify comprehensively the **tasks and sub-tasks** necessary to achieve each of the Milestones identified in it.
- (F) Identify comprehensively the **interdependencies** between the tasks and sub-tasks, and tasks and Milestones necessary to achieve each of the Milestones identified in it.
- (G) Identify comprehensively the **external dependencies** between the tasks and sub-tasks, and tasks and Milestones necessary to achieve each of the Milestones identified in it.

### 3.6.4 Multiple Technologies

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to Network Deployment such as, for instance (but without limitation), those set out in Schedule 2.3 (Deployment), Paragraphs 5.2 and 8.2 of the Contract.

Bidders should also have regard to the fact that the response to this question will be taken into account in assessing the Technical Sub-Criteria and corresponding Technical Sub-Criterion Scoring Tables in the manner identified in Table 7.1 (Technical Criteria, Technical Sub-Criteria and Weightings).

In addition, Bidders should regard to the fact that the response to this question will be scored and be a constituent part of a robustness multiplier for the Wholesale Product & Coverage Template as described in Appendix 9 (Technical Sub-Criteria Scoring Tables)

**Question:** Without limiting or affecting the foregoing, where a Bidder is using a number of technologies to deliver its solution, the Bidder shall provide details of the rollout of each technology together with details of how they will be co-ordinated and controlled to ensure the Wholesale Products are provided in accordance with the Contract.

### 3.6.5 Approach to Network Deployment

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to Network Deployment such as, for instance (but without limitation), those set out in Schedule 2.3 (Deployment), Paragraphs 5.2 and 8.2 of the Contract.

Bidders should also have regard to the fact that the response to this question will be taken into account in assessing the Technical Sub-Criteria and corresponding Technical Sub-Criterion Scoring Tables in the manner identified in Table 7.1 (Technical Criteria, Technical Sub-Criteria and Weightings).



In addition, Bidders should regard to the fact that the response to this question will be scored and be a constituent part of a robustness multiplier for the Wholesale Product & Coverage Template as described in Appendix 9 (Technical Sub-Criteria Scoring Tables).

**Note: Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.**

**Question:** Without limiting or affecting the foregoing, the Bidder's response shall describe in detail its approach to deployment of the Network as set out in the Network Deployment Plan.

Without limiting or affecting the foregoing, the Bidder's response should set out its overall implementation approach to the Ramp-up Phase and the Deployment Period, including:

- (A) Details of the structured project management approach and methodology which has been used in similar deployments in the State or other jurisdictions which will be used for the Network Deployment Plan;
- (B) Its approach to simultaneously deploying the Network across a number of geographically separated Deployment Areas across the Intervention Area; and
- (C) For the Network Deployment Plan, details of how the NBPCo approach:
  - (1) Addresses the tasks and subtasks identified in the Implementation Programme in terms of what will be done, sequencing, the relevant inputs and outputs and who will perform the task;
  - (2) Addresses the interdependencies identified within the Implementation Programme; and
  - (3) Addresses the external dependencies identified in the Implementation Programme by providing an appropriate approach to address those external interdependencies in the risk register.

### 3.6.6 Exemplar Detailed Designs

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to Network Deployment such as, for instance (but without limitation), those set out in Schedule 2.3 (Deployment), Paragraphs 5.2 and 8.2 of the Contract.

Bidders should also have regard to the fact that the response to this question will be taken into account in assessing the Technical Sub-Criteria and corresponding Technical Sub-Criterion Scoring Tables in the manner identified in Table 7.1 (Technical Criteria, Technical Sub-Criteria and Weightings).

In addition, Bidders should regard to the fact that the response to this question will be scored and be a constituent part of a robustness multiplier for the Wholesale Product & Coverage Template as described in Appendix 9 (Technical Sub-Criteria Scoring Tables).

**Question:** Without limiting or affecting the foregoing, Bidders shall include in their response exemplar detailed designs for all or part of three non-contiguous Deployment Areas in County Cork or Galway covering in the case of each Deployment Area (or part of a Deployment Area) at least 10,000 Premises Passed in the Intervention Area. Each Detailed Design should be for their proposed Network which passes at least 3000 Premises in the Intervention Area. Each Detailed Design should include:

- (A) Drawings showing installation of the components of the Deployment Area Network which will be used to Pass (and Connect) Premises in the Deployment Area including, where relevant for Backhaul and Access POH type, Building, Cabin /Compound/other (with



location access demarcation), Aggregation point(s), ducting , sub-ducting, cable trays, cable runs/spans cable enclosures, foundations, building fit outs, masts and mast fittings, antenna, poles and pole fittings, equipment, racks, power supplies(AC/DC);

- (B) The Deployment Area Project Plan;
- (C) Survey reports;
- (D) Inventory list of proposed inventory needed to construct the Deployment Area Network;
- (E) Any wayleaves and/or planning permission required to construct the Deployment Area Network;
- (F) Details of any power electrical requirements and how these will be addressed;
- (G) If required, agreements with landlords, and third parties on the use of their infrastructure; and
- (H) A list of relevant 3rd party dependencies.

### 3.6.7 Network Deployment resources

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to Network Deployment such as, for instance (but without limitation), those set out in Schedule 2.3 (Deployment), Paragraphs 5.2 and 8.2 of the Contract.

Bidders should also have regard to the fact that the response to this question will be taken into account in assessing the Technical Sub-Criteria and corresponding Technical Sub-Criterion Scoring Tables in the manner identified in Table 7.1 (Technical Criteria, Technical Sub-Criteria and Weightings).

In addition, Bidders should regard to the fact that the response to this question will be scored and be a constituent part of a robustness multiplier for the Wholesale Product & Coverage Template as described in Appendix 9 (Technical Sub-Criteria Scoring Tables).

**Note:** *Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.*

**Question:** Without limiting or affecting the foregoing, the Bidder's response should include a description of the programme team that will be responsible for providing the rollout including:

- (A) The principal members of the team and their Curriculum Vitae (or in the case where the team member has not been identified, a job description detailing the required skills, experience and competences of the person who will fulfil the role) that will manage the rollout.
- (B) The organisational structure of the teams.
- (C) The geographical location of the teams.
- (D) Details of any subcontracting contracts in place or planned for the rollout.
- (E) Details of equipment vendor contracts in place or planned for the rollout.

### 3.6.8 Network Deployment risk identification and mitigation

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to Network Deployment such as, for instance (but without limitation), those set out in Schedule 2.3 (Deployment), Paragraphs 5.2 and 8.2 of the Contract.

Bidders should also have regard to the fact that the response to this question will be taken into account in assessing the Technical Sub-Criteria and corresponding Technical Sub-



Criterion Scoring Tables in the manner identified in Table 7.1 (Technical Criteria, Technical Sub-Criteria and Weightings).

In addition, Bidders should regard to the fact that the response to this question will be scored and be a constituent part of a robustness multiplier for the Wholesale Product & Coverage Template as described in Appendix 9 (Technical Sub-Criteria Scoring Tables).

**Note: Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.**

**Question:** Without limiting or affecting the foregoing, the Bidder's response should include its approach to identifying Network Deployment risks and how it proposes to mitigate identified risks. Bidder's risk analysis and mitigation plans shall include, but shall not be limited to, the following risks:

- (A) Node or site identification and selection
- (B) Node or site acquisition
- (C) Planning permission for site or node
- (D) Backhaul
- (E) Local protest
- (F) Wayleaves
- (G) Vendor supply and lead times
- (H) Location of stores
- (I) Power supply and connection to the electricity Network
- (J) Managing customer communication
- (K) Managing key stakeholders (for example, local authorities, infrastructure access providers)
- (L) Road Opening licenses
- (M) Tree trimming seasonal restrictions and the need to plan for the impact of such seasonal restrictions
- (N) Line of Sight (LOS)

### 3.6.9 Network Deployment health and safety approach

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to Network Deployment such as, for instance (but without limitation), those set out in Schedule 2.3 (Deployment), Paragraphs 5.2 and 8.2 of the Contract.

Bidders should also have regard to the fact that the response to this question will be taken into account in assessing the Technical Sub-Criteria and corresponding Technical Sub-Criterion Scoring Tables in the manner identified in Table 7.1 (Technical Criteria, Technical Sub-Criteria and Weightings).

In addition, Bidders should regard to the fact that the response to this question will be scored and be a constituent part of a robustness multiplier for the Wholesale Product & Coverage Template as described in Appendix 9 (Technical Sub-Criteria Scoring Tables).



**Note: Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.**

**Question:** Without limiting or affecting the foregoing, the Bidder's response should detail their health and safety strategy for the Network Deployment.

### 3.6.10 Approach to Network Deployment quality and quality control

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to Network Deployment such as, for instance (but without limitation), those set out in Schedule 2.3 (Deployment), Paragraphs 5.2 and 8.2 of the Contract.

Bidders should also have regard to the fact that the response to this question will be taken into account in assessing the Technical Sub-Criteria and corresponding Technical Sub-Criterion Scoring Tables in the manner identified in Table 7.1 (Technical Criteria, Technical Sub-Criteria and Weightings).

In addition, Bidders should regard to the fact that the response to this question will be scored and be a constituent part of a robustness multiplier for the Wholesale Product & Coverage Template as described in Appendix 9 (Technical Sub-Criteria Scoring Tables)

**Note: Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.**

**Question:** Without limiting or affecting the foregoing, the Bidder's response should detail its quality and quality control strategy for the Network Deployment.

## Common Question 3.7 Environmental approach [Scored]

### 3.7.1 Managing and mitigating potential impacts to the environment

#### Background information:

The SEA Directive (2001/42/EC) provides for a high level of protection of the environment and the integration of environmental considerations into plans and programmes. The SEA Directive is transposed in the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. No 435/2004).

The Habitats Directive (92/43/EC) and the Birds Directive (2009/47/EC) aim to protect endangered and vulnerable species and set out procedures and obligations for conservation management for Member States and their Natura 2000 sites. The Bird and Habitats Directives are transposed in the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No.47/2011).

In line with these Directives the Intervention Strategy was screened for the requirement to conduct a Strategic Environmental Assessment (SEA) and an Appropriate Assessment (AA) and it was determined both were required.

Accordingly, an Environmental Report and a Natura Impact Statement were published in January 2018 as part of a public consultation, available on the DCCAE website.

Bidders should have regard to;

1. Potential adverse impacts outlined in these reports, particularly those in the assessment content in the respective reports and the associated mitigation measures set out in them.



2. The provisions set out in the Contract that are relevant to environmental management, such as, for instance (but without limitation) in particular those set out in Schedule 2.5 (Environmental) of the Contract and Clause 23.
3. The relevance of those provisions of the Contract and of the Environmental Report and Natura Impact Statement to the Bidder's response to this question, in particular when addressing potential adverse impacts on the environment such as, for instance (but without limitation):
  - Biodiversity, Flora and Fauna;
  - Water;
  - Soils and Geology;
  - Cultural Heritage;
  - Landscape; and
  - Waste Management.
4. The fact that the response to this question will be taken into account in assessing the Technical Sub-Criteria and corresponding Technical Sub-Criterion Scoring Tables in the manner identified in Table 7.1 (Technical Criteria, Technical Sub-Criteria and Weightings).
5. The fact that the response to this question will be scored and will be a constituent part of a robustness multiplier for the Wholesale Product & Coverage Template as described in Appendix 9 (Technical Sub-Criteria Scoring Tables)

**Question:** Without limiting or affecting the foregoing, the Bidder's response should include the submission of a multidisciplinary methodology that explains in sufficient detail, and in a logical step-by-step manner, its proposed approach to managing and mitigating potential impacts to the environment that might be caused by the construction and operation of its proposed Final Tender.

### 3.7.2 Practical applications of their methodology

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to environmental obligations and in particular those relevant to Network Deployment, such as, for instance (but without limitation) those set out in Clause 23 and Schedule 2.5 (Environmental) of the Contract.

Bidders should also have regard to the fact that the response to this question will be taken into account in assessing the Technical Sub-Criteria and corresponding Technical Sub-Criterion Scoring Tables in the manner identified in Table 7.1 (Technical Criteria, Technical Sub-Criteria and Weightings).

In addition, Bidders should regard to the fact that the response to this question will be scored and be a constituent part of a robustness multiplier for the Wholesale Product & Coverage Template as described in Appendix 9 (Technical Sub-Criteria Scoring Tables).

**Question:** Without limiting or affecting the foregoing, the Bidder's response should include a description of the practical application of its methodology by explaining how it intends to apply its methodology to the implementation of its proposed solution in County Cork or Galway



(including consideration of islands). In particular, Bidders should address their environmental management approach to the Deployment Areas used for exemplar designs provided in response to Common Question 3.6 above. The response should address each stage of implementation (and the associated topics) as outlined below:

### **Planning / Pre application:**

- (A) Approach to obtaining the necessary consent and licence requirements including timelines for completion and key milestones. The response should detail, (but without limitation), the Bidder's approach to:
- (1) Compliance with Article 6(3) of the Habitats Directive including timelines for completion and key milestones;
  - (2) Environmental surveys that will be undertaken including timelines; and
  - (3) Preparation of Environmental Impact Statements / Environmental Reports including timelines for completion and key milestones.
- (B) Environmental consultation requirements e.g. with Planning Authorities, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs etc. including timelines for completion and key milestones;

### **Deployment and Operation:**

- (C) Approach to environmental issues relating to construction and maintenance of infrastructure, including the:
- (1) mitigation of potential adverse impacts on the environment;
  - (2) protection of water quality;
  - (3) use of recycled materials;
  - (4) minimisation of delay and disruption to road users and maximisation of road safety;
  - (5) reduction and recovery of waste;
  - (6) ongoing environmental monitoring; and
  - (7) ongoing environmental supervision & reporting.

## **2.6 Operational Performance**

### **Core Question 4.1 – Operational performance management (business processes) [Scored]**

Please explain and demonstrate how your Final Tender meets or exceeds all of the criteria set out in Technical Sub-Criterion Scoring Table 4.1 (Operational Environment Performance). Bidders should have regard to the provisions set out in the Contract that are relevant in this regard.

**Note: Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.**

Without limiting or affecting the foregoing, please include and address the following in particular in your response:



#### 4.1.1 Operational performance management (business processes)

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Operational Environment and the criteria set out in the Technical Sub-Criterion Scoring Table 4.1 Operational performance management (business processes) such as, for instance (but without limitation), those set out in Schedule 2.4 (Operational Performance), Paragraphs 5.3 to 5.6 inclusive of the Contract.

Where no improvement to a particular KPI is indicated in the Bidder's response to Schedule 2.2 (Reference Offer Requirements), the KPI Performance Level as specified in Appendix 1 of Schedule 2.4 (Operational Performance) shall be used by the Bidder in its response.

**Note:** In responding to this Core Question 4.1, Bidders should provide descriptions which align with the level of detail provided at level 2 (core processes) of the eTOM business process framework.

**Question:** Without limiting or affecting the foregoing, the Bidder's response shall include clear descriptions of:

- (A) The Bidder's business process framework, which demonstrates its robustness to support the Bidder in achieving the required Performance Levels (as set out in Paragraphs 1 to 13 (inclusive) of Part 1 of Appendix 1 (Performance Level Requirements) of Schedule 2.4 (Operational Performance)).
- (B) The use of tools and techniques to monitor business process performance, demonstrating their appropriateness to the scale and structure of the Bidder's organisation and solution, and how these are sufficient to fully comply with or exceed the reporting requirements set out in Appendix 5 (Reporting Requirements) of Schedule 2.4 (Operational Performance).
- (C) The proposed testing, maintenance and related preventative measures provided for in the Final Tender which minimise the risk of failures in the achievement of the required Performance Levels (as set out in Part 1 of Appendix 1 (Performance Level Requirements) of Schedule 2.4 (Operational Performance)).
- (D) The design and monitoring of customer support processes used to ensure the necessary support capability is in place to allow the Fulfilment, Supply Chain and Logistics, Assurance and Billing processes to operate effectively.
- (E) The design and monitoring of workforce management processes used to track workforce efficiency and related factors such as expected workload, workforce availability and technical capabilities of personnel.
- (F) The design and monitoring of inventory management processes used to optimise inventory levels, manage inventory turnover, and plan according to forecast demand levels – including the monitoring of all equipment returns to maintain quality.
- (G) The design and monitoring of all order management and provisioning processes used to track order and provisioning execution.
- (H) The design and monitoring of the risk status of customer orders, allowing for customer orders to be escalated as necessary.
- (I) The design and monitoring of the supply chain to enable the identification of critical inventory situations, to promptly resolve bottleneck situations and respond flexible to fluctuations in demand.
- (J) The design and monitoring of trouble ticketing processes used to manage faults and failures.
- (K) The reporting functionality provided to comply with the reporting requirements set out in Appendix 5 (Reporting requirements) of Schedule 2.4 (Operational Performance).

#### Core Question 4.2 – Network performance [Scored]



Please explain and demonstrate how your Final Tender meets or exceeds all of the criteria set out in Technical Sub-Criterion Scoring Table 4.2 (Network Performance). Bidders should have regard to the provisions set out in the Contract that are relevant in this regard.

**Note: Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.**

Without limiting or affecting the foregoing, please include and address the following in particular in your response:

#### 4.2.1 Network performance

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Network performance and the criteria set out in the Technical Sub-Criterion Scoring Table 4.2 (Network performance) such as, for instance (but without limitation), those set out in Schedule 2.4 (Operational Performance), Paragraph 6.1 of the Contract.

**Note:** In responding to this Core Question 4.2, Bidders shall provide descriptions which align with the level of detail provided at level 3 (business process flow) of the eTOM business process framework.

**Question:** Without limiting or affecting the foregoing, the Bidder shall fully describe how it will design resource fault and performance management processes to ensure the performance of the Network meets or exceeds the Performance Levels set out in Appendix 1 of Schedule 2.4 (Operational Performance), and how the Performance Levels for Wholesale Products as set out in Schedule 2.2 (Reference Offer Requirements) are maintained. In its response to this question, the Bidder shall include clear descriptions of:

- (A) The Bidder's overall approach to resource fault and performance management, demonstrating how Network performance will be managed so as to enable the Bidder to achieve the required Performance Levels (as set out in Appendix 1 (Performance Level Requirements) of Schedule 2.4 (Operational Performance) and in the Bidder's response to Schedule 2.2 (Reference Offer Requirements)) in respect of Network and Wholesale Product performance.
- (B) The Operational Support and Readiness processes which relate to the scheduling, frequency and nature of all required testing, maintenance, capacity planning and related preventative measures which shall be taken to minimise the risk of failures in relation to Network and related Wholesale Product performance.
- (C) The design and implementation of Network Operations Centre (NOC) processes, including those supported by the OSS/BSS environment and other related systems, demonstrating how these processes have regard to the architecture of the Network and the mix of technologies proposed in the Network design and are sufficient for the Bidder to monitor and manage Network and Wholesale Product performance so as to enable the Bidder achieve the required Performance Levels (as set out in Appendix 1 (Performance Level Requirements) of Schedule 2.4 (Operational Performance) and in the Bidder's response to Schedule 2.2 (Reference Offer Requirements)) in respect of Network and Wholesale Product performance.
- (D) Operational Support and Readiness processes relating to the dimensioning, structure and location of the required field personnel and related resources needed to support the operation, administration, configuration and maintenance of the Network, demonstrating how these processes have regard to the scale and architecture of the Network to enable the Bidder achieve the required Performance Levels (as set out in Appendix 1 (Performance Level Requirements) of Schedule 2.4 (Operational Performance) and in the Bidder's response to Schedule 2.2 (Reference Offer Requirements)) in respect of Network and Wholesale Product performance.



- (E) How the Bidder intends to assess, evaluate, identify and implement new or potential improvements to Network performance management.

### **Core Question 4.3 – Service Provider testing and support facilities [Scored]**

Please explain and demonstrate how your Final Tender meets or exceeds all of the criteria set out in Technical Sub-Criterion Scoring Table 4.3 (A) (Service Provider Verification Facility) and 4.3 (B) (Interconnect Test Facilities and Test Rooms). Bidders should have regard to the provisions set out in the Contract that are relevant in this regard.

**Note: Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.**

Without limiting or affecting the foregoing, please include and address the following in particular in your response:

#### **4.3.1 Service Provider Verification Facility**

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Service Provider testing and support facilities and the criteria set out in the Technical Sub-Criterion Scoring Table 4.3 (A) (Service Provider Verification Facility) such as, for instance (but without limitation), those set out in Schedule 2.4 (Operational Performance), Paragraph 7.1 of the Contract.

**Note: Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.**

**Question:** Without limiting or affecting the foregoing, the Bidder shall clearly fully describe, using visuals and illustrations where appropriate, the design and implementation of its proposed Service Provider Verification Facility, which shall enable Service Providers to test their systems prior to deploying to production environments. In its response to this question, the Bidder shall include clear descriptions of:

- (A) The proposed design and implementation of the Service Provider Verification Facility, demonstrating how it has been configured as a simulated verification environment to imitate the behaviour of the Operational Environment design proposed by the Bidder, and how it shall provide the capability for Service Providers to adequately test their systems prior to deploying to production environments.
- (B) The configuration of the Service Provider Verification Facility, including details of firewalls, gateways, and how the test stubs that shall be used to validate business process interoperability will be established.
- (C) The software simulation features available within the Service Provider Verification Facility, that will allow Service Providers to test a comprehensive set of use cases (success and fail), and how the Bidder will liaise with Service Providers in such a way as to ensure all necessary test scenarios are identified and completed to the satisfaction of individual Service Providers.
- (D) How the Service Provider Verification Facility can be adapted to meet the particular needs of individual Service Providers, and be specifically tailored to meet the testing and development needs of individual Service Providers which may vary according to the scale and sophistication of their Operational Environment.
- (E) The extent to which support will be provided by the Bidder to determine the root causes and resolution of problems where Service Provider access or use of the facility has identified issues or problems.
- (F) Any sophistication inherent in the Service Provider Verification Facility which significantly improves the ease with which Service Providers can test their systems prior to deploying to production environments.



### 4.3.2 Interconnect Test Facilities and Test Rooms

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Service Provider testing and support facilities and the criteria set out in the Technical Sub-Criterion Scoring Table 4.3 (B) (Interconnect Test Facilities and Test Rooms) such as, for instance (but without limitation), those set out in Schedule 2.4 (Operational Performance), Paragraphs 7.2 and 7.3 of the Contract.

**Note:** Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.

**Question:** Without limiting or affecting the foregoing, the Bidder shall clearly describe, using visuals and illustrations where appropriate, the design and implementation of its proposed Interconnect Test Facilities and Test Rooms. In its response to this question, the Bidder shall include clear descriptions of:

- (A) The Interconnect Test Facilities and Test Rooms, demonstrating that the equipment and services provided within each type of facility are designed to enable Service Providers to perform testing of relevant Wholesale Products and to confirm correct interoperability with the Network and that the proposed Interconnect Test Facilities and Test Rooms provide sufficient capability to enable Service Providers to adequately verify the correct connectivity between their network and the Network and test all relevant Wholesale Products which are available.
- (B) The locations of the Interconnect Test Facilities and Test Rooms.
- (C) The equipment and facilities that each facility shall support.
- (D) The dimensioning of both the Interconnect Test Facilities and Test Rooms, demonstrating how the Interconnect Test Facilities and Test Rooms each provide sufficient capacity to accommodate the simultaneous use by three Service Providers.
- (E) The configuration of each facility and how the proposed configuration will aid and support testing activities, including the necessary diagnostic capability to aid Service Providers to identify and resolve faults and issues, and how the Interconnect Test Facilities and Test Rooms can be adapted to meet the needs of individual Service Providers (whose needs may vary according to the breadth of Wholesale Products they intend to utilise).
- (F) How connectivity to the facilities will be made available to Service Providers.
- (G) The arrangements to be put in place for arranging building entry and physical access to each facility.
- (H) The responsibilities of the Service Provider in using the facilities.
- (I) Any sophistication inherent in either the Interconnect Test Room Facilities or the Test Rooms which significantly improves the ease with which Service Providers can satisfy their own testing requirements.
- (J) How the Test Rooms provide for beta testing of new applications, testing to support application development, and the support of relevant telecommunication research activities.

### Core Question 4.4 – Industry engagement [Scored]

Please explain and demonstrate how your Final Tender meets or exceeds all of the criteria set out in Technical Sub-Criterion Scoring Tables 4.4 (A) (Service Provider Onboarding Process) and 4.4 (B) (Service Provider Engagement Framework). Bidders should have regard to the provisions set out in the Contract that are relevant in this regard.



**Note: Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.**

Without limiting or affecting the foregoing, please include and address the following in particular in your response:

#### 4.4.1 Service Provider On-boarding Process

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Service Provider Onboarding Process and the criteria set out in the Technical Sub-Criterion Scoring Table 4.4 (A) (Service Provider Onboarding Process) such as, for instance (but without limitation), those set out in Schedule 2.4 (Operational Performance), Paragraph 10.1 of the Contract.

**Note: Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.**

**Note:** In responding to this Core Question 4.4, where appropriate, Bidders shall provide descriptions which align with the level of detail provided at level 3 (business process flow) of the eTOM business process framework.

**Question:** Without limiting or affecting the foregoing, the Bidder shall clearly describe how it shall comply with the Service Provider Onboarding Process set out in Appendix 3 of Schedule 2.4 (Operational Performance). In its response to this question, the Bidder shall clearly set out:

- (A) The documentation designed to assist Service Providers through all stages of the Service Provider Onboarding Process which the Bidder shall provide, which includes a detailed description of how the Bidder satisfies the requirements of each of the onboarding phases set out in Paragraphs 2.1 to 2.6 (inclusive) of Appendix 3 (Service Provider Onboarding Process) in Schedule 2.4 (Operational Performance).
- (B) Descriptions of the business processes supporting the Service Provider Onboarding Process, which align with the level of detail provided at level 3 (business process flow) of the eTOM business process framework.
- (C) The particular support the Bidder shall provide to Service Providers to allow them to fully understand their interactions with the Bidder during the process.
- (D) The tailored assistance and support the Bidder shall provide to Service Providers throughout interoperability and business process acceptance activities and how this shall be tailored according to the individual needs of Service Providers in such a way that expedites their successful completion of the Service Provider Onboarding Process.
- (E) Any additional collaboration and support activities designed to optimise the ability of Service Providers to provide products to IA End Users in a timely manner.
- (F) How the effectiveness of the Service Provider Onboarding Process shall be monitored, and how the results of such monitoring shall be used to improve the efficiency of the process and maintain its efficacy throughout the Contract Period.

#### 4.4.2 Service Provider Engagement Framework

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Service Provider Engagement Framework and the criteria set out in the Technical Sub-Criterion Scoring Table 4.4 (B) (Service Provider Engagement Framework) such as, for instance (but without limitation), those set out in Schedule 2.4 (Operational Performance), Paragraph 10.2 of the Contract.



**Note: Bidder's response to this question should include a cross-reference matrix in the format set out in Section 2.2.4 above.**

**Question:** Without limiting or affecting the foregoing, the Bidder shall clearly describe how it will comply with the requirements presently set out in Appendix 4 of Schedule 2.4 (Operational Performance). In its response to this question, the Bidder shall clearly demonstrate:

- (A) How it shall establish, develop and operate councils and forums described in Appendix 4 of Schedule 2.4 (Operational Performance) including how it will satisfy the early requests (i.e. pre – Network deployment and/or during the period immediately following Network deployment) for engagement from Service Providers. In their response to this question, Bidders should also demonstrate how the Bidder will proactively engage with Service Providers and wider industry stakeholders to ensure the ongoing relevance and purpose of the councils and forums is maintained. In addition, Bidders are encouraged to provide examples of good practice and any particular insight or innovative measures to the Minister.
- (B) How it shall comply with the documentation requirements set out in Appendix 4 of Schedule 2.4 (Operational Performance), clearly demonstrating how document content, style and structure meets the Minister's needs. In their response to this question, Bidders are also encouraged to provide further examples of good practice and any particular insight or innovation which may be of benefit to the Minister.

## **Common Question 4.5 – Structure, approach and equipment [Scored]**

### **4.5.1: Organisational structure and management of operational performance**

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Bidder's structure, organisational approach such as, for instance (but without limitation), those set out in Schedule 2.4 (Operational Performance), Paragraph 3.1 of the Contract.

Bidders should also have regard to the fact that the response to this question will be taken into account in assessing the Technical Sub-Criteria and corresponding Technical Sub-Criterion Scoring Tables in the manner identified in Table 7.1 (Technical Criteria, Technical Sub-Criteria and Weightings).

**Question:** Without limiting or affecting the foregoing, the Bidder's response should fully describe, using visuals and illustrations where appropriate, the organisational structure, the resources, and the coordination of activities relating to the management of operational performance it shall put in place. In its response to this question, the Bidder shall include clear descriptions of:

- (A) How organisation structures, resources and activities will be implemented to accurately and efficiently manage, measure, monitor and report Operational Performance.
- (B) How accountability for areas of performance management undertaken by groups and individual members of the organisation will be fulfilled.
- (C) How different parts of the organisation and different areas of performance management will be coordinated.
- (D) Clear allocations of responsibilities, job specialisation and definition.
- (E) Formal reporting relationships, levels of authority and spans of control.
- (F) The use of quality improvement measures involving continual improvement of standards, reporting and management practices.
- (G) How the organisational structure may adapt to facilitate innovation and respond to quickly



changing market conditions.

#### 4.5.2 Tools, equipment and processes

**Background information:** Bidders should have regard to the provisions set out in the Contract that are relevant to the Bidder's structure, organisational approach such as, for instance (but without limitation), those set out in Schedule 2.4 (Operational Performance), Paragraph 3.2 of the Contract.

Bidders should also have regard to the fact that the response to this question will be taken into account in assessing the Technical Sub-Criteria and corresponding Technical Sub-Criterion Scoring Tables in the manner identified in Table 7.1 (Technical Criteria, Technical Sub-Criteria and Weightings).

**Question:** Without limiting or affecting the foregoing, the Bidder's response should fully describe all of the tools, equipment and processes which shall be implemented to collect and store all required information and data necessary to meet its obligations. In its response to this question, the Bidder shall include clear descriptions of:

- (A) The monitoring capability of the tools and equipment proposed, demonstrating that the metrics provided are to a granularity sufficient to satisfy the reporting requirements.
- (B) The extent to which the tools, equipment and processes facilitate Network capacity reporting, trend analysis, and forecasting.
- (C) The extent to which integrated multi-layer Network technology monitoring for all technologies deployed is provided.
- (D) The extent to which advanced alerting for issues and potential faults with Wholesale Products and the Network are provided to help prevent failures and Incidents.
- (E) The extent to which real time, or near real time, SLA reporting for Service Providers is provided.
- (F) How tools, equipment and processes shall be scaled to align with Wholesale Product and Network deployment, development and growth.

## 2.7 Deliberately blank



## 3 Commercial Questions

### 3.1 Guidance to Commercial Questions

#### 3.1.1 Guidance

It is the Department's intention that the successful Bidder's responses to the Commercial Questions set out in this section will form part of the schedules to the draft Contract.<sup>7</sup>

Bidders' responses to the Commercial Questions should, therefore, provide a clear and unambiguous response to the requirements of each of the Commercial Questions. When preparing their responses to the Commercial Questions, Bidders should ensure that they take into account the requirements set out in the draft Contract and this ISFT, the discussions that have taken place during the dialogue phase of the Procurement, the feedback provided by the Department following its review and/or assessment of any prior submissions (including submissions during dialogue), and all relevant clarifications received.

As stated in section 2.1, Bidders should also ensure that all elements of their solutions, which are articulated within any part of their responses to Technical Questions and Commercial Questions, are costed and that such costs are readily identifiable within their Project Financial Model (which forms part of the Bidder's response to the Commercial Questions). Bidders should be aware that the Department anticipates that all such elements that are included by Bidders in their responses to the Technical Questions and Commercial Questions at the ISFT stage will ultimately form legally binding obligations within the Contract.

Bidders should also ensure that all of the obligations within the Contract are costed and that such costs are readily identifiable within their Project Financial Model (which forms part of the Bidder's response to the Commercial Questions).

Bidders should note that the successful Bidder will be bound by the obligations within the Contract (including but not limited to the Service Requirements). As set out in Clause 3 of the Contract, the provisions of the Contract (including schedules) shall take precedence over the NBPco Solution. Accordingly, without limiting or affecting any express pass / fail requirements (including the minimum score thresholds and the robustness tests) in this Volume 2, Bidders shall bear the risk that all elements of their Final Tender are compliant and consistent with the provisions of the Contract.<sup>8</sup>

If and to the extent that the Bidder's Final Tender is dependent on the support or involvement of a third party, be it a Service Provider or other stakeholder, which is material to its Final Tender and that third party is not a Bidder Member, the Bidder should provide evidence to demonstrate that the third party is committed to providing the support, involvement or role set out in the Bidder's Final Tender. The Department has informed prior to, or will shortly inform after, issue of the ISFT a Bidder if it considers that the Bidder's Final Tender is dependent on the support or involvement of a third party which is material to its Final Tender. Bidders may also request clarification from the Department of the status of a third party.

The Department may require Bidders by way of clarification to provide evidence of such support within a short time frame on request. Bidders can raise queries on whether or not evidence is required in a particular case in advance.

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<sup>7</sup> The Department may re-sequence the Commercial Questions when inserting them into the Contract for readability purposes, though this will not impact upon the actual response / solution.

<sup>8</sup> The evaluation methodology contemplates that, in certain cases, a Bidder's Final Tender may not necessarily have demonstrated full compliance with a requirement set out in the Contract without necessarily being rejected specifically on that basis. In a case where a Bidder's Final Tender is not rejected in accordance with this Volume 2 but its Final Tender has not demonstrated full compliance with the Contract, NBPco will still ultimately be required to achieve compliance with the Contract.



Bidders should note that, as set out in section 6.4, the assessment of robustness takes into account Key Subcontracts and Infrastructure Access Agreements.<sup>9</sup>

### 3.1.2 Wholesale Product Prices

Bidders will be required to submit their Final Tenders on the basis of what is set out on the Bidder specific template in Appendix 1 of Schedule 5.2 issued by the Department.

## 3.2 Structure of Commercial Questions<sup>10</sup>

The Commercial Questions have been structured in two sections (sections 3.3 to 3.4) as follows:

- Commercial Questions, the responses to which are evaluated and scored in accordance with the Commercial Criteria and evaluation methodology as described in sections 5 and 8 of this ISFT; and
- Commercial Questions, the response to which are assessed for compliance and robustness (where applicable) in accordance with the evaluation methodology as described in sections 6 and 8 of this ISFT.

The Commercial Questions are set out in the sections that follow.

Bidders should note that the Commercial Sub-Criteria Scoring Tables in some (but not necessarily all) cases reward Bidders for exceeding requirements set out in the Contract. Bidders should have regard to this in developing their Final Tenders.

## 3.3 Commercial Questions (Scored)

### 3.3.1 Introduction

At Final Tender stage, Bidders' responses to the Commercial Questions set out below will be evaluated and scored in accordance with the award criteria and evaluation methodology described in sections 5 and 8 of this ISFT Volume 2 and may also be taken into consideration in the assessment of compliance and/or robustness in accordance with the methodology described in section 6 of this ISFT Volume 2.

### 3.3.2 Responding to Scored Commercial Questions

The Commercial Criteria are split into a number of Commercial Sub-Criteria with associated weightings. These are set out in Table 8.1.

In respect of the Commercial Criterion "Communications, Demand Stimulation and Brand Plan", there is a specific Commercial Sub-Criterion Scoring Table for each Commercial Sub-Criterion which sets out how scores will be awarded under each of those Commercial Sub-Criterion. The relevant Commercial Sub-Criteria Scoring Table for each Commercial Sub-Criterion is identified in Table 8.1.

Table 8.1 also identifies the Commercial Questions that will be considered in the assessment under each Commercial Sub-Criterion and, in respect of Commercial Criterion "Communications, Demand Stimulation and Brand Plan", the corresponding Commercial Sub-Criterion Scoring Tables.

<sup>9</sup> The Department may require additional and more detailed assurance from the relevant third party at the Preferred Bidder stage as a condition to continuation as Preferred Bidder, which may extend to making the conclusion of the relevant contract a pre-condition to the Minister signing the Contract. Bidders should also note that specific robustness test that applies at Final Tender stage.

<sup>10</sup> The Department may (but is not required to) consider and have regard to responses to the Commercial Questions in the context of other elements of the evaluation (including scoring), e.g. compliance, robustness, Technical Questions, Contract Questions etc., if considered relevant.



Whilst the Evaluation Team may, at its absolute discretion, consider parts of the Final Tender (including the response to other Commercial Questions, Technical Questions or Contract Questions) that are not identified in Table 8.1 alongside the relevant Commercial Sub-Criterion, it is not obliged to (and may in fact not) do so. Accordingly, the onus is on Bidders to ensure that the responses to the relevant Commercial Questions for a particular Commercial Sub-Criterion fully and properly address all of the requirements and criteria set out in the relevant Commercial Question and Commercial Sub-Criterion Scoring Table (where applicable). If a Bidder considers that information in response to a particular and specific Commercial Question may be relevant to a particular Commercial Sub-Criterion in circumstances where that Commercial Question is not identified as being relevant in Table 8.1 to the relevant Commercial Sub-Criterion, the Bidder should cross refer to that particular and specific Commercial Question in the response to the relevant core question in order to direct the Evaluation Team to the relevant information, whilst also explaining why it is relevant.

Each Commercial Question sets out certain information that should be provided and provides certain background information to Bidders. However, this is not exhaustive and, ultimately, the onus is on Bidders when responding to the Commercial Questions to ensure that they tailor their responses so as to demonstrate that they meet or exceed all of the relevant requirements and criteria set out in the Commercial Questions and Commercial Sub-Criteria Scoring Tables (where applicable). The onus is also on Bidders to ensure that the level of information they provide in response to the Commercial Questions is sufficient to meet the Evidence Threshold that will be applied when applying the Commercial Sub-Criteria Scoring Tables in respect of the Commercial Criterion “Communications, Demand Stimulation and Brand Plan”.

Bidders should note that the commercial scoring methodologies set out in section 8.2 in some (but not necessarily all) cases reward Bidders for exceeding requirements set out in the Contract. Bidders should have regard to this in developing their Final Tenders.

### 3.3.3 Commercial Question 1: Communications, Demand Stimulation and Brand Plan

Commercial Question 1 comprises four sub-questions. Bidders should submit a response to each of the four commercial sub-questions numbered 1.1 to 1.4 below.

Without limiting or affecting the foregoing, please include and address the following in particular in your response:

#### 3.3.3.1 Commercial Sub-Question 1.1: CDB Strategic Plan (scored)

**Background:** Bidders should have regard to the provisions set out in Schedule 2.6 of the Contract that are relevant to the CDB Strategic Plan and the criteria set out in the Commercial Sub-Criterion Scoring Table 1.1 (CDB Strategic Plan) in Appendix 10.

The CDB Strategic Plan collectively covers the Demand Stimulation Project Plan, the NBPco Brand Development Plan and the Communications and Engagement Plan, so therefore it is important that the CDB Strategic Plan demonstrates how the Demand Stimulation Project Plan, the NBPco Brand Development Plan and the Communications and Engagement Plan together cohesively address the objectives set out in Paragraphs 3.2 and 3.3 of Schedule 2.6 of the Contract.

The CDB Strategic Plan should be developed with particular consideration of the requirements set out in Paragraphs 3.1 and 3.2 of Schedule 2.6. The CDB Strategic Plan also should support take-up and revenue assumption estimates put forward by Bidders to meet the requirements of Volume 4 (financial requirements).

The CDB Strategic Plan should consider a number of fundamental building blocks which inform the development of the CDB Strategic Plan, including the market analysis required in Paragraph 3.4 of Schedule 2.6 and the stakeholder analysis set out in Paragraph 3.5 of Schedule 2.6.



**Question:** Please explain and demonstrate how your Final Tender meets or exceeds all of the criteria set out in Commercial Sub-Criterion Scoring Table 1.1 (CDB Strategic Plan). Bidders should have regard to the provisions set out in the Contract that are relevant in this regard.

Please provide your response in the following structure:

1. Set out your stakeholder analysis (as set out in Paragraph 3.5 of Schedule 2.6);
2. Set out your market analysis (as set out in Paragraph 3.4 of Schedule 2.6);
3. Provide a summary of your take-up and revenue assumptions put forward to meet the requirements of Volume 4 (financial requirements); and
4. Set out your CDB Strategic Plan using the structure as set out in Paragraph 3.1 of Schedule 2.6.

Without limiting or affecting the foregoing, Bidders should prepare and submit a CDB Strategic Plan which clearly sets out how it meets the objectives set out in Paragraphs 3.2 and 3.3 of Schedule 2.6 and supports the Bidders take-up and revenue assumptions put forward by Bidders to meet the requirements of Volume 4 (financial requirements).

### 3.3.3.2 *Commercial Sub-Question 1.2: Demand Stimulation Project Plan (scored)*

**Background:** Bidders should have regard to the provisions set out in Schedule 2.6 of the Contract that are relevant to the Demand Stimulation Project Plan and the criteria set out in the Commercial Sub-Criterion Scoring Table 1.2 (Demand Stimulation Project Plan) in Appendix 10.

The Demand Stimulation Project Plan should detail innovative and effective Demand Stimulation initiatives that NBPco shall implement throughout the Take Up Target Period and Intervention Area (which, without limiting or affecting Paragraph 4 (Demand Stimulation Project Plan) of Schedule 2.6, should comply with Paragraph 4.3 of Schedule 2.6) to ensure the highest possible Take Up throughout the Take Up Target Period and Intervention Area and as early as possible during the Take Up Target Period.

The Demand Stimulation Project Plan also should support the Take Up and revenue assumption estimates put forward by Bidders to meet the requirements of Volume 4 (financial requirements).

Paragraph 5.1.5 of Schedule 2.3 sets out that at least three (3) Service Providers (who have completed the Service Provider On-boarding Process and at least two (2) of which are not Associated Service Providers) should be on-boarded by the end of the Ramp Up Phase, and the Demand Stimulation Project Plan should consider how it will utilise Service Providers as a sales channel to further support take-up and revenue assumption estimates put forward by Bidders to meet the requirements of Volume 4 (financial requirements).

**Question:** Please explain and demonstrate how your Final Tender meets or exceeds all of the criteria set out in Commercial Sub-Criterion Scoring Table 1.2 (Demand Stimulation Project Plan). Bidders should have regard to the provisions set out in the Contract that are relevant in this regard.

Please provide your response to this question in the structure as set out in Paragraph 4.2 of Schedule 2.6. When providing an overview of each Demand Stimulation initiative as required by Paragraph 4.2.2 of Schedule 2.6, please ensure that:



- i. the Demand Stimulation initiatives are provided for each stakeholder group as set out in Paragraph 2.5 of Schedule 2.6;
- ii. it meets the minimum requirements as set out in Paragraph 4.5 of Schedule 2.6; and
- iii. details are provided on how the Demand Stimulation initiatives will achieve the Bidder's take-up and revenue assumptions put forward to meet the requirements of Volume 4 (financial requirements).

When providing details of the proposed design and implementation for each Demand Stimulation initiative as required by Paragraph 4.2.3 of Schedule 2.6, please provide this in a recognised/standard project plan format.

Without limiting or affecting the foregoing, Bidders should prepare and submit a Demand Stimulation Project Plan which meets or exceeds all of the requirements set out in Paragraph 4 of Schedule 2.6 and that supports the objectives set out in Paragraphs 3.2 and 3.3 of Schedule 2.6 and the Bidder's Take-Up and revenue assumption estimates proposed by it to meet the requirements of Volume 4 (financial requirements).

The Demand Stimulation Project Plan should include innovative and effective Demand Stimulation initiatives that NBPco shall implement throughout the Take Up Target Period and Intervention Area (which, without limiting or affecting any other requirement of Paragraph 5 (NBPco Brand Development Plan) of Schedule 2.6, should comply with Paragraph 4.3 of Schedule 2.6) to ensure the highest possible Take Up throughout the Take Up Target Period and Intervention Area and as early as possible during the Take Up Target Period. For example, Paragraph 5.1.5 of Schedule 2.3 sets out that at least three (3) Service Providers (who have completed the Service Provider On-boarding Process and at least two (2) of which are not Associated Service Providers) should be on-boarded by the end of the Ramp Up Phase, and the Demand Stimulation Project Plan could demonstrate how it will utilise Service Providers as a sales channel to further support Take-Up and revenue assumption estimates proposed by Bidders to meet the requirements of Volume 4 (financial requirements).

### **3.3.3.3 Commercial Sub-Question 1.3: NBPco Brand Development Plan (scored)**

**Background:** Bidders should have regard to the provisions set out in Schedule 2.6 of the Contract that are relevant to the NBPco Brand Development Plan and the criteria set out in the Commercial Sub-Criterion Scoring Table 1.3 (NBPco Brand Development Plan) in Appendix 10.

The NBPco Brand Development Plan should set out details that demonstrate NBPco's plans for the design and development and enforcement of the NBPco Brand(s) and effective protection and use by NBPco of the NBPco Brand(s) throughout the Take-Up Target Period and Intervention Area.

**Question:** Please explain and demonstrate how your Final Tender meets or exceeds all of the criteria set out in Commercial Sub-Criterion Scoring Table 1.3 (NBPco Brand Development Plan). Bidders should have regard to the provisions set out in the Contract that are relevant in this regard.

Please provide your response to this question in the structure as set out in Paragraph 5.3 of Schedule 2.6.

Without limiting or affecting the foregoing, Bidders should prepare and submit their NBPco Brand Development Plan that meets or exceeds the requirements set out in Paragraph 5 of Schedule 2.6 and address the objectives set out in Paragraphs 3.2 and 3.3 of schedule 2.6.

The NBPco Brand Development Plan should set out details that demonstrate NBPco's plans for the design and development and enforcement of the NBPco Brand(s) and effective protection and use by NBPco of the NBPco Brand(s) throughout the Take-Up Target Period and Intervention Area.



### 3.3.3.4 Commercial Sub-Question 1.4: Communications and Engagement Plan (scored)

**Background:** Bidders should have regard to the provisions set out in Schedule 2.6 of the Contract that are relevant to the Communications and Engagement Plan and the criteria set out in the Commercial Sub-Criterion Scoring Table 1.4 (Communications and Engagement Plan) in Appendix 10.

The Communications and Engagement Plan should include comprehensive details that demonstrate NBPco's strategy (including forecasted annual timetables) for effective communication and engagement with the public (including the stakeholders listed in Paragraph 2.5 of Schedule 2.6) throughout the Take Up Target Period and Intervention Area (which, without limiting or affecting Paragraph 6 (Communications and Engagement Plan) of Schedule 2.6, should comply with Paragraph 6.1 of Schedule 2.6).

**Question:** Please explain and demonstrate how your Final Tender meets or exceeds all of the criteria set out in Commercial Sub-Criterion Scoring Table 1.4 (Communications and Engagement Plan). Bidders should have regard to the provisions set out in the Contract that are relevant in this regard.

Please provide your response to this question in the structure as set out in Paragraph 6.2 of Schedule 2.6. When providing the response to Paragraph 6.2.2 of Schedule 2.6, please provide details on how the communication channels will be used to achieve the Bidder's take-up and revenue assumptions put forward to meet the requirements of Volume 4 (financial requirements). . When providing the response to Paragraph 6.2.4 of Schedule 2.6, please provide this in a recognised/standard project plan format.

Without limiting or affecting the foregoing, Bidders should prepare and submit a Communications and Engagement Plan which meets or exceeds all of the requirements set out in Paragraph 6 of Schedule 2.6 (Communications and Engagement Strategy) and addresses the objectives set out in Paragraphs 3.2 and 3.3 of Schedule 2.6.

The Communications and Engagement Plan should include comprehensive details of NBPco's strategy for effective communication and engagement with the public (including the stakeholders listed in Paragraph 2.5 of Schedule 2.6) throughout the Take-Up Target Period and at the level of detail set out in Paragraph 6.1 of Schedule 2.6.

### 3.3.4 Commercial Question 2: Subsidy Payments (scored)

**Question:** The Bidder's Project Financial Model (submitted in response to Commercial Question 3) should present in NPV terms<sup>11</sup> the total Subsidy Payment required from the Department, calculated in accordance with the Project Financial Model Template and the instructions set out in the ISFT Volume 4 (Financial Requirements).

## 3.4 Commercial Questions (Compliance / Robustness)

Bidders' responses to the Commercial Questions set out below will be assessed for compliance (where applicable) and robustness (where applicable) in accordance with the methodology described in section 6 of this ISFT Volume 2.<sup>12</sup>

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<sup>11</sup> The NPV calculation is contained within the Project Financial Model Template. The NPV will therefore be automatically calculated for the Bidder in the Project Financial Model.

<sup>12</sup> The response to Commercial Question 3 and Commercial Question 4 may be had regard to in the application of the Technical Sub-Criteria, including the Evidence Threshold, where relevant in this regard.



### 3.4.1 **Commercial Question 3: Project Financial Model**

#### 3.4.1.1 *Commercial Question 3: Project Financial Model*

The Bidder must submit a complete Project Financial Model and associated Financial Memorandum as part of its Final Tender. The purpose of the Project Financial Model is to present, in a robust and highly transparent manner, the Bidder's forecast costs, revenues, financial performance and financial statements for the Project for the full duration of the Contract. The Project Financial Model will form an important part of the Contract and must be completed in the form specified in ISFT Volume 4 (Financial Requirements).

#### 3.4.1.2 *Commercial Question 3: Project Financial Model – Pass / Fail Compliance Requirements*

There is one pass / fail compliance requirement in this regard that applies at Final Tender for the purposes of section 6.1 and 6.3, namely:

- The Project Financial Model and Financial Memorandum must be prepared in accordance with, and be compliant with the requirements of, Sections 2.3 and 6.3 of the ISFT Volume 4 (Financial Requirements) in all material respects.

### 3.4.2 **Commercial Question 4: Project Cost Model**

#### 3.4.2.1 *Commercial Question 4: Project Cost Model*

The Bidder must submit a complete Project Cost Model and associated Cost Memorandum as part of its Final Tender. The purpose of the Project Cost Model is to present, in a robust and highly transparent manner, the Bidder's forecast volumes, unit costs for both Network capex and opex in line with the Bidder's technical solutions, deployment and operational plans for the full duration of the Contract. The Project Cost Model will form an important part of the Contract and must be prepared in accordance with, and comprehensively address, all of the requirements of the ISFT Volume 4 (Financial Requirements).

#### 3.4.2.2 *Commercial Question 4: Project Cost Model – Pass / Fail Compliance Requirements*

There is one pass / fail compliance requirement in this regard that applies at Final Tender for the purposes of section 6.1 and 6.3, namely:

- The Project Cost Model must be compliant with the requirements of section 4.1 and section 7 of the ISFT Volume 4 (Financial Requirements) in all material respects.

### 3.4.3 **Commercial Question 5: Wholesale Prices, Wholesale Pricing Rules and Wholesale Product Benchmarking Rules**

#### 3.4.3.1 *Commercial Question 5A*

Bidders should complete the Bidder specific template Appendix 1 of Schedule 5.2 and the Project Price Book in accordance with the requirements of Schedule 5.2. This information should be based upon the ISFT version of Appendix 1 of Schedule 5.2 issued to the Bidder by the Department.

Bidders should in their Project Price Book and Appendix 1 of Schedule 5.2 provide, in particular, their Wholesale Prices (which are subject to the Benchmark Reference Prices) for the Minimum Bitstream Wholesale Product based on the requirements set out in Paragraphs 1 and 2 of Part 1 (Wholesale Pricing Rules) of Schedule 5.2.<sup>13</sup>

<sup>13</sup> Bidders should note that the Bidder may propose a different Wholesale Price for any period or periods during the contract duration, subject to the Wholesale Pricing Rules.



### 3.4.3.2 Commercial Question 5A - Pass / Fail Compliance Requirements

There are two pass / fail compliance requirements in this regard that apply at Final Tender stage for the purposes of section 6.1 and 6.3. In order to pass:

- Bidders must use the pre-populated fields completed in the Bidder specific template Appendix 1 (Schedule 5.2) issued to the Bidder by the Department in respect of the Minimum Bitstream Wholesale Product.
- Bidders must propose or include in their Final Tender (including their Project Price Book and Appendix 1 of Schedule 5.2) a Wholesale Price for the Minimum Bitstream Wholesale Product that does not exceed the Benchmark Reference Price for the Wholesale Product concerned that was pre-populated in the Bidder specific template Appendix 1 of Schedule 5.2 issued to the Bidder by the Department for Day 1.

Please submit this information by completing the information required in the Appendix of Schedule 5.2 (in the template required) and in the corresponding worksheets in the price book section of the Project Financial Model.

### 3.4.3.3 Commercial Question 5B

Firstly on products, Bidders should set out their proposed Benchmark Reference Products for their proposed Wholesale Products for the duration on the contract as follows:

- if the proposed Benchmark Reference Product for a Wholesale Product is regulated<sup>14</sup>, Bidders shall set out:
  - the proposed Equivalent Product in the Excluded Area for the purposes of their proposed Benchmark Reference Product; and
  - the proposed Benchmark Reference Performance Specifications for each of the Wholesale Products that they will offer to Service Providers for the contract duration.

These proposals shall be set out in accordance with the requirements of Part 3 (Wholesale Product Benchmarking Rules) of Schedule 5.2 and Schedule 1 (relevant definitions). They shall include full details of the Benchmark Reference Performance Specifications, including service performance specification levels, and other characteristics, including terms and conditions of the Benchmark Reference Products;

- if the proposed Benchmark Reference Product for a Wholesale Product is not regulated, Bidders shall describe:
  - the proposed Equivalent Product in the Excluded Area for the purposes of their proposed Benchmark Reference Product; and
  - the proposed Benchmark Reference Performance Specifications for each of the Wholesale Products that they will offer to Service Providers for the contract duration.

These proposals shall be set out in accordance with the requirements of Part 3 (Wholesale Product Benchmarking Rules) of Schedule 5.2 and Schedule 1 (relevant definitions). They shall include the Benchmark Reference Performance Specifications, including service performance specification levels and other characteristics, including terms and conditions of the Benchmark Reference Products; and

- if a Bidder considers that there is no Benchmark Reference Product for a Wholesale Product, the Bidder shall describe the proposed Benchmark Reference Performance Specifications, including service performance specification levels and other characteristics, including terms and conditions of the product.

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<sup>14</sup> For the avoidance of doubt if Bidders are proposing a Minimum VUA Wholesale Product that is materially different to the regulated VUA product, they shall submit full details of the Minimum VUA Wholesale Product under this process.



Secondly on pricing, Bidders should set out their proposed Benchmark Reference Prices or Adjusted Benchmark Reference Price for their proposed Wholesale Products for the duration of the contract<sup>15</sup> as follows:

- Bidders shall set out their proposed Benchmark Reference Price or Adjusted Benchmark Reference Price for each of the Wholesale Products that they will offer to Service Providers in Appendix 1 (Schedule 5.2). This proposal shall be set out in accordance with the requirements of Part 1 (Wholesale Pricing Rules) of Schedule 5.2 and Schedule 1 (relevant definitions); and
- if a Bidder considers that there is no Benchmark Reference Price for a Wholesale Product, Bidders shall describe how they calculated their proposed Adjusted Benchmark Reference Price for each of the relevant Wholesale Products that they will offer to Service Providers in Appendix 1 (Schedule 5.2). This proposal shall be set out in accordance with the requirements of Part 1 (Wholesale Pricing Rules) of Schedule 5.2 and Schedule 1 (relevant definitions).

Please submit this information by completing the information required in the Appendix of Schedule 5.2 (in the template required) and in the corresponding worksheets in the price book section of the Project Financial Model.

Bidders should also submit a separate document entitled “Commercial Question 5” which should contain the additional information and explanations required above (i.e. the additional information and explanations that are not intended to be included in Appendix 1 of Schedule 5.2).

This information will inform the assessment of robustness at Final Tender stage in accordance with section 6.4. For instance, if there is an error in application of the principles set out in Parts 1 (Wholesale Pricing Rules) and 3 (Wholesale Product Benchmarking Rules) of Schedule 5.2 that, in turn, is reflected in the pricing and revenue in the Project Financial Model, this may be relevant if it has a material impact on the robustness of the Project Financial Model.

### **3.4.4 Commercial Question 6: Funding Plan**

#### **3.4.4.1 Commercial Question 6: Funding Plan – Background**

The Department wishes to satisfy itself that the Bidder’s proposed Funding Plan is deliverable, sustainable and capable of providing value for money for the Department.

The Department intends to enter into the Contract with the Preferred Bidder in a short timeframe post Preferred Bidder selection.

To facilitate this, at Final Tender stage, the Department requires that Bidders submit a Funding Plan that is fully developed, essentially complete and provides the necessary evidence, in accordance with the requirements set out below, to demonstrate that the financing solution will be delivered.

If debt funding is applicable to the Bidder’s proposed Funding Plan, the Final Tender funding plan is required to include letters of strong support from debt funders confirming that all key commercial terms are agreed, that the debt funders’ due diligence is substantially complete (excluding the model audit and legal due diligence on legal agreements other than the Contract) and that the debt funding is subject only to the completion of the due diligence process and debt funders’ credit committee approvals. The letters should confirm those aspects of the due diligence and credit committee approval process that remain to be completed and the lenders level of confidence that credit committee approval can be secured on the same terms and conditions as those included within the Final Tender.

Within a short timeframe after submission of the Final Tender, commitment letters from these lenders (i.e. after credit committee approval) are required to be submitted which should include a detailed offer of the debt finance necessary to implement the Bidder’s Final Tender Project Financial Model

<sup>15</sup> Bidders should note that the Bidder may propose a different Wholesale Price in respect of a particular Wholesale Product for different periods during the contract duration, subject to the Wholesale Pricing Rules.



and confirmation that the debt funder is satisfied with each element of the Bidder's Final Tender, including the Bidder's responses to the Technical Questions, the Commercial Questions and the Contract Questions.

For the avoidance of doubt, Subsidy Payments cannot be increased as a result of any changes arising from the debt finance credit committee approvals. The equity investors will be required to absorb any such impact. Where Subsidy Payments would decrease due to the changes arising from the debt finance credit committee, this benefit must be passed on by the Bidder to the Department in full.

The Preferred Bidder period will be used to finalise the Preferred Bidder's long form funding agreements, with outstanding funding matters expected to be administrative in nature.

For the avoidance of doubt, the Department requires any debt finance for Deployment Period financing to be fully committed within a short timeframe after submission of the Final Tender (with the only outstanding material conditions to drawdown being Contract execution and related items consequent on that happening). The Department requires any equity finance, internal source of finance and/or other form of finance for Deployment Period financing to be fully committed at Final Tender.

Post Deployment Period funding requirements (e.g. funding required for capital reinvestment, debt refinancing, Terminal Value Clawback Amount or funding requirements identified in sensitivity analysis) need not be fully committed at Contract execution but the Department requires the Funding Plan to demonstrate a robust financing strategy for such funding requirements, which for example could include committed standby facilities (if available), reserve accounts, shareholder guarantees (in addition to or in accordance with the Contract) or additional equity investment commitments.

To the extent that post Deployment Period funding requirements are not fully committed at Contract execution, during the Contract Period the Department will require that it is kept apprised of NBPco's progress towards finalising post Deployment Period funding arrangements, with any failure to secure such finance at NBPco's risk.

#### **3.4.4.2 Commercial Question 6: Funding Plan**

At Final Tender stage, Bidders are required to provide the information specified in sections 3.4.4.3 to 3.4.4.7 below in respect of their Funding Plan.

#### **3.4.4.3 Commercial Question 6: Funding Plan – Pass / Fail Compliance Requirements**

There are two pass / fail compliance requirements in this regard that apply at Final Tender for the purposes of section 6.1 and 6.3, namely:

- First, the Bidder must comply, in each case in all material respects, with each of the following four requirements:
  - The Bidder must provide an overview of its Funding Plan setting out the anticipated sources of funds, forecast terms and uses of funds for all elements of funding for the Project, (including Deployment Period financing, of which any equity, internal and other form of finance components are required to be committed at Final Tender, as well as post Deployment Period financing which is not required to be committed prior to Contract execution but for which the Bidder must demonstrate a robust financing strategy), with any feedback provided by the Department following its review of Refined Detailed Solutions having been addressed.
  - The Bidder must provide details (including worksheet cell references) to demonstrate that the Project Financial Model is consistent with this Funding Plan, with any feedback provided by the Department following its review of Refined Detailed Solutions having been addressed.



- The Bidder must provide a project plan and description of the process for managing the delivery of the Funding Plan through to contract award and from the Commencement Date through to the Expiry Date, with any feedback provided by the Department following its review of Refined Detailed Solutions having been addressed.
  - The Bidder must provide a detailed description of the Bidder's progress towards securing the funding required to deliver the Project, including the level of commitment secured to date and evidence of same from each source of funding, (which should be dated within one month of the Final Tender submission date and issued on relevant company headed paper), with any feedback provided by the Department following its review of Refined Detailed Solutions having been addressed.
- Second, the Bidder must identify all sources of finance (including internal sources of finance where applicable) supported by:
    - All of the items required in, as applicable (based upon the source of funding), section 3.4.4.4, section 3.4.4.5, section 3.4.4.6 and 3.4.4.7 with any feedback provided by the Department following its review of Refined Detailed Solutions having been addressed; and
    - A defined list of any outstanding matters with each of those providers of finance (intra-group and external) and a programme mapping the process for agreeing those matters and achieving Contract execution as soon as possible after Preferred Bidder appointment.<sup>16</sup>

#### 3.4.4.4 Commercial Question 6: Funding Plan – Equity Finance (Required Supporting Information – Compliance Pass / Fail)

Further to section 3.4.4.3, Bidders are required to provide the following information at Final Tender stage in order to meet the pass / fail compliance requirements in this regard for the purposes of section 6.1 and 6.3, namely:

- Legal identity of the investors and their respective percentage shareholdings in the NBPco. This is expected to be identical to the completed PQQ Response submitted by the Bidder unless a change has been agreed by the Department in accordance with section 7 of ITPD Volume 1 (Instructions);
- A detailed equity terms sheet (which should be essentially complete with all key commercial terms agreed) setting out:
  - The amount of funds that each shareholder will commit;
  - the timing of such subscription(s); and
  - the terms and conditions of the subscription(s).
- Written confirmation from each Bidder Member detailing each type of investment (for example, equity and/or sub-ordinated debt provision), the maximum amount of that funding, the availability of such finance (both at the date of the written confirmation and at the expected date of financial drawdown) and copies of all relevant approvals (for example, board minutes) in respect of that finance;
- Where a Bidder Member relied on the financial support of a supporting entity for the Pre-Qualification Questionnaire, written confirmation from that supporting entity detailing:

<sup>16</sup> As funders will have had sight of the Project Documents to be entered into by the Minister, this list should not include any material issues that go to the core objective of those Project Documents. Whilst the Contract Declaration applies with respect to the Bidders and its Bidder Members / Consortium Members, it does not necessarily restrict the Department from agreeing (though it is not required to agree) non-material changes to the Project Documents (to be entered into with the Minister) that arise out of the detailed drafting and finalisation of the funding agreements due to their interaction with the Project Documents the Minister is to enter into, provided those non-material changes are not inconsistent with the overall objective of those Project Documents. However, as funders will have had sight of the Project Documents during the dialogue stage, this is principally focused on changes resulting from the detailed drafting and finalisation of funding agreements, as distinct from points of material principle.



- The full legal name of the supporting entity;
  - The full legal name(s) of the Bidder Member(s) for which it is providing financial support;
  - The type (for example, equity or sub-ordinated debt provision) and maximum quantum of support that the supporting entity is providing; and
  - Confirmation that it has adequate funds available to provide this support and will continue to have adequate funds available to provide this support at the expected date of financial drawdown.
- The most recent credit rating reports for each Bidder Member and supporting entity, if applicable.

#### 3.4.4.5 *Commercial Question 6: Funding Plan – Debt Finance (Required Supporting Information – Compliance Pass / Fail)*

Further to section 3.4.4.3, Bidders are required to provide the following information at Final Tender stage in respect of each proposed debt finance facility (if applicable) in order to meet the pass / fail compliance requirements in this regard for the purposes of section 6.1 and 6.3, namely:

- Identity of debt funders;
- The most recent credit rating reports for each debt funder, if applicable;
- Type and purpose of each facility;
- Amounts to be provided by each debt funder;
- Letters of strong support from debt funders confirming that all key commercial terms are agreed, that the debt funders' due diligence is substantially complete (excluding the model audit and legal due diligence on legal agreements other than the Contract) and that the debt funding is subject only to the completion of the due diligence process and debt funders' credit committee approvals. The letters should confirm those aspects of the due diligence and credit committee approval process that remain to be completed and the lender's level of confidence that credit committee approval can be secured on the same terms and conditions as those included within the Final Tender;
- Detailed term sheets (which should be essentially complete with all key commercial terms agreed subject only to credit committee approval) setting out the terms and conditions attaching to each facility to include, but not necessarily be limited to, the following:
  - Availability period;
  - Projected drawdown conditions and schedule;
  - Capital repayment moratorium (if applicable);
  - Projected repayment schedule and final maturity date;
  - Interest rates (whether fixed or floating) specifying base rate and margins;
  - Any proposed hedging arrangements;
  - Treatment of interest during deployment (i.e. whether it is rolled up or paid);
  - Details of security required (including any guarantees, asset mortgages, share pledges etc.);
  - Details of any debt covenants including any cover ratios, leverage/gearing, contractual covenants, events of default, prepayment conditions, or conditions precedent to drawdown;
  - Any reserve accounts or facilities (including details of how reserve accounts or facilities are to be funded e.g. number of future months/years requirements); and
  - Arrangement, commitment, agency and any other fees.
- If relevant to their proposed funding plan, evidence for the base rate assumed in their Project Financial Model (e.g. swap rate yield curve and associated calculations), specifying the reference source and the date and time the base rate was determined; and
- High level summary of current status of outline conditions precedent to drawdown (as set out in funders' indicative term sheets); whether (i) currently satisfied, (ii) capable of satisfaction



pending only delivery of an item within the Bidder's control or (iii) summarising what is outstanding to achieve satisfaction.

#### **3.4.4.6 Commercial Question 6: Funding Plan – Internal Sources of Finance (Required Supporting Information – Compliance Pass / Fail)**

Further to section 3.4.4.3, Bidders are required to provide the following information at Final Tender stage in respect of each proposed internal source of funding (if applicable) in order to meet the pass / fail compliance requirements in this regard for the purposes of section 6.1 and 6.3, being full details of such source of finance, equivalent to those requested under section 3.4.4.4 (equity) and 3.4.4.5 (debt finance) sections above, namely;

- identify the lending entity, (and its legal relationship to NBPco and the Bidder Member(s) by way of a group structure organisational chart);
- the most recent credit rating reports for the source of finance, if applicable;
- provide copies of the proposed financing agreements between the lending entity and NBPco (which should be essentially complete with all key commercial terms agreed). As noted above, these agreements are required to provide full details equivalent to those requested under the equity and debt finance sections above including;
  - the amount of funds that the lending entity will commit to provide;
  - the timing of such commitments; and
  - the terms and conditions associated with this finance including, but not limited to, the drawdown schedule and/or availability period, any conditions precedent to drawdown(s), repayment schedule and terms, interest rate on borrowings and lender assignment rights;
- provide evidence to confirm that this finance will be available as and when it is required, including (for example):
  - guarantees;
  - the provision of robust cash flow projections from the lending entity, detailing the lending entity's forecast cash flow for the duration of the Contract and the assumptions underpinning these forecast cash flows. These cash flow projections should be compared to the level and timing of finance required for the Project (as evidenced by the Project Financial Model and the results of the sensitivity analysis required in ISFT Volume 4); and
  - independent due diligence reports undertaken by an external and suitably qualified expert in respect of the availability of internal finance, the level of finance available for the Project and the drawdown of finance for the Project; and
- provide full details of any covenants or restrictions faced by the lending entity in providing such finance to the project consistent with the information requested for debt finance above in section 3.4.4.5.

#### **3.4.4.7 Commercial Question 6: Funding Plan – Other Forms of Finance (Required Supporting Information – Compliance Pass / Fail)**

Further to section 3.4.4.3, Bidders proposing to use forms of finance other than debt, equity and internal sources of finance are required to provide the following information at Final Tender stage in order to meet the pass / fail compliance requirements in this regard for the purposes of section 6.1 and 6.3, namely:

- provide full details of such sources of finance, equivalent to those requested under section 3.4.4.4 (equity) and 3.4.4.5 (debt finance) sections above; and
- Bidders intending to use finance generated from the operation of the Network are required to ensure that this is clearly identifiable within the Project Financial Model and provide evidence of contingent sources of funds in case such operating revenue sources do not materialise.



### **3.4.5 Commercial Question 7: NBPco Branding Requirements**

#### **3.4.5.1 Commercial Question 7: NBPco Branding Requirements - Background**

An objective of the National Broadband Plan is to establish an open access wholesale company and a Network and environment that allows Service Providers to compete effectively at the retail and wholesale level to the benefit of consumers, resulting in lower prices, better service quality and product innovation.

The Contract imposes a number of requirements on NBPco in order to safeguard competition, ensure transparency and non-discrimination and avoid any conflict of interest.

Contract Question 3 and Contract Question 4 (set out in sections 4.2.3 and 4.2.4) relate to the requirements of Schedule 2.7, other than Paragraph 10 (NBPco Branding, Marketing and Website).

Commercial Question 7 below requires Bidders to submit information that demonstrates how NBPco will deliver the requirements of Paragraph 10 (NBPco Branding, Marketing and Website) of Schedule 2.7 in respect of branding and marketing after award of Contract.

#### **3.4.5.2 Commercial Question 7: NBPco Branding Requirements**

Bidders should clearly describe how they will comprehensively address all of the requirements set out in Paragraph 10 of Schedule 2.7 (NBPco Requirements) of the Contract.

#### **3.4.5.3 Commercial Question 7: NBPco Branding Requirements – Pass / Fail Compliance Requirements**

There is one pass / fail compliance requirement in this regard that applies at Final Tender stage for the purposes of section 6.1 and 6.3, namely:

- The Bidder's response to Commercial Question 7 must be compliant in all material respects with the requirements of Paragraph 10.1 of Schedule 2.7 (NBPco Requirements) of the Contract.

### **3.4.6 Commercial Question 8: Insurance Requirements**

#### **3.4.6.1 Commercial Question 8: Insurance Requirements**

Bidders should complete and submit the Insurance Matrices set out in Appendix 8 of this ISFT Volume 2. Bidders are not permitted to change the format of the Insurance Matrices and should complete each of the Insurance Matrices in full.

Bidders should ensure that the costs of insurances are clearly shown in their Project Financial Model and that the costs included in the Project Financial Model are consistent with the completed Insurance Matrices.

#### **3.4.6.2 Commercial Question 8: Insurance Requirements – Pass / Fail Compliance Requirements**

There is one pass / fail compliance requirement in this regard that applies at Final Tender stage for the purposes of section 6.1 and 6.3, namely:

- The Bidder must provide the insurance requirements set out in Commercial Question 8 in a form that is in accordance with, and is compliant in all material respects with, the requirements of Commercial Question 8, Appendix 8 of this ISFT Volume 2 and Schedule 5.6 of the Contract.





## 4 Contract Questions

### 4.1 Guidance to Contract Questions<sup>17</sup>

Bidders' responses to the Contract Questions should provide a clear and unambiguous response to the requirements of each of the questions. When preparing their responses to the Contract Questions, Bidders should ensure that they take into account the requirements set out in the draft Contract (as defined in section 4.2.1.1(a) below) and this ISFT, the discussions that have taken place during the dialogue phase of the Procurement, the feedback provided by the Department following its review and/or assessment of any prior submissions (including submissions during dialogue), and all relevant clarifications received.

### 4.2 Contract Questions for Final Tender

#### 4.2.1 Contract Question 1: Contract (including the schedules to the Contract)

##### 4.2.1.1 *Contract Question 1: Contract (including the schedules to the Contract)*

As part of its Final Tender submission, the Bidder will be required to provide a signed declaration confirming:

- (a) that the Bidder and all of its Bidder Members have reviewed in detail, and have taken technical, financial, commercial and legal advice on, the Department's draft Contract (including schedules) for the Project comprised in:
  - (I) ISFT Volume 3; and
  - (II) a separate document, comprising Annex 1 of ISFT Volume 3, titled "Additional ISFT Volume 3 Contract Terms" or like name or title, which sets out a limited number of detailed commercial principles which have been agreed by the relevant Bidder and all its Bidder Members with the Department prior to ISFT (and are not therefore subject to further dialogue) but which have not yet, at that time, been fully reflected and incorporated in the drafting of other relevant clauses or Schedules of ISFT Volume 3 at (I) above, but which drafting will be so fully reflected and incorporated in ISFT Volume 3 at Preferred Bidder stage,  
  
(together the "**draft Contract**");
- (b) that the Bidder has submitted the Final Tender in response to the ISFT on the basis of the draft Contract and accepts the provisions of the ISFT draft Contract (including schedules), subject to (a)(II) above and the provisions of the ISFT and subject to the Contract being executed and delivered by the parties;
- (c) that the Bidder and all of its Bidder Members understand that the finalisation of the draft Contract at Preferred Bidder stage shall comply with public procurement principles, including with respect to limited further specification and clarification of the draft Contract terms in accordance with the ISFT and the Bidder and all of its Bidder Members agrees that the Final Tender has been submitted expressly on that basis; and
- (d) that the Bidder and all of its Bidder Members commit to using best endeavours and working in good faith to achieve contract award and financial close promptly in Q4 2018.

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<sup>17</sup> The Department may (but is not required to) consider and have regard to responses to the Contract Questions in the context of other elements of the evaluation (including scoring), e.g. compliance, robustness, Commercial Criteria, Commercial Questions, Technical Criteria, Technical Questions etc., if considered relevant.



The declaration is to be signed by an authorised officer (with the requisite authority to legally bind the Bidder) of the lead Bidder Member on behalf of the Bidder and all Bidder Members. The declaration should be included in Part 3: Contract and Forms & Declarations of its Final Tender submission in accordance with the structure set out in section 1.3 and section 1.4.

#### 4.2.1.2 *Contract Question 1 – Pass / Fail Compliance Requirements*

Subject to section 6.1.2.2, there is one pass / fail compliance requirement in this regard that applies at ISFT for the purposes of sections 6.1 and 6.3, namely:

- The Bidder must submit in its Final Tender a signed copy of the Contract Declaration in the form set out in the ISFT. No amendments are permitted to the Contract Declaration (unless approved in advance by the Department pursuant to a clarification issued by it after issue of the ISFT).<sup>18</sup>

#### 4.2.1.3 *Important reminder*

Bidders are reminded that, as the Procurement is being carried out in accordance with the competitive dialogue procedure, all substantive commercial and contractual discussions were completed before the dialogue closed and the ISFT issued. Apart from the Department's entitlement to request a Bidder to clarify, specify or fine-tune its Final Tender, the Department does not currently intend for there to be an opportunity to negotiate commercial and contractual terms.<sup>19 20</sup> Any attempt to do so may result in provisional Preferred Bidder status being withdrawn and the Bidder rejected.

Accordingly, the Preferred Bidder will be expected to enter into the Contract unamended (except, with respect to specific provisions stated to be subject to finalisation at Preferred Bidder stage, including particularly those to be reflected and incorporated in the ISFT Volume 3 to give effect to the agreed detailed commercial principles set out in the "Additional ISFT Volume 3 Contract Terms" or provisions capable of being clarified, specified and fine-tuned).

## 4.2.2 **Contract Question 2: Ownership and Contractual Structure**

### 4.2.2.1 *Contract Question 2A: Ownership and Contractual Structure*

As part of its Final Tender submission, the Department requires that the Bidder provides a diagram and description of its proposed ownership and contractual structure in respect of NBPco, any other entities proposed within the contractual structure, the Consortium Members, Shareholders, Guarantors and the subcontractors required to deliver the Project.

The Department requires that the following information is included in the Bidder's proposed ownership and contractual structure description:

- a comprehensive ownership, funding and contractual structure diagram, including the Minister and NBPco and all of its:
  - Shareholders, Holding Companies and Guarantors;

<sup>18</sup> Neither this nor the Contract Declaration limit or affect the "Compliant and Unqualified Tenders" section of Appendix 1 of ISFT Volume 1 or section 4.2.1.3 of this ISFT Volume 2.

<sup>19</sup> Bidder's are reminded of footnote 1 of section 2.1 of ISFT Volume 1 (Instructions).

<sup>20</sup> Whilst the Contract Declaration applies with respect to the Bidders and its Bidder Members / Consortium Members, it does not necessarily restrict the Department from agreeing (though it is not required to agree) non-material changes to the Required Documents (to be entered into with the Minister) that arise out of the detailed drafting and finalisation of the funding agreements due to their interaction with the Required Documents the Minister is to enter into, provided those non-material changes are not inconsistent with the overall objective of those Required Documents. As funders will have had sight of the Required Documents during the dialogue stage, this is principally focused on changes resulting from the detailed drafting and finalisation of funding agreements, as distinct from points of material principle.



- Critical Key Subcontractors, Key Subcontractors and other Subcontractors;<sup>21</sup>
  - any other Consortium Members;
- including a legend and/or labelling to indicate role of each entity and the nature of the ownership or contractual relationship between each entity;
- an explanation of the Bidder's proposed consortium arrangements and agreements, sub-contract agreements, Infrastructure Access Agreements and other legal agreements relating to the Bidder's ownership, funding and contractual structure (including, for example, guarantees);
  - an explanation of the capital structure of NBPco and any other entities proposed to be employed in the structure, including the rights and obligations of each class of capital of NBPco and such entities;
  - details of the ultimate direct and indirect equity ownership in NBPco (beneficial and legal) at the submission date for Final Tenders, and any changes envisaged prior to the Commencement Date;
  - the following details with respect to all of the following parties:
    - details of all Shareholders with:
      - specific legal identity (precise company name and registration number);
      - percentage shareholdings; and
      - details of any intermediate Holding Companies, for each Shareholder;
    - details of all Guarantors, with:
      - specific legal identity (precise company name and registration number); and
      - proposed level and scope of the Guarantee, for each Guarantor;
    - details of all Critical Key Subcontractors and Key Subcontractors, with:
      - specific legal identity (precise company name and registration number);
      - short explanation of the precise role and responsibility of each Critical Key Subcontractor and Key Subcontractor (in terms of specific work / services / infrastructure access products to be provided by each of them and the % involvement<sup>22</sup> of that Critical Key Subcontractor / Key Subcontractor with respect to the relevant work / services / infrastructure access products to be provided by NBPco for the Project); and
      - the precise legal entity the Critical Key Subcontractor or Key Subcontractor will contract with (whether NBPco or a different entity in the supply chain), for each Critical Key Subcontractor and Key Subcontractor;
    - details of any other subcontractors or parties ("other entities") that are either :
      - referenced in responses to Technical Questions, Contract Questions and/or Commercial Questions<sup>23</sup>; or
      - otherwise required by NBPco to deliver the Project including entities intended to form part of the contractual structure.
  - for each of the other entities, where and to the extent that the identity of such other entity is known at the time of Final Tender submission, the Bidder should provide details of the specific legal identity (precise company name and registration number) of the other entity; and a short

<sup>21</sup> The Department has separately issued a document identifying the status of different subcontractors based upon information known to it at this stage (though the Department reserves the right to vary or modify such document at its discretion).

<sup>22</sup> % involvement means the % of the works / services / infrastructure access products that NBPco is subcontracting that are being carried out by the Key Subcontractor. This should be based on the aggregate across all stages of the build and operations of the network.

<sup>23</sup> Bidders are required to request clarification as to whether any entity not previously identified in the Bidder's Refined Detailed Solution should be included in the response to this question.



explanation of the precise role and responsibility of each other entity (in terms of specific work / services / to be provided by each of them).

In accordance with section 6.1.2.2, the Department reserves the right to require the Bidder to clarify or amplify the information that the Bidder submits in respect of this Contract Question 2A in order that the Department has a clear understanding of the ownership and contractual structure proposed by the Bidder. This includes, but is not limited to, the circumstance where a particular third party is not identified by the Bidder as a Key Subcontractor or a Critical Key Subcontractor in its Final Tender but is considered by the Department to be a Key Subcontractor or a Critical Key Subcontractor. In such circumstance, the Department will require the Bidder to provide in respect of that third party all of the information (including declarations) required by this ISFT Volume 2 (Evaluation Methodology) for a Key Subcontractor or Critical Key Subcontractor (as applicable).

#### **4.2.2.2 Contract Question 2A: Ownership and Contractual Structure – Pass / Fail Compliance Requirements**

Subject to section 6.1.2.2, there are two pass / fail compliance requirements in this regard that apply at ISFT for the purposes of sections 6.1 and 6.3, namely:

- The Bidder must provide the information / items / documents required at Final Tender stage pursuant to Contract Question 2A section 4.2.2.1.
- The items / information / documents must, when taken together, be compliant in all material respects with the requirements set out in section 4.2.2.1.

#### **4.2.2.3 Contract Question 2B: Key Subcontracts (excluding Infrastructure Access Agreements)**

The Bidder must submit as part of its Final Tender:

- Draft copies of Heads of Terms with respect to each Key Subcontract (excluding the Infrastructure Access Agreements) for the provision of services / works / supplies by each of the Key Subcontractors named by the Department as such at the time the ISFT is issued (or in any subsequent clarification).
- Each draft Heads of Terms must include an outline of the scope of services / works / supplies.

The Department will notify the Bidder in advance of submission of ISFT if a particular third party (which it is aware will be involved in the Bidder's solution) is a Key Subcontractor for the purposes of this Contract Question 2B.

**Bidders are required to request clarification as to the status of any subcontractor not previously identified in the Bidder's Refined Detailed Solution prior to 5pm on 14 September 2018.**

#### **4.2.2.4 Contract Question 2B: Key Subcontracts (excluding Infrastructure Access Agreements) – Pass / Fail Compliance Requirements**

Subject to section 6.1.2.2, there are two pass / fail compliance requirements in this regard that apply at ISFT for the purposes of sections 6.1 and 6.3, namely<sup>24</sup>:

<sup>24</sup> As set out in section 7.3 of ISFT Volume 1, notwithstanding the compliance tests provided for in this section 4.2.2.4 and any comments provided by the Department on the terms of any subcontracts and the requirements of the Contract with respect to subcontracts, the Department reserves the right to require changes at Preferred Bidder stage to the terms of any subcontracts with Critical Key Subcontractors and Key Subcontractors which it considers appropriate having regard to the overall circumstances of the Contract in respect of the Preferred



- The Bidder must submit as part of its Final Tender:
  - Draft copies of Heads of Terms with respect to each Key Subcontract (excluding the Infrastructure Access Agreements) for the provision of services / works / supplies by each of the Key Subcontractors named by the Department as such at the time the ISFT is issued (or in any subsequent clarification).
  - Each draft Heads of Terms must include an outline of the scope of services/works/supplies.

#### 4.2.2.5 *Contract Question 2C: Infrastructure Access Agreements*

The Bidder must submit as part of its Final Tender:

- Draft copies of the Infrastructure Access Agreements which will govern the provision of Third Party Infrastructure by each of the Key Subcontractors named by the Department as such (with respect to Third Party Infrastructure) at the time the ISFT is issued (or in any subsequent clarification).
- Each draft Infrastructure Access Agreement must include an outline of the scope of services/products.

The Department will notify the Bidder in advance of submission of ISFT if a particular third party (which it is aware will be involved in the Bidder's solution) is a Key Subcontractor for the purposes of this Contract Question 2C.

**Bidders are required to request clarification as to the status of any subcontractor not previously identified in the Bidder's Refined Detailed Solution prior to 5pm on 14 September 2018.**

#### 4.2.2.6 *Contract Question 2C: Infrastructure Access Agreements – Pass / Fail Compliance Requirements*

Subject to section 6.1.2.2, there are two pass / fail compliance requirements in this regard that apply at ISFT for the purposes of sections 6.1 and 6.3, namely<sup>25</sup>:

The Bidder must submit as part of its Final Tender:

- Draft copies of the Infrastructure Access Agreements which will govern the provision of Third Party Infrastructure by each of the Key Subcontractors named by the Department as such (with respect to Third Party Infrastructure) at the time the ISFT is issued (or in any subsequent clarification)<sup>26</sup>.
- Each draft Infrastructure Access Agreement must include an outline of the scope of services/products.

### 4.2.3 **Contract Question 3: NBPco Requirements**

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Bidder. As a pre-condition to Contract conclusion, the Key Subcontracts must be in a form satisfactory to the Department and, in particular, be considered by the Department to reflect an appropriate level of risk transfer, implement the Bidder's solution and not be inconsistent with the Contract.

<sup>25</sup> As set out in section 7.3 of ISFT Volume 1, notwithstanding the compliance tests provided for in this section 4.2.2.4 and any comments provided by the Department on the terms of any subcontracts and the requirements of the Contract with respect to subcontracts, the Department reserves the right to require changes at Preferred Bidder stage to the terms of any subcontracts with Critical Key Subcontractors and Key Subcontractors which it considers appropriate having regard to the overall circumstances of the Contract in respect of the Preferred Bidder. As a pre-condition to Contract conclusion, the Key Subcontracts must be in a form satisfactory to the Department and, in particular, be considered by the Department to reflect an appropriate level of risk transfer, implement the Bidder's solution and not be inconsistent with the Contract.

<sup>26</sup> Bidders should note that the Department may (but is not obliged to) contact infrastructure providers in relation to the Infrastructure Access Agreement (s) submitted by Bidders or, if applicable, any related declaration.



#### 4.2.3.1 *Contract Question 3: NBPco Requirements*

The entity that will enter into the Contract must be established in accordance with Paragraph 3 of Schedule 2.7 (NBPco Requirements).

The corporate governance of that entity must be in accordance with Schedule 2.7 (NBPco Requirements). It will be a precondition to the award of the Contract that the Preferred Bidder has evidenced, to the satisfaction of the Department, that the corporate governance of the entity that will enter into the Contract is in accordance with Schedule 2.7 (NBPco Requirements).

Bidders are required to provide in their Final Tender the following information about such company:

- Name (as distinct from the NBPco Brand) of NBPco incorporated legal entity;
- Certificate of incorporation (and certificate of incorporation on change of name, if relevant) of NBPco;
- Draft Constitution of NBPco;
- Draft copies of NBPco and its Holding Company's shareholder agreements or draft copies of Heads of Terms;
- the organisational structure of NBPco in accordance with Paragraph 4.1.1 of Schedule 2.7 (together with a commentary of how that structure implements and complies with the requirements of Schedule 2.7);
- completed version of Schedule 3.8 of the Contract, including details of Top Tier Key Personnel as outlined in Paragraph 5.1 of Schedule 2.7;
- NBPco Governance Protocol/Code of Practice which demonstrates how the requirements of Paragraphs 5, 6, 7, 8, 11 and 12 of Schedule 2.7 will be addressed.

Bidders should note that the information provided by the Bidder may, in accordance with the Evaluation Methodology, impact the Department's evaluation of other areas of the Bidder's Final Tender, including but not limited to the Department's assessment as to whether the Bidder has met the Evidence Threshold that is to be applied when applying the Technical Sub-Criteria Scoring Tables and the Commercial Sub-Criteria Scoring Tables as applicable.

#### 4.2.3.2 *Contract Question 3: NBPco Requirements – Pass / Fail Compliance Requirements*

Subject to section 6.1.2.2, there are three pass / fail compliance requirements in this regard that apply at ISFT for the purposes of sections 6.1 and 6.3, namely:

- The Bidder must provide all of the information / items / documents required at Final Tender stage in Contract Question 3, section 4.2.3.1;
- The information / documents / items provided in respect to Contract Question 3, section 4.2.3.1 must be compliant in all material respects with the provisions of the Contract referred to in the relevant bullet / question in Contract Question 3, section 4.2.3.1; and
- The Constitution of NBPco, shareholders agreements and Governance Protocol must collectively be consistent in all material respects with Schedule 2.7 (NBPco Requirements).



## 4.2.4 Contract Question 4 (Final Tender): Forms and Declarations

### 4.2.4.1 Contract Question 4 (Final Tender) – Forms and Declarations

Bidders are required to complete and sign the following forms and declarations (as directed on the relevant form or declaration) and to include them in Part 3: Contract and Forms & Declarations of their ISFT submission in accordance with the structure set out in section 1.3 and section 1.4:

- Appendix 2 – Declaration in respect of grounds for exclusion;
- Appendix 3 – Declaration in respect of PQQ Response;
- Appendix 4 – Certificate relating to bona fide submissions;
- Appendix 5 – Capacity to form consortium declaration;
- Appendix 6 – Freedom of Information statement; and
- Appendix 7 – Conflict of interest declaration.

In respect of Appendix 2, Bidders are required to re-affirm the statutory declaration or equivalent provided at the PQQ stage, namely that none of the circumstances set out in Regulation 53 of the European Communities (Award of Public Authorities' Contracts) Regulations 2006 apply to the Bidder or any of its Bidder Members.

In respect of Appendix 3, Bidders are required to confirm that all of the information and explanations supplied by them in their PQQ Response, or in "change in Bidder" submissions that have been submitted and approved in accordance with section 10.6 of the PIM (section 7.5 of the ITPD Volume 1 (Instructions)) and any clarifications to them, remain true, complete and accurate or otherwise to state in what respects such information and explanations are no longer true, complete or accurate.

The submission of Appendix 1 – Contract declaration form is addressed under Contract Question 1 (section 4.2.1.2).

### 4.2.4.2 Contract Question 4 (Final Tender): Forms and Declarations – Pass / Fail Compliance Requirements

Subject to section 6.1.2.2, there are two pass / fail compliance requirements in this regard that applies at Final Tender for the purposes of sections 6.1 and 6.3, namely:

- The Bidder must provide all of the declarations required in Contract Question 4, section 4.2.4.1.
- No amendments are permitted to these declarations (unless otherwise expressly stated in the ISFT or approved in advance by the Department pursuant to a clarification issued by it after issue of the ISFT).



## 5 Evaluation Methodology

### 5.1 Evaluation Process & Team

#### 5.1.1 Evaluation process

The Department shall award the Contract to the Bidder that proposes the most economically advantageous tender(s) (a combination of cost and quality). This may not necessarily be the Bidder that proposes a Final Tender that offers the lowest cost.

The evaluation process will, subject to the terms of the ISFT, only take into account the information provided by Bidders in their submissions at ISFT stage and, if appropriate, responses provided to the Department in the course of any subsequent clarification process.

At Final Tender stage, the evaluation process will comprise the following three stages:

- Stage 1: Completeness, compliance and robustness check;
- Stage 2: Evaluation against the award criteria in Sections 7 and 8 of this Evaluation Methodology;
- Stage 3: Ranking and identification of a provisional Preferred Bidder for the Lot.

These stages are described in detail below.<sup>27</sup>

#### 5.1.2 Evaluation Team

Each member of the Evaluation Team will undertake such functions and tasks as the team may agree to be allocated to a member or members.

The Department may use different members of the Evaluation Team to review or evaluate (as applicable) the responses to certain Technical Questions, Commercial Questions and Contract Questions, and similarly compliance and robustness checks (with the result that some members may input into the evaluation in one such respect or Question only and may not read unrelated parts of a Bidder's response).

The Evaluation Team is entitled, at its discretion, to, or to engage others on its behalf, to carry out independent investigations and undertake such other matters in respect of any matter arising out of or incidental to the Procurement and/or its evaluations where, in the opinion of the Evaluation Team, this is necessary, appropriate or helpful. This may include the use of subject matter experts (internal or external to the Department) and / or sub-teams to provide specialist support and / or advice to an Evaluation Team in respect of its evaluation of one or more questions or site visits for the purposes of verification of information submitted or implied.

Members of the Evaluation Team may (without any obligation to) operate independently of each other in some or all respects (with the result that some members may not read parts of the Final Tenders that are not relevant to their part of the evaluation).

#### 5.1.3 Clarification meetings or interviews

The Department reserves the right to require any of the Bidders to attend a clarification meeting and/or interview in Dublin or by video conference or telephone. In such event, the Bidder will bear all its costs and expenses in attending any such meeting.

Bidders should note that the Department may elect to hold such clarification meetings and/or interviews with only those Bidders which the Departments considers, at its absolute discretion, it necessary to do so.

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<sup>27</sup> Whilst these stages are described in sequential terms, it is possible that some or all of the stages may run concurrently in some or all respects.



### 5.1.4 Verification

The Department may (but is not obliged to), in order to verify information provided or implied in a Final Tender, contact and visit Bidders and any or all of their Bidder Members, subcontractors, infrastructure access providers, members, suppliers, funders, insurers and/or referees which might be provided in the Final Tender and may conduct any investigations and site visits (including to third party suppliers, infrastructure access providers etc) (either itself or through such third parties as it may, at its absolute discretion, consider appropriate) it considers necessary in connection with responses, including by reference to information independently sourced from the market or otherwise. The Bidders, on request, must facilitate same. This applies all the way up until Contract close.

Section 12.4 of the PIM also continues to apply with respect to PQQ Responses all the way up until Contract close.

## 5.2 Stage 1: Completeness, Compliance and Robustness

Stage 1 comprises a check for the completeness and compliance and robustness of each Bidder's Final Tender against the requirements of the ISFT.

Stage 2 of the evaluation may be undertaken concurrently with the Stage 1 assessments of compliance and robustness.

### 5.2.1 Completeness

In the first instance, each Bidder's response will be subjected to a check for completeness to ensure that the Bidder has provided a complete response in respect of each part of the ISFT submission as set out in Table 1.1 and that they have submitted all of the necessary supporting documentation where required.

This is an initial cursory check only and does not prevent the Department from subsequently identifying any other incompleteness at a later stage of the evaluation process.

Any Bidder who has not provided a complete response in accordance with the requirements of the ISFT at Final Tender stage may, subject to section 1.5.2 and section 6.1.2.2, have its Final Tender rejected and be eliminated from the Procurement.

For the avoidance of doubt, the completeness check may continue during and after Stage 2 of the evaluation and progressing to Stage 2 (or Preferred Bidder) is not confirmation that the completeness check has been definitely passed.

### 5.2.2 Compliance

Compliance will be evaluated by the Evaluation Team in accordance with section 6 of this Evaluation Methodology.

Any Bidder who has not provided a compliant response in accordance with the requirements of section 6 at Final Tender stage may, subject to section 1.5.2 and section 6.1.2.2, have its Final Tender rejected and be eliminated from the Procurement.

For the avoidance of doubt, the compliance check may continue during and after Stage 2 of the evaluation and progressing to Stage 2 (or Preferred Bidder) is not confirmation that the compliance check has been definitely passed.

### 5.2.3 Robustness

Robustness will be evaluated by the Evaluation Team in accordance with section 6 of this Evaluation Methodology.

Any Bidder who has not provided a robust response in accordance with the requirements of section 6 at Final Tender stage may, subject to section 6.1.2.2 and section 6.4.2, be eliminated from the Procurement.



For the avoidance of doubt, the robustness check may continue during and after Stage 2 of the evaluation and progressing to Stage 2 (or Preferred Bidder) is not confirmation that the robustness check has been definitely passed.

### 5.3 Stage 2: Review or Evaluation against the Award Criteria

Final Tenders that pass the initial completeness check will progress to detailed evaluation against the award criteria.

Each Bidder's responses to:

- the Technical Questions that are to be taken into account in the scoring of the Technical Criteria (see section 7.1) will be evaluated and a score will be awarded in respect of each of the Technical Criteria or Technical Sub-Criteria (as applicable) in accordance with the methodologies described in section 7 of this Evaluation Methodology; and
- the Commercial Questions that are to be taken into account in the scoring of the Commercial Criteria (see section 8.1) will be evaluated and a score will be awarded in respect of each of the Commercial Criteria or Commercial Sub-Criteria (as applicable) in accordance with the methodologies described in section 8 of this Evaluation Methodology.

Each Bidder's responses to the Contract Questions will, subject to section 6.1.2.2, be evaluated on a pass/fail basis, i.e. within the compliance and robustness evaluations described in section 5.2.2 above and section 6.

### 5.4 Stage 3: Ranking

At Final Tender stage, those Final Tenders that have achieved the minimum score thresholds set out in sections 7 and 8 of this Evaluation Methodology and have passed the initial completeness, compliance and robustness check shall proceed to be ranked in accordance with this Stage 3. Final Tenders that do not achieve those minimum score thresholds or that fail the completeness, compliance and/or robustness check will be rejected and will not be evaluated further.<sup>28</sup>

In respect of the Technical Criteria, the following steps will be followed:

- The score awarded in respect of each the Technical Sub-Criteria will be converted to a weighted score in respect of that Technical Sub-Criterion by first converting the awarded score into a percentage (i.e. out of 100) and then applying the relevant tertiary weighting set out in Table 7.1.
- A percentage score (out of 100%) in respect of each Technical Criterion will then be calculated by aggregating the individual weighted scores for the Technical Sub-Criteria relating to that Technical Criterion.
- A Weighted Score will then be calculated in respect of each Technical Criterion by applying the relevant secondary weighting set out in Table 7.1 to the percentage score for that Technical Criterion.
- A Percentage Score (out of 100%) in respect of the "Technical Solutions" Primary Criterion will then be calculated by aggregating the Weighted Scores for all of the Technical Criteria.

In respect of the Commercial Criteria, the following steps will be followed:

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<sup>28</sup> If a Final Tender is rejected at any stage of the evaluation because it did not meet a minimum score threshold, robustness or compliance test or for any other reason, it will not be included in the price evaluation. However, if subsequent to the ranking of Final Tenders the provisional Preferred Bidder withdraws or is rejected from the Procurement, the Department will not revisit or recalculate the scoring of the Commercial Criterion "Subsidy Payments".



- The score awarded in respect of each the Commercial Sub-Criteria will be converted to a weighted score in respect of that Commercial Sub-Criterion by first converting the awarded score into a percentage (i.e. out of 100) and then applying the relevant tertiary weighting set out in Table 8.1.
- A percentage score (out of 100%) in respect of each Commercial Criterion will then be calculated by, as applicable, either:
  - aggregating the individual weighted scores resulting from the step above (where applicable) for the Commercial Sub-Criteria relating to that Commercial Criterion; or
  - in the case of the Commercial Criterion “Subsidy Payments”, converting the awarded score (out of 5) into a percentage score (out of 100).
- A Weighted Score will then be calculated in respect of each Commercial Criterion by applying the relevant secondary weighting set out in Table 8.1 to the percentage score for that Commercial Criterion.
- A Percentage Score (out of 100%) in respect of the “Commercial Solutions” Primary Criterion will then be calculated by aggregating the Weighted Scores for all of the Commercial Criteria.

An Overall Percentage Score (out of 100%) for the Final Tender will then be calculated by:

- applying the primary weightings set out in Table 5.1 below to the Percentage Scores for the “Technical Solutions” Primary Criterion and the “Commercial Solutions” Primary Criterion to give a Weighted Percentage Score in respect of each of the Primary Criteria; and
- adding the resulting Weighted Percentage Scores for the Primary Criteria to give an Overall Percentage Score (out of 100%) for the Final Tender.

All calculations will be made to 3 decimal places (where applicable), with the third decimal place determined by rounding to the fourth (and if necessary fifth) decimal place up to 10 or down to 0, whichever is the closest.

The primary weightings are as follows:

Table 5.1 – Primary Weightings

Primary Criteria	Primary Weightings
Technical Solutions	65%
Commercial Solutions	35%

The Overall Percentage Score (out of 100%) will then be used to rank the Final Tenders. The highest ranked Final Tender (i.e. the Final Tender with the highest Overall Percentage Score) will be the provisional Preferred Bidder.

In the event that one or more Final Tenders achieve the same Overall Percentage Score (to three decimal places) and are jointly ranked as the highest ranked Final Tender, then the provisional Preferred Bidder shall be the Final Tender that has achieved the highest Weighted Score in respect of Commercial Criterion “Subsidy Payments”.



## 6 Compliance and Robustness

### 6.1 Assessment of Compliance

#### 6.1.1 Overview

Compliance of Final Tenders will be evaluated by the relevant members of the Evaluation Team on a pass/fail basis. In order for a Final Tender to be assessed as being compliant (i.e. pass the compliance check), the Final Tender must, subject to section 6.1.2.2, meet all of the requirements set out in section 6.3 below.<sup>29</sup>

Any Bidder who has not provided a compliant Final Tender in accordance with the requirements set out in section 6.3 below (as applicable) may, subject to section 6.1.2.2 below, have its Final Tender rejected and be eliminated from the Procurement.

Bidders whose Final Tenders are considered to be compliant (or whose responses the Department allows to proceed to evaluation in accordance with or following application of section 6.1.2.2 below or pending completion of the compliance check) will proceed to be assessed for robustness in accordance with section 6.4 below.

#### 6.1.2 Non-Compliance

##### 6.1.2.1 Deliberately blank

##### 6.1.2.2 Non-Compliance (ISFT)

If:

- a Final Tender fails to comply in any respect with any of the requirements set out in section 6.3 below or other requirements of the ISFT for the ISFT stage (in all such cases whether or not stated to be mandatory or similar); or
- the Department considers a Final Tender to be ambiguous or require clarification or amplification in any respect,

the Department may (but it is not obliged to) and subject to applicable law, take such action as it considers appropriate in a given case including:

- reject the Final Tender which is non-compliant with the requirements set out in section 6.3 below or any other requirement of the ISFT (in all such cases whether or not stated to be mandatory or similar); or
- without prejudice to its right to reject the Final Tender in a given case for non-compliance by the Final Tender (where there is non-compliance):
  - meet with, raise issues and/or seek clarification, amplification or supplementary information from the Bidder in respect of the response and/or the non-compliance;
  - request the Bidder to provide the Department with information on items or items which have not been provided or have been provided in an incorrect form or on an incorrect basis;
  - waive a requirement if this is, in the opinion of the Department acting reasonably and permitted by applicable law, appropriate in the circumstances (particularly if it is minor and/or procedural) and to proceed to evaluate such Final Tender in accordance with the ISFT; and/or,
  - amend the relevant requirement and invite the other Bidders to adjust their respective Final Tenders on the basis of such revised requirement,

<sup>29</sup> Bidders should note that this relates to compliance by a Final Tender with specific submission / content requirements. It does not limit or affect the right of the Department to reject a Final Tender for non-compliance with conditions of this Procurement, such as those set out in Volume 1 of the ISFT, or, subject to section 1.5.2, where the Final Tender is submitted late.



provided that no material amendments may be made to a Final Tender and/or to the Department's requirements in any case where this would give rise to a breach of applicable law.

## 6.2 Deliberately blank

## 6.3 Compliance at Final Tender

At Final Tender stage, the Evaluation Team shall, subject to section 6.1.2.2, assess compliance of submissions on a pass/fail basis by reference to the requirements listed in Tables 6.1 and 6.2 below<sup>30</sup>:

**Table 6.1: Commercial compliance at Final Tender**

Commercial requirement	Section of ISFT / Contract	Requirement to "Pass"
Project Financial Model	<ul style="list-style-type: none"> <li>■ ISFT Volume 4, sections 2.3 and 6.3</li> <li>■ ISFT Volume 2, section 3.4.1 Commercial Question 3</li> </ul>	<ul style="list-style-type: none"> <li>■ See section 3.4.1.2.</li> </ul>
Project Cost Model	<ul style="list-style-type: none"> <li>■ ISFT Volume 4, sections 4 and 7</li> <li>■ ISFT Volume 2, section 3.4.2 Commercial Question 4</li> </ul>	<ul style="list-style-type: none"> <li>■ See section 3.4.2.2</li> </ul>
Wholesale Prices, Wholesale Pricing Rules and Wholesale Product Benchmarking Rules	<ul style="list-style-type: none"> <li>■ Contract Clause 28</li> <li>■ Contract Schedule 5.2</li> <li>■ ISFT Volume 2, section 3.4.3.1 Commercial Question 5A</li> </ul>	<ul style="list-style-type: none"> <li>■ See section 3.4.3.2</li> </ul>
Funding Plan	<ul style="list-style-type: none"> <li>■ ISFT Volume 2, Section 3.4.4 Commercial Question 6</li> </ul>	<ul style="list-style-type: none"> <li>■ See sections 3.4.4.3, 3.4.4.4, 3.4.4.5, 3.4.4.6, 3.4.4.7</li> </ul>
NBPco Branding Requirements	<ul style="list-style-type: none"> <li>■ Contract Schedule 2.7</li> <li>■ ISFT Volume 2, section 3.4.5 Commercial Question 7</li> </ul>	<ul style="list-style-type: none"> <li>■ See section 3.4.5.3</li> </ul>
Insurance Requirements	<ul style="list-style-type: none"> <li>■ Contract clause 69</li> <li>■ Contract Schedule 5.6</li> <li>■ ISFT Volume 2, section 3.4.6 Commercial Question 8</li> <li>■ ISFT Volume 2 Appendix 8</li> </ul>	<ul style="list-style-type: none"> <li>■ See section 3.4.6.2</li> </ul>

<sup>30</sup> This does not limit or affect the requirement in section 1.5.1 to, subject to section 1.5.2, submit the Final Tender by the submission date referred to in section 1.51.



**Table 6.2: Contract compliance at Final Tender**

Contract requirement	Section of ISFT / Contract	Requirement to “Pass”
Contract Commentary Declaration	<ul style="list-style-type: none"> <li>■ ISFT Volume 2, Section 4.2.1 Contract Question 1</li> <li>■ ISFT Volume 2 Appendix 1</li> </ul>	<ul style="list-style-type: none"> <li>■ See section 4.2.1.2</li> </ul>
Ownership and Contractual Structure	<ul style="list-style-type: none"> <li>■ ISFT Volume 2, Section 4.2.2 Contract Question 2A</li> </ul>	<ul style="list-style-type: none"> <li>■ See section 4.2.2.2</li> </ul>
Key Subcontracts	<ul style="list-style-type: none"> <li>■ ISFT Volume 2, Section 4.2.2.3 Contract Question 2B</li> </ul>	<ul style="list-style-type: none"> <li>■ See section 4.2.2.4</li> </ul>
Infrastructure Access Agreements	<ul style="list-style-type: none"> <li>■ ISFT Volume 2, Section 4.2.2.5 Contract Question 2C</li> </ul>	<ul style="list-style-type: none"> <li>■ See section 4.2.2.6</li> </ul>
NBPco Requirements	<ul style="list-style-type: none"> <li>■ ISFT Volume 2, Section 4.2.3 Contract Question 3</li> </ul>	<ul style="list-style-type: none"> <li>■ See section 4.2.3.2</li> </ul>
Forms and Declarations	<ul style="list-style-type: none"> <li>■ ISFT Volume 2, Section 4.2.4.1 Contract Question 4 and Appendices 1 to 7</li> </ul>	<ul style="list-style-type: none"> <li>■ See section 4.2.4.2</li> </ul>

## 6.4 Assessment of Robustness

### 6.4.1 Overview

At the Final Tender stage, the robustness of Bidders’ responses to relevant Commercial Questions and Contract Questions will be assessed on a pass / fail basis in accordance with section 6.4.3 below. The Final Tender of any Bidder who has not provided a robust response in accordance with the requirements set out in section 6.4.3 below may, subject to section 6.4.2, be rejected.

Bidders whose Final Tenders are considered to be robust (or whose responses the Department allows to proceed to evaluation in accordance with or following application of section 6.4.2 or pending completion of the robustness check) will proceed to review or evaluation in accordance with sections 7 and 8.

### 6.4.2 Failure of Robustness

If a Final Tender fails in any respect any of the robustness requirements set out in section 6.4.3 below, or the Department considers the robustness of the Final Tender to be ambiguous or require clarification or amplification in any respect, the Department may (but it is not obliged to) and subject to applicable law, take such action as it considers appropriate in a given case including:

- reject the Final Tender that is assessed as failing any one or more of the requirements set out in section 6.4.3 below; or
- without prejudice to its right to reject the Final Tender in a given case for failing any one or more of the robustness requirements set out in section 6.4.3 below:
  - meet with, raise issues and/or seek clarification, amplification or supplementary information from the Bidder in respect of the response and/or the area of concern;
  - request the Bidder to provide the Department with information on items or items which have not been provided or have been provided in an incorrect form or on an incorrect basis;
  - waive a requirement if this is, in the opinion of the Department acting reasonably and permitted by applicable law, appropriate in the circumstances (particularly if it is minor and/or procedural) and to proceed to evaluate such Final Tender in accordance with the ISFT; and/or,
  - amend the relevant requirement and invite the other Bidders to adjust their respective Final



Tenders on the basis of such revised requirement, provided that no material amendments may be made to a Final Tender and/or to the Department's requirements in any case where this would give rise to a breach of applicable law.

### 6.4.3 Assessment of Robustness

The Evaluation Team shall assess robustness of Final Tenders by reference to the requirements listed in Table 6.3 below. If any of the elements of the robustness test is not passed, subject to section 6.4.2, the Final Tender shall be rejected:

**Table 6.3: Robustness at Final Tender**

Commercial requirement	Section of ISFT / Contract	Requirement to "Pass"
Project Cost Model	<ul style="list-style-type: none"> <li>■ ISFT Volume 1, section 3.6</li> <li>■ ISFT Volume 2, section 3.4.2 Commercial Question 4</li> <li>■ ISFT Volume 4, sections 4 and 7</li> </ul>	<p>The Project Cost Model in the Bidder's Final Tender must be robust, with such robustness demonstrated by satisfaction of all of the following:</p> <ul style="list-style-type: none"> <li>■ Consistency of the Project Cost Model with the Contract in all material respects and with the Bidder's responses to the Technical Questions and Commercial Questions in all material respects.</li> <li>■ Clarity and transparency of the Project Cost Model and its assumptions.</li> <li>■ Evidence demonstrating that the Project Cost Model assumptions are: <ul style="list-style-type: none"> <li>– consistent with the Contract in all material respects;</li> <li>– consistent with the Key Subcontracts and Infrastructure Access Agreements (or heads of terms of those documents) in all material respects;</li> <li>– appropriate for each element of the Bidder's technical solution in all material respects;</li> <li>– appropriate for each element of the Bidder's commercial solution in all material respects; and</li> <li>– are in line with industry benchmarks and/or the direct relevant experience of the Bidder.</li> </ul> </li> </ul> <p>The Department reserves the right to use its own network cost model to inform its review of each Bidder's Project Cost Model, as described in section 3.6 of ISFT Volume 1.</p>
Financial solution (comprising Project Financial Model, Wholesale Pricing and Funding Plan)	<ul style="list-style-type: none"> <li>■ ISFT Volume 2, section 3.4 Commercial Question 3, Commercial Question 4, Commercial Question 5A, Commercial Question 5B, Commercial Question 6, Commercial Question 8</li> <li>■ ISFT Volume 2, Section 4.2.2 Contract Question 2</li> <li>■ Contract schedule 5.2</li> <li>■ ISFT Volume 4, sections 2, 3, 5 and 6</li> </ul>	<p>The financial solution (comprising Project Financial Model, Wholesale Pricing and Funding Plan) in the Bidder's Final Tender must be robust, with such robustness demonstrated by satisfaction of all of the following:</p> <ul style="list-style-type: none"> <li>■ Consistency of the Project Financial Model with the Project Cost Model in all material respects.</li> <li>■ Consistency of the Project Financial Model with the Contract in all material respects.</li> <li>■ Clarity and transparency of the Project Financial Model and its assumptions.</li> </ul>



Commercial requirement	Section of ISFT / Contract	Requirement to "Pass"
		<ul style="list-style-type: none"> <li>■ Evidence demonstrating that the Project Cost Model assumptions and Project Financial Model assumptions are: <ul style="list-style-type: none"> <li>– appropriate for each element of the Bidder's technical solution in all material respects;</li> <li>– appropriate for each element of the Bidder's commercial solution in all material respects; and</li> <li>– in line with industry benchmarks and/or the direct relevant experience of the Bidder.</li> </ul> </li> <li>■ Evidence demonstrating that the Wholesale Products assumptions, Wholesale Prices assumptions and revenue assumptions in the Project Price Book and Appendix 1 of Schedule 5.2 are: <ul style="list-style-type: none"> <li>– consistent with each other in all material respects;</li> <li>– reasonable in all material respects;</li> <li>– consistent with the Bidder's Final Tender in all material respects; and</li> <li>– consistent with the requirements of the Contract (including the requirements set out in Schedule 5.2 Part 1 (Wholesale Pricing Rules) and Part 3 (Wholesale Product Benchmarking Rules) in all material respects; .</li> </ul> </li> <li>■ Robustness of the results of the Project Financial Model under a range of pro forma sensitivities as set out in ISFT Volume 4.</li> <li>■ Overall feasibility of the Funding Plan and its ability to attract funding.</li> <li>■ Consistency of the terms and conditions of financing in all material respects with the Contract and the Project Financial Model.</li> <li>■ Level of commitment demonstrated to the proposed financing by each provider of equity, quasi-equity debt, internal finance or other finance.</li> <li>■ Overall robustness of the contractual structure (insofar as it relates to financial robustness).</li> </ul>



## 7 Evaluation Against Technical Criteria

### 7.3 Technical Evaluation

#### 7.3.1 Technical Criteria and Weightings

The Technical Criteria are split into a number of Technical Sub-Criteria with associated weightings. These are set out in Table 7.1 below.

There is a specific Technical Sub-Criterion Scoring Table for each Technical Sub-Criterion which sets out how marks will be awarded under each Technical Sub-Criterion. The relevant Technical Sub-Criteria Scoring Tables for each Technical Sub-Criterion are identified in Table 7.1. Each Technical Sub-Criterion Scoring Table is set out in Appendix 9.<sup>31</sup>

Table 7.1 identifies the Technical Questions that will be considered in the assessment under each Technical Sub-Criterion and corresponding Technical Sub-Criterion Scoring Table. These Technical Questions are broken down into:

- a core question that directly responds to the relevant Technical Sub-Criterion and corresponding Technical Sub-Criterion Scoring Table; and
- additional common questions that are relevant to the assessment of the relevant Technical Sub-Criterion and corresponding Technical Sub-Criterion Scoring Table as well as to the assessment of other Technical Sub-Criteria.

Whilst the Evaluation Team may, at its absolute discretion, consider parts of the Final Tender (including the response to other Technical Questions, Contract Questions or Commercial Questions) that are not identified in Table 7.1 alongside the relevant Technical Sub-Criterion, it is not obliged to (and may in fact not) do so. Accordingly, the onus is on Bidders to ensure that the response to the relevant Technical Questions for a particular Technical Sub-Criterion fully and properly address all of the criteria set out in the relevant Technical Sub-Criterion Scoring Table. If a Bidder considers that information in response to a particular and specific Technical Question may be relevant to a particular Technical Sub-Criterion in circumstances where that Technical Question is not identified as being relevant in Table 7.1 to the relevant Technical Sub-Criterion, the Bidder should cross refer to that particular and specific Technical Question in the response to the relevant core question in order to direct the Evaluation Team to the relevant information, whilst also explaining why it is relevant.

Each Technical Question sets out certain information that should be provided and provides certain background information to Bidders. However, this is not exhaustive and, ultimately, the onus is on Bidders when responding to the Technical Questions to ensure that they tailor their responses to the Technical Sub-Criteria Scoring Tables so as to demonstrate that they meet or exceed all of the relevant criteria set out in the Technical Sub-Criteria Scoring Tables. The onus is also on Bidders to ensure that the level of information they provide in response to the Technical Questions is sufficient to meet the Evidence Threshold that will be applied when applying the Technical Sub-Criteria Scoring Tables.

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<sup>31</sup> For clarity, if a Bidder exceeds the definition (having also met the Evidence Threshold) for a particular classification / score under one of the Technical Sub-Criteria Scoring Tables or Commercial Sub-Criteria Scoring Tables, but does not satisfy the definition (or Evidence Threshold) for a higher classification / score under the table concerned, the Bidder will be given a score for the classification which it exceeds (as distinct from the classification in respect of which it has not satisfied the relevant definition or Evidence Threshold). For example, if a Bidder exceeds the definition (having also met the Evidence Threshold) for a score of 2 under a particular table, but does not satisfy the definition (or Evidence Threshold) for a score of 3, the Bidder will be awarded a score of 2.



If a Bidder's Final Tender does not achieve the minimum percentage score, as set out in Table 7.1 below, for an individual Technical Criterion, the Bidder's Final Tender will be rejected.



Table 7.1 – Technical Criteria, Technical Sub-Criteria and weightings

Technical Criteria	Secondary weighting (out of 100%)	Required Minimum Pass / Fail Score for Technical Criterion <sup>32</sup>	Technical Sub-Criteria	Technical Sub-Criteria Scoring Table <sup>33</sup>	Technical Questions evaluated under the Technical Sub-Criterion	Tertiary weighting of the Technical Sub-Criterion (out of 100% in respect of each Technical Criterion)
<b>1. Technical Solution Specification</b>	<b>20%</b>	<b>Minimum percentage score of 40% out of 100 for the Technical Criterion</b>	1.1 Wholesale Product Roadmap and Technology Roadmap	Table 1.1	1.1, 1.7, 1.8, 1.9	20%
			1.2 Universal Wholesale Gateway	Table 1.2	1.2, 1.6, 1.9	25%
			1.3 OSS/BSS system	Table 1.3	1.3, 1.6, 1.9	25%
			1.4 Electronic Network Maps, Public Portal and Secure Portals	Table 1.4	1.4, 1.6, 1.9	10%
			1.5 Network evolution and future proofing	Table 1.5	1.5, 1.7, 1.8, 1.9	20%
<b>2. Reference Offer</b>	<b>35%</b>	<b>Minimum percentage score of 40% out of 100 for the Technical Criterion</b>	2.1 Reference Offer(s) for Minimum Bitstream Wholesale Product Suite	Table 2.1	2.1, 1.7, 1.8, 1.9, 4.5	45%
			2.2 Reference Offer(s) for Remaining Minimum Required Wholesale Products	Table 2.2	2.2, 1.7, 1.8, 1.9, 4.5	20%
			2.3 Reference Offer(s) for Additional Required Wholesale Products	Table 2.3	2.3, 1.7, 1.8, 1.9, 4.5	25%
			2.4 Reference Offer(s) for Other Permitted Wholesale Products	Table 2.4	2.4, 1.6, 1.7, 1.8, 1.9, 4.5	10%
<b>3. Speed of Deployment and Environmental</b>	<b>30%</b>	<b>Minimum percentage score of 40% out of 100 for the Technical Criterion</b>	3.1 Wholesale Product & Coverage Template – Premises	The Wholesale Product & Coverage Template – Premises calculates a score in accordance with the methodology set out in Appendix 9, Paragraph 3	3.1, 3.5, 3.6, 3.7, 1.7, 1.8, 1.9, 5.1	60%
			3.2 Wholesale Product & Coverage Template –	The Wholesale Product & Coverage	3.2, 3.5, 3.6, 3.7, 2.1, 1.7, 1.8, 1.9,	20%

<sup>32</sup> This applies at the Technical Criterion level, as distinct from the Technical Sub-Criteria level.

<sup>33</sup> These Technical Sub-Criteria Scoring Tables are set out in Appendix 9.

Technical Criteria	Secondary weighting (out of 100%)	Required Minimum Pass / Fail Score for Technical Criterion <sup>32</sup>	Technical Sub-Criteria	Technical Sub-Criteria Scoring Table <sup>33</sup>	Technical Questions evaluated under the Technical Sub-Criterion	Tertiary weighting of the Technical Sub-Criterion (out of 100% in respect of each Technical Criterion)
			Strategic Community Points	Template – Strategic Community Points calculates a score in accordance with the methodology set out in Appendix 9, Paragraph 3	5.1	
			3.3 Wholesale Product & Coverage Template – Post Deployment	The Wholesale Product & Coverage Template – Post Deployment calculates a score in accordance with the methodology set out in Appendix 9, Paragraph 3 and uses Table 3.12 and Table 3.13	3.3, 3.5, 3.6, 3.7, 1.7, 1.8, 1.9, 5.1	10%
			3.4 Coverage verification through testing and audit	Table 3.14	3.4	10%
<b>4. Operational Performance</b>	<b>15%</b>	<b>Minimum percentage score of 40% out of 100 for the Technical Criterion</b>	4.1 Operational Performance Management (Business Processes)	Table 4.1	4.1, 4.5, 1.6, 1.7, 1.8, 1.9	15%
			4.2 Network Performance	Table 4.2	4.2, 4.5, 1.6, 1.7, 1.8, 1.9	25%
			4.3 Service Provider Testing and Support Facilities	Table 4.3 (A) and Table 4.3 (B)	4.3, 4.5, 1.9	25%
			4.4 Industry Engagement	Table 4.4 (A) and Table 4.4 (B)	4.4, 4.5, 1.9	35%

### 7.3.2 Evaluation against Technical Criteria at Final Tender stage

At Final Tender stage, the Bidders' responses to the Technical Questions that are to be taken into account in the scoring of the Technical Criteria at Final Tender stage (as shown in Table 7.1 above) will be evaluated and a score will be awarded in respect of each of the Technical Sub-Criteria shown in Table 7.1 above by reference to the Technical Sub-Criteria Scoring Tables set out in Appendix 9.

Subject to sections 6.1.2, 6.4.2 and 5.1.4, scores will be awarded based solely on the evidence provided in the Final Tenders, using the framework set out in this Evaluation Methodology and the professional judgement of the relevant members of the Evaluation Team.

### 7.3.3 Technical Sub-Criteria Scoring Tables and Evidence Threshold

The Technical Sub-Criteria Scoring Tables set out specific criteria that have to be met in order for the Final Tender to be awarded a particular score out of 5.

In all such cases, the Final Tender must both:

- satisfy all the relevant criteria set out in the definition for a particular classification, as set out in the Technical Sub-Criteria Scoring Table; and
- satisfy the Evidence Threshold in respect of all those relevant criteria,

in order to be awarded a particular score out of 5, or out of 3 in the case of Deployment robustness sub-criterion, in respect of the Technical Sub-Criterion concerned.

The "**Evidence Threshold**" is met in respect of a particular classification in a Technical Sub-Criterion Scoring Table only if:

- the response provides:
  - relevant details; and
  - where either (a) expressly required / requested in the Technical Question or Technical Sub-Criterion Scoring Table; or (b) necessary, relevant evidence,

robustly supporting and robustly demonstrating that the solution does and will satisfy all of the relevant criteria identified in the definition of the classification concerned in the relevant Technical Sub-Criterion Scoring Table; and

- there are no assumptions or projections within the Final Tender (e.g. the Project Financial Model, Project Cost Model or response to Technical Questions or Commercial Questions) that are:
  - directly relevant or related to any of the relevant criteria identified in the definition of the classification concerned in the relevant Technical Sub-Criterion Scoring Table; and
  - so unsustainable, inappropriate, unrealistic, untenable, unreasonable or lacking in evidence as to be at material risk of materially impacting upon the realistic prospect of the solution satisfying the criteria identified in the definition of the classification concerned in the relevant Technical Sub-Criterion Scoring Table; and
- where applicable, any material costs for the associated inventory, products, third party agreements or other material costs to deliver the material elements of the Final Tender required for satisfaction of the relevant criteria in the definition of the classification concerned in the relevant Technical Sub-Criterion Scoring Table are appropriately reflected in the Project Cost Model in all material respects.

When scoring Final Tenders against the Technical Sub-Criteria Scoring Tables, the Evaluation Team is not obliged to (though it may) have regard to content provided in responses to other Technical Questions not listed against the relevant Technical Sub-Criterion in Table 7.1. Bidders should



accordingly ensure that all relevant information is included in the responses to the Technical Questions listed against each Technical Sub-Criterion.

The Department reserves the right to seek clarification from the Bidder to inform its assessment of the technical solution proposed by the Bidder.

In accordance with section 5.4 of this ISFT Volume 2, the scores awarded (out of 5, or out of 3 in the case of Deployment robustness sub-criterion) in respect of each of the Technical Sub-Criteria will then be converted into a weighted score for each Technical Sub-Criterion by first converting the awarded score (out of 5, or out of 3 in the case of Deployment robustness sub-criterion) into a percentage score (i.e. out of 100) and then applying the relevant tertiary weighting set out in Table 7.1 above. The weighted scores for the Technical Sub-Criteria will then be added together to produce a percentage score (i.e. out of 100) for the Technical Criterion.

#### **7.3.4 Minimum Percentage Score for the Technical Criteria**

The Evaluation Team will calculate a percentage score for each Bidder in respect of each of the Technical Criteria by following the steps set out in section 5.4 of this ISFT Volume 2.

**At Final Tender stage, the Department will exclude from this Procurement at Final Tender stage any Bidder that receives a percentage score of less than 40% (i.e. 40 out of 100) in respect of any of the Technical Criteria (as shown in Table 7.1 above).**



## 8 Evaluation Against Commercial Criteria

### 8.3 Commercial Evaluation

#### 8.3.1 Commercial Criteria and Weightings

The Commercial Criteria are split into a number of Commercial Sub-Criteria with associated weightings. These are set out in Table 8.1 below. The table also identifies the Commercial Questions, the responses to which will be evaluated and scored in respect of each of the Commercial Criteria and/or Commercial Sub-Criteria (as applicable) at Final Tender stage.



Table 8.1 – Commercial Criteria, Commercial Sub-Criteria and weightings

Commercial Criteria	Secondary weighting (out of 100%)	Required Minimum Pass / Fail Score for Commercial Criterion <sup>34</sup>	Commercial Sub-Criteria	Commercial Sub-Criteria Scoring Table <sup>35</sup>	Commercial Questions evaluated under the Commercial Criterion / Sub-criterion	Tertiary weighting of the sub-criterion (out of 100% in respect of each Commercial Criterion)	Required Minimum Pass / Fail Score for Commercial Sub-Criterion <sup>36</sup>
<b>Communications, Demand Stimulation and Brand Plan</b>	<b>10%</b>	Minimum percentage score of 40% out of 100 for the Commercial Criterion	CDB Strategic Plan	Table 1.1	Sub-question 1.1	20%	n/a
			Demand Stimulation Project Plan	Table 1.2	Sub-question 1.2	55%	Minimum percentage score of 40% out of 100 for this Commercial Sub-Criterion
			NBPco Brand Development Plan	Table 1.3	Sub-question 1.3	10%	n/a
			Communications and Engagement Plan	Table 1.4	Sub-question 1.4	15%	n/a
<b>Subsidy Payments</b>	<b>90%</b>	<b>n/a</b>	n/a	n/a	Question 2	n/a	n/a

<sup>34</sup> This applies at the Commercial Criterion level, as distinct from the Commercial Sub-Criteria level.

<sup>35</sup> These Commercial Sub-Criteria Scoring Tables are set out in Appendix 10

<sup>36</sup> This applies at the Commercial Sub-Criterion level, as distinct from the Commercial Criterion level.

### 8.3.2 Evaluation against Commercial Criteria at Final Tender stage

At Final Tender stage, the Bidder's responses to the Commercial Questions that are to be taken into account in the scoring of the Commercial Criteria (as shown in Table 8.1 above) will be evaluated and a score will be awarded in respect of each of the Commercial Sub-Criteria shown in Table 8.1 above by reference to the evaluation methodologies described in section 8.2 below.

Subject to sections 6.1.2, 6.4.2 and 5.1.4, scores will be awarded based solely on the evidence provided in the Final Tenders, using the framework set out in this Evaluation Methodology and the professional judgement of the relevant members of the Evaluation Team.

## 8.4 Commercial Scoring Methodologies

### 8.4.1 Commercial Criterion: Communications, Demand Stimulation and Brand Plan

#### 8.4.1.1 Commercial Sub-Criterion Scoring Table

There is a specific Commercial Sub-Criterion Scoring Table for each of the four Commercial Sub-Criteria for this Commercial Criterion which sets out how marks will be awarded under each Commercial Sub-Criterion. The relevant Commercial Sub-Criteria Scoring Tables for each Commercial Sub-Criterion are identified in Table 8.1. Each Commercial Sub-Criterion Scoring Table is set out in Appendix 10.<sup>37</sup>

Whilst the Evaluation Team may, at its absolute discretion, consider parts of the Final Tender (including the response to other Commercial Questions, Technical Questions and Contract Questions) that are not identified in Table 8.1 alongside the relevant Commercial Sub-Criterion, it is not obliged to (and may in fact not) do so. Accordingly, the onus is on Bidders to ensure that the response to the relevant Commercial Question for a particular Commercial Sub-Criterion fully and properly addresses all of the criteria set out in the relevant Commercial Sub-Criterion Scoring Table. If a Bidder considers that information in response to a particular and specific Commercial Question may be relevant to a particular Commercial Sub-Criterion in circumstances where that Commercial Question is not identified as being relevant in Table 8.1 to the relevant Commercial Sub-Criterion, the Bidder should cross refer to that particular and specific Commercial Question in the response to the relevant question in order to direct the Evaluation Team to the relevant information, whilst also explaining why it is relevant.

Each Commercial Question sets out certain information that should be provided and provides certain background information to Bidders. However, this is not exhaustive and, ultimately, the onus is on Bidders when responding to the Commercial Questions to ensure that they tailor their responses to the Commercial Sub-Criteria Scoring Tables so as to demonstrate that they meet or exceed all of the relevant criteria set out in the Commercial Sub-Criteria Scoring Tables. The onus is also on Bidders to ensure that the level of information they provide in response to the Commercial Questions is sufficient to meet the Evidence Threshold that will be applied when applying the Commercial Sub-Criteria Scoring Tables.

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<sup>37</sup> For clarity, if a Bidder exceeds the definition (having also met the Evidence Threshold) for a particular classification / score under one of the Technical Sub-Criteria Scoring Tables or Commercial Sub-Criteria Scoring Tables, but does not satisfy the definition (or Evidence Threshold) for a higher classification / score under the table concerned, the Bidder will be given a score for the classification which it exceeds (as distinct from the classification in respect of which it has not satisfied the relevant definition or Evidence Threshold). For example, if a Bidder exceeds the definition (having also met the Evidence Threshold) for a score of 2 under a particular table, but does not satisfy the definition (or Evidence Threshold) for a score of 3, the Bidder will be awarded a score of 2.



### 8.4.1.2 Scoring methodology

The Commercial Sub-Criteria Scoring Tables set out specific criteria that have to be met in order for the Final Tender to be awarded a particular score out of 5.

In all such cases, a Final Tender must both:

- satisfy all the relevant criteria set out in the definition for a particular classification, as set out in the Commercial Sub-Criteria Scoring Table; and
- satisfy the Evidence Threshold in respect of all those relevant criteria,

in order to be awarded a particular score out of 5 in respect of the Commercial Sub-Criterion concerned.

The “**Evidence Threshold**” is met in respect of a particular classification in a Commercial Sub-Criterion Scoring Table only if:

- the response provides:
  - relevant details; and
  - where either (a) expressly required / requested in the Commercial Question or Commercial Sub-Criterion Scoring Table; or (b) necessary, relevant evidence,

robustly supporting and robustly demonstrating that the solution does and will satisfy all of the relevant criteria identified in the definition of the classification concerned in the relevant Commercial Sub-Criterion Scoring Table; and

- there are no assumptions or projections within the Final Tender (e.g. the Project Financial Model or response to Technical Questions or Commercial Questions) that are:
  - directly relevant or related to any of the relevant criteria identified in the definition of the classification concerned in the relevant Commercial Sub-Criterion Scoring Table; and
  - so unsustainable, inappropriate, unrealistic, untenable, unreasonable or lacking in evidence as to be at material risk of materially impacting upon the realistic prospect of the solution satisfying the criteria identified in the definition of the classification concerned in the relevant Commercial Sub-Criterion Scoring Table; and
- where applicable, any material costs for the associated CDB Strategic Plan, third party agreements or other material costs to deliver the material elements of the Final Tender required for satisfaction of the relevant criteria in the definition of the classification concerned in the relevant Commercial Sub-Criterion Scoring Table are appropriately reflected in the Project Cost Model and Project Financial Model in all material respects.

When scoring Final Tenders against the Commercial Sub-Criteria Scoring Tables, the Evaluation Team is not obliged to (though it may) have regard to content provided in responses to other Commercial Questions not listed against the relevant Commercial Sub-Criterion in Table 8.1. Bidders should accordingly ensure that all relevant information is included in the responses to the Commercial Questions listed against each Commercial Sub-Criterion.

The Department reserves the right to seek clarification from the Bidder to inform its assessment of the response provided by the Bidder.

In accordance with section 5.4 of this ISFT Volume 2, the scores awarded (out of 5) in respect of each of the Commercial Sub-Criteria will then be converted into a weighted score for each Commercial Sub-Criterion by first converting the awarded score (out of 5) into a percentage score (i.e. out of 100) and then applying the relevant tertiary weighting set out in Table 8.1 above. The weighted scores for the Commercial Sub-Criteria will then be added together to produce a percentage score (i.e. out of 100) for the Commercial Criterion.



### 8.4.1.3 Minimum Percentage Score for this Commercial Criterion

At Final Tender stage, the Evaluation Team will calculate a percentage score for each Bidder in respect of each of the Commercial Criterion by following the steps set out in section 5.4 of this ISFT Volume 2.

**The Department will exclude from this Procurement at Final Tender stage any Bidder that receives a percentage score of less than 40% (i.e. 40 out of 100) in respect of the Commercial Criterion “Communications, Demand Stimulation and Brand Plan”.**

**The Department will also exclude from this Procurement at Final Tender stage any Bidder that receives a percentage score of less than 40% (i.e. 40 out of 100) in respect of the Commercial Sub-Criterion “Demand Stimulation Project Plan”.**

### 8.4.2 Commercial Criterion: Subsidy Payments

The Bidder’s Project Financial Model must clearly identify the Net Present Value (NPV)<sup>38</sup> of the Subsidy Payments required by the Bidder for the deployment of the Network and the delivery of the Department’s Service Requirements, calculated in accordance with the requirements of ISFT Volume 4 (Financial Requirements) and the Project Financial Model Template.

At Final Tender stage, in order to ensure direct comparability between each Bidder’s NPV of total Subsidy Payments, the Department reserves the right to make an equalisation adjustment to a Bidder’s NPV of total Subsidy Payments (where appropriate) to take account of any material difference between:

- the solutions set out in the Bidder’s Final Tender and the Department’s Service Requirements;
- the costs included in the Bidder’s Project Financial Model and the Department’s definition of Project Costs in Appendix 4 of Contract Schedule 5.1 (Subsidy Payments); and/or
- the risk accepted by the Bidder in its Final Tender in comparison to the risk allocated to the Bidder in the Department’s Contract.

The Department reserves the right to request additional information from a Bidder if such information is required to determine an appropriate and equitable adjustment. The Bidder will be informed if the Department proposes to make an equalisation adjustment to its NPV and the Department will explain to the Bidder the basis and amount of the proposed equalisation adjustment.

The NPV of each Bidder’s Subsidy Payments (post any equalisation adjustment) will be evaluated and scored as follows. The maximum available score is 5 (five). The Final Tender with the lowest NPV will receive the maximum available score of 5 (five). Other tenders will receive a lower mark in accordance with the formula and worked example below<sup>39</sup>:

$$\text{Marks awarded} = 5 \times \left[ 1 - \left[ \frac{\text{Bidder's NPV} - \text{Lowest NPV}}{\text{Highest NPV}} \right] \right]$$

where the NPV is expressed in € million and to three decimal places, with the third decimal place determined by rounding the fourth (and if necessary fifth) decimal place up to 10 or down to 0, whichever is the closest. The marks awarded will also be calculated to three decimal places.

<sup>38</sup> The NPV calculation is contained within the Project Financial Model Template. The NPV will therefore be automatically calculated for the Bidder in the Project Financial Model.

<sup>39</sup> If subsequent to the ranking of Final Tenders the provisional Preferred Bidder withdraws or is rejected from the Procurement, the Department will invite the second ranked Bidder to be the provisional Preferred Bidder and will not revisit or recalculate the scoring of the Commercial Criterion “Subsidy Payments”.



Worked example (using arbitrary values for the NPV):

Bidder	NPV of Subsidy Payments	Score awarded (out of 5 marks)
Bidder A	€20.000m	$5 \times (1 - ((20.000 - 20.000) / 50.000)) = 5.000$ marks
Bidder B	€30.000m	$5 \times (1 - ((30.000 - 20.000) / 50.000)) = 4.000$ marks
Bidder C	€50.000m	$5 \times (1 - ((50.000 - 20.000) / 50.000)) = 2.000$ marks

The Department reserves the right to require Bidders to provide further information and to explain any aspect of their Project Financial Model, including but not limited to their pricing assumptions, forecast costs, forecast revenues and/or the calculation of the required Subsidy Payments.

## 8.5 Abnormally Low Tender

Where the Department is concerned that a Bidder's forecast costs and/or total Subsidy Payments may be abnormally low, the Department may, at its sole discretion:

- Request further explanation and evidence, either in writing or in the form of additional financial analysis, from the Bidder of those parts of the Final Tender which it considers may contribute to the forecast costs and/or total Subsidy Payments being abnormally low (including any technical, economic or legal assumptions);
- Take account of the further explanation and evidence submitted by the Bidder in response to the request; and
- Subsequently verify the parts of the Final Tender (including any technical, economic or legal assumptions) that the Department believes to be abnormally low with the Bidder.

The Department reserves the right (but is not obliged) to reject a Final Tender where:

- the further explanation and evidence provided by the Bidder does not satisfactorily explain the abnormally low forecast costs and/or Subsidy Payments or any unsound technical, economic or legal assumptions on which those abnormally low forecast costs and/or Subsidy Payments are based; and/or
- the abnormally low forecast costs and/or Subsidy Payments, or any unsound technical, economic or legal assumptions on which those abnormally low forecast costs and/or Subsidy Payments are based, are due to a breach of the Bidder's environmental, social, labour or regulatory obligations; and/or
- the abnormally low forecast costs and/or Subsidy Payments, or any unsound technical, economic or legal assumptions on which those abnormally low forecast costs and/or Subsidy Payments are based, are a result of the Bidder's non-compliance (or proposed non-compliance as evident from the Final Tender) with one or more of the conditions and/or requirements of this Procurement as set out in the ISFT or the Contract; and/or
- the abnormally low forecast costs and/or Subsidy Payments, or any unsound technical, economic or legal assumptions on which those abnormally low forecast costs and/or Subsidy Payments are based, are abnormally low because the Bidder has obtained State aid and the Bidder is unable to prove, within a sufficient time limit fixed by the Department, that the aid in question is compatible within the internal market within the meaning of Article 107 TFEU.

