Request for Expression of Interest
Regional Automated Vehicle Trials

<table>
<thead>
<tr>
<th>Publish Date:</th>
<th>Friday 1 December 2017</th>
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<tbody>
<tr>
<td>RFEOI Reference Number</td>
<td>WS1178853443</td>
</tr>
<tr>
<td>Closing Date and Time:</td>
<td>10am Monday 19 March 2018</td>
</tr>
<tr>
<td>Lodgement Method:</td>
<td>NSW e-Tendering website</td>
</tr>
<tr>
<td>Expression of Interest Validity Period:</td>
<td>180 Days</td>
</tr>
<tr>
<td>RFEOI Contact</td>
<td><a href="mailto:jordan.lay@transport.nsw.gov.au">jordan.lay@transport.nsw.gov.au</a></td>
</tr>
</tbody>
</table>
| Probity Advisor:      | O’Connor Marsden  
Ph: 1300 882 633 |
RFEOI structure

This RFEOI comprises two parts:

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<th>Part A: Statement of Requirements</th>
<th>Part A sets out the Statement of Requirements.</th>
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<tbody>
<tr>
<td>Part B: Terms of Participation</td>
<td>Part B contains the terms of participating in this RFEOI.</td>
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Part A: Statement of Requirements

1  What we want to achieve

Technology is constantly evolving, presenting both opportunities and challenges in the way we plan and deliver passenger and freight transport services and infrastructure. We want to be leading the way in the application of new technology to the planning and management of future transport systems to ensure that we get the best outcomes for transport customers.

We want to ensure that emerging technologies and our existing infrastructure and projects align, maximising the benefits for our customers and industry. This will be achieved by building and maintaining partnerships between all levels of Government, the private sector, academia and investors.

To continue achieving these outcomes TfNSW is seeking to provide seed funding and partner with respondents to develop and deliver a number of connected and automated vehicle (CAV) trials in regional NSW. Successful trials will have potential to evolve into future service delivery models.

We understand CAV technology has great potential to improve transport outcomes for our customers, and we also recognise the role transport agencies must play in supporting innovation and enabling trials to occur. As a result we view these trials as an opportunity to create shared learning and expect to play an active role in supporting partners to deliver trials.

Lessons we collectively learn from trials will help us identify and implement new, creative and better ways to deliver transport to our customers in the future. It will also help industry develop technology, products and services to deliver improved mobility for customers. By stimulating innovation and collaboration in NSW these initiatives will provide opportunities for partners to develop technology and insights which can be deployed on national and international levels.

TfNSW will work with participants who can contribute innovative systems and ideas in their own right or in partnership with others. TfNSW will assist by providing collaborative forums to link participants together to enable end-to-end projects to be developed. TfNSW will also provide support navigating legislative and regulatory considerations in the development and delivery of trials.

The RFEOI process is designed to allow creative ideas which can be further developed through interactive sessions to identify those with the most potential to be developed into trial projects. TfNSW will provide an opportunity for respondents to discuss their emerging proposals in interactive sessions with a panel of TfNSW stakeholders. TfNSW will be looking to enable the best trials starting from the second half of 2018.

2  What's in it for participants?

The trials are about inviting industry to develop and trial technology enabled solutions and operating models for public or private transport that have potential to improve transport outcomes. While these trials are focused on regional areas it is expected the technology and lessons learned from the trials will be relevant to other areas across NSW.

Involvement in a trial, whether you’re a local start up, major technology provider, academic institution, local council or other interested party will provide opportunities to integrate your ideas with others to develop, test and deliver innovative transport technology directly to customers.

TfNSW will be looking for well developed proposals that address the project objectives and propose end-to-end projects. Taking part in this process will enable project partners to gain a broad understanding of CAV technology and how the technology could improve customer outcomes in the future as part of an integrated and customer focused transport network.

TfNSW will work closely with the project partners to understand how CAV technology can be implemented into the public transport network as long-term, customer focussed service solutions. Successful trials will therefore generate long-term opportunities for the market and have potential to evolve into future service delivery models.
3 Background

The NSW Government embraces technology and innovation that will revolutionise the way we live and travel, and is committed to ensure a safe, sustainable transport system.

CAVs are developing rapidly and appearing in the real world now. They hold the promise of a future where road fatalities become a thing of the past, our traffic flows smoothly and customers have access to seamless, affordable, flexible and personalised journeys. These technologies also open up new models for delivering transport services, and the prospect of ‘shared mobility’.

We believe these exciting technologies and services offer significant potential to help us address current and future mobility challenges for people and freight, achieve more sustainable outcomes for society and improve services to customers.

However there remains considerable uncertainty about how and when these technologies will emerge and evolve at large scale, how the public will respond and how best to utilise the technologies to improve customer outcomes over the longer term.

NSW automated vehicle trials

TfNSW’s Smart Innovation Centre is currently partnering with industry to conduct trials that discover how we can get the most from this technology.

In August 2017 the NSW Government launched NSW’s first trial of a highly automated passenger shuttle. This is the first precinct-based trial of an automated shuttle in Australia and has been developed in partnership with a number of industry partners to operate at Sydney Olympic Park.

From our experience in this trial and other initiatives TfNSW has a well founded understanding of the requirements to establish and operate trials. We are seeking partners who are interested to work together to further this collective knowledge.

Legislative amendments

In August 2017 NSW Parliament passed legislation allowing trials of highly and fully automated vehicles.

The legislation allows the Minister to approve trials – including type of vehicles, roads used and trial time period – and require trial applicants to have the appropriate insurance provisions and safety management plans in place. This legislation will establish NSW as a testing environment and enable enormous learning opportunities about a range of automated vehicle technologies and the benefits they can deliver for our state. The Transport Legislation Amendment (Automated Vehicle Trials and Innovation) Act 2017 No 41 can be viewed at the following link.


These new laws are supported by the adoption of the national guidelines for trialling automated vehicles published by the National Transport Commission (NTC) and Austroads in May 2017. The NTC guidelines are available at the following link.


4 Project Objectives

The objectives of the CAV trials will be to provide TfNSW with valuable insights and an understanding of the following:

- How automated vehicles will operate as part of the integrated transport network, including collection of data and mapping of surrounding infrastructure.
- The potential for CAVs to improve customer outcomes in regional areas by developing and testing customer mobility and on-demand use cases.
- The current level of technology capability when operating in regional areas.
- The physical and digital infrastructure required to enable and support the operation of CAVs in regional areas.
The role of government and others in enabling automated vehicles to operate as part of an integrated and customer focused transport network.

The trials are also about stimulating collaboration between industry, academia and government to strengthen innovation in transport and improve transport outcomes in NSW.

5 Scope of Services

5.1 Overview

In accordance with the objectives outlined above, TfNSW is seeking to provide seed funding and partner with Proponents to develop and co-deliver connected and automated vehicle (CAV) trials in regional NSW.

Any number of submissions will be considered with potential for TfNSW to provide seed funding to one or more trials.

Proposed trials should focus on passenger mobility and can include automated vehicles or connected and automated vehicles with SAE level 3 automation and above.

Proposed trials should be fully developed to test innovative technology use cases or provide transport services to customers using automated vehicles.

Proponents should ensure proposals include appropriate support from any parties with relevant skills, capabilities and capacity required to deliver the full scope of the proposed trial.

Vehicles proposed for the trials are not restricted to any specific type and may include any form of vehicle which provides potential to improve customer services.

TfNSW will work to enable as many trials as possible.

Note: Proposals which do not include an automated vehicle trial solution will be deemed non-compliant and will not be evaluated. This includes proposals for consultancy services to develop/manage the program or to develop trial proposals.

5.2 Trial location

Trial locations should be guided by the following location criteria.

1. The trial site is located in a Regional City or other regional location and is suitable for operating the proposed trial.
2. The trial would support local transport needs.
   a. The trial will test real transport use cases.
3. The regional area has sustainable local support to establish and deliver the proposed trial.
   a. Local government, businesses, research organisations and other relevant parties are prepared to partner with the Proponent to support the establishment and delivery of a trial.

For clarity, see below intended interpretations of selected location criteria.

Regional City is defined by the Department of Planning and Environment and outlined in Appendix 1.

For clarity, this process will consider other regional locations that are not classified as Regional Cities, however all submissions will be assessed against the evaluation criteria outlined in section 1 of Part B of this document.

Suitability for operating the proposed trial refers to the location meeting (or having the ability to meet) the prescribed consideration of operating the proposed vehicles. For example, if the vehicle(s)
proposed require lane markings, strong network connectivity or any other considerations, the proposal should demonstrate an understanding of how the proposed location is (or would be made) suitable to operate the trial.

Where proposed tests directly duplicate or integrate with existing local transport service offerings the automated vehicle trial should be proposed in collaboration with the local service providers.

**Minimum requirement:** To meet the submission requirements for this RFEOI the proposed trial locations must fall outside of the Sydney Metropolitan and Outer Sydney Metropolitan Bus Contract regions as shown in Appendix 2.

### 5.3 Trial use cases

Trials should inform how automated vehicle technology can improve customer mobility outcomes in future. To do this, trials should test against real world use cases that provide value to customers.

Such use cases may include, but are not limited to:

- First Mile and Last Mile transport to / from transport hubs and customers homes (or close to home)
- Transporting visitors around tourist precincts
- Improving the mobility of customers within university precincts or localised areas
- End-to-end journeys
- Off-peak services (e.g. late evening services)

Trials are not limited to public transport services and may include use cases focused on taxis, on-demand personal and shared mobility solutions and other types of transport services.

It is expected participants will co-develop use cases which are relevant to the local area and provide benefits to customers.

### 5.4 Vehicle types

This process will consider all vehicle types proposed by Proponents. These may include commercially available automated vehicles through to prototype vehicles designed and developed locally.

Proposed trials should focus on vehicles with SAE level 3 automation and above. Throughout the RFEOI process TfNSW will provide support to Proponents to understand considerations of operating the vehicles on the road network.

TfNSW will provide support to seek the relevant approvals required to operate a trial following the evaluation of projects submitted to this RFEOI process.

### 5.5 Integration with existing assets and infrastructure

Submissions should outline any key TfNSW assets or infrastructure that may be integrated with the trial to improve project outcomes.

These may include, but are not limited to:

- Transit stops
- Transport interchanges
- Stopping areas at train stations

In determining whether access can be provided to such assets, safety, and operational impacts on other services will be considered. Respondents requiring access to any such infrastructure should identify these requirements in their submission.
TfNSW will work with participants if other infrastructure is required for the success of proposed trials. Should such infrastructure be identified the Proponents may consider approaching the group responsible to consider partnering in the proposal to develop a trial.

6 Proposal partners

Where required, Proponents should ensure proposals include appropriate support from any parties with relevant skills, capabilities and capacity to deliver the full scope of the proposed trial.

Proponents will have flexibility and discretion to work with any partners, under whatever arrangements they feel appropriate, in order to deliver the stated outcomes and objectives.

Proposal partners should be outlined in the response and can be any party that will add value to the trial. These may include, but are not limited to: academic or research institutions, local councils, local industry, local business chambers or industry groups, vehicle manufacturers, project management providers, communication network providers, motoring associations, local transport operators, infrastructure owners, precinct owners, technology providers, insurance providers, traffic management providers etc.

Proposal partners may provide financial, in-kind or any other desired form of support to more than one proposal, however proposal partners should have the relevant capacity to deliver all supported trials should they be enabled.

7 Timeframes

It is expected trials will run for 12 months, with a maximum period of 24 months should there be value in extending the trial.

7.1 Continuation as a service offering

Should a trial show value in being offered as a service to customers, TfNSW may engage in negotiations to consider a broader rollout.

8 Funding

TfNSW is seeking to provide seed funding for one or more trials that offer value for money and unique lessons for NSW. Trials will be expected to provide learnings and research outcomes in line with the stated project objectives.

TfNSW expects that respondents will outline the total funding required for a trial, and the proposed sources of funding, including if government seed funding is required.

**Minimum requirement:** A minimum of 1/3rd of project costs must be contributed by the Proponent and proposal partners.

Proposals should outline the funding sought from TfNSW including justification of why such funding is required as referenced in section 12 of Part A of this document and the evaluation criteria in section 1 of Part B of this document.

TfNSW will consider the merits of each proposal on a case by case basis.

In cases where TfNSW is not in a position to fund the project we will support the enablement of the trial and where possible assist the Proponents to seek alternate funding.
9 Trial Agreement structure

As automated vehicle technology is still in a prototyping stage, the approach of this RFEOI is targeted to achieve shared learning outcomes for the Proponent, proposal partners and TfNSW, rather than viewing the output as a traditional service which is contracted and delivered to TfNSW.

10 Trial Agreement term

We anticipate the Trial Agreements with chosen Proponents will commence from mid to late 2018.

A review process will be undertaken at 3 monthly intervals in order to assess the progress of the trial to date, and the proposed plan for the remainder of the trial. Collection of data and learning outcomes throughout the trial will be required in order to measure success.

The anticipated Trial Agreement term and options to extend are:

<table>
<thead>
<tr>
<th>Description</th>
<th>Time Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial term of the Trial Agreement</td>
<td>12 months</td>
</tr>
<tr>
<td>Options to extend the Trial Agreement</td>
<td>Up to two extensions of 6 months</td>
</tr>
<tr>
<td>Maximum term of the Trial Agreement</td>
<td>2 years</td>
</tr>
<tr>
<td>Trial progress reviews</td>
<td>3 month intervals</td>
</tr>
</tbody>
</table>

11 Proposal development process

The RFEOI process is designed to allow creative ideas to be developed through collaboration between multiple participants. The RFEOI process will include the following features.

Industry briefing

Following the release of the RFEOI, TfNSW will host an industry briefing in Sydney aimed at securing interest from industry participants who will provide value in developing and delivering collaborative trials.

Collaboration events

TfNSW will assist by providing collaborative forums to link partners together to enable end-to-end projects to be developed.

TfNSW will arrange collaboration events in Wagga Wagga, Dubbo, Armidale and Coffs Harbour to provide an opportunity for participants to meet each other with a view to encouraging collaboration between potential participants to enable end-to-end projects to be developed.

These events will be open to any registered participant and provide an opportunity for participants to make short presentations on their interest in partnering with others to deliver a trial. Further information regarding these collaboration events will be published prior to the events.

Interactive sessions

TfNSW will provide an opportunity for respondents to discuss their emerging proposals in interactive sessions with a panel of TfNSW stakeholders.

These sessions will provide proponents with the opportunity to pose questions to TfNSW stakeholders and seek feedback to further develop their proposed trials.

Feedback will be provided in real-time to enable fast re-iteration and refinements. These presentation and feedback sessions will provide an opportunity to co-design trial and use case ideas with TfNSW. The sessions will be confidential and will not be used for the purpose of evaluating the final submissions.
This process aims to assist proponents in developing project proposals that deliver high quality and collaborative end-to-end trials.
Throughout the RFEOI process TfNSW will work to assist participants to identify other parties with which they could partner to develop and deliver a valuable trial.
Indicative timeframes are outlined in the RFEOI timetable in Part B of this document.

12 Format and structure of proposals

Proposals should focus on outlining how the proposed trial addresses the project objectives and provides value to be established as a project.
Proposals can be in any chosen structure or format and contain any information respondents see as relevant, however must as a minimum include the following information:

- The scope of the proposed trial and alignment with stated TfNSW objectives and evaluation criteria.
- The intended trial outputs (data or other), research objectives and trial outcomes, and the degree to which these will be shared with TfNSW or more broadly.
- Details of the Proponent and proposed partnership structure, including:
  - Nomination of Proponent (lead project partner) including their company details and the names and contact details of persons authorised to represent and act on behalf of the Proponent.
  - A high level outline of the role of each proposal partner and their proposed contributions to the project (financial, in-kind or other).
  - The interest the Proponent and each proposal partner has in being involved in the trial, which may be demonstrated through high level outcomes, research objectives or lessons desired out of the proposed trial.
  - An indication of support from proposal partners.
  - The intended role of TfNSW in delivering the trial.
- Proposed trial financial schedule, including:
  - Request for funding from TfNSW.
  - Proportion of project funding by source (TfNSW / Proponent / proposal partners).
  - Justification why TfNSW funding is required.
- Proposed project plan, including:
  - Timeline to project delivery and key project milestones
  - The key work packages within the proposed trial and how these will be effectively managed to deliver the intended outcomes.
- Relevant information to address legislative and regulatory considerations outlined in:
  - NSW legislation, including the Transport Legislation Amendment (Automated Vehicle Trials and Innovation) Act 2017 No 41
  - The National Transport Commission's Guidelines for trials of automated vehicles in Australia, including how the Proponent plans to approach developing a Safety Management Plan and securing appropriate insurances.
## Part B: Terms of Participation

### 1 Evaluation criteria

Responses will be evaluated by determining the best value for money having regard to the price and non-price criteria summarised below. The criteria are not listed in any particular order of importance and are not necessarily of equal weight:

<table>
<thead>
<tr>
<th>Item</th>
<th>Evaluation Criterion</th>
<th>Overview</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Alignment with project objectives</td>
<td>Proposals will be assessed in terms of how well they align with and inform the project objectives. Proposals that offer genuinely unique and valuable insights into the objectives will be preferred.</td>
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</tbody>
</table>
| 2.   | Location criteria | Proposals will be assessed against the following location criteria:  
1. The trial site is located in a Regional City or other regional location and is suitable for operating the proposed trial.  
2. The trial would support local transport needs.  
3. The regional area has sustainable local support to establish and deliver the proposed trial.  
**Minimum requirement:** Trial must be located outside of the Sydney Metropolitan and Outer Sydney Metropolitan Bus Contract regions. |
| 3.   | Level of innovation proposed in the trial | Proposals that represent an innovative approach, including demonstrating ability to translate the solution to applicability in an integrated and customer focused transport network will be preferred. |
| 4.   | Potential speed to market | Speed to market includes both the ability for the trial to be deployed in the near term, and for broader rollout to occur without substantial delay should the trial be proposed to develop into a service offering post the evaluation of the initial trial. |
| 5.   | Capability of Proponent and proposal partners to deliver proposed trial | The evaluation will take into consideration the capability and capacity of the Proponent and nominated proposal partners to deliver their proposed trial. Proposals that include a well rounded composition of the proposal partners to support the proposed trial will be preferred. |
| 6.   | Alignment with National Transport Commission’s (NTC) Guidelines for trials of automated vehicles in Australia and NSW legislative framework including the Transport Legislation Amendment (Automated Vehicle Trials and Innovation) Act 2017 No 41 | Proposals which demonstrate alignment with the NTC trial guidelines and the NSW legislative framework will be preferred. |
Proposals that offer the best value for money to government will be preferred. This evaluation will consider the request for funding as a total value and as a proportion of the total project value. **Minimum requirement:** A minimum of \( \frac{1}{3} \) of project costs must be contributed by the Proponent and proposal partners.

2 **Clarifications, presentations and interviews**

In evaluating responses TfNSW may, in its sole discretion, take into account information that it obtains in addition to any information contained in a Response in relation to a Respondent.

TfNSW may ask Respondents to submit additional information or clarify Responses during the RFEOI process and seek clarifications from Respondents at any time after the Closing Date.

3 **Probity Adviser**

TfNSW has appointed a Probity Adviser for this RFEOI. The Probity Adviser is not a part of the evaluation team but an independent observer of the process and will not be involved in the actual evaluation of any Response.

If Respondents have any concerns about the conduct or probity of the evaluation process the Respondent should promptly bring its concerns to the Probity Adviser's attention. The Probity Adviser will investigate the matter and make an appropriate recommendation to TfNSW. Any action taken as a result of such process will be at TfNSW's discretion.

4 **RFEOI timetable**

Except for the Closing Date and Time, the following timetable below is provided as a guide only. TfNSW reserves the right to vary the timetable and the nature and number of activities in its sole discretion without notice to Respondents.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Date</th>
</tr>
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<tbody>
<tr>
<td>RFEOI launched</td>
<td>1 December 2017</td>
</tr>
<tr>
<td>RFEOI issued</td>
<td>1 December 2017</td>
</tr>
<tr>
<td>Industry Briefing</td>
<td>13 December 2017</td>
</tr>
<tr>
<td>Regional Collaboration Events</td>
<td>Between 29 January and 9 February 2018</td>
</tr>
<tr>
<td>Interactive sessions</td>
<td>Late February 2018</td>
</tr>
<tr>
<td>RFEOI enquiry cut-off</td>
<td>4pm 16 March 2018</td>
</tr>
<tr>
<td>Closing Date and Time</td>
<td>10am 19 March 2018</td>
</tr>
<tr>
<td>Notification of successful trials</td>
<td>May 2018</td>
</tr>
</tbody>
</table>

5 **Communications during the RFEOI process**

5.1 **Respondent contact details**

The Respondent must nominate a contact person who will be the only person authorised to initiate contact with TfNSW (via jordan.lay@transport.nsw.gov.au) relating to the RFEOI. The Respondent must
not otherwise initiate contact with TfNSW or any of its staff or advisers in relation to the Response, outside of the forums described in Part A section 11.

5.2 RFEOI Manager

All communications relating to this RFEOI outside of the forums described in Part A section 11 must be in writing and submitted by email to the RFEOI Manager.

5.3 Requests for clarification or further information

Any questions or requests for further information or clarification of this RFEOI should be made through the contact email address prior to the RFEOI Enquiry Cut-off. TfNSW reserves the right to not respond to any questions or such requests received after the RFEOI Enquiry Cut-off.

6 General

6.1 No legal relationship

This RFEOI does not create any legal relationship and is not a recommendation, offer or invitation to enter into a legal relationship, contract, agreement or other arrangement in respect of the Services.

Nothing in this RFEOI or in the consideration of a Response obliges TfNSW to enter into any agreement with anyone, creates a ‘process contract’ or other implied contract, obliges TfNSW to consider or accept any Response, or stops TfNSW from considering a non-conforming Response.

6.2 Lodgement

Responses should be submitted by the Closing Date and Time.

Responses must be submitted electronically at NSW e-Tendering website. Such Responses will be treated in accordance with the Electronic Transactions Act 2000 (NSW), and given no lesser level of confidentiality, probity and attention than Responses lodged by other means.

Electronically submitted Responses may be made corrupt or incomplete, for example by computer viruses. TfNSW may decline to consider for acceptance a Response that cannot be effectively evaluated because it is incomplete or corrupt. Respondents must note that:

a. To reduce the likelihood of viruses, Respondents must not include any macros, applets, or executable code or files in a Response.

b. Respondents should ensure that electronically submitted files are free from viruses by checking the files with an up to date virus-checking program before submission.

c. TfNSW will not be responsible in any way for any loss, damage or corruption of electronically submitted Responses.

6.3 Labelling

Respondents must ensure file names of their Response includes the RFEOI Reference Number and Respondent’s name.

6.4 Late Responses

Respondents are solely responsible for ensuring that their Response is submitted in accordance with this RFEOI prior to the Closing Date and Time. Responses received after the Closing Date and Time may be considered to be late Responses.

6.5 Extensions

TfNSW may extend the Closing Date and Time in its sole discretion. Respondents may request an extension in writing to the RFEOI Manager but TfNSW is under no obligation to grant such extension.
6.6 Response Validity
The Response will be deemed to remain valid for a period of no less than the validity period set out in the Details.

6.7 Compliance with policy
Respondents must comply with NSW Government Procurement Policies.
Respondents must comply with:

a. all supplier obligations in the Procurement Policy Framework that is current at the date that is two weeks prior to the close of this RFEOI. A copy of the Procurement Policy Framework is available at https://www.procurepoint.nsw.gov.au/policy-and-reform/nsw-procurement-board/nsw-government-procurement-policy-framework; and


Compliance with the Procurement Policy Framework and TfNSW Statement of Business Ethics are essential requirements of this RFEOI.

A Respondent’s failure to comply with this clause 6.1 during the RFEOI process will be taken into account by TfNSW during the Response evaluation process and TfNSW may pass over the Respondent’s Response without prejudice to any other rights of action or remedies available to TfNSW.

6.8 SMEPF
The Small and Medium Enterprises Policy Framework is a key NSW Government procurement reform. This policy improves access by small to medium enterprises (SMEs) to government goods and services procurement by opening up opportunities. It supports competition and reduces the administrative burden on SMEs. Information in relation to this policy is detailed on the NSW Procurement website https://www.procurepoint.nsw.gov.au/policy-and-reform/goods-and-services/small-and-medium-enterprises-policy-framework. If applicable, the Respondent must complete an SME Participation Plan and include it in the Response.

6.9 TfNSW Confidential Information
TfNSW confidential information includes all information contained in this RFEOI or subsequently provided by TfNSW other than information which is or becomes public knowledge (unless through a breach of confidentiality by the Respondent).

Respondents may disclose TfNSW confidential information to their employees, agents, contractors and advisors strictly on a need to know basis and solely for the purposes of evaluating the contents of this RFEOI, preparing a Response and negotiating any resulting contract. Respondents must, in respect of TfNSW confidential information, obtain from the recipients, and provide to TfNSW, an executed confidentiality undertaking.

Respondents are also permitted to disclose TfNSW confidential information to the extent required by law. However, prior to any such disclosure the Respondent must notify TfNSW in writing and allow, to the extent legally possible, a reasonable period for TfNSW to consider whether they wish to require the Respondent to challenge the grounds for the disclosure or seek conditions to be placed on the disclosure.

Respondents must not otherwise use or disclose TfNSW confidential information.

Respondents may not make any announcement or release any information regarding this RFEOI (including that it has been sent to Respondents) without TfNSW’s prior written consent.

TfNSW may require Respondents to return or destroy all copies of this RFEOI and any other confidential information TfNSW has provided to Respondents. Respondents must promptly comply with this request and provide a written certification of destruction (if so directed in writing).

6.10 Respondent Confidential Information
Respondents should clearly identify any confidential information they have provided as part of their Response, including information about the Respondent and its products, services and customers. Such information will not be confidential if TfNSW already knows the information, it is public knowledge or TfNSW has already obtained the information on a non-confidential basis.
Respondents must not mark the whole or substantially the whole of their Response as confidential. Respondents must not claim confidentiality for any part of Response which is not genuinely confidential.

TfNSW shall in good faith appropriately secure and safeguard all Respondent’s provided documentation and shall keep all declared confidential information confidential. Respondents agree that TfNSW may disclose any information in their Responses (including Respondent confidential information) to TfNSW employees, agents, contractors or advisors on a need to know basis and for the purpose of evaluating or clarifying a Response or negotiating any resulting contract.

If there is any conflict or inconsistency between TfNSW’s obligations of confidentiality to the Respondent and TfNSW’s obligations of disclosure, as referred to in clause 6.11 below, TfNSW’s obligations of disclosure shall prevail to the extent of the conflict or inconsistency.

6.11 Disclosure of Details of TfNSW Contracts

Notwithstanding any provision of this Part A, TfNSW may disclose any information in a Response and any resulting contract to the extent that TfNSW is required to do so by law, including under the Government Information (Public Access) Act 2009 (NSW) or by a valid requirement of a government agency.

Detailed information about the disclosure obligations of NSW government agencies is set out in the guidelines published by the Information and Privacy Commission. These guidelines can be accessed at http://www.ipc.nsw.gov.au/education-and-resources

6.12 Disclaimer

This RFEOI contains statements based on information or data that TfNSW believes to be reliable as at the date of publication. TfNSW makes no representation or warranty, express or implied, as to the accuracy or completeness of any information or data or statement given or made in this RFEOI. Respondents are responsible for forming their own independent judgements, interpretations, conclusions, and deductions about any information or data in this RFEOI, and Respondents should examine all information relevant to the risks, contingencies and other circumstances that could affect their Response. TfNSW will not be liable to Respondents if Respondents rely on any information or data in this RFEOI.

6.13 Unlawful acts and improper assistance

Respondents (and their employees, contractors, advisers and agents) must not offer any form of inducements to TfNSW or exhibit undue pressure (including any duress) on TfNSW, our employees or advisors in connection with this RFEOI process. TfNSW may exclude a Response from consideration where TfNSW believes it has been compiled using information improperly or unlawfully obtained from TfNSW or with the improper assistance of any person currently or previously associated with TfNSW.

6.14 Piggybacking

If a public sector service agency (as defined in the Public Sector Employment and Management Act 2002) requests the successful Respondent to provide goods or services to it similar to the goods or services the subject of this RFEOI then the successful Respondent agrees that it will enter into a separate agreement with that other agency on terms no less favourable than the terms in its Response having regard to any necessary changes (including scope and service levels).

6.15 Costs of participation

Participation in any stage of this RFEOI process, or in relation to any matter concerning a Response, will be at the Respondent’s sole risk. All costs, losses and expenses incurred by Respondents (or their employees, agents, contractors or advisors) in any way associated with this RFEOI will be borne entirely by Respondents and TfNSW will not under any circumstances compensate Respondents for them.
APPENDIX 1: DEFINITIONS

**Response** means a response to the RFEOI submitted by a Respondent, including any additional information provided by the Respondent to TfNSW as part of this RFEOI process, whether at the request of TfNSW or not, and whether in writing or not.

**Respondent** means a supplier that submits a Response and includes potential Respondents.

**Proponent** refers to a party which is nominated as the lead project partner in delivering the proposed trial. The Proponent will generally be the Respondent.

**Proposal partner** means any party that is noted to support the Proponent in the development of the proposal and potential delivery of the trial.

**Participant** means anyone participating in this RFEOI process.

**TfNSW** or **Transport** means Transport for NSW ABN 18 804 239 602, a statutory body corporate constituted under section 3C of the *Transport Administration Act 1988* of Level 1, 18 Lee Street, Chippendale NSW 2008.

**Regional City** refers to the Department of Planning and Environments classification and includes locations with the following characteristics:

- Have the largest commercial component of any location in the surrounding region.
- Provide a full range of higher-order services including business, office and retail uses with arts, culture, recreation and entertainment centres.
- Have a population of 30,000 or more and are expected to be a focus for growth over the next 20 years.
- Service the wider community through principal referral hospitals, tertiary education services and major regional airports.
- Have economic roles that are significant to the entire population catchment.

Regional Cities include Dubbo, Orange, Bathurst, Armidale, Tamworth, Griffith, Wagga Wagga, Albury, Lismore, Coffs Harbour, Port Macquarie and Tweed Heads.

Further details are contained in the regional plans available at the following link.
