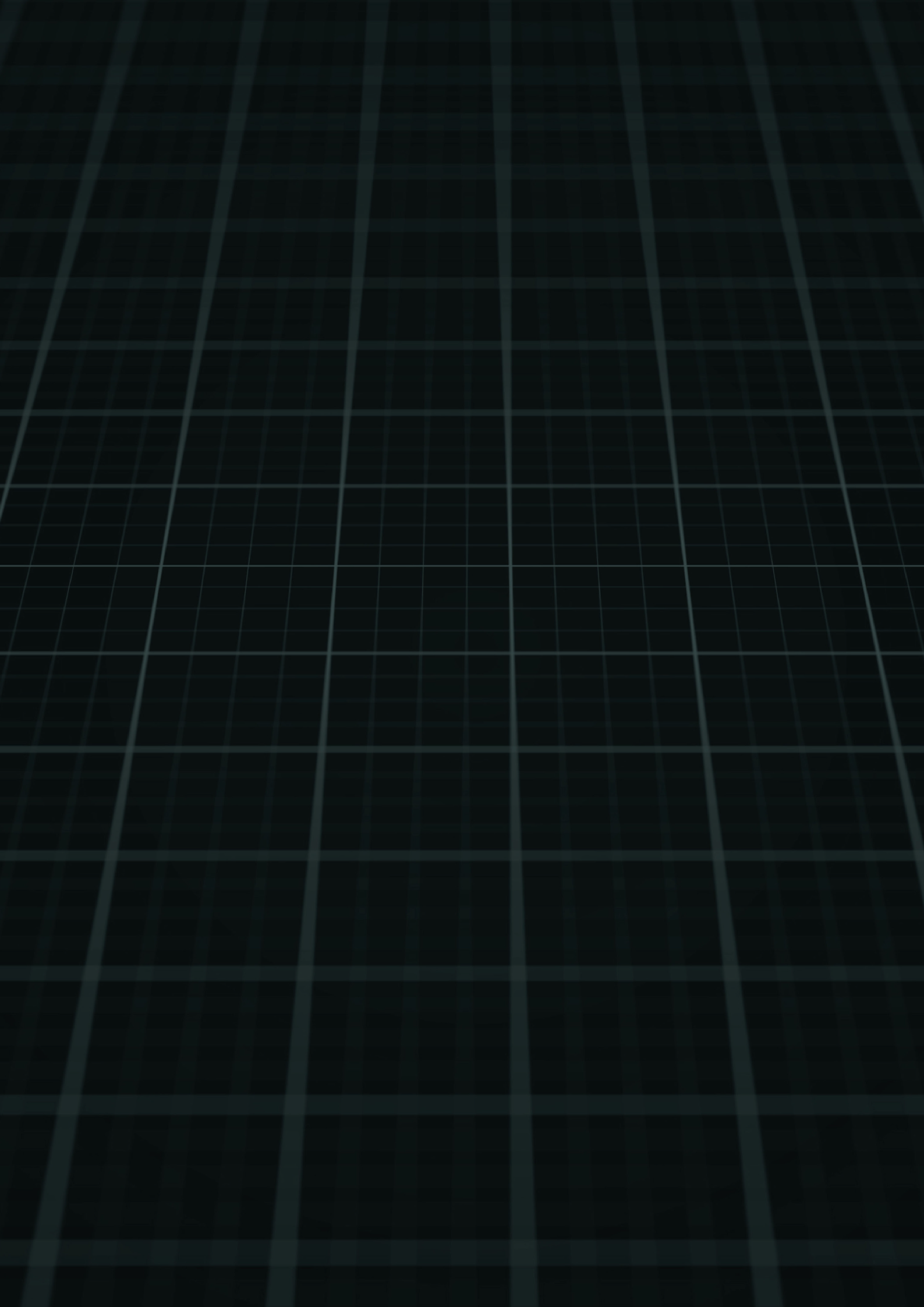
dates



Low Emission

Transport:

Public EV Charging - Urban Infill

Request for Proposals

April 2024

Contents

[Section 1 Key Information 3](#_Toc164340877)

[Section 2 What we are looking for 5](#_Toc164340878)

[Section 3 Requirements for Proposals 7](#_Toc164340879)

[Section 4 Our Assessment and Decision-Making Approach 9](#_Toc164340880)

[Section 5 Funding Sought 13](#_Toc164340881)

[Section 6 Our Funding Agreement 14](#_Toc164340882)

[Section 7 General Information 15](#_Toc164340883)

[Section 8 RFP Process, Terms and Conditions 17](#_Toc164340884)

[Section 9 Glossary of Terms 24](#_Toc164340885)

Key dates

|  |  |
| --- | --- |
| RFP released: | 5pm, Tuesday 30 April 2024 |
| Deadline for Questions: | 4pm, Wednesday 22 May 2024 |
| Deadline for Proposals: | 12pm, Friday 31 May 2024 |
| Decision to be announced: | From mid July 2024 | |

Overview

The objective of this RFP is to support the improvement of accessibility, convenience and capacity of chargers in urban communities to support EV drivers in charging their EVs while undertaking their daily activities.

This RFP seeks proposals to support new urban infill charging infrastructure, (“urban” is defined as a town, city or district with a resident population of over 10,000 people), and where users will spend between 30 mins and 2 hours conducting activities, for example at shopping locations, leisure facilities and community amenities.

This RFP will also consider proposals to increase the number of chargers on existing urban sites and/or to upgrade the connection capacity at current charging sites to enable simultaneous charging for multiple vehicles.

An indicative co-funding pool of up to $15 million has been established for this round.

A webinar will be held at 12:30pm on Wednesday 8 May 2024. Registration will be on the EECA website, at <https://www.eeca.govt.nz/co-funding-and-support/products/public-ev-charging-urban-infill>.

# Section 1 Key Information

### Context

This Request for Proposals (**RFP**) is an open procurement process which will be made available to any applicant who can demonstrate the skills and capability to deliver a public charging project.

Words and phrases that have a special meaning are shown by using capitals. A glossary of terms is included in Section 9.

### Our timeline

The table below shows our timeline for this RFP. All dates and times are in New Zealand.

|  |  |
| --- | --- |
| Steps in the RFP process | Date |
| RFP opens | 5pm, Tuesday 30 April 2024 |
| Deadline for questions from Applicants | 4pm, Wednesday 22 May 2024 |
| Deadline for EECA to answer Applicants’ questions | 5pm, Friday 24 May 2024 |
| **Deadline for Proposals** | 12pm, Friday 31 May 2024 |
| Applicants notified of outcome (indicative) | From 15 July 2024 |

### How to contact us

All enquiries (such as questions on the scope of the Fund or assistance with the completion of the Response Form) must be directed to our Point of Contact by the “deadline for questions” above. We will manage all external communications through the Point of Contact.

Our Point of Contact: **Email address:** [applications@EECA.govt.nz](mailto:applications@EECA.govt.nz)

A webinar will be held at 12:30pm on Wednesday 8 May 2024. Registration will be on the EECA website, at <https://www.eeca.govt.nz/co-funding-and-support/products/public-ev-charging-urban-infill>.

### Developing and submitting your Proposal

The RFP sets out the step-by-step process and conditions that apply. Take time to read and understand the RFP. In particular:

1. Develop a strong understanding of what we are looking for as detailed in Sections 2 and 3.
2. In structuring your Proposal consider how it will be assessed. Section 4 describes our assessment and decision-making approach.
3. If anything is unclear or you have a question, email our Point of Contact for an explanation. Please do so before the Deadline for Questions.
4. In submitting your Proposal, you must use the Response Form. The Response Form will be a web-based form accessible on EECA’s website. A link will be made available to potential applicants that have registered on GETS.
5. A new online Response Form must be completed for each project. We will be adjusting the response form so that applicants can apply for multiple sites with no need to re-type basic information. Instructions will be available during the RFP period.

### Address for submitting your Proposal

Proposals must be submitted online through the Response Form. There is no formal size limit but please restrict your materials to what you need to submit for your Proposal.

Proposals sent by post or hard copy delivered to our office will not be accepted.

### 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 90 days from the Deadline for Proposals. This is referred to as the Proposal Validity Period.

The RFP is subject to the RFP Process, Terms and Conditions (RFP-Terms) described in Section 8.

### Later changes to the RFP or RFP process

This RFP will be published on GETS. To obtain a copy of the RFP and associated documentation, potential applicants must register their name and details.

EECA will ensure that any changes made to the RFP, documents or updates are communicated to everyone that has registered on GETS.

If a query is received from a potential applicant, they will receive a response from the Point of Contact. The response will have been adjusted to conceal the details and identity of the querying party. Responses will be collated and posted to GETS as a Q&A document for all potential applicants to see.

General Descriptive information on the RFP and other relevant EECA activity will be published on the EECA web site.

# Section 2 What we are looking for

### The funding

This Investment Activity for this procurement round provides for co-funding of up to $15 million (excluding GST).

Applicants should propose projects that they feel best meet the needs of users at a chosen urban location and deliver Public Value including value for money, with a default standard specification being a public DC charger. We would consider an AC charging solution only where the applicant can clearly demonstrate that the connection cost is a significant barrier, and where Public Value including value for money is demonstrated with the proposed solution.

Applicants may request co-funding for projects meeting the criteria of up to 100% of the electrical connection costs to the location. This amount may not exceed 35% of total project costs. We will score applications and the percentage of connection costs applied for, predominantly on fit for purpose for urban infill, and Public Value including value for money for the project. In addition, EECA will provide up to $10,000 excluding GST per Project for Reporting.

This RFP will also consider proposals to increase the number of chargers on existing urban sites and/or to upgrade the connection capacity at current charging sites to enable simultaneous charging for multiple vehicles. Proposals for all locations that meet the assessment criteria are encouraged.

This Request for Proposal (**RFP**) is an open single-step procurement process.

### What we are looking for in this Round

#### What can be funded?

Projects meeting the criteria and eligibility conditions in section 3 (Requirements for Proposals).

Parties may be individual organisations or groups of organisations, but there must be a Lead Applicant, with which EECA will contract if successful.

For sites where grid constraints exist, or in considering future development of the sites, EECA may be interested in funding technology innovations to overcome limitations.

#### Key outcomes

This RFP relates to the co-funding of public charging infrastructure in urban centres. Outcomes guiding EECA in the charging infrastructure space are to:

* Support EV uptake and provide consumers with confidence in the availability of public electric vehicle charging infrastructure at convenient opportunity charging locations.
* Encourage new entrants and competition for provision of charging infrastructure.
* Ensure charging infrastructure standards such as connectivity and energy efficiency are met.
* It is expected that Applicant will help meet the Government’s Broader Outcomes. Further information can be found here: [Broader outcomes | New Zealand Government Procurement and Property](https://www.procurement.govt.nz/broader-outcomes/).

#### What we do not want

The scope of this Investment Activity is limited to public charging infrastructure meeting the criteria stated in this RFP, and EECA will not accept Proposals for any other type of Low Emission Transport project, such as electric vehicles, vessels, or other technologies.

#### EV Charger Investment Principles

This RFP has the following Investment Principles. Projects will demonstrate Public Value including value for money by seeking the best possible public benefits, co-benefits and outcomes with overall benefits exceeding the overall costs.

The principles are:

1. All projects are considered on their merits, so funding will be allocated to projects that offer the greatest benefits including wider outcomes.
2. The level of government contribution offered in this RFP is considered to be the minimum required to accelerate private sector investment. EECA will work to ensure that the fund is focused on enabling projects that would not otherwise occur without co-funding.
3. This RFP is intended to help the market overcome the key barrier of high electrical connection costs for public charging projects.
4. Government contribution will be limited to project electricity connection costs only. No other costs, such as charging units and development of services such as services on site, will be funded. All Applications must be supported by a Project business case, and this will be part of the criteria for scoring.
5. Government investment in the New Zealand national charging infrastructure network is intended to encourage both expansion of the network to areas with limited current capability and to increase capacity in areas of high demand.
6. To maximise impact and Public Value including value for money EECA will apply metrics to applications such as cost per connection. EECA intends to evaluate all the costs of a project, but will contribute only to the electrical connection cost.

### Who can apply?

This RFP is open to all organisations capable of delivering EV chargers. Registrants may partner with other suppliers or organisations in delivering the proposed solution and may nominate one of these to be the Lead Applicant.

Lead Applicants must be New Zealand-based and New Zealand-registered legal entities except Public Service Departments, Non-Public Service Departments (such as the New Zealand Defence Force), and Statutory Crown Entities such as District Health Boards.

For clarity, the following types of organisations are eligible to submit Proposals:

* State-owned Enterprises.
* Local Councils.
* Regional Councils.

Proposals can include the involvement of Project partners based overseas.

### Advice for potential Applicants

Proposals must be justifiable, quantified and supported with accurate information and robust cost estimates. Projects that are ready-to-go and costed based on quotes will be viewed more favourably than those which are based on cost estimates.

Potential applicants are strongly encouraged to contact EECA if they have questions using the EECA Point of Contact.

### Reporting and knowledge sharing requirements

Recipients will be required to agree to a reporting format and data deliverables in Schedules 1 and 3 of the Funding Agreement, which will set out the information during the Project that will be provided, and how, when and with whom it will be shared.

These deliverables will include:

* Project progress reporting - to monitor progress and support fund risk management.
* Project specific lessons and outcomes learnt over the duration of the Project period.

From time-to-time EECA may specify additional reporting requirements to support analysis of the performance of an individual Project, or to aid overall assessment of Fund performance.

# Section 3 Requirements for Proposals

### About the EV Chargers

Applicants should propose projects that meet the needs of users at a chosen location, with a minimum specification for a location being the ability to simultaneously charge two vehicles. If adding capacity to a location, the minimum requirement is for an additional two simultaneous vehicle charging points.

Applicants may request co-funding for projects meeting the criteria of up to 100% of the electrical connection costs to the location. This amount may not exceed 35% of total project costs. We will score applications, and the percentage of connection costs applied for, predominantly on fit for purpose for urban infill, and Public Value including value for money for the Project. In addition, EECA will provide up to $10,000 excluding GST per Project for Reporting.

This RFP will also consider proposals to increase the number of chargers on existing urban sites and/or to upgrade the connection capacity at current charging sites to enable simultaneous charging for multiple vehicles.

This round specifically targets urban areas (where “urban” is defined as a town, city or district with a resident population of over 10,000 people).

The aim is to encourage charging opportunities in places where EV drivers undertake daily activities away from home but within the urban environment.

Locations are not specified, and the assessment criteria will favour chargers that provide accessibility, convenience, and opportunity for EV owners.

Co-funding additional chargers in existing sites will be considered, particularly where there is only one charger at present.

Please note:

* Proposals will be scored on how well the proposed charging and supporting infrastructure will meet the identified user needs at each site, accessibility, utility, and potential user experience (for example services available on or near the site), ability to deliver and Public Value including value for money.
* Location and overall Public Value including value for money are the key elements and EECA will be ranking proposals using the criteria set out in Section 4.
* Proposals will be scored on the capability to expand to meet increased demand.

### Qualification requirements for a Project

|  |
| --- |
| **Requirements/Specification** |
| **Site Planning** |
| * The site will provide for (demonstrated by a site plan): * A layout to provide site safety for pedestrians including marked walkways, and bollards. * Lighting and design features to provide safety for users at night. |
| **Charger and Site Standards** |
| * Consistency with the Charger Standard SNZ PAS 6010:2023. |
| * Clearly displayed real time charge status and charging cost on-site or within an app. |
| * EECA branding on the chargers, noting that the project has been co-funded by EECA. |

### Co-funding available

Up to $15 million (GST exclusive) is available in total in this Investment Activity for approved Projects, with Funding Agreements expected to be signed by 31 July 2024.

EECA will seek to optimise the level of public co-funding to ensure the benefits are maximised across the locations for best value.

Applicants are required to outline the co-funding requested in each Proposal, along with the costs of each element. Applicants should only request co-funding of an amount that enables them to implement the Project.

Applicants should outline the contribution the Applicant intends to make, and the contributions expected from all other parties including EECA. The Response Form includes a table showing the costs and contributions over the life of the contract; this must be completed.

**3.5 Exclusions**

Applications must make a case for the level of contributions they request. EECA will only contribute to the costs listed as Eligible in the table below:

|  |  |
| --- | --- |
| **Eligible for co-funding contribution (no set contribution level)** | **Excluded from co-funding** |
| Electricity connection to the site or upgrade to existing infrastructure. This can include transformers and switchboards and power management systems.F  Energy storage facilities and equipment (if used).  Project report detailing the requirements listed in Schedule 3 of this RFP. | On-site electrical reticulation.  Charging equipment, including supply and delivery.  Data collection and monitoring equipment.  Display boards, digital screens and/or signage.  Professional fees and resource consent costs.  Design costs.  Site civil engineering including site marking, bollards and pavement.  Operational or ongoing charges for supply or maintenance.  Cost of leasing or purchasing land for the site.  Insurance costs.  Capital costs of buildings or facilities.  Solar panels or other renewable generation sources. |

### Funding Principles

* Applicant co-funding must be cash and not in-kind (such as existing assets or the provision of already purchased goods and services).
* Applications for co-funding must meet the eligibility conditions outlined in Section 4, and
* All eligible and complete Proposals, regardless of the amount of funding requested, will go through the same assessment process, and if successful, may be offered funding.

### Contract term

The contract term is to be agreed with EECA with an expectation of immediate commencement, prompt delivery and expiry following the site Go Live date.

# Section 4 Our Assessment and Decision-Making Approach

### Assessment process

The approach for allocating funding is a one-stage contestable process. All eligible and complete Proposals, regardless of dollar value sought, will go through the same assessment process, and will be assessed by an Assessment Panel.

### Assessment Panel members

The Assessment Panel comprises the chair and up to three additional staff members of EECA, and at EECA’s discretion may include external members as required. A quorum of **at least 3 voting members** will be required.

Panellists will sign a conflict-of-interest declaration upon appointment and will thereafter confirm that declaration and their agreement to the process for managing ‘commercial in confidence’ information, immediately before receiving the eligible applications in each round.

### Minimum eligibility conditions

Before a proposal can be assessed by our Assessment Panel, the Applicant and the Project must meet all following eligibility conditions, or it will be eliminated from further consideration.

|  |  |
| --- | --- |
| # | Minimum eligibility conditions |
| A | The Applicant must be an eligible entity (see section 2.4). |
| B | The Applicant must have completed the RFP Response Form in full. |
| C | The Applicant must confirm that the project will comply with the Charger Standards – refer SNZ PAS 6010:2023. |
| D | The Applicant must confirm that the project will provide: (demonstrated by a site plan):   * A layout to provide site safety for pedestrians including marked walkways, and bollards. * Lighting and design features to provide actual and perceived safety for users at night. * Clearly displayed real time charge status and charging cost on-site or within an app. |
| E | The Applicant must demonstrate commitment to:   * Working safely and ensuring the health and safety of workers and others affected by the Project work. * Minimising outages and proactive management of the reliability of chargers. * Using EECA or Gen-Less branding in any marketing or Project material with the public. * Working in a manner that will not damage EECA’s reputation. |

### Assessment criteria

Proposals which meet all minimum eligibility conditions will be assessed on their merits by the Assessment Panel according to the following assessment criteria. All criteria are weighted according to the table below which provides advice for Applicants on the information to include in their application.

1. **Ability of Project to meet the needs (30%)**

EECA is seeking proposals that provide the greatest impact for urban EV drivers who want to charge while simultaneously undertaking everyday activities. This means increasing the availability of chargers in urban areas where people spend 30 minutes to two hours while conducting activities such as shopping, sporting or leisure activities.

Specific criteria include:

* Improving accessibility, convenience, and capacity within urban communities is a key objective. Ideally the Application should identify the target market needs and match the proposed charger capacity with those needs.
* Accessible to a range of people – preferred sites will include provision for users with mobility challenges.

1. **The Project (30%)**

* Speed of delivery - how quickly can the Project be delivered?
* Total project cost, cost per charger and Public Value including value for money from cost per charger.
* Public Value including value for money of the EECA contribution to the electrical connection to the location.

1. **Ability to implement (35%)**

* Site tenure, licensing, or tenancy arrangements.
* Power supply certainty - site power requirements, site power availability, status of negotiations on supply, power management plans.
* Funding certainty - confidence that sufficient funding is available to complete all projects submitted for.
* Partnership and management certainty - the internal governance and/or other approvals required internally and externally to enable the Project to proceed.
* Project planning capability and risk management – the project plan shows key milestones and realistic timelines for the Project. Project management strategies and mitigations have been identified to ensure the Project remains on track and potential delays are mitigated.
* Cost certainty – cost details provided to enable EECA to understand the scale of work required.

1. **Broader Outcomes (5%)**

* Broader outcomes are the secondary benefits that are generated from the EV Charger development and management processes. They can be environmental, social, economic, or cultural benefits, and will deliver long-term public value for New Zealand.
* Examples of broader outcomes include:
  + Increasing the size and skill level of the domestic workforce – through the way service contracts are obtained and managed.
  + Improving the conditions for workers, future proofing the ability of businesses to trade, incentivising well performing firms.
* Please provide examples of the way in which the project will provide benefits such as reducing emissions and waste, improving conditions for workers, future proofing the ability of businesses to trade, or provide employment opportunities.

Note

In addition to public benefits, EECA understands Projects may provide private benefits (e.g. reduced costs, marketing opportunities etc.). These private benefits are the reason for the private co-funding requirement and provide the motivation for many applicants to participate. However, they cannot be used to justify public funding.

### Scoring Scale

The following scoring scale will be used in assessing each Evaluation Criteria. Scores by individual panel members may be modified through the moderation process conducted across the whole Assessment Panel.

|  |  |  |
| --- | --- | --- |
| Description | Definition | Rating |
| Excellent | Exceeds the expectations. Exceptional demonstration by the Applicant of the relevant ability, understanding, experience, skills, and resource required to deliver the Project. Response identifies factors that will offer potential added value, with supporting evidence. | 9-10 |
| Good | Satisfies the expectations with minor additional benefits. Above average demonstration by the Applicant of the relevant ability, understanding, experience, skills, and resource to deliver the Project. Response identifies factors that will offer potential added value, with supporting evidence. | 7-8 |
| Acceptable | Satisfies the expectations. Demonstration by the Applicant of the relevant ability, understanding, experience, skills, and resources required to deliver the Project, with supporting evidence. | 5-6 |
| Minor reservations | Satisfies the expectations but with minor reservations. The panel identifies minor reservations about the Applicant’s relevant ability, understanding, experience, skills, and resources or there is a lack of supporting evidence. | 3-4 |
| Serious reservations | Satisfies the expectations but with major reservations. Considerable reservations are expressed by the Panel about the Applicant’s relevant ability, understanding, experience, skills, and resources with no supporting evidence. | 1-2 |
| Unacceptable | Does not meet the expectations. Insufficient information is provided to demonstrate that the Applicant has the ability, understanding, experience, skills, or resources to deliver the Project. | 0 |

### Evaluation model

The evaluation will be via a weighted attribute model. The scoring scale described above is used and then a weight is applied from the Assessment Criteria to derive a combined score.

The Proposals that score the highest will be recommended for approval.

### Further analysis of Proposals

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

1. Reference check on the Applicant organisation(s) and named personnel.
2. Request clarification of aspects of the Proposal.
3. Request confirmation of delivery timelines and co-funding commitments.
4. Interview Applicants.
5. Request business cases/and/or feasibility studies to support the Proposal.
6. Engage with other relevant Government Agencies on aspects of the Proposal.
7. Conduct internal and/or external due diligence checks.

Responses to EECA requests for the above should be timely and the findings will be considered in the assessment process.

### Process and decision-making

#### Contestable Rounds

There is no set maximum number of Funding Rounds for the Fund or for any specific fiscal year that the Fund is operational, and EECA may choose not to run further investment activity in any fiscal year.

EECA will endeavour to provide advance notice and timing for EV Charger funding rounds.

#### How decisions will be made

* Applicants submit Proposals in response to this RFP.
* The Assessment Panel evaluates eligible Proposals against the defined criteria and makes recommendations for funding to the EECA Delegated Authority (“DA”).
* The Assessment Panel may recommend that applications are ‘Approved subject to conditions’ EECA will communicate this to applicants who will have the opportunity to amend their Project and/or Proposal to meet the conditions.
* The DA is the decision-maker for EECA co-funding and has the sole discretion to determine which Projects (if any) will receive EECA co-funding and the value of any funding.
* The DA will consider the recommendations from the Assessment Panel, as well as advice on any risks, issues or concerns which arise from the recommendations of the Assessment Panel. The DA may also impose any additional conditions it sees fit, prior to funding being approved.
* If the DA decides to approve funding, it will make a contingent decision which will be communicated to the Successful Applicants. Results are embargoed until the Government makes a public announcement of the results.
* If the DA declines funding, the Applicant will be informed, and all Applicants will be able to request and be provided with a debrief. This completes the process.
* Unsuccessful Applicants can request a debrief on their application and can reapply in future rounds, taking into consideration any feedback provided.

# Section 5 Funding Sought

### Funding information to be provided by Applicants

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

1. Applicants are to check the Cost and Contributions Table spreadsheet to ensure that costs are classified in a consistent way.
2. A table will be available on the Response Form for costs to be input with the milestones and milestone dates. The table is to show a breakdown of all costs, fees, expenses, and charges associated with the full delivery of the Proposed Project over the term of the Project.
3. The Applicant must demonstrate that it has access to the funds required to complete the project.
4. Where the Project is an extension of what would have been a business-as-usual activity all Project components and costs more than the business-as-usual activity must be provided.
5. In preparing their Proposal, the Applicant is to consider all risks, contingencies and other circumstances relating to the delivery of the Project and include adequate provisions for them.
6. Costs should be submitted in NZ$ and be exclusive of GST.
7. Where two or more entities cooperate and develop a Proposal together, the funding schedule is to include all costs, fees, expenses, and charges chargeable by all entities. Note that one entity must be assigned as the lead Applicant, and the contract will be with that lead Applicant.

Applicants may, if they wish, provide supporting evidence to back up statements made in their response to the various questions on the RFP Response Form. These materials will form part of the Applicant’s Proposal.

# Section 6 Our Funding Agreement

### Proposed Funding Agreement

A standard Funding Agreement will be used for each Urban Charger Project location. The Proposed Funding Agreement will be made available on GETS along with the other RFP documents.

The details of each Project will be captured in the Schedules to the Proposed Funding Agreement.

Apart from adjustments to the schedules, **EECA does not intend to make or accept any changes to the wording of the Agreement. Any requested changes must be notified as part of the Application.**

### Funding Agreement

Once a Proposal has been approved for funding, EECA and the Successful Applicant will enter into the Proposed Funding Agreement that commits the Recipient to implement the Project and EECA to funding.

A Recipient cannot change the Project scope or location once it has been approved. Once the Project commences, minor changes can be approved with EECA’s agreement and managed through a Funding Agreement variation.

Funding Agreements comprise EECA’s standard terms and schedules are attached to set out details for the individual Project being funded. These details may include (but are not limited to):

1. Any conditions that must be met as required by EECA.
2. The total funding package (funds supplied by the Applicant and EECA).
3. Project tasks, targets, and measures (milestones).
4. Payment terms.
5. Reporting requirements.
6. The duration and term of the Funding Agreement.

Specific information relating to Funding Agreements is detailed below.

### Prior agreement to terms and conditions

Applicants are to review and understand the terms and conditions set out in the Proposed Funding Agreement. Applicants need to indicate in their Proposals any requested adjustments to the standard terms and conditions and any items that they will wish to negotiate if their Proposal is successful.

### Deadline for signing

EECA’s expectation is that all Successful Applicants will sign their Funding Agreements by 31 July 2024.

### Funding payments

Funding will be paid for the completion of agreed milestones using claims from the Recipient and buyer- created invoices issued by EECA.

### Monitoring – Reporting, record-keeping, and auditing

EECA will monitor the implementation of the Project by the Recipient and the application of the funds provided from this funding round. EECA may do so with the assistance of any other person that EECA chooses to use for this purpose at its discretion. Any such assistance will be funded by EECA.

Among other things, a Recipient may be required to provide regular progress reports to EECA. The Funding Agreement will require reports at each milestone to receive funding for that milestone from EECA.

Recipients should also be aware that EECA may audit their records relevant to the Funding Agreement at any time, as per the standard terms and conditions of the Funding Agreement.

# Section 7 General Information

### 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 applicants and related parties.
* Information provided to EECA, and the Assessment Panel prior to Proposals being submitted.
* Proposals.
* Materials used to comment on and assess Proposals.

### 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 possible, EECA will consult with the relevant Applicants and Recipients if it receives an OIA request.

### Publication of decisions

EECA will make public all EV Charger funding, including who the Recipients are, the amounts of funding provided, and a brief description of each Project.

This will be done following the signing of a Funding Agreement. The content and method of publication will be agreed with each Recipient but will typically include a media announcement.

### Conflicts of interest

#### Conflict of Interest with respect to the Assessment Panel

The Assessment Panel operates a robust Conflict of Interest policy under which conflicts (real or perceived) are declared and managed. If Applicants consider there are any Conflicts of Interest relating to their interests and/or their Proposals and any persons at EECA, they are requested to contact the Point of Contact.

Applicant Conflict of Interest

Applicants must ensure that, where relevant, fair, and appropriate procurement processes are used to ensure Public Value including value for money and to manage Conflicts of Interest.

Applicants must disclose any Conflict of Interest (real or perceived) to EECA, as and when it arises, for the duration of the Funding Agreement. If in doubt, Applicants must disclose the situation to EECA in writing via the Point of Contact.

### 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 fiscal year runs from 1 July to 30 June. Proposals should use this period 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.

### 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.

# Section 8 RFP Process, Terms and Conditions

### Note to Applicants

In managing the Fund, EECA will act fairly and reasonably in all its dealings with interested Applicants, and to follow due process which is open and transparent.

This section contains our RFP Process, Terms and Conditions (“RFP-Terms”) which apply to the Fund. Any subsequent changes (if any) to the RFP will be communicated to potential Applicants.

Words and phrases that have a special meaning are shown using capitals. A glossary of terms is included in Section 9.

If you have any questions about the RFP terms, please email our Point of Contact.

### RFP Process

### Preparing a Proposal

Applicants are to use the 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 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 NZ$ 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, and expected delivery dates.

### Proposal Validity Period

Proposals are to remain valid and open for acceptance by EECA for the Proposal Validity Period.

### Applicants’ 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 before the Deadline for Questions.

All requests for clarification must be made by email to EECA’s Point of Contact. EECA will endeavour to respond to requests in a timely manner, according to the schedule in Section 4.

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

In submitting a request for clarification an Applicant is to indicate, in its request, any information that is commercially sensitive. 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.

### Submitting a Proposal

Each Applicant is responsible for ensuring that its Proposal is submitted by using the Response Form.

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:

* + - is true, accurate and complete, and not misleading in any material respect; and
    - does not contain Intellectual Property that will breach a third party’s rights.

EECA may invite Applicants to rectify minor errors or omissions in their Proposals during EECA’s administrative review and eligibility check process.

Applicants interested in multiple locations should submit an individual Proposal for each location.

A completed Response Form can be duplicated by EECA to avoid double keying of information – the EECA Point of Contact can assist.

### Assessing Proposals

### Assessment Panel

EECA will convene an Assessment Panel comprising members chosen for their relevant expertise and experience. In addition, EECA may invite independent advisors to assist in the assessment of any Proposal, or any aspect of any Proposal.

### 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, except for commercially sensitive pricing information.

### Proposal clarification

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

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

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

### Assessment and decision-making

The Assessment Panel will base its assessment on the Proposals submitted in response to the RFP. The Assessment Panel may adjust its assessment of a Proposal following consideration of any clarification or additional information as described in Sections 4.7 and 4.8.

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

* + - the results from reference checks and any other due diligence;
    - any matter that materially impacts on EECA’s trust and confidence in the Applicant;
    - any other relevant information that EECA may have in its possession.

The Assessment Panel will assess each proposal and will make recommendations that they be:

* + - 1. Approved;
      2. Approved, subject to conditions; or
      3. Rejected.

Following the Assessment Panel recommendations for funding of Projects to the EECA delegated Authority (DA), the DA has the sole discretion to determine which Projects (if any) will receive funding from the Fund, and the value of any funding. The DA will consider the recommendations from the Assessment Panel, as well as advice on any risks, issues or concerns which arise from the recommendations of the Assessment Panel. The DA may also impose any additional conditions it sees fit, prior to funding being approved.

If the DA declines funding, the Applicants will be informed and will be offered a debrief, then the process is complete.

If approval is subject to conditions, the Applicant will be informed and will be given the opportunity to amend their Project to meet the conditions.

If the DA decides to approve funding, they will make a contingent decision which will be communicated to the Successful Applicants.

### Funding Agreement

EECA will invite a Successful Applicant to enter into a Funding Agreement.

Each Applicant agrees that the legally binding Funding Agreement entered between the Successful Applicant and EECA will be the Proposed Funding Agreement, incorporating schedules that capture the provisions specific to the Project.

EECA may agree to some of the changes requested to the Funding Agreement that have been set out in the Applicant’s proposal. Any agreement to modifications is at EECA’s sole discretion.

### Applicant’s debrief

We encourage all Applicants to request and be provided with a debrief. Each Applicant will have 30 Business Days, from the date of when they were notified of the outcome of their Proposal, to request a debrief. When an Applicant requests a debrief, EECA will provide the debrief within 30 Business Days of the date of the request.

The debrief may be provided by letter, email, phone or at a meeting. The debrief will:

* + 1. provide the reasons why the Proposal was or was not successful;
    2. explain how the Proposal performed against the minimum eligibility conditions and the assessment criteria;
    3. indicate the Proposal’s relative strengths and weaknesses;
    4. explain, in general terms, the relative advantage/s of the successful Proposal/s;
    5. seek to address any concerns or questions from the Applicant;
    6. seek feedback from the Applicant on the RFP and the RFP process.

### Notification of outcome

At any point, but no later than 20 Business Days after the EECA DA has made decisions on which Proposals will be offered funding, EECA will inform all unsuccessful Applicants of the outcome regarding their Proposal.

### 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

### EECA’s Point of Contact

All enquiries regarding the RFP must be directed by email to EECA’s Point of Contact. Applicants must not directly or indirectly approach any representative of EECA, or any other person, to solicit information concerning any aspect of the RFP.

Only the EECA Point of Contact is authorised 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 informing all potential Applicants and amending the information on GETS.

Where an Applicant has an existing Funding Agreement with EECA then business-as-usual communications, for the purpose of managing delivery of that Funding Agreement, will continue using the usual contacts. Applicants must not use business-as-usual contacts to lobby EECA, solicit information or discuss aspects of the RFP.

### 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.

### 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.

An Applicant who attempts to do anything prohibited by Sections 8.13 and 8.15 may be disqualified from participating further in the RFP process.

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.

### 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.

### Confidential Information

EECA and the Applicant will each take reasonable steps to protect Confidential Information and, subject to Section 8.17(c) 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.

The Applicant acknowledges that EECA may 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.

Applicants acknowledge that EECA’s obligations under Section 8.17(a) are 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 assist the process and explain why the information is considered by the Applicant to be confidential or commercially sensitive.

### Confidentiality of RFP information

For the duration of the RFP, to the date of the public 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 but 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.

### 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.

### 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.

### 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:

* + 1. the Applicant’s declaration in its Proposal;
    2. the Proposal Validity Period;
    3. the Applicant’s statements, representations and/or warranties in its Proposal and in its correspondence and negotiations with EECA;
    4. the Assessment approach to be used by EECA to assess Proposals as set out in Section 4 and in the RFP-Terms (as varied by Section 1.7, if applicable);
    5. the standard RFP conditions set out in Sections 8.13 to 8.26;
    6. any other matters expressly described as binding obligations in Section 1.

Each exception in Section 8.21(a) is subject only to EECA’s reserved rights in Section 8.23.

Except for the legal obligations set out in Section 8.21(a) no legal relationship is formed between EECA and any Applicant unless and until a Funding Agreement is entered into between those parties.

### 

### Elimination

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

* + 1. the Applicant has failed to provide all information requested, or in the correct format, or materially breached a term or condition of the RFP.
    2. the Proposal contains a material error, omission, or inaccuracy.
    3. the Applicant is in bankruptcy, receivership, or liquidation.
    4. the Applicant has made a false declaration.
    5. there is a serious performance issue in a historic or current Funding Agreement delivered by the Applicant.
    6. the Applicant has been convicted of a serious crime or offence.
    7. there is professional misconduct or an act or omission on the part of the Applicant which adversely reflects on the integrity of the Applicant.
    8. the Applicant has failed to pay taxes, duties, or other levies.
    9. the Applicant represents a threat to national security or the confidentiality of sensitive Government information.
    10. the Applicant is a person or organisation designated as a terrorist by New Zealand Police.

### EECA’s additional rights

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

* + 1. amend, suspend, cancel and/or re-issue the RFP, or any part of the RFP;
    2. 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:

* + 1. accept a late Proposal if it is EECA’s fault that it is received late;
    2. 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;
    3. in exceptional circumstances, answer a question submitted after the Deadline for Questions;
    4. accept or reject any Proposal, or part of a Proposal;
    5. accept or reject any non-compliant, non-conforming or alternative Proposal;
    6. decide not to enter into a Funding Agreement with any Successful Applicant;
    7. liaise or negotiate with any Applicant without disclosing this to any other Applicant;
    8. 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;
    9. amend the Proposed Funding Agreement at any time, including during negotiations with an Applicant;
    10. waive irregularities or requirements in or during the RFP process where it considers it appropriate and reasonable to do so;
    11. 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:

* + 1. 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.
    2. selecting two or more Applicants to deliver a Project as a joint venture or consortium.

### New Zealand law

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

### 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.

### Precedence

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

* + 1. Section 1.7 (changes and clarifications made while the RFP is open);
    2. Section 8 (RFP-Terms);
    3. all other sections of this RFP document;
    4. any additional information or document provided by EECA to Applicants through EECA’s Point of Contact.

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

# Section 9 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 to EECA for one or more Projects. |
| **Assessment Panel (the Panel)** | An advisory panel, comprising persons with relevant experience. The Panel assesses Proposals for EECA investment, and makes recommendations to the EECA Delegated Authority on which  Proposals should receive EECA co-funding. |
| **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. |
| **Charger Standards** | The standards set in the Commercial electric vehicle (EV) charging standard: SNZ PAS 6010: 2023 |
| **Confidential Information** | Information that:   1. is by its nature confidential. 2. is marked by either EECA or an Applicant as ‘confidential,’ ‘commercially sensitive,’ ‘sensitive,’ ‘in confidence,’ ‘top secret,’ ‘secret,’ classified’ and/or ‘restricted’ 3. is provided by EECA, an Applicant, or a third party in confidence. 4. EECA or an Applicant knows, or ought to know, is confidential.   Confidential information does not cover information that is in the public domain through no fault of either EECA or an Applicant. |
| **Conflict of Interest** | 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 the Buyer under the RFP. It means that the Applicant’s independence, objectivity, or impartiality can be called into question. A Conflict of Interest may be:   1. actual: where the conflict currently exists; 2. potential: where the conflict is about to happen or could happen, or; 3. perceived: where other people may think that a person is compromised. |
| **Deadline for Proposals** | The deadline that Proposals are to be submitted by the Applicant. |
| **Delegated Authority** | The party within EECA’s approval hierarchy with sole discretion to determine which Projects (if any) will receive funding from the Fund, and the value of any funding. |
| **Funding Agreement** | The written agreement entered into by EECA and each Successful Applicant for the delivery of the Project(s). |
| **GETS** | The Government Electronic Tenders Service. |
| **GST** | The goods and services tax payable in accordance with the New Zealand Goods and Services Tax Act 1985. |
| **ICE** | Internal combustion engine. |
| **Intellectual Property** | All intellectual property rights and interests, including copyright, trademarks, designs, patents, and other proprietary rights, recognised, or protected by law. |
| **LEV** | Low Emission Vehicle. |
| **Non-Public Service Departments** | As defined by the State Services Commission, see <https://ssc.govt.nz/assets/A-Guide-to-New-Zealands-State-> [Sector-Agencies.pdf](https://ssc.govt.nz/assets/A-Guide-to-New-Zealands-State-Sector-Agencies.pdf) |
| **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 identified in Section 1.3. The Applicant’s Point of Contact is identified in its Proposal. |
| **Project** | A description of a Project which the Proposal has been submitted for. This encompasses all activities, steps, tasks, or elements for which an Applicant is seeking EECA co-funding. |
| **Proposal** | The response a Respondent submits in reply to the RFP. It comprises the Response Form, the Respondent’s bid, financial and pricing information, and all other information submitted by a Respondent. |
| **Proposal Validity Period** | The period when a Proposal is held open by the Applicant for acceptance by EECA. |
| **Proposed Funding Agreement** | The Funding Agreement terms and conditions proposed by EECA for the delivery of the Project as described or referred to in Section 6. |
| **Public Service Departments** | As defined by the State Services Commission, see [https://ssc.govt.nz/assets/A-Guide-to-New-Zealands-State-](https://ssc.govt.nz/assets/A-Guide-to-New-Zealands-State-Sector-Agencies.pdf) [Sector-Agencies.pdf](https://ssc.govt.nz/assets/A-Guide-to-New-Zealands-State-Sector-Agencies.pdf) |
| **Recipient** | The Successful Applicant that enters into a Funding Agreement with EECA. |
| **Response Form** | The form and declaration prescribed by EECA and used by the Applicant to respond to the RFP. |
| **RFP** | Means the Request for Proposals; The RFP comprises this RFP document, the Response Form, the Proposed Funding Agreement, and any other information provided through EECA’s Point of Contact or the EECA website. |
| **Statutory Crown Entities** | As defined by the State Services Commission, see [https://ssc.govt.nz/assets/A-Guide-to-New-Zealands-State-](https://ssc.govt.nz/assets/A-Guide-to-New-Zealands-State-Sector-Agencies.pdf) [Sector-Agencies.pdf](https://ssc.govt.nz/assets/A-Guide-to-New-Zealands-State-Sector-Agencies.pdf) |
| **State Highway** | A state highway is a road that is declared to be a state highway under section 11 of the National Roads Act 1953, section 60 of the Government Roading Powers Act 1989, or under section 103 of the Land Transport Management Act 2003. |
| **Successful Applicant** | An Applicant whose Proposal is determined by the EECA Delegated Authority to conditionally receive funding. |
| **Total Charging Capability** | The number of chargers times the theoretical maximum charge capability of the chargers. To make this clear, three chargers, each with a capacity of 150Kw will have a Total Charging Capability of 450Kw. |