



AFP

AUSTRALIAN FEDERAL POLICE

TENDER EVALUATION PLAN
FOR
The supply of Semi-Automatic Rifle
Platforms

RFT 3-2022

THIS DOCUMENT IS RELEASED
BY THE AUSTRALIAN FEDERAL POLICE UNDER THE
FREEDOM OF INFORMATION ACT 1982 (CTH)

CONTENTS

1.	ENDORSEMENT BY EVALUATION TEAM	1
2.	EVALUATION PLAN APPROVAL	2
3.	Background	3
	Purpose of Evaluation Plan	3
4.	Evaluation Timetable	3
5.	Governance	4
	Membership	5
	Evaluation Process	5
6.	Roles and Responsibilities	5
	Delegate	5
	Central Procurement Services (CPS)	5
	Evaluation Committee Chair (EC Chair)	6
	Evaluation Committee (EC)	6
	Evaluation Working Groups (EWGs)	7
	Technical EWG (TEWG)	8
	Commercial EWG (CEWG)	9
	Evaluation Team (ET) Member Replacement/Additions	10
7.	Skills	10
	Preparation	10
8.	Other Advisor Roles	11
	Probity Advisor and Plan	11
	Legal Advisor	12
	Procurement Advisor	12
	Subject Matter Expert Advice	12
9.	Guiding Principles	13
	Process	13
	Adherence to Evaluation Criteria	13
	Ethics and Fair Dealing	13
	Accountability and Transparency	14
	Gifts and Entertainment	14
10.	Probity	14
	Conflicts of Interest	14
	Communication	15
	Confidentiality	15
	Security	16

11.	Evaluation - Overview	16
	Process Overview	16
12.	Receipt and Registration of Tenders	17
	Lodgement	17
	Late Tenders	17
	Electronic Tender Box Management	18
	Registration of Tenders	18
	Security of Tenders	18
13.	Stage 1 – Initial Screening of Tenders	19
	Conditions for Participation	19
	Minimum Content and Format Requirements	19
	Unintentional Errors of Form	19
	Incomplete Tenders	20
	Essential Requirements	20
	Notifications	20
14.	Stage 2 – Detailed Evaluations (including Examination and Field Testing Activity)	20
	Weighted Evaluation Criteria	21
	Unweighted evaluation criteria	22
	TEWG – Assessment of the Weighted Evaluation Criteria	22
	CEWG – Assessment of the Weighted Evaluation Criteria	23
	Scoring Method for Weighted Evaluation Criteria	23
	TEWG – Assessment of the Non-weighted Evaluation Criteria	24
	CEWG – Assessment of the Non-weighted Evaluation Criteria	25
	Price Assessment	25
	Examinations, Testing, Site Visits, Referee Checks, and Presentations	26
	Interviews and Presentations	26
	Referee checks	27
	Offer Definition and Improvement Activities (ODIA)	27
	Best and Final Offer (BAFO)	28
	Clarifications	28
	Value for Money and Risk Assessment	29
	<i>Value for Money</i>	29
	<i>Assessment of Risk</i>	30
	Selection of the Preferred Tenderer(s) and Finalising the Tender Evaluation Report	30
	<i>Tender Evaluation Report</i>	30
15.	Step 3 - Negotiations and Contract Execution	32
	<i>Notification and Debriefing</i>	32
	SCHEDULE 1 - RISK ASSESSMENT	33
	SCHEDULE 2 - FORM OF CONFLICT OF INTEREST DECLARATION	34

THIS DOCUMENT IS RELEASED
BY THE AUSTRALIAN FEDERAL POLICE UNDER THE
FREEDOM OF INFORMATION ACT 1982 (CTH)

Contact Officer: AFP-RFT@afp.gov.au

Tender Closing Time and Date: 11:00 am (Canberra ACT Time) on 27 January 2022

Estimated Value: \$1,500,000.00 (GST inclusive)

1. ENDORSEMENT BY EVALUATION TEAM¹

- I have read and agree to the terms and conditions of the Evaluation Plan.
- I have signed a Conflict of Interest Declaration stating any actual, perceived or potential conflicts of interest and will inform the Chair of the Evaluation Committee (EC) if a conflict arises during the evaluation process.
- I acknowledge and agree to the evaluation processes as outlined in this Evaluation Plan.

Name	Position	Date	Signature
s 47E(c) A/Sergeant, Specialist Operations, (SO), Specialist Protective Command (SPC)	EC Chair & Technical Evaluation Working Group (TEWG) Lead	21/02/22	s 47E(d)
s 47E(c) Tactical Response Team (TRT), SO, SPC	EC Member & TEWG Member	21/02/22	
s 47E(c) TRT, SO, SPC	EC Member & TEWG Member	22/02/22	
s 47E(c) A/Team Leader, Firearms Identification and Armoury Team (FIAT), Operational Science and Technology (OS&T)	TEWG Member	22/2/22	
s 47E(c) Training Skills and Support (TS&S), Learning and Development Command (L&DC)	TEWG Member	21/02/22	
s 47F(1) Procurement Specialist, Terrace Services (Contractor)	Commercial Evaluation Working Group (CEWG) Lead	18 Feb 22	s 47F(1)

¹ Note – additional TEWG members to be added when confirmed by AFP SO and will be appointed to the ET in writing by the EC Chair as per the process set out in **clauses 6.20 and 6.21**.

Name	Position	Date	Signature
s 47F(1) Procurement Specialist, Terrace Services (Contractor)	CEWG Member	18 Feb 22	s 47F(1)

Table 1: Evaluation Team

2. EVALUATION PLAN APPROVAL

I am satisfied that the arrangements detailed in this document comply with the requirements of the *Public Governance, Performance and Accountability Act 2013* and meet all relevant requirements of the *Commonwealth Procurement Rules* and I approve the selection methodology, assessment criteria, weightings and membership of the Evaluation Committee.

APPROVED / NOT APPROVED

Delegate Name: Alison WEGG

Delegate Title: Commander SO

Business Area: SPC

Signature

s 47E(c)

Date..... February 2022.

THIS DOCUMENT IS RELEASED BY THE AUSTRALIAN FEDERAL POLICE UNDER THE FREEDOM OF INFORMATION ACT 1982 (CTH)

3. Background

Purpose of Evaluation Plan

- 3.1. The purpose of this Evaluation Plan is to document the evaluation approach that will be adopted by AFP officers and advisors involved in the evaluation of Tenders submitted in response to Request for Tender (RFT) 3-2022 issued by the Australian Federal Police (AFP) for the engagement of a suitably qualified and experienced Service Provider/s for the supply of Semi-Automatic Rifle Platforms and associated services.
- 3.2. The method of procurement being employed is an Open Tender and the RFT was advertised on AusTender on 17 November 2021. This approach has been approved in the Spending Proposal – Supply of Semi-Auto Rifle Platforms, by the (then) Delegate (Linda Champion, SPC SPS AFP4653) on 18 March 2021 (Procurement ID 20210238).
- 3.3. The evaluation is intended to commence in February 2022 and take approximately 7 to 8 months to complete, inclusive of detailed examination and field testing activities.
- 3.4. The AFP intends to establish a panel of service providers through deed of standing offer arrangements. The proposed panel will comprise three categories – one category for each of the three types of Semi-Automatic Rifle Platforms required.

4. Evaluation Timetable

- 4.1. An indicative timetable for the conduct of the tender process is as described below.

EVENT/ACTIVITY	PROPOSED DATE
Issue date	17 November 2021
Closing Time and Date for Tenders	11:00 am 27 January 2022
Tenders screened against Initial Screening Requirements	February 2022
Tenderer(s) notified of invitation to participate in any Examination and Field Testing Activity	February 2022
Tenderer(s) notified if they did not pass Initial Screening Requirements	February 2022
Detailed evaluations and Examination and Field Testing Activity	March to October 2022 <i>Note: Examination and Field Testing Activity to be conducted August to October 2022</i>

EVENT/ACTIVITY	PROPOSED DATE
Preferred Tenderer(s) notified of invitation to participate in deed negotiations	October 2022
Deed Negotiations with Preferred Tenderer(s)	Type text here November 2022
Tenderer(s) notified and deed of standing offer arrangement(s) established	1 February 2023
Unsuccessful Tenderer(s) notified of evaluation outcome	February 2023
Initial Official Order signed	1 February 2023

Table 2: Evaluation Timeframe

5. Governance

5.1. Figure 1 below provides an overview of the governance structure for the RFT process.

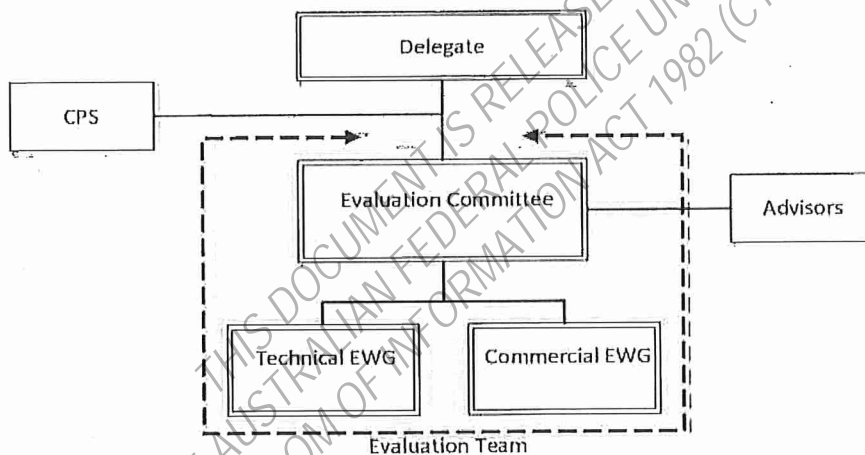


Figure 1 - Evaluation Team Structure

- 5.2. An Evaluation Team (ET) comprising an Evaluation Committee (EC) and two Evaluation Working Groups (EWGs) has been selected to conduct the RFT evaluation process. The EWGs will assist the EC to conduct the detailed evaluation of Tenders and report their findings to the EC. The EC will consider, amongst other things, the findings presented by the EWGs and will then produce a Tender Evaluation Report.
- 5.3. Once the Tender Evaluation Report and its recommendation(s) are agreed and finalised by the EC, the Chair will submit the Tender Evaluation Report to Central Procurement Services (CPS) for governance review/clearance. It will then be submitted to the

external Probity Advisor for probity review and comment prior to the being signed by the members of the EC².

- 5.4. Following those reviews the Chair will obtain the signature^{18 Feb 22} of all EC members on the Evaluation Report, the Chair will then submit the Evaluation Report to the Delegate for consideration.
- 5.5. In considering the Evaluation Report the Delegate may seek further information and clarification from the Chair of the EC and/or Subject Matter Expert (SME) advisors, if necessary.
- 5.6. After consideration of the Evaluation Report the Delegate will either approve the Evaluation Report or make an alternative decision.

Membership

- 5.7. The ET members are listed at **clause 1**.

Evaluation Process

- 5.8. The evaluation process is set out in **clause 11**.

6. Roles and Responsibilities

Delegate

- 6.1. The Delegate is responsible for making decisions in relation to the outcome of the procurement process including (without limitation):
 - a. whether to approve the recommendation(s) of the Tender Evaluation Report;
 - b. whether to terminate or suspend the procurement process; and
 - c. any other significant issues where the EC seeks the Delegate's input.
- 6.2. The Delegate, in deciding, may seek information or advice from the EC and/or other Advisors set out in clause 8 of this Evaluation Plan.

Central Procurement Services (CPS)

- 6.3. CPS will undertake a governance review of the Tender Evaluation Report (including provision of formal CPS clearance) prior to the probity review (unless otherwise agreed by CPS), the Tender Evaluation Report being finalised and submitted to the Delegate for consideration.

² Note: Subject to agreement by CPS, the TER may be reviewed by the Probity Advisor prior to or concurrently with CPS.

Evaluation Committee Chair (EC Chair)

6.4. The EC Chair is responsible for:

- a. determining whether any Tenders are to be set aside from further participation or consideration (if identified during Stage 1 - Initial Screening);
- b. chairing all meetings of the EC;
- c. approving correspondence with Tenderers (other than addenda during the RFT process) for transmission through the Contact Officer;
- d. approving changes to the membership of the ET (other than the EC chair) – refer to **clauses 6.20 and 6.21**.
- e. seeking advice where necessary from advisors on matters relevant to evaluation deliberations;
- f. ensuring the evaluation process complies with the EP;
- g. ensuring that the ET maintains the highest standards of probity and official conduct; and
- h. ensuring that appropriate records are kept of all EC deliberations and recommendations.

6.5. Where appropriate, the EC Chair may delegate authority to other members of the EC in a manner consistent with this EP.

Evaluation Committee (EC)

6.6. The EC is responsible for conducting or overseeing evaluation activities and assessing the value for money (VFM) presented by each Tender up to the point where the Delegate decides to either accept or reject the EC recommendations.

6.7. The EC is responsible for:

- a. determining whether any Tenders be set aside from further participation or consideration at any time during the evaluation process (if required) or shortlisted in accordance with the RFT;
- b. undertaking/supervising further investigations, interviews, referee checks or presentations as required;
- c. drafting the Tender Evaluation Report detailing the findings of the evaluation and making a recommendation regarding the successful Tenderer(s) and/or further action for consideration by the Delegate;
- d. providing the RFT Draft Tender Evaluation Report and coordinating with CPS regarding the conduct of the CPS governance review and the external Probity Advisor for probity review;

- e. obtaining the signature of all EC members on the final Evaluation Report;
 - f. submitting the final Tender Evaluation Report to the Delegate for consideration;
 - g. assisting the Delegate with any further enquiries regarding the evaluation of the report; and
 - h. debriefing the successful and unsuccessful Tenderers.
- 6.8. The EC may seek any information or advice as required from the EWGs or other advisors at any time during the evaluation process.
- 6.9. Decisions of the EC will be made by way of a simple majority, with the EC Chair having a casting vote where necessary (i.e. unanimity is not necessary, even for significant decisions). Where unanimity cannot be achieved, dissenting views will be detailed in the Tender Evaluation Report.
- 6.10. The EC comprises the following members:

Role	Name
EC Chair (Ongoing AFP appointee)	§ 47E(c) A/Sergeant, SO, SPC
EC Member 1	§ 47E(c) TRT, SO, SPC
EC Member 2	§ 47E(c) TRT, SO, SPC

Table 3 - Evaluation Committee

Evaluation Working Groups (EWGs)

- 6.11. The EWGs are responsible for assisting the EC in evaluating Tenders against the evaluation criteria (or specific components of the evaluation criteria) set out in the RFT. Each EWG will report its findings to the EC for consideration. The two EWGs are:
- a. Technical EWG (TEWG); and
 - b. Commercial EWG (CEWG).
- 6.12. Each EWG will operate independently and will make its assessment as a team.
- 6.13. Decisions of each EWG will be made by way of a simple majority, with the each EWG Lead having a casting vote where necessary (i.e., unanimity is not necessary, even for significant decisions). Where unanimity cannot be achieved, dissenting views will be detailed in the Tender Evaluation Report.
- 6.14. Each member of each EWG is responsible for considering the relevant sections of each Tender independently prior to convening as a group. EWG members must not discuss the tenders with anyone outside of the ET, without prior approval of the EC Chair.

6.15. The EWGs will present their assessments to the EC in the form of an EWG Report for the EC's consideration and for inclusion as attachments to the Tender Evaluation Report.

Technical EWG (TEWG)

6.16. The TEWG will:

- a. Conduct the evaluation of Tenders against the following evaluation criteria:



- b. Conduct and evaluate the Examination and Field Testing activities.
- c. Assess risk in accordance with **clause 14.59**.
- d. Prepare evaluation workbooks to record evaluation input including narratives and a summary detailing the findings of the evaluation of the Tenders against the evaluation criteria noted above, including an agreed score for each weighted criterion/component of a weighted criterion (as applicable) and any dissenting scores (if applicable).
- e. Prepare a EWG Report summarising the EWG findings and evaluations of Tenders for the EC's consideration and inclusion in the Tender Evaluation Report.

- f. Prepare clarification questions relating to issues and conduct referee checks with the approval of the EC as required.
- g. If required, participate in debriefing the unsuccessful Tenderers.

6.17. The TEWG membership is set out in the following table.

Name/Position	Role
§ 47E(c) A/Sergeant, SO, SPC	TEWG Lead
§ 47E(c) TRT, SO, SPC	Member
§ 47E(c) TRT, SO, SPS	Member
§ 47E(c) A/Team Leader, FIAT, OS&T	Member
§ 47E(c) TS&S, L&DC	Member

Table 4: TEWG Membership

Commercial EWG (CEWG)

6.18. The CEWG will:

- a. Conduct the evaluation of Tenders against the following evaluation criteria:
 - 1) Unweighted Evaluation Criterion – the suitability and quality of Tenderer's proposed contract management approach (note: Support component is evaluated by the TEWG);
 - 2) Unweighted Evaluation Criterion – compliance with the requirements of the RFT and the Draft Agreement;
 - 3) Unweighted Evaluation Criterion – Tenderer's work health and safety processes;
 - 4) Unweighted Evaluation Criterion – Tender price;
 - 5) Unweighted Evaluation Criterion – Financial viability; and
 - 6) Unweighted Evaluation Criterion – overall risk as identified from other types of checks including security, integrity or probity undertaken at the discretion of the AFP.
- b. Assess risk in accordance with **clause 14.59**.
- c. Prepare a EWG Report summarising the findings of the evaluation of the Tenders against the evaluation criteria and other factors noted above, including any dissenting views (if relevant) for the EC's consideration and inclusion in the Tender Evaluation Report.

- d. Prepare clarification questions relating to issues and conduct referee checks with the approval Tender Evaluation Report of the EC as required.
- e. If required, participate in debriefing the unsuccessful Tenderers.

6.19. The CEWG membership is set out in the following table.

Name	Role
§ 47F(1) Procurement Specialist, Terrace Services (Contractor)	CEWG Lead
§ 47F(1) Procurement Specialist, Terrace Services (Contractor)	CEWG Member

Table 5: CEWG Membership

Evaluation Team (ET) Member Replacement/Additions

- 6.20. In the event that any member of the ET is unable to continue to be part of the evaluation process (for whatever reason) the EC Chair will decide in writing whether to replace that person and if so, the EC Chair will determine in writing a suitable replacement. In the event the EC Chair becomes unavailable the Delegate will appoint a replacement.
- 6.21. In the event additional members of the TEWG are required due to Examination and Testing activities, the EC Chair will decide in writing whether to add additional persons and if so, the EC Chair will determine in writing a suitable member. In the event the EC Chair becomes unavailable the Delegate will appoint a member.

7. Skills

Preparation

- 7.1. All members of the ET and other participants and advisors involved in the evaluation must be fully prepared for the evaluation process.
- 7.2. In order to ensure a defensible and well prepared approach to the evaluation, the ET and other participants and advisors involved in the evaluation must, as a minimum:
 - a. read and understand the RFT;
 - b. understand the relationship between the Tender evaluation criteria and the Tender requirements in the RFT; and
 - c. understand (as relevant to them) the evaluation processes outlined in this Evaluation Plan.
- 7.3. In addition, the ET and all other participants and advisors involved in the evaluation process, must be fully aware of, and comply with, all requirements of the Commonwealth Procurement Rules (CPRs), as updated from time to time, available at www.finance.gov.au with

respect to ethics and fair dealing with parties (Tenderers) submitting, or invited to submit Tenders.

8. Other Advisor Roles

8.1. The ET will be supported by the following subject matter experts, working groups and professionals:

Role	Name
Probity Advisor	§ 47E(d)
Legal Advisor	
Procurement Advisor	§ 47F(1)
SME/Technical	SPC SME's as required

Table 6: Advisors

Probity Advisor and Plan

- 8.2. Sparke Helmore Lawyers has been engaged as independent Probity Advisor, by AFP Legal to provide Probity Advisory services.
- 8.3. A Probity Plan has not been prepared for this procurement activity.
- 8.4. All probity issues that may arise during the evaluation must be referred to the Probity Advisor through the EC Chair or their nominated representative.
- 8.5. If the probity issue relates to the EC Chair, it must be referred to the Probity advisor through the Delegate.
- 8.6. The Probity Advisor will provide advice to the ET on probity matters to assist the ET in order to ensure that all Tenders are evaluated fairly, consistently and transparently. The Probity Advisor will report to the EC Chair or nominated representative. The Probity Advisor will also provide, when called upon advice to support the ET's capability and functional assessments but will not be involved in actual evaluation assessment activity.
- 8.7. The Probity Advisor, in consultation with the EC Chair and Delegate, may refer a probity matter to a Technical or Specialist Advisor where the matter relates to that advisor's subject matter expertise.
- 8.8. The Probity Advisor will review the Draft Tender Evaluation Report prior to signature by EC members, to comment on the extent to which the Evaluation Report provides a defensible basis for the Delegate's decision.
- 8.9. All referrals to and correspondence with the Probity Advisor in relation to the tender process be via AFP Legal.

Legal Advisor

- 8.10. AFP Legal and HWL Ebsworth Lawyers have been engaged as the Legal Advisors for this procurement activity.
- 8.11. The Legal Advisors will assist the ET in relation to legal and regulatory matters and assist the ET in ensuring that the legal aspects of all Tenders (including without limitation compliance with the RFT and Draft Agreement) are analysed consistently, objectively and transparently.
- 8.12. The Legal Advisors will also provide, when called upon, additional knowledge, experience or skills to facilitate the ET's assessments but will not be involved in actual evaluation assessment activity. The Legal Advisors will provide legal advice as and when required to the EC Chair.

Procurement Advisor

- 8.13. A Procurement Advisor has been engaged for this procurement activity and is responsible for:
 - a. ensuring all members of the ET have read this EP;
 - b. where pertinent, ensure all ET members and any Advisors have signed a Conflict of Interest Declaration prior to undertaking their tasks;
 - c. assisting the ET in the coordination and conduct of the RFT evaluation process;
 - d. coordinating correspondence with Tenderers for transmission in accordance with the RFT;
 - e. requesting attendance/seeking advice of Advisors on matters relevant to the RFT evaluation process;
 - f. coordinating any meetings with Tenderers and being responsible for accurately recording notes of the meetings;
 - g. assisting the EWGs and the EC in the preparation of the EWG Reports and Tender Evaluation Report, as required; and
 - h. submitting the Tender Evaluation Report for reviews, endorsements and to the approving Delegate.

Subject Matter Expert Advice

- 8.14. Subject Matter Expert (SME) advisors from AFP business areas or contracted service provider organisations may be called upon to provide 'as required' additional knowledge, experience or skills to facilitate the ET's assessments.
- 8.15. In particular, SME advisors may be invited to participate in any Examination and Field Testing activities to provide technical advice/input on the evaluation of the Tendered products based on their experience and current organisational role.

- 8.16. Any SME advisor must agree to abide by any confidentiality and conflict of interests as may be applicable to them.

9. Guiding Principles

Process

- 9.1. The evaluation must be conducted in a systematic way using a structured process to identify the Tender(s) which:
- a. best satisfy the requirements specified in the RFT;
 - b. comply with current Commonwealth procurement policies; and
 - c. provide the best value for money for the AFP.

Adherence to Evaluation Criteria

- 9.2. In conducting the evaluation of the Tenders, the ET **must** adhere to the evaluation criteria and weightings set out in the RFT.

Ethics and Fair Dealing

- 9.3. It is essential that a climate of ethics and fair dealing is established from the start of the evaluation process. The CPRs provide that a specific aspect of ethical behaviour relevant to procurement is an overarching obligation to treat all Tenderers as equitably as possible. Tenderers are entitled to have their Tenders assessed ethically and fairly and for this to be seen to have been done. The following are critical to ensuring that this is achieved:

- a. recognising and dealing with any conflicts of interest, including perceived conflicts of interest;
- b. dealing with Tenderers ethically and consistently;
- c. seeking advice where probity issues arise;
- d. not accepting gifts or benefits e.g., hospitality;
- e. being scrupulous in the use of public property; and
- f. complying with all duties and obligations in:
 - 1) *Commissioner's Orders*;
 - 2) where applicable, the *Commissioner's Order on Professional Standards (CO2)*.
 - 3) the Australian Privacy Principles of the *Privacy Act 1988*; and
 - 4) the security provisions of the *Crimes Act 1914*.

- 9.4. The ET and officers and advisors involved in the evaluation process must demonstrate complete impartiality to, and equitable treatment of, all Tenderers. A structured, objective, evaluation

process applying a consistent methodology to all Tenders will enable this to be achieved.

Accountability and Transparency

- 9.5. The CPRs provide that the AFP and its officials have the responsibility of ensuring that the procurement process is open and transparent and that procurement related actions are documented, defensible and substantiated in accordance with legislation and Government policy.
- 9.6. A well planned, well-conducted and documented procurement process, which accords with Government policy, is more likely to withstand external scrutiny.
- 9.7. The full evaluation process must provide a clear audit trail to:
 - a. ensure that the process is fully documented;
 - b. demonstrate that ET Members have acted objectively and logically; and
 - c. substantiate the basis for the recommendations in the Tender Evaluation Report.

Gifts and Entertainment

- 9.8. ET Members must not solicit or accept gifts or entertainment from Tenderers throughout the tender process.
- 9.9. Any such offer of gifts or entertainment must be reported to the EC Chair or the Delegate immediately.

10. Probity

Conflicts of Interest

- 10.1. All persons involved in the Tender process (relevant persons) including:
 - a. members of the ET;
 - b. the Delegate;
 - c. AFP personnel; and
 - d. participants and advisors to the AFP including probity and technical/specialist advisors (**clause 8**) must declare to the EC Chair at the outset of the evaluation process, or as soon as it arises, any existing or potential conflict of interest.
- 10.2. ET Members must update their existing conflict of interest declarations prior to undertaking the evaluation. Conflict of interest declarations must be in the form outlined in **Schedule 2**.
- 10.3. A perceived or actual conflict of interest will exist if:

- a. through any current or proposed future dealings or relationships with a Tenderer or any related body, a relevant person or their family stands to gain a benefit or advantage from the outcome of the evaluation process; or
 - b. there is any other reason why a relevant person may not deal with a Tender or a Tenderer in an objective manner.
- 10.4. Where a conflict of interest is or may exist, a written declaration of that conflict must be made to the EC Chair.
- 10.5. On receipt of a declaration of an actual or potential conflict of interest, the EC Chair must decide in consultation with the Probity Advisor (if applicable) on the course of action to be taken to resolve the matter. If, in the opinion of the EC Chair in consultation with the Probity Advisor, the conflict of interest is not able to be resolved, the person in relation to whom the conflict exists must be excluded from the RFT process.

Communication

- 10.6. All communications with Tenderers prior to registration of Tenders must be through the Contact Officer named in the RFT who is:

RFT 3-2022 Contact Officer
AFP-RFT@afp.gov.au

- 10.7. After the tender has closed all communication with Tenderers is to be formally controlled and coordinated by the EC Chair, with such assistance from the Legal Advisors and Probity Advisor as may be required.

Confidentiality

- 10.8. Tenders must be treated as confidential. The Tender evaluation and the content of Tenders should not be discussed in public locations or with any person who is not part of the Tender evaluation (including ET Members, the Delegate or Other Advisors (**clause 8**)). Any disclosure of information relating to the Tender to parties outside those involved with the evaluation should be undertaken on a "need to know basis".
- 10.9. Hard copy Tenders and associated documentation must be kept in files as Commercial and Confidence and marked "OFFICIAL: Sensitive". Hard copy Tenders must be kept in locked cabinets and not left unattended. Only officers involved with the Tender process should have access to the files. Particular care should be taken with information relating to Tenderer's pricing and financial viability information.
- 10.10. No discussion must occur with any person outside of the ET, the Delegate or other advisors regarding any aspect of the Tenders or the evaluation process without the relevant authorisation from the EC Chair or the Delegate. Any breaches or potential breaches of security or confidentiality must be reported immediately to the EC

Chair so that appropriate remedial action can be taken to protect the integrity of the procurement.

Security

10.11. All documentation in relation to the evaluation process (including all Tenders, notes and the Tender Evaluation Report) must be secured after any meetings of the EWGs and/or EC. Any deviation from the agreed security arrangements must be approved in writing by the EC Chair and cannot compromise the confidentiality requirements detailed in **clauses 10.8 to 10.10** of this Evaluation Plan.

11. Evaluation - Overview

Process Overview

11.1. The evaluation process will be conducted as follows. In the event of any inconsistency between the evaluation process as described in this **clause 11**, and as specified in Part 1.5 and Part 3 of the RFT, Part 1.5 and Part 3 of the RFT will prevail.

Receipt and Registration of Responses

Stage 1 – Initial Screening

- Step 1 - Initial Screening to determine whether a Tenderer meets Initial Screening Requirements.
- Step 2 – Invitation to participate in any Examination and Field Testing Activity, subject to meeting requirements in Step 4.
- Step 3 – Notification to Tenderers who did not pass Initial Screening and that they will not proceed to Stage 2.

Stage 2 – Detailed Evaluations (including Examination and Field Testing Activity)

- Step 4 - Tenderer(s) who execute the Examination and Field Testing Activity Deed (substantially non-negotiable), and otherwise meet the requirements of that Deed (refer to clause 2.15.3(b) of the RFT) will proceed to the Examination and Field Testing Activity.
- Step 5 - Tenderer(s) deliver Tendered Semi-Automatic Rifle Platform(s) to the AFP for detailed evaluation within specified timeframe.

AFP conducts the Examination and Field Testing Activity (approx. 3 months) and detailed evaluation activities.

- Step 6 - Based on the outcomes of the detailed evaluation and Examination and Field Testing Activity,

the AFP may nominate a Preferred Tenderer(s) to undertake negotiations.

Stage 3 – Negotiations and Contract Execution

- Step 7 – Negotiation with Preferred Tenderer(s).
- Step 8 – The AFP will notify Tenderers of the outcome of the RFT process and will execute deed of standing offer arrangement(s) with successful Tenderer(s).
- Step 9 – The AFP will execute Official Order(s) under the relevant deed of standing offer for the purchase of Goods and Services when required.

11.2. The evaluation stages may overlap.

11.3. Tenderers may be shortlisted at any time during the evaluation.

12. Receipt and Registration of Tenders

Lodgement

- 12.1. Tenders must be lodged electronically via the Australian Government Tender System, AusTender, at <https://www.tenders.gov.au> before 11:00 am (Canberra ACT Time) on 27 January 2022, the Closing Time.
- 12.2. For Tenders submitted electronically, the time displayed on AusTender is deemed to be the correct time and will be the means by which the AFP will determine that Tenders have been lodged by the Closing Time.
- 12.3. Tenders submitted by hand, fax or email will NOT be accepted.

Late Tenders

- 12.4. Any attempt to lodge a Tender after the Closing Time will not be permitted by AusTender. Such a Tender will be deemed to be a Late Tender.
- 12.5. Where electronic submission of a Tender has commenced prior to the Closing Time but concluded after the Closing Time, and upload of the Tender file/s has completed successfully, as confirmed by AusTender system logs, the Tender will not be deemed to be a Late Tender. Such Tenders will be identified by AusTender to the AFP as having commenced transmission prior to, but completed lodgement after the Closing Time.
- 12.6. Late Tenders, incomplete Tenders, including those with electronic files that cannot be read or decrypted, Tenders which the AFP believes to potentially contain any virus, malicious code or anything else that might compromise the integrity or security of AusTender and/or the AFP's computing environment, will be excluded from evaluation.

Electronic Tender Box Management

- 12.7. The electronic tender box is managed and can only be accessed by CPS.
- 12.8. The electronic tender box (on AusTender) will be managed in the following manner:
- a. All tenders must be lodged electronically through to the electronic tender box on the AusTender website.
 - b. The electronic tender box will not be accessed or opened until after the stated Tender Closing Time and Date.
 - c. The electronic tender box is protected by a passphrase and can only be opened by a member of the CPS team who are registered as either an opener (secretary) or a witness through AusTender.
 - d. Once the Tender Close Time and Date has been reached, and a signed Evaluation Plan has been provided, a member of CPS team will open the electronic tender, and will download the tender responses.
 - e. Tender responses will be saved to the following access-controlled AFPNet folder setup by the EC Chair -



Note: To maintain probity and commercial confidentiality throughout the evaluation process, the EC Chair must setup a Folder File Path for the storage of the Tenders so that access is limited to only ET Members and CPS members (minimum two members). This folder must be setup prior to the Tender Close Time.

Registration of Tenders

- 12.9. AusTender provides an electronic log of all system activities.
- 12.10. When a lodgement has been successfully completed by the Tenderer, an official receipt will be provided on screen to the Tenderer, and a receipt will be automatically dispatched to the email address of the registered user.

Security of Tenders

- 12.11. All Tenders registered must be securely stored with access provided only to members of the ET and other persons duly authorised for Tender evaluation purposes.

13. Stage 1 – Initial Screening of Tenders

- 13.1. Nominated members of the ET will screen Tenders to identify those Tenders or Tenderers which have failed to comply with:
- a. Conditions for Participation as set out in clause 2.1 of the RFT; and
 - b. Minimum Format and Content Requirements as set out in clause 2.2 of the RFT.
- 13.2. The nominated members of the ET will also screen Tenders to identify those which:
- a. contain unintentional errors of form; or
 - b. are incomplete.
- 13.3. Screening is an ongoing process and the EC may decide during the detailed evaluation process that Tenders or Tenderers fall within the categories listed in **clauses 13.1 and 13.2** above.

Conditions for Participation

- 13.4. The CPRs require that any Conditions for Participation which Tenders are required to meet in order to be evaluated by the AFP are to be clearly identified as such in the RFT. Where this has occurred, Tenders must be reviewed to ensure that Tenderers have complied with these requirements.
- 13.5. The EC will exclude Tenders from further consideration which have not complied with all Conditions for Participation identified as such in the RFT.
- 13.6. In the event that the EC is considering excluding a Tender from further consideration, probity advice from the Probity Advisor will be sought prior to this decision being finalised.

Minimum Content and Format Requirements

- 13.7. The CPRs require that any minimum content and format requirements which Tenders are required to meet in order to be evaluated by AFP are to be clearly identified as such in the RFT. Where this has occurred, Tenders must be reviewed to ensure that Tenderers have complied with these requirements.
- 13.8. The EC will (subject to **clause 13.9 to 13.11** below) exclude Tenders from further consideration which have not complied with all minimum content and format requirements identified as such in the RFT.

Unintentional Errors of Form

- 13.9. If the EC considers that there are unintentional errors of form in a Tender, the EC may ask the Tenderer to correct or clarify the error. However, no material alteration or addition to that Tender may be permitted.

13.10. If the EC provides one Tenderer an opportunity to correct an unintentional error of form the same opportunity will be provided to all participating Tenderers.

13.11. Any decision to issue requests for correction or clarification of errors of form should be at the discretion of the EC Chair (if identified during Stage 1) or the EC (if identified later in the evaluation process), and referred to the Probity Advisor for advice prior to issue.

Incomplete Tenders

13.12. Tenders which are incomplete or clearly non-competitive may be excluded from consideration at any time during the evaluation process. The EC may, however, still consider these Tenders and seek clarification if it believes that this is appropriate.

13.13. Any decision to exclude incomplete or non-competitive Tenders should be made by the EC Chair (if identified during Stage 1) or the EC (if identified later in the evaluation process) and must be referred to the Probity Advisor for advice.

Essential Requirements

13.14. The CPRs require that any requirements considered as essential by the AFP were to be clearly identified as such in the Statement of Requirement in the RFT. Where this has occurred, Tenders must be reviewed to ensure that Tenderers have complied with these requirements.

13.15. The EC will exclude Tenders from further consideration that did not comply with all essential requirements identified as such in the Statement of Requirement in the RFT.

Notifications

13.16. The outcome(s) of the initial screening and shortlisting activities will be reported to the Delegate prior to the issue of any invitations to Tenderers to participate in Examination and Field Testing activities.

13.17. Following the Delegate's approval of the report, shortlisted Tenderers will be invited to participate in Examination and Field Testing Activities in accordance with RFT clause 2.15.

13.18. Any Tender that is excluded in accordance with the initial screening and shortlisting report is to be advised of that outcome as soon as possible.

14. Stage 2 – Detailed Evaluations (including Examination and Field Testing Activity)

14.1. Tenderers that have not been excluded from the evaluation at Stage 1 and that have executed the Examination and Field Activity Deed with AFP will progress to Stage 2 – Detailed Evaluation.

- 14.2. Detailed evaluation will be conducted by the TEWG and CEWG with the assistance of the Advisors as identified at **clause 8** of this Evaluation Plan, if required.
- 14.3. The evaluation will include the assessment of Tenders against:
 - a. the weighted evaluation criteria; and
 - b. the unweighted evaluation criteria.
- 14.4. The ET must consider all relevant information for each evaluation criterion provided in each Tender and conduct an objective analysis against each evaluation criterion. In addition, the ET may use material tendered in response to one Evaluation Criteria in the evaluation of other criteria.
- 14.5. The evaluation will be conducted for each Rifle Platform, noting that there may be common Tender information across multiple Rifle Platforms.
- 14.6. The ET may make independent enquiries about any of the matters that may be relevant to the evaluation of any Tender including, but not limited to security, probity, financial and referee checks. If the ET requires any clarification or questions to be issued to the Tenderer, then such clarification should be issues in accordance with **clauses 14.37to14.40**.

Weighted Evaluation Criteria

- 14.7. The table below provides the Weighted Evaluation Criteria (see RFT clause 3.3.7). The Evaluation Breakdown Structure (refer to **Schedule 3**) provides a breakdown of the weightings applying to the underpinning RFT data requests) for the weighted Evaluation Criteria.

Description	RFT Reference	Weighting	EWG
§ 47E(d)			

Table 7: Weighted Evaluation Criteria

- 14.8. Weighted evaluation criteria total 100%.

Unweighted evaluation criteria

14.9. The table below provides the Unweighted Evaluation Criteria (see RFT clause 3.3.8).



Table 8: Unweighted Evaluation Criteria

14.10. Each EWG must consider all relevant information for each evaluation criterion (or component of each evaluation criterion) which they are responsible for assessing and conduct an objective analysis against each evaluation criterion. Where appropriate, the EWGs may use material submitted in response to one evaluation criterion in the evaluation of other evaluation criterion.

TEWG – Assessment of the Weighted Evaluation Criteria

14.11. Each member of the TEWG must score each of the following weighted evaluation criteria for each Tender using the Assessed Scoring Method (refer to **clause 14.14**):



14.12. The TEWG will undertake and/or co-ordinate with AFP SME advisors where applicable, assessments associated with the Examination and Field Activities using the Assessed Scoring Method (refer to **clause 14.14**) except for the Technical Requirements specified at RFT Schedules 5A, 5B and 5C. The Technical Requirements specified at RFT Schedules 5A, 5B and 5C will utilise a 'pass/fail' scoring method to validate the Tenderer's self-assessment. Following the completion of Examination and Field Activities, the TEWG may update if required, the "Ability to Deliver" score.

CEWG – Assessment of the Weighted Evaluation Criteria

14.13. Each member of the CEWG must score the following weighted evaluation criteria for each Tender using the Assessed Scoring Method (refer to **clause 14.14**):

- a. Support and Contract Management - drawing on Schedule 6 - Support and Contract Management (note: only the contract management component (i.e. Customer Service and Contract Administration and Reporting) as the support component is evaluated by the TEWG).

Scoring Method for Weighted Evaluation Criteria

14.14. Each TEWG and CEWG members are required to score each Tender for each Weighted Evaluation Criterion using the Assessed Scoring Method (refer to **Table 9**). Each member will record the reasons for the scores they have awarded against each of the criteria.

14.15. Weightings will then be applied to each score in accordance with those specified in **clause 14.9**. The table below provides a rating scale of scores which must be used to score the applicable Weighted Evaluation Criteria. The rating scale also provides commentary to assist members of the EWG to remain objective in applying scoring for the weighted evaluation criteria.

14.16. The EWGs will meet to discuss scores with particular reference to any major differences in the assessment by individual EWG members. Where there is a discrepancy in scores, the EWGs may moderate their scores having regard to reasons/ arguments presented by other EWG members. Any dissenting views will be recorded.

14.17. Following the moderation of scores by the EWG members all final scores assigned by each EWG member will be added and averaged to generate an overall score for each Weighted Evaluation Criterion, for each Tender. These scores will then be multiplied by the applicable weighting factor and the results aggregated to arrive at a numerical rating of technical worth for each Tenderer.

14.18. The descriptions in the Tender column are intended to act only as guidance on assessing ratings. They are not intended to be wholly

exclusive of the issues to be taken into account, nor to be applied literally.



TEWG – Assessment of the Non-weighted Evaluation Criteria

14.19. Each member of the TEWG must assess each of the following Unweighted Evaluation Criteria for each Tender:



14.20. The TEWG must assess each Tender to identify and assess the risks and issues. Due to the nature of the assessment, the Tenderers

shall not be weighted or scored. Instead, Tenderers will be ranked in order of the overall risk level.

CEWG – Assessment of the Non-weighted Evaluation Criteria

14.21. The CEWG (or SME Advisor as applicable) must assess each of the following Unweighted Evaluation Criteria for each Tender:



14.22. The CEWG must assess each Tender to identify and assess the risks and issues. Due to the nature of the assessment, the Tenderers shall not be weighted or scored. Instead, Tenderers will be ranked in order of the overall risk level.

14.23. The risk assessment will be conducted in accordance with the process in **Schedule 1**.

Price Assessment

14.24. The Tender Price (RFT Schedule 12) for each Tenderer will be evaluated as follows:

- a. The CEWG must assess each Tender and calculate the estimate Total Price for each Category based on the quantities included in the RFT Statement of Requirement (SOR) for each Tenderer.
- b. Due to the nature of the pricing, the Tenderers' pricing shall not be weighted or scored. Instead, Tenderers will be ranked in order of the Total Tender Price for each Category.

14.25. In determining the Total Tender Price, the CEWG will ensure the calculation methodology used:

- a. is applied equally to all Tenderers;
- b. is impartial, fair and equitable to all Tenderers;
- c. does not advantage one Tenderer over another; and
- d. enables a balanced comparison of Total Tender Prices.

14.26. If considered necessary, the CEWG may adjust tendered prices in order to establish a common basis for the comparison of Tenders. Such adjustments may include but are not limited to:

- a. cost of administration of a contract;
 - b. any assumptions or other caveats attaching to the offered prices;
 - c. include any AFP Retained Expenses or any other costs that may arise from selecting a particular Tenderer;
 - d. adjustment for errors;
 - e. analysis of risks related to a Tender; and
 - f. other costs, if any, or financial impacts on the Commonwealth that may arise from appointing a particular Tenderer.
- 14.27. In addition, a comparative assessment will be performed for unit pricing components of the Tender Price Response across each of the Tenderers. To facilitate this the EC may prepare a spreadsheet to allow easy comparison of the fees proposed by each of the Tenderers.
- 14.28. The assessment of price in achieving value for money to the AFP will take into account whether the price offered is reflective of the Evaluation Criteria.

Examinations, Testing, Site Visits, Referee Checks, and Presentations

- 14.29. Further evaluation activities may be undertaken by the EC. This may involve:
- a. examination and/or testing activities of the proposed product or service;
 - b. a site visit to a Tenderer's premises;
 - c. conducting referee or other checks determined by the EC or EWG (with the EC's approval) as necessary; and/or
 - d. receipt of a presentation by the Tenderer in accordance with clause 2.14 of the RFT.
- 14.30. The results of any examination, testing activities, inspection, demonstration, site visit and/or presentation may be used to confirm, adjust or moderate the assessments/scores given against the evaluation criteria.
- 14.31. The information received from any referee will be included in the Tender Evaluation Report.

Interviews and Presentations

- 14.32. The EC may conduct interviews or presentations as part of the evaluation process. Prior to an interview or presentations being conducted, an agreed list of questions must be established,

decisions made about which questions will be transmitted to Tenderers, and which will be asked directly to those Tenderers at their interviews.

- 14.33. The intent of any presentation or interview must be to clarify the content of a Tender, and should not be used to alter or modify any Tender.
- 14.34. Subsequent to interviews, further discussions within the EC may take place to achieve broad consensus and finalise scoring.

Referee checks

- 14.35. Referee reports may be sought orally or in writing (that is, via telephone or email).
- 14.36. Referee checks may be conducted by the EC or EWG (with the EC's approval) at any stage of the evaluation process.
- 14.37. Referee checks should be conducted in a manner that is fair and consistent. Where possible, the same number of referees should be approached for each Tenderer.
- 14.38. Where possible, questions will be agreed prior to the request for a referee report being made, with the same questions being replicated in all referee requests, unless there is a specific issue relevant only to one Tenderer.
- 14.39. Seeking referee reports should involve two members of the EC or EWG (with the EC's approval).
- 14.40. Detailed records must be kept of all questions asked and responses provided and should be referred or enclosed to in the Tender Evaluation Report.

Offer Definition and Improvement Activities (ODIA)

- 14.41. The EC may decide (if required) to invite some or all Tenderers to undertake an offer definition and improvement process (Offer Definition and Improvement Activities (ODIA)) to, in accordance with RFT clause 2.27.6:
- a. further define or refine aspects of one or more Tenderers' offers; and/or
 - b. ensure, to the maximum extent practicable, all critical issues and risks relating to the proposed Service (including terms and conditions of the Draft Deed of Standing Offer) are resolved.
- 14.42. An ODIA may be appropriate in circumstances where:
- a. the EC requires further information in order to properly assess Tenders;
 - b. Tenders appear to be of a high quality with one or more significant exceptions; and

- c. ODIAs should only be undertaken with Tenderers that seem genuinely competitive.

14.43. In addition to:

- a. physical inspections, demonstrations, referee checks, and presentations; and/or
- b. clarifications;
- c. the ODIA may include:
- d. information sessions to be conducted by the AFP;
- e. the conduct of risk reduction workshops; and
- f. the provision of revised offers.

14.44. Any outcomes of the ODIA process are to be evaluated in a consistent manner.

Best and Final Offer (BAFO)

14.45. Seeking a BAFO may be appropriate to distinguish between two competitive tenders of very similar merit or where pricing is not considered to represent the best possible VFM.

14.46. A request for a BAFO must be:

- a. in writing;
- b. approved by the EC Chair; and
- c. issued in accordance with the RFT.

14.47. The BAFO request must state the information required and the date and time in which the BAFO must be returned. BAFOs submitted after this date and time may or may not be accepted at the EC's discretion after seeking advice from the Probity Adviser.

14.48. BAFO requests must contain specific information on what is being requested. Additional information relevant to the RFT may be requested however the scope of the original RFT must be maintained. A BAFO request should typically be confined to improvements to the pricing response. Any outcomes of the BAFO process are to be evaluated in a consistent manner.

Clarifications

14.49. Clarification of Tenders may be sought from Tenderers at any time during the evaluation process. Clarifications must focus on addressing an ambiguity, error or omission, which is relevant to the evaluation of the Tender.

- 14.50. All requests for clarification must be in writing and from the EC Chair or the EC and direct that answers from Tenderers must be in writing.
- 14.51. Legal and Probity Advisors should be consulted prior to issuing any clarification question. Additional or new information must not be sought unless it is by way of clarification of elements of the information already submitted with the Tender.
- 14.52. If the AFP seeks a clarification from one Tenderer, the AFP will seek the same clarification from any other Tenderers that are in the same position.

Value for Money and Risk Assessment

Value for Money

- 14.53. Value for money (VFM) is a comprehensive assessment that takes into account both cost (including whole-of-life cost) represented by the assessment of price, and value represented by the technical assessment and an assessment of the level of risk to the AFP presented by the Tender.
- 14.54. In undertaking their VFM assessment, the EC will:
- a. Discuss the findings from the TEWG and CEWG including the rationale behind the team rankings and risk assessments.
 - b. Take into consideration any report of the legal advisor regarding contractual compliance associated with each Tender and associated risks.
 - c. Conduct a comparative assessment and determine the VFM ranking of the Tenders, taking into account assessment scores, whole of life price considerations, risks and any other matters AFP considers relevant.
- 14.55. The EC during the VFM process may revise the overall assigned scores and any necessary cost and risk adjustments, as required.
- 14.56. The EC will then shortlist Tenderers based on the VFM ranking and determine the Preferred Tenderer(s) that represent the best overall value for money in accordance with the RFT. The AFP may determine that one or more Tenderers represents value for money and in these instances the AFP may enter into multiple negotiations or conduct further due diligence processes to determine the Tenderer representing best value for money to the AFP.
- 14.57. For procurements above \$4 million (GST inclusive), Commonwealth officials are required to consider the economic benefit of the procurement to the Australian economy.
- 14.58. The policy operates within the context of relevant national and international agreements and procurement policies to which

Australia is a signatory, including free trade agreements and the Australia and New Zealand Government Procurement Agreement.

Assessment of Risk

14.59. As part of VFM, the EC will consolidate the TEWG and CEWG assessed risks in terms of the likelihood of achieving what has been offered in their Tender. The risk assessments must consider the Evaluation Criteria, the Tenderer's ability to deliver the services in accordance with the Statement of Requirement, pricing assumptions and the Tenderer's response to the Statement of Compliance.

Selection of the Preferred Tenderer(s) and Finalising the Tender Evaluation Report

14.60. Following the above evaluation process, the EC may recommend one or more Preferred Tenderer(s) to provide the Goods/Services.

14.61. Tenders will be ranked highest to lowest. The highest ranked Tender will be numbered 1, the next rated 2, and so forth. This will form the basis on which the EC selects the Preferred Tenderer(s).

14.62. In determining the ranking, the EC will consider:

- a. assessments against the evaluation criteria;
- b. an assessment of the level of risk to the AFP presented by the Tender; and
- c. information obtained from any investigations, demonstrations, physical inspections, site visits, referee checks, presentations, clarifications, BAFO or Offer Definition processes and/or workshops.
- d. the EC will specifically identify any Tender which it considers does not represent value for money.

14.63. Based on the above process, the EC may identify a Tenderer(s) to recommend to the Delegate as a Preferred Tenderer(s) in the Tender Evaluation Report.

Tender Evaluation Report

14.64. The Evaluation Committee will prepare the Tender Evaluation Report for submission to the Delegate for final approval.

14.65. The Tender Evaluation Report must include the following:

- a. executive summary;
- b. the RFT process followed;
- c. details of any late tender received and the actions taken;
- d. identifies the actions taken by the EC where any Conditions for Participation, minimum content and format requirements or essential conditions were not met by a Tenderer;

- e. evaluation rankings with scores, including price, risk and value for money assessments, any comparative evaluation adjustments used during the assessment and the ranking for each Tender;
- f. summary of the assessment of each Tender;
- g. summary of any clarifications sought;
- h. details of any discussions with Tenderers;
- i. details of any referee reports;
- j. outcomes of security integrity and/or probity checks;
- k. a formal probity review and sign off prior to Delegate recommendation;
- l. makes recommendations to the Delegate; and
- m. justifies those recommendations.

14.66. The Tender Evaluation Report may recommend that:

- a. a Tenderer or Tenderers be selected as the Preferred Tenderer(s);
- b. no Tenderer be selected as the Preferred Tenderer;
- c. a Deed of Standing Offer be awarded to a Tenderer if no negotiations are required;
- d. a Tenderer be selected as the Preferred Tenderer subject to further, specified negotiations being successful; or
- e. that another round of submissions be sought from interested parties.

14.67. The members of the EC should endeavour to reach unanimity in their recommendation(s). If any of the EC does not agree with the majority report and recommendation, that member's dissenting view (and any alternative recommendation), together with the reasons for it, will be set out in the Tender Evaluation Report.

14.68. A copy of the draft Tender Evaluation Report will be provided to CPS and the Probity Advisor. The EC will action any items arising from this review. Upon completion of the review, CPS will provide formal NPC clearance.

14.69. Upon receipt of the CPS clearance and probity sign-off, the EC will collectively sign the Tender Evaluation Report for the Delegate's consideration. The Tender Evaluation Report should be submitted to the Delegate by the EC Chair for the Delegate's consideration. The Delegate will be the ultimate decision maker in respect of the evaluation/procurement process.

14.70. In considering the Tender Evaluation Report the Delegate may consider input from Advisers where necessary. In considering the

Tender Evaluation Report, the Delegate may also request further information from the EC if required.

- 14.71. The EC Chair should ensure that all supporting material (such as copies of requests for clarification or any advice from the Probity Advisor) is available for the Delegate to review.
- 14.72. The Delegate will then either:
- a. confirm agreement with the recommendations made by the EC in the RFT Evaluation Report; or
 - b. make an alternative decision.

15. Step 3 - Negotiations and Contract Execution

- 15.1. The Delegate may approve the selection of Tenderer (or Tenderers) as being a "Preferred Tenderer". If so, the AFP may then enter into contract negotiations with one or more Preferred Tenderers. The AFP may also, at any time, re-evaluate a Preferred Tenderer as no longer being preferred.
- 15.2. The contractual agreement offered to the Preferred Tenderer(s) will be made on the basis of:
- a. the terms and conditions of the RFT and in particular the Draft Deed of Standing Offer – Goods and Services included as an Attachment to the RFT;
 - b. the Preferred Tenderer's Tender; and
 - c. any negotiations with the Preferred Tenderer(s).
- 15.3. If agreement is reached, subject to AFP approval processes and the AFP's rights under the Tender Conditions, the Contract will be signed.

Notification and Debriefing

- 15.4. Once the Tender Evaluation Report has been approved by the Delegate and a Deed has been executed with the Preferred Tenderer(s), all Tenderers (including the Preferred Tenderer) will be notified in writing and offered the opportunity for a debriefing.
- 15.5. Information provided at the debriefing should be confined to details of that particular Tenderer's Tender against each Evaluation Criteria. A Tenderer will not be provided with information concerning other Tenders, except for publicly available information such as the name of the Successful Tenderer and the total price of the successful Tender. No comparisons with other Tenders will be made.

SCHEDULE 1 - RISK ASSESSMENT

1. Risk Identification

- 1.1.** As part of the evaluation of Tenders against each Evaluation Criteria, the Evaluation Committee should identify any risks associated with each Tenderer achieving the claims set out in its Tender. The Evaluation Committee should attempt to reach a consensus as to whether a risk actually exists and what the nature of that risk might be. Any dissenting views will be recorded.

2. Risk Assessment

- 2.1.** A risk assessment should be undertaken in accordance with the process outlined in the AFP National Guideline on risk management. Please ensure that you consider all security and work health and safety risks associated with the procurement.
- 2.2.** A risk assessment must be undertaken using the AFP's Risk Assessment and Treatment Plan template.
- 2.3.** Following the identification of risks, an assessment of risk should be undertaken which involves considering the consequence and likelihood of each risk occurring. The risk consequence and likelihood should then be combined to determine the overall level risk rating.
- 2.4.** The assessed level of risk will then be considered in the context of the rating scale.
- 2.5.** Once the level of risk has been assessed, the level of risk attached to each Tender in relation to each Evaluation Criteria will be used to the Tenderer's score against that Evaluation Criteria in accordance with the rating scale.

SCHEDULE 2 - FORM OF CONFLICT OF INTEREST DECLARATION

Name: _____

Title: _____

Position: _____

1. I have been asked to disclose any interest that I may have in relation to my participation in the procurement for the supply of Semi-Automatic Rifle Platforms (RFT 3-2022).
2. To the best of my knowledge and belief I have not had, and do not have, any relationship, either personal, financial or professional, with any potential supplier, or employee or advisor of any potential supplier, such that a potential supplier, or any employee or advisor of a potential supplier, or myself or a member of my direct family, could benefit personally in some way from the outcome of the procurement process.
3. I am aware of the AFP's requirement for strict probity in the procurement process and if I subsequently discover that there is a relationship of a kind mentioned in paragraph 2 of this Declaration with any potential supplier, I will immediately report it to the Recommending Officer and/or Delegate.
4. I will also immediately report to the Evaluation Committee Chair and/or Delegate any direct or indirect contact that I have with any potential supplier, or any employee or advisor of any potential supplier, which is not officially authorised, including any approach made to me in the way of a direct or implied offer of future employment or other benefit.

Dated the day of 2022

Signed:.....

Name:.....

Address:.....

OR

[Where a conflict of interest is or may exist, the following written declaration of that conflict must be made to the Evaluation Committee Chair and/or Delegate.]

I certify that I have disclosed below all actual, perceived or potential conflicts of interest that may exist between myself and any potential supplier in relation to the supply of Semi-Automatic Rifle Platforms (RFT 3-2022).

Conflict Description:

Proposed Resolution Action

(if applicable):

_____ I _____
—

_____ I _____
—

Signed: _____

Print Name: _____

Date: _____

Receipt Acknowledged by:

Signed: _____

Print Name: _____

Position: _____

On receipt of a declaration of an actual, potential, perceived conflict of interest, the Evaluation Committee Chair and/or Delegate must decide on the course of action to be taken to resolve the matter. If, in the opinion of the Evaluation Committee Chair and/or Delegate, the conflict of interest is not able to be resolved or sufficiently mitigated, the person in relation to whom the conflict exists must be excluded from the procurement process. In reaching a decision on a declared conflict of interest, the EC Chair and/or Delegate will seek advice from the Probity Advisor.

SCHEDULE 3 - EVALUATION BREAKDOWN STRUCTURE

RFT 3-2022 Evaluation Breakdown Structure



s 47E(d)

THIS DOCUMENT IS RELEASED
BY THE AUSTRALIAN FEDERAL POLICE UNDER THE
FREEDOM OF INFORMATION ACT 1982 (CTH)

OFFICIAL:Sensitive



AFP

AUSTRALIAN FEDERAL POLICE

**PHASE 5 - EVALUATION REPORT
FOR
SUPPLY OF MUNITIONS
RFT 2-2019**

THIS DOCUMENT IS RELEASED UNDER THE
BY THE AUSTRALIAN FEDERAL POLICE UNDER THE
FREEDOM OF INFORMATION ACT 1982 (CIT)

OFFICIAL:Sensitive

Contents

Part A. Authorisation 3

1.1. Authorisation by the Evaluation Committee 3

2.1. Introduction 4

2.2. Probity 4

2.3. Background 4

2.4. Responses 5

2.5. Evaluation Process 5

2.6. Value for Money Assessment 6

2.7. Assessment Summary 7

2.8. Recommendation 7

2.9. Recommendation Approval 9

Part C: Evaluation 10

3.1. Purpose 10

3.2. Related Documents 10

3.3. Probity 10

3.4. Background 10

3.5. Evaluation Committee 11

3.6. Evaluation Process 11

3.7. Phase 1 – Receipt and Registration of Responses 12

3.8. Phase 2 – Screening of Responses 12

3.9. Phase 3 – Evaluation - Technical 13

3.10. Technical Summary 13

3.11. Phase 3 – Evaluation - Pricing 18

3.12. Pricing Summary 18

3.13. Phase 4 – Clarifications and Investigations 29

3.14. Phase 5 – Value for Money and Risk Assessment 30

3.15. Comparative Assessment 30

3.16. Risk Assessment 38

3.17. Overall Ranking of Tenderers 38

3.18. Standing Offer Negotiations 40

Part D: Recommendation 41

Attachment A: Schedule of Compliance - 20210924 43

Attachment B: Evaluation Scoring Matrix - Consolidated 44

Attachment C: Pricing Workbook Summary 45

Attachment D: Risk Assessment 46

Part A. Authorisation

1.1. Authorisation by the Evaluation Committee

1.1.1. We, the members of the Evaluation Committee (EC) confirm that:

- a) this Evaluation Report (Report) accurately represents the consensus assessment of the EC members of tenders received in response to AFP RFT 2-2019, and
- b) the evaluation process was conducted in accordance with the requirements of, and the process described in, the Request for Tender document and the Evaluation Plan.

Member Name	Role	Signature	Date
s 47E(c)	Evaluation Committee Chair	s 47E(c)	04/03/2022
s 47F(1)	Evaluation Committee Team Member	s 47F(1)	03/03/2022
	Evaluation Committee Team Member		01/03/2022

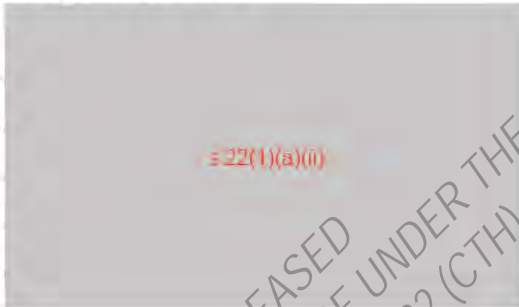
Table 1: Authorisation by Evaluation Committee

THIS DOCUMENT IS RELEASED UNDER THE
BY THE AUSTRALIAN FEDERAL POLICE UNDER THE
FREEDOM OF INFORMATION ACT 1982 (Cth)

Part B. Executive Summary

2.1. Introduction

- 2.1.1. This is the Report for the Request for Tender (RFT) 02-2019 for the Supply of Munitions.
- 2.1.2. AFP has sought responses from suitably qualified and experienced suppliers to establish a Standing Offer for an initial period of up to three years for the Supply of Munitions comprising the following nine Supply Group categories:
 - a) Supply Group 1 – Pistol Munitions
 - b) Supply Group 2 – Rifle Munitions
 - c) Supply Group 3 – Shotgun Munitions
 - d) Supply Group 4 –
 - e) Supply Group 5 –
 - f) Supply Group 6 –
 - g) Supply Group 7 –
 - h) Supply Group 8 –
 - i) Supply Group 9 –



2.2. Probity

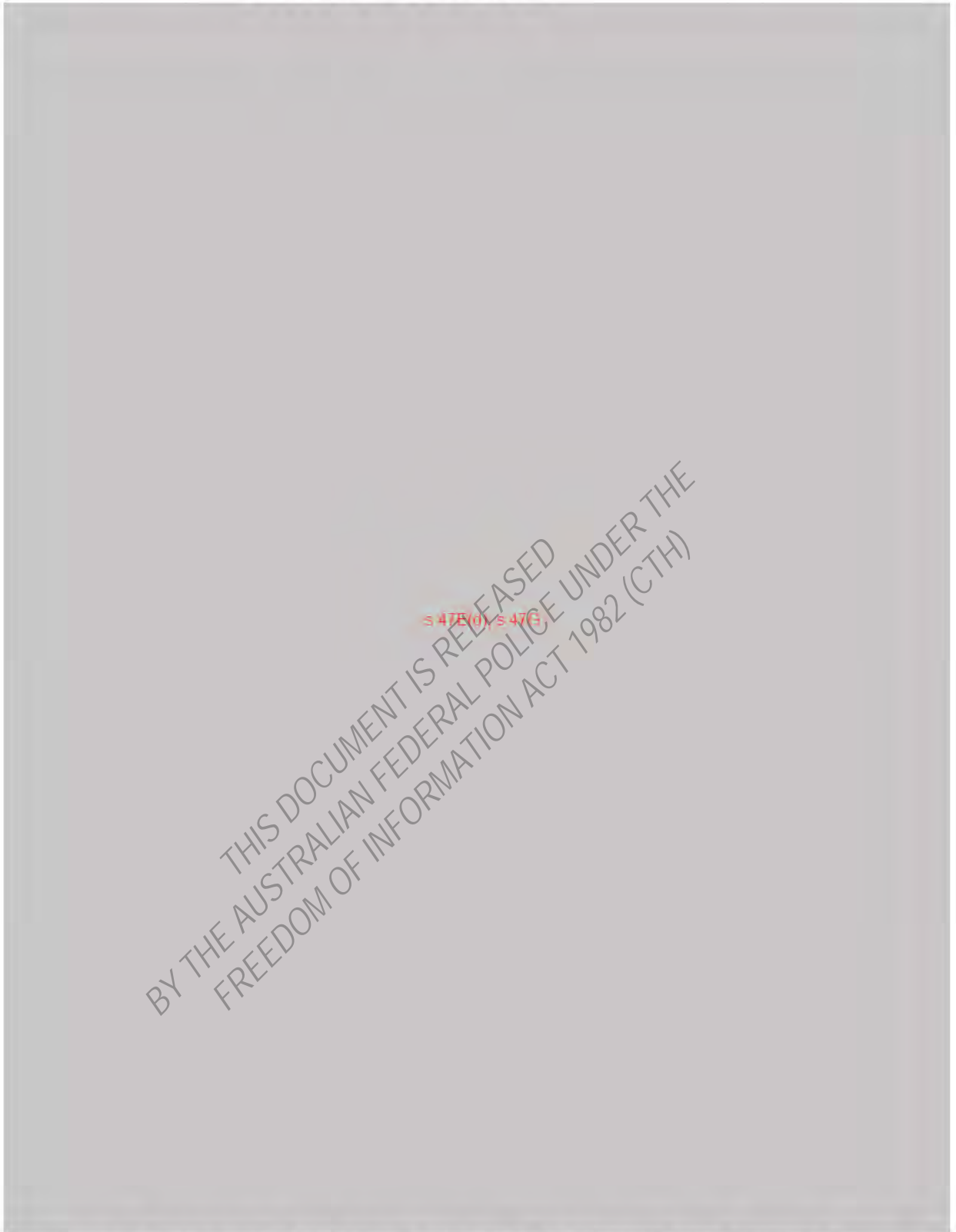
- 2.2.1. The actions taken as part of evaluating the RFT responses, and the recommendations in this Report accord with:
 - a) the Expression of Interest and Request for Tender Evaluation Plan (EP);
 - b) advice provided by Central Procurement Services (CPS) and AFP Legal; and
 - c) additional actions approved by the Delegate.

2.3. Background

- 2.3.1. A Limited Tender (RFT 02-2019) was issued via AusTender on 29 April 2019 to s 47E(M) Munition Suppliers, based on their industry experience, seeking to establish a panel of providers of munitions in a range of categories (**Supply Groups**). Following a request for extension to RFT 2-2019, the RFT closed on 30 May 2019.
- 2.3.2. During the RFT period a total of seven Addenda were published on AusTender, with a total 27 questions.
- 2.3.3. On 29 March 2021, the delegate approved the Tender Evaluation Report (TER) for RFT2-2019. Following this, the AFP entered into Deeds of Standing Offer with the following tenderers:



THIS DOCUMENT IS RELEASED
BY THE AUSTRALIAN FEDERAL POLICE UNDER THE
FREEDOM OF INFORMATION ACT 1982 (CTH)



THIS DOCUMENT IS RELEASED
BY THE AUSTRALIAN FEDERAL POLICE UNDER THE
FREEDOM OF INFORMATION ACT 1982 (CTH)

s 47E(1), s 47F

- 3.10.9. Following completion of the technical evaluation, all tenderers were assessed as being 'fit-for-purpose' with sound capability and capacity to provide munition supplies to the AFP under a Standing Offer.
- i) all Tenderers demonstrated experience in the firearms industry including munitions supplies and dealings with government agencies including law enforcement (LE);

- ii) all tenderers offered varying munition supplies across Supply Groups that will offer operational flexibility to the AFP and Australian Border Force (ABF) with acceptable risk levels; and
- iii) all Tenderers stated they have warehouse facilities to meet AFP's

§ 47E(d)

3.10.10. All tenderers progressed to Phase 3, pricing in accordance with clause 12.7 of the EP.

3.11. Phase 3 – Evaluation - Pricing

3.11.1. The evaluation of price is assessed by the EC members, following the completion of the Technical Evaluation.

3.11.2. The Tenderers pricing in accordance with clause 12.22 of the EP was assessed on a risk adjusted basis including the level of risk transfer, assumptions underpinning the fees, and the contribution of the proposed fees to overall value for money.

3.11.3. The EC reviewed the completed Schedule 11 – Tender Price of each Tenderer and the pricing assumptions included in Schedule 11 to determine any relevant action required, to establish a common basis for the comparison of Tenders.

3.11.4. The EC prepared a Pricing Workbook Summary (Attachment C) to allow easy comparison of the fees proposed by each of the Tenderers in each Supply Group.

3.12. Pricing Summary

3.12.1. Table 7 below provides a price risk assessment summary of the Tenderers:

Tenderer	Price Risk	Supply Groups	Comment
§ 47E(d), § 47G			

Table 7: Price Risk Assessment

3.12.2. A summary of each Tenderers pricing per Supply Group are included at Attachment C - Pricing Workbook Summary and include:

OFFICIAL:Sensitive

- a) Unit pricing and average unit pricing per Supply Group / Category /Subcategory;
- b) A Total Price per Supply Group /Category /Subcategory using baseline volumes; and
- c) Baseline volumes and pricing assumptions.

3.12.3. An overview of each Tenderers average unit pricing per Supply Group is provided below:

3.12.4.

3.12.5.

s 47E(d), s 47G

3.12.6.

THIS DOCUMENT IS RELEASED
BY THE AUSTRALIAN FEDERAL POLICE UNDER THE
FREEDOM OF INFORMATION ACT 1982 (CTH)

s 47E(d), s 47G

THIS DOCUMENT IS RELEASED
BY THE AUSTRALIAN FEDERAL POLICE UNDER THE
FREEDOM OF INFORMATION ACT 1982 (CTH)

§ 47E(d), § 47G

Summary

- 3.12.70. Overall no significant price risks were identified across Tenders.
- 3.12.71. All tenderers progressed to Phase 4, Clarification and Investigations.

3.13. Phase 4 – Clarifications and Investigations

- 3.13.1. No clarifications questions were provided to Tenderers.
- 3.13.2. No referee checks were undertaken, noting all Tenderer provided relevant munitions supply referees from government and LE agencies.
- 3.13.3. Testing samples were provided by Tenderers. These samples were reviewed and aligned with product specifications provided. No performance testing was undertaken on these testing samples as the evaluation criteria did not allow for product performance testing.
- 3.13.4. All tenderers progressed to Phase 5, Value for Money and Risk Assessment.

3.14. Phase 5 – Value for Money and Risk Assessment

3.14.1. As part of Phase 5, an assessment of VFM and risk was undertaken by the EC including:

- a) a comparative assessment of Tenders per Supply Group to determine the VFM ranking of the Tenderers considering all the information gathered and documented as part of Phase 3 including the Technical Worth Score (rounded), Total Price (based on the average unit pricing) and risk rating presented by each of the Tenderers; and
- b) a risk assessment including the following unweighted criteria detailed in clause 12.13 of the EP:
 - i) Work Health and Safety (WHS) (Schedule 7);
 - ii) Compliance Schedules and Draft Agreement (Schedules 2, 3, 9, 11 and 12), andthe technical and price risk documented as part of Phase 3 and solvency risk (Schedule 10).

3.15. Comparative Assessment

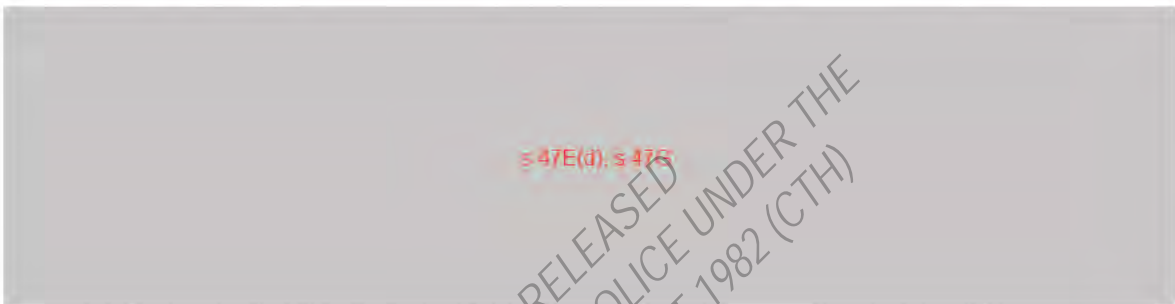
3.15.1. As part of the comparative assessment, a Total Price (TP) for Year 1 was derived per Tenderer /Supply Group /Subcategory by multiplying the average unit price of the Tenderer's Supply Group Subcategory by the baseline volumes specified in clause 1.1 of the RFT, Attachment 1, Statement of Requirement RFT and Addendum 2,3 and 4. This Total Price is for evaluation purposes only.

3.15.2. **Supply Group 1 – Pistol Munitions**





3.15.3.



3.15.4.

Based on the above SG1 – Pistol Munitions analysis the following table shows the Tenderer ranking, technical scores for each Tenderer, the TP and overall risk rating.



Table 20: VFM Tenderer Ranking - Supply Group 1

3.15.5. **Supply Group 2** – Rifle Munitions



THIS DOCUMENT IS RELEASED
BY THE AUSTRALIAN FEDERAL POLICE UNDER THE
FREEDOM OF INFORMATION ACT 1982 (CTH)

A large rectangular area that has been completely redacted with a solid grey fill. In the center of this redacted area, the text "s 47E(d), s 47G" is printed in red.

s 47E(d), s 47G

Table 21: VFM Tenderer Ranking - Supply Group 2

3.15.8. **Supply Group 3** – Shotgun Munitions

A large rectangular area that has been completely redacted with a solid grey fill. A diagonal watermark is overlaid across the center of the redacted area, reading "THIS DOCUMENT IS RELEASED BY THE AUSTRALIAN FEDERAL POLICE UNDER THE FREEDOM OF INFORMATION ACT 1982 (CTH)". In the center of the redacted area, the text "s 47E(d), s 47G" is printed in red.

THIS DOCUMENT IS RELEASED
BY THE AUSTRALIAN FEDERAL POLICE UNDER THE
FREEDOM OF INFORMATION ACT 1982 (CTH)

s 47E(d), s 47G

Table 22: VFM Tenderer Ranking - Supply Group 3

THIS DOCUMENT IS RELEASED
BY THE AUSTRALIAN FEDERAL POLICE UNDER THE
FREEDOM OF INFORMATION ACT 1982 (CTH)

§ 22(1)(a)(ii)

3.16. Risk Assessment

3.16.1. The VFM risk assessment includes technical, price, compliance and WHS. A copy of the risk assessment is included at Attachment D of this Report.

3.16.2. All Tenderers were largely compliant with the terms of the Draft Standing Offer.

§ 47E(d), § 47G

3.16.3. Solvency risk could not be assessed. While all Tenderers signed Solvency Declarations in May 2019 (Schedule 10), the § 47E(d) Tenderers vary significantly in corporate capability and capacity. It is recommended that during negotiations, a corporate scorecard company report be sought from a third party provider to validate Tenderer Solvency Declarations.

3.16.4. All risks identified are able to be mitigated:

§ 47E(d), § 47G

3.17. Overall Ranking of Tenderers

3.17.1. The following table summarises the VFM ranking of Tenderers:

Tenderer	Technical Worth	Rankings per Supply Group (SG)									Overall Residual Risk	
		SG1	SG2	SG3	SG4	SG5	SG6	SG7	SG8	SG9		
	§ 47E(d), § 47G										§ 22(1)(a)(ii)	§ 47E(d), § 47G
												§ 47E(d), § 47G

Table 29: VFM Ranking of Tenderers

- 3.17.2. All Tenderers were assessed as having the necessary technical worth to be a supplier of munitions to the AFP.
- i) all Tenderers demonstrated experience in the firearms industry including munitions supplies and dealings with government agencies including law enforcement (LE);
 - ii) all Tenderers offered varying munition supplies across Supply Groups that will offer operational flexibility to the AFP and Australian Border Force (ABF) with acceptable risk levels; and
 - iii) all Tenderers stated they have warehouse facilities to meet AFP's

§ 47E(d)

3.17.3. Risks in relation to technical, price, compliance with the Draft Agreement and WHS were all considered acceptable.

3.17.4. Tenderer unit pricing across the Supply Groups was relatively consistent across Tenderers and this was demonstrated by the Tenderer Supply Group rankings. Tenderers with a ranking of 1, provided very competitive unit pricing, while a ranking of 2 meant the Tenderer pricing was slightly above the mid-range of unit pricing. An overall ranking of 3 meant that the Tenderer's proposed pricing was considered high compared to other Tenderers.

3.17.5. The EC determined that all Tenderers should progress to negotiations, noting

§ 47E(d)

3.18. Standing Offer Negotiations

3.18.1. Subject to approval of the recommendations at section 4 of this Report, the following is a summary of the proposed key issues for negotiation with the Tenderers:

- a) Due to the delays in evaluation and the expiration of the Tender Validity Period, all Tenderers should be invited to submit updated unit pricing, noting that the exchange rate has moved favourably towards suppliers, and therefore any increase is expected to be minimal.
- b) Negotiate with Tenderers for a +/-10c exchange rate banding to limit administrative overhead.
- c) Undertake a corporate scorecard company report to validate Solvency Declarations.
- d) Request Tenderers provide updated insurance and import/distributor information that has expired.

THIS DOCUMENT IS RELEASED UNDER THE
BY THE AUSTRALIAN FEDERAL POLICE UNDER THE
FREEDOM OF INFORMATION ACT 1982 (C/TH)

Part D: Recommendation.

3.18.2. The EC recommends that all s 47E(d) Tenderers be invited to commence and/or re-commence Standing Offer negotiations:

- a) The preferred Tenderers identified in both the initial evaluation and this evaluation (re-assessment of tenderers), be invited to re-commence negotiations for variations to their Deeds of Standing Offer:



- b) The preferred Tenderers who were found suitable as part of the re-assessment of tenderers during this evaluation, be invited to commence negotiations:



3.18.3. In the event that AFP is unable to come to a negotiated outcome with a Tenderer that represents Value for Money, the Tenderer will be set aside.

THIS DOCUMENT IS RELEASED
BY THE AUSTRALIAN FEDERAL POLICE UNDER THE
FREEDOM OF INFORMATION ACT 1982 (CTH)

OFFICIAL:Sensitive

Attachment A: Schedule of Compliance - 20210924

THIS DOCUMENT IS RELEASED
BY THE AUSTRALIAN FEDERAL POLICE UNDER THE
FREEDOM OF INFORMATION ACT 1982 (CTH)

OFFICIAL:Sensitive

Attachment B: Evaluation Scoring Matrix - Consolidated

THIS DOCUMENT IS RELEASED
BY THE AUSTRALIAN FEDERAL POLICE UNDER THE
FREEDOM OF INFORMATION ACT 1982 (CTH)

Attachment C: Pricing Workbook Summary

THIS DOCUMENT IS RELEASED
BY THE AUSTRALIAN FEDERAL POLICE UNDER THE
FREEDOM OF INFORMATION ACT 1982 (CTH)

Attachment D: Risk Assessment

THIS DOCUMENT IS RELEASED
BY THE AUSTRALIAN FEDERAL POLICE UNDER THE
FREEDOM OF INFORMATION ACT 1982 (CTH)

AFP FIREARMS

Types and number of firearms currently used within the AFP

The list identifies total quantity, how many are personally issued, how many are issued outside the National Armoury (NARM, the central repository of the AFP), and how many are held in stock within the NARM.

To note, previous reporting such as the numbers included in the Australian National Audit Office report on the Australian Federal Police' Use of Statutory Power (Report No. 43 of 2020-21) appeared to only refer to what is personally issued to AFP members and did not capture all firearms held by the AFP.

Type of Firearm	Total Operational Quantity	Personally Issued	Issued Outside NARM	Held by NARM
G01 – Handgun	6260	3882	1005	1373
G02 – Rifle	1004	379	168	457
G03 – Shotgun	221	80	68	73
G04 – Sub-machine gun	66	23	9	34
GREN – Grenade launcher	144	54	20	70
TGUN – Training gun	74	144	488	162
TRAI – Training aid	5	-	5	-
GRAND TOTAL	8494	4562	1763	2169

AFP AMMUNITION

Types and number of ammunition currently used within the AFP

Currently the AFP has approximately 40 types of ammunition utilised across operational areas, which includes both operational and training ammunition.

Ammunition is purchased and consumed as needed by the operational areas across the AFP.

A list of calibre and brands is provided below:

Operational

Calibre	Brands in use
9mm	Hornady, Winchester, Speer Le
5.56	Hornady, Winchester, Federal
.308	Ruag, Hornady, Federal
.338	Ruag
.50 BMG	Hornady
12 GA	Hornady, Federal, Remington
40mm	RMW

Training

Calibre	Brand
9mm	Winchester
5.56	Black Hills Ammunition, Australian Outback