

Government Investment in Decarbonising Industry (GIDI) Fund

Request for Proposals - Round 5

RFP Released: Thursday, 10 November 2022

Deadline for Questions: Thursday, 09 February 2023

Deadline for Proposals: Thursday, 02 March 2023

EECA
TE TARI TIAKI PŪNGAO
ENERGY EFFICIENCY & CONSERVATION AUTHORITY

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I Section One:

An opportunity to decarbonise



New Zealand's Emissions Reduction Plan (May 2022)

sets out the pathway for how New Zealand will meet its first emissions budget (2022-2025) and achieve longer-term climate targets. With 60 per cent of process heat currently supplied by fossil fuels, decarbonising process heat will make a critical contribution to achieving these targets.

To help meet this challenge, the Government has announced funding to build upon and continue the success of partnering with business through the Government Investment in Decarbonising Industry Fund (the GIDI Fund). The Energy Efficiency and Conservation Authority (EECA) is administering the GIDI Fund on behalf of the Government. Information about what the GIDI Fund has achieved to date can be found here: [Industry Decarbonisation | EECA](#).

The GIDI Fund will continue to contribute significantly to New Zealand's transition to a low emissions future by:

- Accelerating decarbonisation to support the Government's emissions reduction goals;
- Optimising energy use by New Zealand's businesses, easing the transition and improving productivity; and
- Ensuring energy transition costs, and government support for decarbonisation is equitable and efficient.

What are we looking for?

Through this Request for Proposal (RFP) EECA is seeking Proposals that reduce or enable the reduction of energy use and/or carbon emissions of industrial processes, through energy efficiency, fuel switching (e.g., from coal to biomass or electricity) to a renewable energy supply or other decarbonisation approaches. As recipients of Government funding, Proposals must represent strong value for money and thereby underpin the rationale for the public good funding provided.

Who can apply?

The GIDI Fund is open to all New Zealand-based and NZBN registered private sector businesses. For clarity, this excludes State sector agencies eligible for State sector decarbonisation funding [State Sector Decarbonisation Fund | EECA](#).

Local Government organisations including Local and Regional Authorities and Council Controlled Organisations (CCO's) are also excluded.

This is a contestable funding round

This RFP is an invitation to submit a Proposal for funding from the GIDI Fund; this is an open competitive process and EECA is looking to maximise its funding opportunities. Applicants are asked to submit Proposals that are guided by the Investment Principles, and that meet the Minimum Funding Conditions and Proposal requirements.

A Technical Advisory Group (TAG) will evaluate all Proposals against the Minimum Funding Conditions and Proposal requirements which will include financial and technical due diligence. The TAG will prepare an evaluation report of its findings for the Assessment Panel.

The Assessment Panel will take into account and consider the TAG's evaluation report; the quantitative assessment criteria results; additional information or clarification sought and received from Applicants; and any other matters that the Panel considers relevant when applying the Investment Principles to the Proposal.

The Assessment Panel will make funding recommendations to inform decision making by the EECA Chief Executive, EECA Board and the Minister Energy and Resources in accordance with EECA's delegated authority framework.

EECA may run further contestable RFP Funding Rounds as it commits the GIDI Fund to successful projects. There is no guarantee about the scope of future rounds and whether these will include the opportunity presented by this RFP.

Successful Applicants will be required to enter into a Funding Agreement with EECA; the template of this is available with this RFP on EECA's website. It is important that Applicants read this carefully as successful Applicants will be asked to agree to its terms. Additional conditions may be negotiated as successful Applicants work with EECA to finalise an Agreement.

I Section Two: Key information



2.1 Context

This RFP is an invitation for eligible Applicants to submit a Proposal for funding from this GIDI funding round.

2.2 Our indicative timeline

Here is our timeline for this RFP. All dates and times are in New Zealand standard time.

Steps in the RFP process	Date
RFP Released and Proposals open.	Thursday, 10 November 2022
Applicant Briefing Session.	11am, Monday 21 November 2022
Applicant Deadline for Questions.	5pm, Thursday 09 February 2023
EECA Deadline to answer Applicant questions.	5pm, Thursday 16 February 2023
Applicants Deadline to submit Proposals <i>We encourage Applicants to submit full Proposals at any time before the Deadline for Proposals.</i>	5pm, Thursday 02 March 2023
Technical Advisory Group and Assessment Panel process	May 2023
Panel makes recommendations to EECA Chief Executive, EECA Board, and Minister of Energy and Resources to make final approvals for funding.	May 2023
Applicants notified of decisions.	Within 30 Business Days of final approvals being confirmed.

2.3 How to contact us

We welcome your enquiries (such as the scope of this round, or how to complete the Response Form). All communications will be managed via EECA's Point of Contact at GIDIFund@eeca.govt.nz and **must** be directed to this email address by the Applicant Deadline for Questions at 5pm, Thursday 09 February 2023.

If you would like to attend our Applicant Briefing Session at 11am, Monday 21 November 2022 you can register [here](#).

We also have a FAQ document that you may find useful [here](#).

2.4 Developing your Proposal

This RFP sets out the step-by-step process on how to develop and submit your Proposal, and conditions that apply. Take the time to carefully read and understand the RFP. In particular:

1. Develop a strong understanding of what we are looking for as detailed in Section 3 below 'Parameters of this funding round'.
2. In structuring your Proposal carefully consider how it will be evaluated. Section 5 describes our assessment and decision making approach.
3. Familiarise yourself with the details of the online Response Form that must be used to write up your Proposal, including the Project Financial Assessment Template. Applicants must populate both of these with the required information. The online Response Form can be found in the 'How to Apply' section of the EECA website – see link below at Section 2.5. A Word version of the Response Form is also available for Applicants to draft their Proposals; however, this version is not to be submitted to EECA.

Please comply with the file size and file type guidelines specified in the online Response Form.

Please be aware that copying and pasting data from PDF formats into the Response Form fields could invalidate some characters, which will prevent the Response Form from submitting to EECA.

Finally, the declarations at the end of the Response Form must be completed and signed by the required persons.

If anything is unclear, or you have a question, email GIDIFund@eeeca.govt.nz before the Deadline for Questions at 5pm, Thursday 09 February 2023.

2.5 Submitting your Proposal

Proposals **must** be submitted using the online Response Form found in the 'How to Apply' section of the [EECA website](#).

The appropriate delegated authority holder must complete and sign the declaration at the end of the Response Form. In addition, the Chief Financial Officer, Chief Executive, or Managing Director of the Applicant must approve and sign the declaration relating to the Financial Assessment Template.

Your online Response Form must be submitted by the Deadline for Proposals at **5pm, Thursday 02 March 2023**. We encourage you to submit your full proposal and all documents at any time before this date.

We will email a PDF copy of your submitted proposal to the Applicant's Point of Contact (to the email addresses specified in the Response Form).

Late Proposals may be accepted at EECA's sole discretion for compelling reasons.

Proposals sent by email, post, or hard copy delivered to EECA's office/s, will not be accepted.

2.6 Proposal Validity Period

In submitting a Proposal, the Applicant agrees that it be held open by the Applicant for acceptance by EECA for at least six months from the Deadline for Proposals.

2.7 Later changes to the RFP or RFP process

If, after publishing the RFP, we need to change anything about the RFP or the RFP process, or we want to provide you with additional information, we will place a notice of changes on the GIDI Fund page of the [EECA website](#). It is your responsibility to check for any updates prior to submitting your Proposal.



I Section Three:

Parameters of this funding round



EECA was established under the Energy Efficiency and Conservation Act 2000 to encourage, promote and support energy efficiency, energy conservation and the use of renewable sources of energy. EECA now plays a key role in leading New Zealand's transition to a low emissions economy.

The GIDI Fund, administered by EECA on behalf of the Government, was established in 2020 as a partnership between Government and business to accelerate decarbonisation.

The initial GIDI fund of \$69m was appropriated as part of the 2020 COVID-19 Response and Recovery Fund (CRRF) allocation to accelerate energy efficiency and fuel switching in industry to reduce emissions and to stimulate economic recovery from the pandemic. EECA allocated this \$69m during the initial three rounds of GIDI funding; decarbonisation projects approved will result in 7.5 million tonnes of CO₂ lifetime abatements.

In 2022 a further substantial tranche of GIDI funding was appropriated, this time as part of Government's Climate Emergency Response Fund (CERF). It is this funding that supported co-investment in Round 4 and that will further support projects approved in this Round 5 RFP.

Our Investment Principles, Minimum Funding Conditions and Proposal requirements that set the parameters of this funding round are set out below to enable focussed and equitable evaluation of proposals. Applicants are asked to carefully read these and to respond as required.

3.1 Our investment focus

The investment focus of the GIDI Fund is to reduce or enable the reduction of energy use and/or carbon emissions of industrial processes, through energy efficiency, fuel switching, renewable energy supply or other decarbonisation approaches. As recipients of Government funding, Proposals must represent strong value for money and thereby underpin the rationale for the public good funding provided. Investment decisions will be guided by consideration of the following **Investment Principles**:

1. **Carbon emissions reductions:** Projects will demonstrate their contribution to the decarbonisation of New Zealand's economy, especially over the next three emissions budgets (now to end of 2035).
2. **Additionality:** Funding will target projects that are unlikely to be implemented, or unlikely to be implemented until a later date¹, without Government support.
3. **Leveraging co-funding:** Applicants maximise the proportion of their investment in the Project to share the financial risk and to appropriately represent the Government funding required.
4. **Accelerating the transition:** Funding will prioritise support to projects that enable the achievement of carbon abatement earlier than in a scenario without funding.
5. **Enabling New Zealand's long-term² transition:** Funding will enable the industry sector transition by prioritising support to businesses that demonstrate an enduring commitment to decarbonisation.
6. **Long-term efficiency of the energy system:** Funding will focus on maximising the long-term outcomes of New Zealand's energy system while minimising the overall costs for all. This includes considering the limited availability of some renewable energy resources and ensuring these are used as efficiently as possible.
7. **Support a fair energy transition:** Funding will be available for energy transition across all sectors and regions, and allocated in a manner to support a fair transition to a low emissions future.
8. **Encouraging innovation:** Funding will support early adopters of technologies that demonstrate enhanced emissions abatement with wide potential for replication but that may carry increased technological risk or uncertainty, or that have higher cost abatement in the short term but potential to optimise the longer-term transition.
9. **Achieving Government's broader outcomes:** Extent to which funding will support Government's Broader Outcomes relating to construction skills and training; improving conditions for New Zealand workers; and reducing emissions and waste. Further information can be found [here](#).

¹Implemented means fully commissioned and operational.

²Long-term – setting NZ up on a pathway to meet NZ's longer-term climate targets and transition to a low-emissions future.

3.2 Our Minimum Funding Conditions

At a minimum, to be eligible for funding, proposals **must** meet the following **Minimum Funding Conditions**:

1. Total Project costs must be at least \$300,000; and
2. Government co-funding for any Project will be limited to a maximum 50% of eligible project costs; and
3. Applications for funding must be for the incremental capitalised project costs, not operating costs; and
4. Projects must be fully commissioned and operational by 31 December 2027.

Proposals that **do not meet** the Minimum Funding Conditions may be considered at the discretion of the EECA Board and/or Minister of Energy and Resources. In such instances, Applicants will need to provide compelling reasons why their Proposal should be considered for support.

3.3 Proposal Requirements

Applicants must demonstrate how the Proposal meets the following **requirements**:

Eligible entity and the project

1. The Applicant is a New Zealand-based and NZBN registered private sector business.³
2. The Project is delivered in New Zealand.⁴
3. The Project relies on commercially available and proven technologies.⁵
4. The Applicant provides supporting information such as a business case and/or feasibility study demonstrating that the project is sufficiently advanced for assessment, that all relevant options have been assessed, and setting out the reasons why the solution proposed is the best approach.
5. The Applicant has completed the RFP Response Form in full, including the Project Financial Assessment Template.
6. The Applicant and the Proposal passes financial and technical due diligence, including being sufficiently advanced to be capable of assessment.

Decarbonisation outcomes

7. The Project reduces or enables the reduction of the energy used and/or carbon emitted during an industrial process.
8. The Project generates carbon emissions savings by reducing or avoiding fossil fuel use.
9. The Project's carbon emissions savings are additional to what would have happened if the Project did not occur, or occurred in a different manner or time (i.e., the Default Option).

Financial parameters

10. The Project has a payback period that is no less than two years with GIDI co-funding.

³This excludes State sector agencies eligible for [State sector decarbonisation funding](#). Local Government organisations including both Local and Regional Authorities; and Council Controlled Organisations (CCO's).

⁴Projects that would be delivered in another country are not eligible for funding. The Project may utilise overseas suppliers, but the resulting asset and decarbonisation outcomes must be New Zealand based.

⁵Note: technologies that are not commercially available such as R&D are excluded. Also, note; this does not exclude some innovations (refer to the Proposal Requirements specific to innovative projects).

11. The Project should preferably have a **total** abatement cost between the current ETS price (defined as the average of the last auction) and the average Shadow Emissions Value over the period from 2023 to 2030 (as defined by [Treasury's CBAX tool user guidance](#)) (Note: at the release date of this RFP this means **greater than about \$85 and less than about \$121.**)
- Projects may also be appropriate for funding where the total abatement cost is below the current ETS price (i.e., less than about \$85) if there are other compelling barriers.
- Projects may also be appropriate for funding where the total abatement cost is above the average Shadow Emissions Value (i.e., greater than about \$121) if the applicant can show there is innovation, or demonstration benefits likely to accrue from the Project.
12. The funding requested is only for the incremental cost of the Project.⁶

Health, safety, reputation

13. The Applicant is committed to working safely, ensuring the health and safety of workers and others affected by the Project work, and has appropriate systems and processes to undertake that work safely.
14. The Applicant is committed to working in a manner that will not damage EECA's reputation with respect to, among other things, environmental impact, employment conditions, public announcements, and regulatory compliance.

Applicant approvals and sources of co-funding

15. The Applicant demonstrates its ability to co-fund the remainder of the total cost of the Project either directly or by utilising other funding sources.
16. The Applicant identifies all co-investment sources, including individual amounts if multiple sources.
17. Applicant internal approval processes (e.g., Board consideration and approval) to undertake the Project subject to EECA funding will be completed within 30 Business Days of notification in order to execute a Funding Agreement by this date.

Ensuring long-term outcomes for the energy system

18. Woody biomass use will be predominately limited to medium and high temperature end uses (i.e. >100C).

Additional conditions for projects where the total energy related carbon emissions by fuel type of the Applicant entity, cumulated for all operating sites, is > 1,000 tCO₂e per year

19. The Applicant demonstrates the Project fits into a decarbonisation pathway, such as EECA's Energy Transition Accelerator programme: [Energy transition accelerator | EECA](#).
20. The Applicant provides evidence of the confidence in the ongoing and long term supply of renewable fuel required for the Project.

Large projects >\$10m funding requested

21. Funding requests over \$10M may require that the Applicant agree to special conditions, for example, a decarbonisation partnership agreement with EECA, or a non-standard funding agreement.

Innovative solutions

22. For innovative projects, the technological solution is commercially available demonstrating a level of 9 or more on the Technology Readiness Level (TRL) scale. The recent International Energy Agency list should be used as a reference point. [ETP Clean Energy Technology Guide](#).
23. For innovative projects, application of the technological solution presents a potential for replication that will realistically result in carbon emissions reduction by 2030 (end of Emissions Budget 2).

⁶Refer section 3.5 for information on how to determine incremental cost.

3.4 What is not eligible for funding?

The following activities are outside the scope of this RFP and **will not be funded**:

1. Projects focussed on:
 - residential or commercial buildings and campuses;
 - transport initiatives including decarbonisation of off-road vehicles and marine vessels⁷;
 - waste minimisation;
 - electricity generation;
 - reducing agricultural emissions or embodied carbon;
 - displacing one fossil fuel for another (e.g. coal to natural gas).
2. Greenfields developments (other than where an existing operation using non-renewable fuel types is relocated to a greenfield site which will then use renewable fuels, and so reduce the applicant's existing emissions).
3. Research and development, and the implementation of technologies that are not commercially available.
4. Any activities that would represent an ongoing financial liability for EECA.
5. 'Business as usual' costs of an organisation such as the costs associated with existing staff.⁸

If you are unsure whether your Project idea potentially fits with the scope of this funding round, please email EECA's Point of Contact at GIDIFund@eeeca.govt.nz. We are always reviewing market needs and our strategic position on these issues, and recommend registering your interest with us in case this changes in the future.

3.5 What part of the project is eligible? Defining the incremental cost

The incremental cost of Projects will be taken into account when co-funding support is considered.

Incremental cost is the cost difference between the Default Option and the lower-emissions Preferred Project. Examples of these are below.

To provide the information needed for assessment, the Financial Assessment Template (attached to the Response Form for this RFP) requires that the Applicant provides suitable financial data on the Project implementation and lifetime operational metrics. Costs include fuel cost, staffing costs, and operating and maintenance costs. Non-cash costs (such as depreciation) should not be included. Find out more about our financial information requirements in Section 4 of this RFP.

Examples of acceptable default options are:

- The current operational case (i.e., there is no need to invest now);
- The low-emission proposal that you would implement as part of the natural asset replacement cycle;
- Replacing or expanding an existing asset before the end of its lifecycle with a new fossil fuel option that is reasonable current industry practice (e.g. this would exclude coal).

The following are NOT CREDIBLE examples of Default Options:

- Replacing like-for-like with outdated technologies;
- Overextending the life of existing assets beyond best practice industry standards;
- A scenario where a regulatory consent or property right could not (or would be unlikely to) be either maintained or granted;
- New energy needs that are not just ancillary to existing operations;
- Uneconomic, unlawful, or otherwise unfeasible options.

⁷Mobile plant used for industrial purposes will be eligible.

⁸Refer section 4 - Co-funding requirements for further detail on existing staff

Examples of Incremental Costs:

Example 1 - a site expansion requires more steam for processing.

Default option: an upgrade that includes a 2 MW LPG boiler. Overall Project cost is \$1.5m.

Preferred project: an upgrade that includes a 2 MW biomass boiler. Overall project cost is \$4m.

In this case the incremental cost is \$2.5m.

Example 2 - a site has a 6 MW coal boiler that provides steam and no longer meets its emission consent and the boiler house requires a seismic upgrade.

Default Option: install a new pollution control system and upgrade the boiler house. Overall Project cost is \$2.5m.

Preferred project: replace the coal boiler with a new 6 MW biomass boiler. Overall Project cost is \$8m.

In this case the incremental cost is \$5.5m.

Example 3 - a site needs more 60C hot water for processing.

Default option: install a new 1 MW gas boiler. Overall Project cost is \$1.5m.

Preferred project: Install a heat recovery system. The overall Project cost is \$0.8m.

In this case the incremental cost is nil as the preferred Project is less expensive than the alternative. and is therefore ineligible for co-funding.

Example 4 - a site has a natural gas hot water heating system that requires no capital to continue operating for the foreseeable future.

Default option: continue to operate the natural gas system.

Preferred project: install a heat pump that reduces natural gas consumption by 75%. Overall Project cost is \$1m.

In this case the incremental cost is \$1m.



| Section Four:

Information to be provided with your
proposal, and reporting requirements



4.1 Proposal Requirements information

In order to be assessed, Applicants must demonstrate how the Proposal meets each of the requirements in section 3.3.

Applicants may do so by clearly referencing documents (or parts of documents) to be submitted with the Proposal (e.g. business case/feasibility study or project plan); or by attaching a separate document to their Response Form; or a combination of both.

4.2 Co-funding information

The Response Form to this RFP requires that the Applicant clearly set out and explain the level of GIDI co-funding sought from Government. The Applicant should only request Government co-funding of an amount that enables the Project to be fully commissioned and operational. The maximum level of Government co-funding for any one Proposal is 50% of eligible project costs.

Applicant co-funding contributions must be cash, and not in-kind (such as existing assets or the provision of already-purchased goods and services). It cannot be used to cover 'business as usual' costs such as ongoing costs of existing operations. However, the salary costs (i.e. no organisational overhead recovery) of internal staff members allocated to perform key contract roles (e.g. project manager, site supervisor) or external contractors hired to backfill for a staff member assigned to the Project can be included.

EECA will seek to optimise the level of Government funding to ensure that the impact of the GIDI Fund is maximised and to ensure the level of public good funding to the project is appropriate. This may result in an Applicant being offered co-funding that does not align with that sought.

4.3 Financial information

Applicants are required to provide key Project financial information in the Financial Assessment Template attached to the Response Form. The Chief Financial Officer, Chief Executive, or Managing Director of the lead Applicant must approve and sign the declaration for the completed Financial Assessment Template which **must show**:

- The co-funding ratio, the payback period, and the abatement cost. Note that EECA will calculate the emissions reduction until 2030 (end of EB2). Note: The Financial Assessment Template, once populated, will capture these. Refer to section 5.6 which discusses the quantitative criteria against which Proposals will be evaluated.
- A breakdown of all costs (capex and opex) associated with the full delivery of the Project over its relevant operational life.
- Project costs including supplier estimates for primary components of the Project and the Default Option (if applicable).
- Realistic future fuel costs and the reasoning behind the choice of fuel cost assumptions used.
- A realistic future carbon price and the reasoning behind the choice of carbon price used.
- The cost of fuel over the project lifetime based on realistic market projections.
- An indication of the accuracy of the capital cost estimate provided for the project.

The TAG will also consider how well Applicants have addressed the requirements below which can be provided either in the Financial Assessment Template; the Response Form; a business case/feasibility study; or any other documents submitted with the Proposal. **Applicants must provide the following information:**

- Project components and costs additional to the Default Option where the Project is an extension of a business-as-usual activity.
- A statement of why the payback period and Internal Rate of Return (IRR) for the Project as calculated with and without GIDI co-funding are appropriate.
- A statement on how the financial risks, contingencies and other circumstances relating to the delivery of the Project, in particular cost escalation risks in the current environment, have been considered.
- Evidence of the lead Applicant's financial ability to complete the project.

4.4 Technical information

The TAG will assess the technical information contained in Proposals which can be provided either in the Financial Assessment Template; the Response Form; a business case/feasibility study; a project plan; or any other documents submitted with the Proposal. **Applicants must provide evidence of:**

- How both the Proposed Option and the Default Option work. For example, explain what the heat is used for and why it needs to be temperature X or flow rate Y; show that you (the Applicant) have explored options to reduce demand/increase efficiency.
- The credibility of the Default Option - with appropriate documentation showing how the incremental cost was determined.
- The technical aspects of the project, along with any technical risks and barriers, and how these will be addressed.
- A realistic decarbonisation pathway (if required) – refer to Proposal Requirement 19.
- Whether the project is sufficiently advanced for assessment (detailed and evidence-based costings should be provided) and what relevant options have been assessed - or whether this is intended to occur during stage one of the project.
- Confidence in the long-term supply of renewable fuel, based on the evidence provided and any other insights. Clearly explain your specific requirements e.g. electricity capacity; biomass storage etc.
- Project delivery supported by a project plan with acceptable milestones, achievable timelines, and realistic start and completion dates (indicative for projects where detailed design is intended to occur in stage one of the project).
- Having a successful track record of project delivery.
- A realistic date that the project will be fully commissioned and operational that addresses risks of the project being delayed. In particular, proof that key equipment needed for the project is commercially available and secured/reserved in the timeframe set out in the project plan.
- Ownership of any assets purchased with EECA funding.
- Why the project is considered innovative (if applicable). Refer to Proposal Requirements 22 and 23.
- The project team that is providing the relevant Project services.
- Commitment to working safely, ensuring the health and safety of workers and others affected by the Project work, and the appropriate systems and processes to undertake that work safely.

4.5 Reporting requirements

If your Proposal is successful EECA will require comprehensive reporting of the Project deliverables and outcomes against those outlined in the Proposal, including quarterly progress reporting.

Detailed validation of Project costs and confirmation of deliverables will be expected throughout the life of the Project, including for example, confirmation of the total investment of the Project in the New Zealand economy, and balance of the Project costs invested with overseas suppliers.

Confirmation of asset performance, including energy and carbon emissions reduction outcomes, will be a contractual requirement within 12 months after the Project is fully commissioned and operational.

Funding recipients will be required to promptly co-operate with EECA as requested to share their story and results across a variety of media. Data, insights and project case studies may be published on the EECA website as a means to motivate and encourage other companies to decarbonise.



| Section Five:

**Our evaluation, assessment and
decision-making approach**



5.1 The evaluation, assessment and decision-making process

This RFP round for GIDI funding is contestable. All eligible Proposals will through the same assessment and decision-making process as follows:

1 Applicant Completes the Online Response Form

Applicant completes the online Response Form in full, including the required Financial Assessment Template, and submits this to EECA by the deadline.

The Applicant may be required to provide further information to EECA throughout the decision-making process.

3 Technical Advisory Group Evaluates Proposals

The Technical Advisory Group (TAG) evaluates performance of proposals against the Funding Conditions, Proposal Requirements and Assessment Criteria.

This will include undertaking robust financial and technical due diligence (ability to deliver). The TAG uses the assessment table to score the Applicant's ability to deliver and prepares an evaluation report for the Assessment Panel.

5 Approval Process

The EECA Chief Executive, EECA Board, or the Minister of Energy and Resources are the decision-makers for the GIDI Fund and will decide which Projects should be approved.

Final decisions will be made based on funding recommendations from the Panel and any further relevant advice received from the Panel (risks, issues or concerns).

2 EECA Reviews Proposals

EECA reviews proposals to ensure that the information provided is sufficient to proceed, in particular that the Funding Conditions and Proposals Requirements have been met.

4 Assessment Panel Makes Funding Recommendations

The Assessment Panel takes into account the TAG's evaluation report; the assessment criteria results; additional information or clarification sought and received from Applicants; and any other matters that the Panel considers relevant to applying the Investment Principles to the Proposal.

The Panel will make funding recommendations to inform decision making by the EECA Chief Executive, EECA Board and the Minister Energy and Resources in accordance with EECA's delegated authority framework.

6 Applicants are Notified of Outcome

Successful Applicants are advised and will work with EECA to execute funding agreements.

Unsuccessful Applicants will be advised and provided a de-brief on the decision relevant to their proposal.

5.2 Evaluation - the technical advisory group

The TAG comprises technical and subject matter experts across government (including EECA) and/or the private sector. The role of the TAG is to ascertain confidence in the ability of the Applicant to deliver the Project and the representations included in the Applicant Proposal. The TAG will evaluate proposals against the Minimum Funding Conditions and the Proposal Requirements which will include financial and technical due diligence. The TAG will prepare an evaluation report of its findings for the Assessment Panel.

5.3 The assessment panel

The Assessment Panel comprises the Chair and up to five business and technical subject matter experts from across government (including EECA) and/or the private sector. The Assessment Panel will take into account and consider:

- the TAG's evaluation report;
- the assessment criteria results (as completed by the Applicant);
- additional information or clarification sought and received from the Applicant; and
- any other matters that the Panel considers relevant when applying the Investment Principles to the Proposal.

On the basis of this consideration the Assessment Panel will make funding recommendations to inform decision making by the EECA Chief Executive, EECA Board and the Minister Energy and Resources in accordance with EECA's delegated authority framework.

5.4 Who makes the final decisions?

The EECA Chief Executive, EECA Board, or the Minister of Energy and Resources are the decision-makers for the GIDI Fund in accordance with the approval delegation hierarchy, and respectively have the sole discretion to determine which Projects (if any) will receive co-funding and the amount of any co-funding in accordance with their delegation.

Recommendations from the Assessment Panel may include advice on risks, issues or concerns with a proposal, and proposed mitigation measures. These will be taken into account during the final decision-making process.

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

5.5 Proposal Validity Period

Successful proposals remain valid for six months from the date the Applicant is advised of the funding decision. If a Funding Agreement is not agreed within this period EECA may withdraw the offer of funding.

5.6 What if my proposal is declined?

If an Applicant request for co-funding is declined, the Applicant's Chief Executive Officer or Managing Director will be informed directly as will the Point of Contact (to the email addresses specified in the Response Form).

5.7 What are the Assessment Criteria?

Assessment Criteria will be used by the TAG and the Assessment Panel to ensure proposals are robust, and to help prioritise proposals.

The Assessment Criteria also signals to potential Applicants what will be valued when a decision on whether or not to co-fund a project is made.

Five key criteria have been developed for this RFP (one qualitative, four quantitative); with one extra criteria relating specifically to innovative projects. These are:

5.7.1 Qualitative Criteria

All proposals will be assessed on this criteria:

No.	Criteria	Brief Description	Scale
1	Ability to deliver	The Applicant will be evaluated on its financial and technical ability to deliver the proposal with the intended outcomes.	Unacceptable- Excellent Refer Table 4

Table 1 – Qualitative Criteria

5.7.2 Quantitative Criteria

Projects (except the Innovative ones) will be ranked according to the following quantitative criteria. The Applicant is expected to **optimise their proposal** to compete on these criteria.

No.	Criteria	Brief Description	Scale	Weighting
2	Co-funding ratio	The Fund aims to maximise the amount of private funding leveraged for decarbonisation projects.	1-10 Refer scale below	25%
3	Payback Period	The Project has a payback period that is no less than two years with GIDI co-funding. Projects with longer payback periods will be prioritised.	1-10 Refer scale below	25%
4	Abatement cost for the public of the emissions reduction until 2030 (end of EB2)	This is to maximise the public good of the Fund and to ensure delivery of the GIDI Fund's emissions budget objectives.	1-10 Refer scale below	25%
5	Speed of implementation	Projects implemented earlier result in greater emission benefits and overall contribution to the emission targets set within the respective emission budget periods.	1-10 Refer scale below	25%

Table 2 – Quantitative Criteria

5.7.3 Criteria specific to proposals considered innovative

In the Response Form to this RFP Applicants are required to signal if they consider whether a Project is innovative (see Proposal Requirements 22 and 23). The TAG will determine if the Project is indeed innovative or not, as well as assessing its diffusion potential and emission reduction benefits. Applicants are asked to ensure they have provided the relevant information (which can also include available literature, modelling or market insights) to enable thorough assessment of the Proposal.

We recognise that innovative proposals may not be able to compete fairly alongside other proposals but they may provide attractive public benefits if the implementation of the successful outcome of the project enables further adoption of a high-benefit low-emissions option in New Zealand. In such cases, the public benefit in terms of carbon emissions reduction is indirect. Therefore, innovative proposals will be assessed primarily on their potential for wide replication that will realistically result in greater emissions reductions by end of EB2 (2030). Although innovative proposals will still complete the quantitative criteria, they will be considered more broadly against the specific criteria in Table 3 below.

Assessment specific to innovative Proposals	Brief Description	Scale
Diffusion potential of Innovative Projects	<ul style="list-style-type: none"> What is the emissions reduction potential of the technology (rather than the Project itself) if it became mainstream in New Zealand? What level of market adoption could realistically be expected of this technology across the next two or three emission budgets? How likely is it that Government funding will have an impact on market adoption? Are there delivery issues at risk of harming the wider diffusion of the technology? 	Unacceptable- Excellent Refer Table 4

Table 3 – Innovative Proposals Criteria

5.8 How will the Assessment Criteria be applied?

Below describes how the assessment criteria in Tables 1-3 will be applied when a Proposal is assessed.

5.8.1 Ability to deliver

The Assessment Criteria ‘Ability to deliver’ (Table 1) applies to all Proposals. **Please refer to section 4 of this RFP which provides guidance on the financial and technical information the Applicant is expected to provide** with the Proposal (in addition to that provided in the Financial Assessment Template, a good place to provide additional information is in the business case and/or feasibility study or project plan that all Applicants are expected to submit with the Response Form).

The TAG will score ‘Ability to deliver’ using Table 4 and this will form part of its evaluation report to the Assessment Panel.

Description	Definition
Excellent	Exceeds the expectations.
Good	Satisfies the expectations.
Acceptable	Some reservations that could be mitigated through conditions in the Funding Agreement.
Serious Reservations	Serious reservations that are unable to be mitigated through conditions in the Funding Agreement.
Unacceptable	Does not satisfy expectations.

Table 4 – A scale for how the TAG will score all Proposals on Ability to Deliver

5.8.2 A note about how Quantitative scoring will work

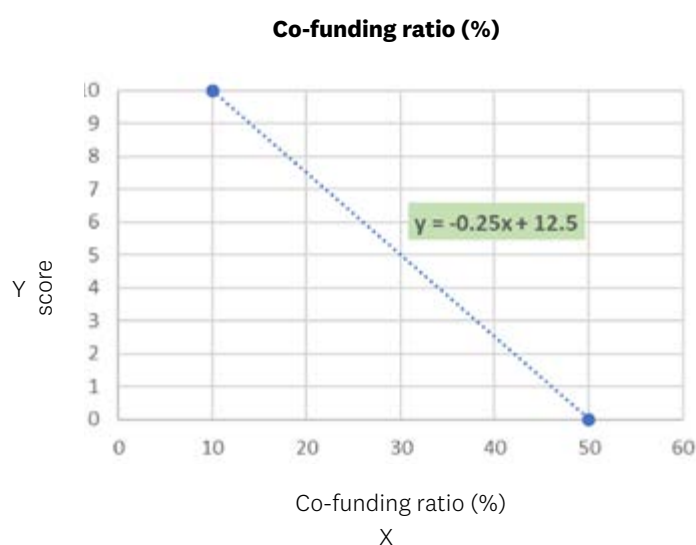
The quantitative criteria (Table 2) allow for the Applicant to self-score in the Response Form to this RFP.

The Applicant can self-score on the criteria for 'co-funding ratio', 'payback period', and 'abatement cost to EECA' by applying the numbers provided in the Financial Assessment Template (once it has been completed). The score relating to 'speed of implementation' will be directly proportional to the expected implementation date of the Project. These scores will be validated by the TAG and will form part of its evaluation report to the Assessment Panel.

5.8.3 Co-funding ratio

Projects will not be co-funded at more than 50% of the eligible project cost. The score for this criterion would be directly proportional to the co-funding ratio requested.

Co-funding ratio (%)	
Score	% of co-funding requested
0	50+
1	46
2	42
3	38
4	34
5	30
6	26
7	22
8	18
9	14
10	10 or less

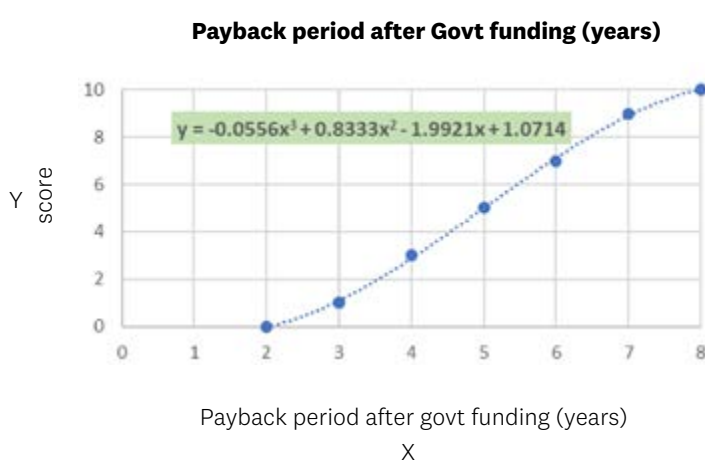


Where "y" is the score for this criteria and "x" is the value of said criteria for your project

5.8.4 Payback period

Projects with a payback period that is less than 2 years (with GIDI co-funding) will not score any points as they are ineligible. Projects with a payback period 8+ years will get the maximum score (i.e.; 10). The scoring is not linear so that businesses with the willingness to invest in projects with longer payback are prioritised. If a project is shown as highly profitable, the Applicant will need to provide compelling reasons why their Proposal should be considered for public support.

Payback period (years)	
Score	Years
Ineligible	0-2
1	3
3	4
5	5
7	6
9	7
10	8+

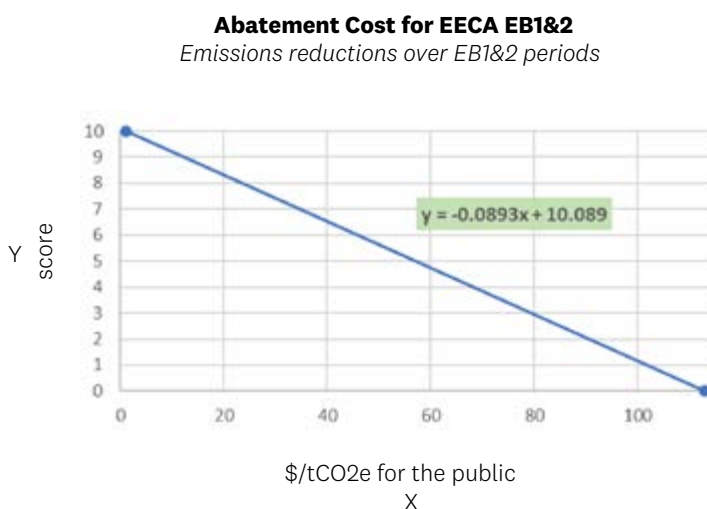


Where "y" is the score for this criteria and "x" is the value of said criteria for your project

5.8.5 Abatement cost for EECA

The abatement cost for EECA EB1&2 of a Project relates to emissions abatement over the next two emission budgets. Note this is not the same as the total abatement cost (refer Proposal requirement 11). The former is about the cost to EECA of meeting New Zealand's Emissions Reduction Plan targets, while the latter is about the cost to the Applicant.

Abatement Cost for EECA EB1&2	
Score	\$/tCO ₂ e (≥)
0	121
1	109
2	97
3	85
4	73
5	61
6	49
7	37
8	25
9	13
10	1



Where "y" is the score for this criteria and "x" is the value of said criteria for your project

5.8.6 Speed of implementation

Time matters when it comes to climate change mitigation, therefore the score for speed of implementation is directly proportional to the date that Projects are expected to be fully commissioned and operational - to be eligible, **this must be by 31 December 2027**. The earlier the Project is implemented, the higher the score.



5.9 You may be asked for further information

In addition to the above, EECA may, at its discretion, request further information from an Applicant to complete due diligence in relation to any Proposal. This may include some, or all, of the following:

1. Reference-check the Applicant organisation(s) and named personnel.
2. Ask the Applicant to clarify aspects of the Proposal.
3. Ask the Applicant to provide supporting evidence to back up statements made in their response to the various questions on the RFP Response Form.
4. Ask the Applicant to confirm delivery timelines and co-funding commitments.
5. Request an interview with the Applicant or a site visit.
6. Conduct internal and/or external due diligence checks further to that performed by the TAG.

Applicants will be contacted by the EECA Point of Contact via the email GIDIFund@eeeca.govt.nz. Responses to EECA requests for the above information is to be provided in the time specified.



I Section Six:

General information



6.1 Commercial-in-Confidence

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

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

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

6.2 Official Information Act

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

6.3 Publication of decisions

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

6.4 Due diligence and financial matters

Due diligence

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

GST

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

Financial Year

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

Tax advice

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

6.5 Declaration

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

I Section Seven:

Terms and conditions



Note to Applicants

- In managing this GIDI funding round, EECA will endeavour to act fairly and reasonably in all of its dealings with interested Applicants, and to follow due process which is open and transparent.
- This section contains Terms and Conditions (“RFP-Terms”) which apply to this GIDI funding round.
- A glossary of terms is included in Section 8.

7.1 Preparing a Proposal

Applicants are to use the online Response Form provided and include all information requested by EECA in relation to the RFP. By submitting a Proposal the Applicant accepts that it is bound by these RFP Terms.

Each Applicant will:

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

7.2 Private Finance Pilot

EECA has commenced a private finance pilot with certain financial providers to explore how EECA can help:

- maximise the reach of GIDI funding available to businesses to help achieve New Zealand’s decarbonisation targets
- improve visibility to GIDI applicants of finance providers that are available, and have expertise, to help NZ businesses decarbonise, and
- mobilise the finance sector into mainstreaming sustainable finance and offering competitive rates for decarbonisation projects.

The GIDI page of EECA’s website has an open directory of financial providers who wish to be part of the pilot. It sets out each financial provider’s potential offering available to GIDI Applicants who need private finance for decarbonisation projects.

GIDI Applicants who are interested in exploring any of these potential offerings can select this preference in their Response Form. Applicants can also make contact with the financial providers themselves using the details provided on the website. The directory is open to any other reputable financial providers who wish to participate in the pilot.

7.3 Applicant Deadline for Questions

Each Applicant should satisfy itself as to the interpretation of the RFP. If there is any perceived ambiguity or uncertainty in the RFP, Applicants should seek clarification from the Point of Contact at GIDIFund@eeeca.govt.nz before the Deadline for Questions **5pm, Thursday 9 February 2023**. EECA will endeavour to respond to requests in a timely manner.

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

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

7.4 Applicant Deadline for Proposals

Applicants are responsible for ensuring Proposals are submitted using the online Response Form by the Applicant Deadline for Proposals at **5pm, Thursday 02 March 2023**. Applicants are welcome to submit Proposals at any time before this date. EECA will acknowledge receipt of each Proposal.

EECA intends to rely on the Applicant's Proposal and all information provided by the Applicant (e.g. correspondence and negotiations). In submitting a Proposal and communicating with EECA each Applicant should check that all information it provides to EECA:

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

EECA may invite Applicants to rectify any minor errors or omissions in their Proposals during EECA's completeness and eligibility check process. Proposals that do not meet the Minimum Funding Conditions may be considered at the discretion of the EECA Board and/or Minister of Energy and Resources. In such instances, Applicants will need to provide compelling reasons why their Proposal should be considered for support.



7.5 Third party information

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

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

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

7.6 Successful Applicants - offer of GIDI Funding

Successful Applicants may be invited to enter into negotiations with a view to entering into a Funding Agreement. Where the outcome is unsatisfactory or unreasonably stalled EECA, may discontinue the negotiations at their discretion and in doing so withdraw the offer of funding support.

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

7.7 Unsuccessful Applicants - debrief

All unsuccessful Applicants will be provided with the opportunity for a debrief which will:

- i. Provide the reasons why the Proposal was not successful;
- ii. Explain how the Proposal performed in terms of financial and technical due diligence, against the Minimum Funding and Proposal Requirements, the assessment criteria, and the considerations taken into account by the Assessment Panel;
- iii. Indicate the Proposal's relative strengths and weaknesses;
- iv. Explain, in general terms, the relative advantage/s of the successful Proposal/s;
- v. Seek to address any concerns or questions from the Applicant;
- vi. Seek feedback from the Applicant on the RFP and the RFP process.

7.8 Notification of outcome

At any point, but no later than 30 Business Days after the EECA Board and the Minister of Energy and Resources have made decisions on which Proposals will be offered funding, EECA will inform all Applicants of the outcome regarding their Proposal.

7.9 Issues and complaints

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

EECA will consider and respond promptly and impartially to the Applicant's issue or complaint.

Both EECA and the Applicant agree to act in good faith and use their best endeavours to resolve any issue or complaint that may arise in relation to the RFP.

The fact that an Applicant has raised an issue or complaint will not be used by EECA to unfairly prejudice the Applicant's ongoing participation in the RFP process, or in any future funding rounds.

Standard RFP conditions

7.10 EECA's Point of Contact

All enquiries regarding the RFP must be directed by email to EECA's Point of Contact at GIDIFund@eeca.govt.nz. Applicants must not directly or indirectly approach any representative of EECA, or any other person, to solicit information concerning any aspect of the RFP after the Deadline for Proposals date.

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

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

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

7.11 Conflict of Interest

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

7.12 Ethics

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

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

7.13 Anti-collusion and bid rigging

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

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

7.14 Confidential Information

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

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

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

Applicants acknowledge that EECA is subject to requirements imposed by the Official Information Act 1982 (OIA), the Privacy Act 2020, parliamentary and constitutional convention, and any other obligations

imposed by law. EECA will not be in breach of its obligations if Confidential Information is disclosed by EECA to the appropriate authority because of suspected collusive behaviour. Where EECA receives an OIA request that relates to an Applicant's Confidential Information, EECA will consult with the Applicant and may ask the Applicant to explain why the information is considered by the Applicant to be confidential or commercially sensitive.

7.15 Confidentiality of RFP information

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

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

7.16 Costs of participating in the RFP process

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

7.17 Ownership of documents

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

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

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

In addition, the Applicant grants to EECA a non-exclusive, non-transferable, perpetual licence to retain, use copy and disclose anonymised data gathered from the RFP process to third parties for the purposes related to assessing the effectiveness of the GIDI Fund. Also refer to section 4 Reporting Requirements.



7.18 No binding legal relations

Neither the RFP, nor the RFP process, creates a process contract or any legal relationship between EECA and any Applicant, except in respect of:

- i. The Applicant's declaration in its Proposal;
- ii. The Proposal Validity Period;
- iii. The Applicant's statements, representations and/or warranties in its Proposal and in its correspondence and negotiations with EECA;
- iv. The Assessment approach to be used by EECA to assess Proposals as set out in Section 3 and in the RFP-Terms;
- v. The standard RFP conditions set out in paragraphs 7.10 to 7.23;
- vi. Any other matters expressly described as binding obligations in Section 1.

Each exception in paragraph 7.18 is subject only to EECA's reserved rights in paragraph 7.20. Except for the legal obligations set out in paragraph 7.18 no legal relationship is formed between EECA and any Applicant unless and until a Funding Agreement is entered into between those parties.

7.19 Exclusion

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

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

7.20 EECA's additional rights

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

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

Despite any other provision in the RFP EECA may:

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



EECA may request that an Applicant agrees to EECA:

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

7.21 New Zealand law

The laws of New Zealand shall govern the RFP and each Applicant agrees to submit to the exclusive jurisdiction of the New Zealand courts in respect of any dispute concerning the RFP or the RFP process.

7.22 Disclaimer

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

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

To the extent that liability cannot be excluded, the maximum aggregate liability of EECA, its agents and advisors is \$1.00.

7.23 Precedence

Any conflict or inconsistency in the RFP shall be resolved by giving precedence in the following descending order:

- i. Section 1;
- ii. Section 7 (RFP-Terms);
- iii. All other Sections of this RFP document;
- iv. Any additional information or document provided by EECA to Applicants through the EECA point of contact at GIDIFund@eeca.govt.nz.

If there is any conflict or inconsistency between information or documents having the same level of precedence, the later information or document will prevail.

I Section Eight:

Glossary of terms



Term	Description
Applicant	The eligible legal entity (or group of entities), which has submitted or is in the process of submitting a Proposal for this GIDI funding round.
Assessment Panel (the Panel)	An advisory panel comprising persons with relevant experience. The Panel assesses Proposals for investment and makes recommendations on which Proposals should receive funding to EECA's Chief Executive, the EECA Board, or the Minister for Energy and Resources.
Business Day	Any weekday in New Zealand, excluding Saturdays, Sundays, New Zealand (national) public holidays and all days from Boxing Day up to and including the day after New Year's Day.
Confidential Information	<p>Information that:</p> <ul style="list-style-type: none"> a. Is by its nature confidential; b. Is marked by either EECA or an Applicant as 'confidential', 'commercially sensitive', 'sensitive', 'in confidence', 'top secret', 'secret', 'classified' and/or 'restricted'; c. Is provided by EECA, an Applicant, or a third party in confidence; d. EECA or an Applicant knows, or ought to know, is confidential. <p>Confidential information does not cover information that is in the public domain through no fault of either EECA or an Applicant.</p>
Conflict of Interest	<p>A Conflict of Interest arises if an Applicant's personal or business interests or obligations do, could, or be perceived to, conflict with its obligations to EECA under the RFP. It means that the Applicant's independence, objectivity or impartiality can be called into question. A Conflict of Interest may be:</p> <ul style="list-style-type: none"> a. Actual: where the conflict currently exists; b. Potential: where the conflict is about to happen or could happen, or; c. Perceived: where other people may reasonably think that a person is compromised.
Deadline for Proposals	The deadline that Proposals are to be submitted by the Applicant.
Default Option	The current operational case or similar; the alternative to the low emissions option. Refer section 3.5 which discusses incremental cost.
(the) Fund	The GIDI Fund.
Funding Agreement	The written agreement entered into by EECA and each Successful Applicant for the delivery of the Project(s).
GST	The goods and services tax payable in accordance with the New Zealand Goods and Services Tax Act 1985.
Incremental Cost	The cost difference between the Default Option and the lower emissions Preferred Project.
Industrial Process	Industrial process heat used by the industrial sector often in the form of steam, hot water or hot gases. For more information see here .

Term	Description
Intellectual Property	All intellectual property rights and interests, including copyright, trademarks, designs, patents and other proprietary rights, recognised or protected by law.
Point of Contact	EECA and each Applicant are required to appoint a Point of Contact. This is the channel to be used for all communications during the RFP process. EECA's Point of Contact is the GIDI Fund Product Lead. All communication from applicants with EECA must be with the Point of Contact via email at: GIDIFund@eeeca.govt.nz . Applicants must clearly identify a Point of Contact in the Response Form.
Proposal	Description of the Project, developed by an Applicant and submitted in the Response Form to EECA, to be considered for funding.
Project	A description of a Project for which the Proposal has been submitted. This encompasses all activities, steps, tasks or elements for which an Applicant is seeking funding.
Proposal Validity Period	The period of time when a Proposal is held open by the Applicant for acceptance by EECA.
Proposed Funding Agreement	The proposed Funding Agreement terms and conditions published on the EECA website as part of this RFP.
Recipient	The Successful Applicant that enters into a Funding Agreement with EECA.
RFP	Means the Request for Proposals. The RFP comprises this RFP document, the Response Form, the Proposed Funding Agreement and any other information in relation to this RFP provided through EECA's Point of Contact or the EECA website.
Response Form	The form and declaration prescribed by EECA and used by the Applicant to respond to the RFP.
Successful Applicant	Successful Applicants may be invited to enter into negotiations with a view to entering into a Funding Agreement. Where the outcome is unsatisfactory or unreasonably stalled EECA, may discontinue the negotiations at their discretion and in doing so withdraw the offer of funding support.
Technical Advisory Group (TAG)	A group of technical and subject matter experts. The TAG undertakes financial and technical due diligence of Proposals and provides an evaluation report to the Assessment Panel.

For more information on GDI, please visit:

[EECA.govt.nz](https://eeca.govt.nz)