



**REQUEST FOR EXPRESSIONS OF INTEREST
07/2509**

**FOR THE PROVISION OF REVERSE TELEPHONE NUMBER SEARCH
PRODUCT**

**FOR USE BY THE COMMONWEALTH OF AUSTRALIA
AS REPRESENTED BY THE
AUSTRALIAN CUSTOMS SERVICE (ABN 66 015 286 036)**

**LODGEMENT OF EXPRESSIONS
OF INTEREST (EOI)**

**EOIs must be enclosed in a plain envelope
and endorsed as follows:**

TENDER BOX

EOI 07/2509

CLOSING TIME 4:00pm (AEDT), Thursday

26 February 2008

**Australian Customs Service,
5 Constitution Ave
Canberra City, ACT, 2600
Australia**

Issued on 25 January 2008

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1 BACKGROUND

1.1 Request

- 1.1.1 The Australian Customs Service (Customs) is conducting a multi-stage Open Tender process and invites Expressions of Interest (EOI), as part of Stage One, from suitably experienced and skilled Respondents for the provision of Reverse Telephone Number Search Product as outlined in this Request for EOI (REOI) to assist and supplement the Intelligence & Targeting Division in the delivery of its services to Customs.
- 1.1.2 References in this REOI to 'you' or 'your' mean references to you as the respondent to this REOI.

1.2 Australian Customs Service

- 1.2.1 Customs is Australia's primary border protection agency. For this purpose our border extends into Australia's Exclusive Economic Zone where we have a key role in addressing threats to our community and environment. In performing our role we work closely with a range of agencies, often exercising powers on their behalf, at other times working with them to complement each other's capabilities and powers. Together we are called upon to provide a sense of security to the community, supporting the continuation of the Australian lifestyle. Facilitating movement of legitimate travellers and goods is therefore essential.
- 1.2.2 More information on Customs can be found on the agency website: www.customs.gov.au.

The Strategic Development Branch is part of the Intelligence & Targeting Division of Customs.

The Intelligence and Targeting Division is responsible for ensuring Customs has the information and insights necessary to effectively and efficiently perform our border protection role. It does this through the following branches:

Intelligence Branch

The Intelligence Branch collects, analyses and disseminates information that allows Customs to understand its environment and identifies key issues and trends that support translation into operational outcomes via targeting or enforcement activities.

Border Targeting Branch

The Border Targeting Branch focuses Customs interventions on those activities that pose a high risk to the integrity of Australia's national security, community protection and revenue collection measures at the border.

Strategic Development Branch

Strategic Development Branch identifies, develops and implements new and enhanced capabilities designed to improve the business outcomes of the Intelligence and Targeting Division and Customs more broadly.

1.3 Service Requirements

It is envisaged that the successful organisations will have appropriate skills, qualifications and experience to provide a Reverse Telephone Number Search product.

Intelligence and Targeting Division requires access to a data source providing the following highly desirable capabilities:

- 1.3.1 Full reverse searching on name, address and telephone numbers including details of phone type (eg mobile terrestrial, satellite);
- 1.3.2 Search capable for businesses and individuals (listed and non-listed);
- 1.3.3 Real-time searches and results.
- 1.3.4 Inclusion of data source and frequency of refresh or data updates.

Desirable attributes of this data source are:

- 1.3.5 batch searching; and
- 1.3.6 both a user front-end and application programming interface; and
- 1.3.7 options for in-house and external hosting of the data; and
- 1.3.8 any additional data sources proposed that are appropriate to Customs needs and that can be combined with the search (current and emerging).
- 1.3.9 Costing options provided for the reverse search capability, should be separate to any option proposing additional data sources. Any Innovative solutions proposed may assist in forming requirements.

1.4 Period of Contract

- 1.4.1 The initial Contract period sought is 14 months. It is anticipated that the Contract will commence on 01 May 2008. The Contract may be extended, at the discretion of Customs, for a further period up to 24 months. Requirements will be clarified through the request For Tender Phase.

1.5 Security

- 1.5.1 All personnel associated with the services (including personnel of any sub-contractor) may be required to submit to security checks and agree, in writing, to maintain specific levels of confidentiality and undertake security training as required by Customs. In particular, under the Contract the service provider will be required to ensure that its employees, agents and subcontractors:
 - (a) Comply with all relevant security requirements. Customs may from time to time, at its absolute discretion, vary security requirements;
 - (b) Undertake any security training reasonably required by Customs; and
 - (c) Complete whatever security checks may be required by Customs who may, at its absolute discretion, withhold authorisation of a designated person. Where the service provider is unable to obtain the necessary consents from any person involved in the performance of the Contract, or where Customs withholds authorisation Customs may, at its absolute discretion, direct that

that person not be involved with the Contract (or particular aspects of the Contract). The service provider will then provide a suitable replacement.

- 1.5.2 The service provider must not transfer security-classified information outside of Australia, without the prior written approval of Customs. Customs expects that the Contract with the successful Respondent will provide that Customs may, at any time, and without any liability whatsoever to Customs, withdraw, limit or suspend a person's authorisation. In such an event, the service provider may be required by Customs to provide replacement personnel who are acceptable to Customs.

2 CONDITIONS OF EXPRESSIONS OF INTEREST

2.1 Customs Contact Officer

- 2.1.1 All enquiries about this REOI should be addressed to the Customs Contact Officer, whose details are as follows:

Kristin Williams
Director Knowledge Management and Enhancements
Australian Customs Service
5 Constitution Avenue
Canberra City, ACT 2600
Australia

Phone: 02 6275 6878
Fax: 02 6275 6590
Email: kristin.williams@customs.gov.au

2.2 AusTender – Australian Government Tendering System

- 2.2.1 AusTender is the Commonwealth's procurement information system that provides centralised publication of Australian Government business opportunities, annual procurement plans, multi-use lists and contracts awarded. AusTender's website is located at www.tenders.gov.au.
- 2.2.2 Customs has used the advertising and distribution functionality only of AusTender for this RFT. The business opportunities component of AusTender allows Respondents to download documentation electronically and receive email notification if an addendum to this REOI is issued. A potential Respondent must first register with AusTender to do this (there is no fee). Tenderers must first register with AusTender at <https://www.tenders.gov.au> (there is no fee).
- 2.2.3 Respondents should register their contact details on the AusTender website and immediately download this REOI, even if the REOI was obtained from other sources.
- 2.2.4 Only respondents who have registered via the AusTender website will be directly advised of any alteration, correction or notice in relation to this REOI. However, all alterations, corrections and notices will be available on AusTender and from the Customs Contact Officer.
- 2.2.5 Customs accepts no responsibility if a respondent fails to become aware of any alteration, correction or notice which would have been apparent from a visit to

the AusTender website or from other information available from the Customs Contact Officer.

- 2.2.6 Respondents should direct all communications relating to this REOI to the Customs Contact Officer. Respondents should note that it may be necessary for the Customs Contact Officer to refer respondents to the AusTender Help Desk for matters relating to technical or operational support requests associated with downloading documentation from the AusTender website.
- 2.2.7 If Customs amends this REOI prior to the Closing Time, Customs will issue a formal addendum to the REOI via AusTender. An electronic advice will be issued automatically by AusTender. Respondents should ensure their AusTender registration details are correct for this purpose.
- 2.2.8 Respondents may contact the AusTender Help Desk on 1300 651 698 or at tenders@finance.gov.au between 9am and 5pm, Monday to Friday (excluding ACT and national public holidays).

2.3 Disclaimer

- 2.3.1 This REOI is expressly not a contract between Customs and the Respondent. Nothing in this REOI or in any EOI is to be construed as to give rise to any contractual obligations, express or implied. No conduct or statement made prior or subsequent to this REOI is to be construed as giving rise to a contract or undertaking of any kind (including without limitation, an undertaking that could give rise to an action in negligence or estoppel).

2.4 Enquiries by Respondents

- 2.4.1 You may seek further information about or clarification of this REOI from the Customs Contact Officer (see 2.1 above). Customs may respond to request for clarification either orally or in writing (including by fax or email). However if the Respondent wants to rely on the Commonwealth's response then it is necessary that the Commonwealth provide the response in writing.
- 2.4.2 Where, in Customs opinion, further information provided to one Respondent should be provided to all Respondents, Customs may circulate questions and their answers to all other Respondents without disclosing the source of any questions, or revealing the substance of a proposed EOI or any confidential information of a respondent.

2.5 Customs Rights

- 2.5.1 Customs may:
 - (a) amend this REOI, including extending the Closing Time, by giving written notice. Any extension notice or other variation or amendment will be given the same distribution as the original REOI; or
 - (b) terminate the REOI process at any time if it considers that it is not in the public interest to proceed.
- 2.5.2 Customs may shortlist Respondents who submit EOIs in response to this REOI. Customs may then request Tenders from those shortlisted Respondents.
- 2.5.3 The decision as to which respondents will be requested to submit Tenders will be made by Customs. This decision will be based primarily on:

- (a) the information provided by respondents in response to this REOI;
- (b) other information which may be available to Customs; and
- (c) additional information which may be requested from respondents by Customs.

2.5.4 When Customs proceeds to request Tenders, further information will be sought from shortlisted Respondents on how to better satisfy the requirements of the Services.

2.6 Part Bids

- 2.6.1 Part bids will be accepted and respondents may respond to one or more of the services specified at clause 1.3.

2.7 Joint Capability

- 2.7.1 Customs will not accept EOIs from Respondents to contract jointly with Customs.

2.8 Consortium Capability

- 2.8.1 A consortium may submit an EOI to provide the services as a consortium on the basis that one Respondent will take full responsibility for the delivery of the services. If applicable, the submission should provide full details of the proposed prime contractor and subcontractors.

2.9 Lodgement of Expressions of Interest

- 2.9.1 EOIs must be enclosed in a plain envelope and endorsed: **EOI 07/2509, Closing Time 4.00pm (AEDT), Thursday, 26 February 2008** and addressed to:

Tender Box
Customs House
Australian Customs Service
5-11 Constitution Ave
Canberra City
ACT, 2600
Australia

- 2.9.2 Customs will **not** accept EOIs at any other location than that specified above.
- 2.9.3 EOIs may be deposited by hand in the Tender Box or sent as a postal article for placement in the Tender Box.
- 2.9.4 Respondents should lodge the original and three (3) hard copies of the EOI. The original should be marked as the original and each copy sequentially marked with a copy number. In the event of a discrepancy between any copy and the original, the original will take precedence.
- 2.9.5 Respondents should also lodge one copy of the EOI in digital form. The copy must be supplied on CD-R and the format must be compatible with the Microsoft Office suite of products.

2.10 Late Expressions of Interest

- 2.10.1 Customs will consider any EOI to be late if it is not lodged in accordance with clause 2.10.
- 2.10.2 Late EOIs will be opened and registered separately and will not be admitted to the evaluation process unless received late solely due to mishandling by Customs.
- 2.10.3 Furthermore, EOIs will not be accepted if it is late due to the mishandling by a courier or mail service provider. It is up to the potential supplier to ensure that its EOI is dispatched in sufficient time for lodgement in the Tender Box by the Tender Closing Time. More information can be obtained on this matter from the

Department of Finance and Deregulation's Internet site at:
http://www.finance.gov.au/procurement/fags_mpp_late_submissions.html .

2.11 Errors and Alterations

- 2.11.1 Respondents should initial any alterations made to an EOI. EOIs containing alterations that are not initialled, or pricing or other information that is not stated clearly or legibly, may be excluded from consideration.
- 2.11.2 Respondents should immediately notify the Customs Contact Officer in writing if a respondent reasonably believes there is a discrepancy, error, ambiguity, inconsistency or omission in this REOI.

2.12 Unintentional Errors of Form

- 2.12.1 If Customs considers that there are unintentional errors of form in an EOI, Customs may request the respondent to correct or clarify the error, but will not permit any material alteration or addition to the EOI.

2.13 Ownership of Expression of Interest documents

- 2.13.1 All EOI documents will become the property of Customs on lodgement.
- 2.13.2 Intellectual property rights in the EOI do not pass to the Commonwealth with the property in the EOI itself. However the Commonwealth is licensed to use and copy any EOI document to the extent necessary to conduct an efficient evaluation/selection process.

2.14 Respondent to meet costs

- 2.14.1 Respondents are responsible for all costs of responding to this REOI, including preparation, submission, postage, courier, lodgement and negotiation costs.

2.15 Respondents to inform themselves

- 2.15.1 For the purpose of preparing an EOI, respondents are considered to have:
 - (a) examined this REOI and any documents referred to in the REOI and any other information made available in writing by Customs to respondents;
 - (b) made all investigations, interpretations and conclusions in relation to Customs requirements as necessary or desirable; and
 - (c) satisfied themselves as to the correctness and sufficiency of their EOIs.

2.16 Commonwealth Legislation and Policy

- 2.16.1 Your attention is drawn to the fact that Customs conducts its procurement activities having regard to the Commonwealth Procurement Guidelines.
- 2.16.2 In particular, you are advised that the Contract will provide for the contractor to comply with various obligations, including obligations relating to anti-discrimination (under the *Equal Opportunity in the Workplace Act 1999*), privacy (under the *Privacy Act 1988*), and occupational health and safety.

2.17 Disclosure of Information

- 2.17.1 The *Freedom of Information Act 1982* (the FOI Act) gives to members of the public rights of access to official documents of Commonwealth Agencies (as

defined in the FOI Act). The FOI Act extends as far as practicable the right of the Australian community to access information (generally documents) in the possession of Commonwealth Agencies, limited by, among other things, considerations of essential public interests, unreasonable disclosure of personal information, and information relating to the private and business affairs of individuals.

2.17.2 Notwithstanding anything in this REOI, you agree that Customs may and without any liability to any Respondent, disclose, and/or to allow the disclosure of, at any time, any information contained in or relating to any EOI to any Commonwealth department, agency, authority or Minister.

2.18 Conflict of Interest

2.18.1 Where Respondents identify that a conflict of interest might arise, Respondents are to identify that potential conflict of interest in their EOI. If at any time throughout the procurement process, an actual or potential conflict of interest arises or may arise for any Respondent, that Respondent must immediately notify Customs in writing. If any conflict of interest might arise for a Respondent, Customs may:

- (a) enter into discussions to seek to resolve such conflict of interest;
- (b) disregard submissions lodged by such a Respondent; or
- (c) take any other action it considers appropriate.

2.19 Competitive Neutrality

- 2.19.1 Competitive neutrality requires that Government business activities should not enjoy net competitive advantages over their private sector competitors simply by virtue of public sector ownership. Respondents from the public sector should demonstrate in their cost estimates that the requirements of competitive neutrality have been met, including payment of relevant taxes and charges, rates of return and costs of funds. Customs may verify compliance with the requirements of competitive neutrality.

3 EVALUATION OF EOIS

3.1 Evaluation Process

- 3.1.1 Customs will conduct a two (2) phase evaluation process as follows:

Phase One

3.1.2 Minimum Content and Format Requirements and Conditions for Participation

- (a) In this Phase Customs will assess the received EOI against the minimum content and format requirements and conditions for participation outlined in clauses 3.2 and 3.3 respectively.
- (b) Assessment of the minimum content and format requirements and the conditions for participation will be on a pass/fail basis and will be in accordance with clauses 3.2 and 3.3.

Phase Two

3.1.3 Evaluation Criteria

- 3.1.4 In this Phase Customs will assess the received EOIs against the highly desirable requirements identified in the Service Requirements at clause 1.3 and the weighted and unweighted evaluation criteria outlined in clause 3.4.
- 3.1.5 At the end of Stage One of Phase Two, Customs may develop a shortlist of Respondents from whom Customs may request Tenders as part of Stage Two of the multi-stage Open Tender process.

3.2 Minimum Content and Format Requirements

3.2.1 Language

- (a) The EOI, including all attachments and supporting technical data, must be written in English.

3.2.2 Measurement

- (a) Unless otherwise specified, measurements must be expressed in Australian legal units of measurement.

3.2.3 Costs

- (a) All costs estimates must be provided in Australian dollars.
- (b) All cost estimates, must be inclusive of Goods and Services Tax (GST), if applicable. GST would only be applicable to companies registered for Australian GST. If not registered, the circumstances must be explained.

Organisations that are not required to be registered for GST, should indicate that prices submitted do not include GST.

- (c) Customs emphasises that it is seeking only estimates in response to this REOI. Customs expects that final quotations will be submitted by respondents requested to submit tenders, and that a draft Contract will be provided to respondents as part of the Request for Tender (RFT).

3.2.4 Statutory Declaration

- (a) You must execute the Statutory Declaration (Annex A) and include the original of this document as part of your Expression of Interest.

3.2.5 Subject to clause 2.12 Customs will exclude an EOI from further consideration if Customs considers that an EOI does not comply with the requirements outlined in 3.2.1 to 3.2.4 inclusive.

3.3 **Conditions for Participation**

3.3.1 There are no Conditions for Participation.

3.3.2 Customs will exclude an EOI from further consideration if Customs considers that the respondent does not comply with the conditions outlined in 3.3.1

3.4 **Evaluation Criteria (Stage One)**

3.4.1 Customs will assess a Respondent's EOI against any highly desirable requirements identified in the Service Requirements (clause 1.3). If a Respondent does not meet all highly desirable requirements, the EOI will not automatically be excluded from the Tender process, however inability to meet these requirements may be used as a basis for exclusion.

3.4.2 In evaluating EOIs, Customs will take into account the following weighted evaluation criteria:

REOI Ref. No.	Description	Weighting (Sum = 100%)
4.3.1	Experience in similar Services	10%
4.3.2	Infrastructure to support the Services	40%
4.3.3	Capacity to undertake the Services	50%

3.4.3 In evaluating EOIs, Customs may take into account the following un-weighted criteria:

- (a) financial viability of the Respondent; and
- (b) ability of Respondent to comply with the Commonwealth Protective Security Manual and Customs security requirements.

3.5 **Probity, Financial and Other Checks.**

3.5.1 During the assessment of EOIs, all respondents, their partners, associates or related entities including consortium members and their officers or employees, may be required to undergo such probity and/or financial checks and procedures as Customs may determine are necessary to assess their ability to provide the

services for the expected duration of the Contract. The Respondent agrees that Customs may undertake such checks, and commits to providing all reasonable assistance to Customs.

3.6 Advice to Unsuccessful Respondents

- 3.6.1 Customs will promptly notify each unsuccessful Respondent in writing that its EOI has not been accepted or shortlisted and, where requested, provide unsuccessful respondents with an explanation of the reasons for its decision.

4 GUIDANCE FOR RESPONDENTS

4.1 Content and Format of EOIs

- 4.1.1 Respondents should ensure that EOIs are concise and to the point. The structure of EOIs should align to the structure of clauses (eg. by indicating "X.X.X") of this REOI and use the same headings and item numbering. If the information relating to a particular item is relevantly addressed in another part of the EOI, the EOI may cross reference to that item (e.g. by indicating "see item X.X").
- 4.1.2 If any information requested is unable to be provided please indicate this fact in your response against the relevant item with the reason why.
- 4.1.3 Please note that information provided in response to this REOI will be the primary source of information used by Customs to evaluate EOIs. If your EOI is erroneous or incomplete it may be at risk of not being shortlisted because Customs may not be able to conduct a complete evaluation of your EOI. Accordingly, if you have any doubt as to the intent of information sought in this REOI, you should obtain clarification from the Customs Contact Officer.
- 4.1.4 Respondents should ensure that they have complied with the minimum content and format requirements outlined in clause 3.2 and that they have responded to and satisfied the conditions for participation outlined in clause 3.3.
- 4.1.5 Respondents should also ensure that they have responded to all of the requests for information outlined below (clauses 4.2 and 4.3) in their EOI submission so that Customs may further evaluate their capability against the evaluation criteria.

4.2 Respondent Details

- 4.2.1 You should provide the following information as part of your EOI:
- (a) your company name and (if relevant) Australian Business Number (ABN);
 - (b) if a company, the registered address and otherwise the location of your head office;
 - (c) a principal contact person for your EOI, their telephone number, facsimile number, postal and email address; and
 - (d) whether or not, your company is an SME.

4.3 Requests for Information

4.3.1 Experience in Similar Services

- (a) Outline your previous performance and demonstrated expertise in similar Services to those outlined in clause 1.3;
- (b) Outline your experience in providing similar Services to those outlined in clause 1.3 to government clients.

4.3.2 Infrastructure to Support the Services

- (a) Outline the previous performance and demonstrated expertise of your Key Personnel in providing similar Services to those outlined in clause 1.3;
- (b) Outline the previous performance and demonstrated expertise of your nominated subcontractors in providing similar Services to those outlined in clause 1.3;
- (c) Outline your scope to provide back-up personnel resources to ensure performance of the Services as outlined in clause 1.3.

4.3.3 Capacity to Undertake the Services

- (a) Outline your proposed methodology for the delivery of the Services outlined in clause 1.3;
- (b) Outline your approach to project management for delivery and continued sustainment of the product ;
- (c) Outline your capacity to satisfy the requirement as detailed in clause 1.3;
- (d) Outline your current commitments.

4.3.4 Un-Weighted Evaluation Criteria

- (a) You will be required to submit a statement that the Respondent is able to provide a current set of unqualified audited financial statements upon request by Customs.
- (b) You will be required to indicate your organisation's (including your officers, employees, agents and proposed subcontractors) ability to comply with the Commonwealth Protective Security Manual and Customs security procedures, as amended from time to time.

Declaration by Respondent Providing an Expression of Interest for 07/2509– PROVISION OF A REVERSE TELEPHONE SEARCH PRODUCT

The respondent declares that the information contained in this Expression of Interest is true and correct.

...../...../.....
Signature Date
(to be executed under the common seal of the Company or signed by the Manager or a Director or the Secretary of the Company).

.....
Official Position Held
(i.e. Manager, Director, Secretary)

Duly authorised to sign on behalf of:

.....
(insert full name of respondent)

.....
Signature of witness

.....
Name and address of witness